



2016

HARBOUR MAIN CHAPEL'S COVE LAKEVIEW DEVELOPMENT REGULATIONS

Prepared for:
The Town of Harbour Main
Chapel's Cove
Lakeview

Prepared by:
CBCL Limited

Date:
January 2016

Project #:
143120.00



Urban and Rural Planning Act Resolution to Adopt

Town of Harbour Main - Chapel's Cove - Lakeview 2016

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Harbour Main - Chapel's Cove - Lakeview adopts the Harbour Main - Chapel's Cove - Lakeview Development Regulations 2016.

Adopted by the Town Council of Harbour Main - Chapel's Cove - Lakeview on the 26th day of October, 2016.

Signed and sealed this 15th day of August, 2017.

Mayor: *R. D. Force*

Clerk: *Maura Wallace*

Canadian Institute of Planners Certification

I certify that the attached Development Regulations have been prepared in accordance with the requirements of the *Urban and Rural Planning Act 2000*.

M. Bishop
M. Bishop, F.C.I.P.



Urban and Rural Planning Act

Resolution to Approve

Town of Harbour Main - Chapel's Cove - Lakeview Development Regulations, 2016

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Harbour Main - Chapel's Cove - Lakeview

- 1) adopted the Harbour Main - Chapel's Cove - Lakeview Development Regulations 2016 on the 26th day of October, 2016.
- 2) gave notice of the adoption of the Harbour Main - Chapel's Cove - Lakeview Development Regulations, 2016 by advertisement, inserted on the 10th day and the 17th day of November, 2016 in the Shoreline.
- 3) set the 29th day of November at 7:00 p.m. at the Parish Hall, Harbour Main - Chapel's Cove - Lakeview Town Hall, for the holding of a public hearing to consider objections and submissions.
- 4) A number of written objections with respect to the Development Regulations were received at the Harbour Main-Chapel's Cove-Lakeview Town Office within the time stipulated in the notice of public hearing and the hearing proceeded as advertised.
- 5) The Town Council of Harbour Main-Chapel's Cove-Lakeview considered the Commissioner's report and approved the Harbour Main-Chapel's Cove-Lakeview Development Regulations, 2016, at a regular meeting of Council held August 15, 2017, with the following changes:
 - a) The Residential Use Zone Table has been revised by adding the following to the list of Permitted uses:
Building Supply Store – Limited to Hickey's Building Supplies property, Conception Bay Highway.
 - b) Condition 9.5.5 in the Residential Use Zone is revised to read:
Proposed residential development, whether in the form of a single lot or a residential subdivision development, shall be in accordance with the requirements of Section 4.23 of these Regulations. Any subdivision of land to create 4 or more lots shall be referred to the Water Resources Management Division, Department of Municipal Affairs and Environment, and shall be required to undertake a groundwater assessment in accordance with provincial policy for unserved subdivision development.

- c) Adding Condition 9.5.7 in the Residential Use Zone as follows:

9.5.7 Development Along Public Rights of Way

Where a development is proposed that is along an existing public right of way, but beyond either the Limit of Servicing, or the end of the publicly maintained portion of the ROW, a developer shall, at the developer's expense, upgrade the ROW to a standard established by Council for a public street. No building permits will be issued until the ROW has been upgraded and inspected to ensure that it meets the required standard.

- d) Adding Condition 9.11.4 to the Wellhead Protection Use Zone in Section 9.11:

9.11.4 Existing Uses

Existing uses shall be permitted to continue. Any change in use, or expansion to an existing use, shall be referred to the Water Resources Management Division for review under the Water Resources Act. Development may be refused where it would negatively affect the safety of the water supply.

- a) The Land Use Zoning Map is revised by changing lands zoned Rural and Environmental Protection to Residential north of the Conception Bay Highway, and some areas to the south. Lands around the east side of Third Pond are zoned Environmental Protection. Map labels for waterbodies, streets and landmarks have been added or corrected.

SIGNED AND SEALED this / 5th day of August, 2017.

Mayor: *[Signature]*

Clerk: *Maven Houwer*

Development Regulations/Amendment	
REGISTERED	
Number	<u>2145-2018-001</u>
Date	<u>Nov. 8, 2018</u>
Signature	<u><i>Mary Okey</i></u>

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Appendices

- A Zoning Map
- B Provincial Development Regulations
- C Classifications of Land Uses and Buildings

1 Application

1.1 Title

These Regulations may be cited as the Town of Harbour Main - Chapel's Cove - Lakeview Development Regulations.

1.2 Interpretation

- 1) Words and phrases used in these Regulations shall have the meanings ascribed to them in Section 2 of these Regulations.
- 2) Words and phrases not defined in these Regulations shall have the meanings which are commonly assigned to them in the context in which they are used in the Regulations.

1.3 Commencement

These Regulations come into effect through the Harbour Main - Chapel's Cove - Lakeview Municipal Planning Area, hereinafter referred to as the Planning Area, on the date of publication of a notice to that effect in the Newfoundland and Labrador Gazette.

1.4 Municipal Code and Regulations

The National Building Code of Canada, Fire Code of Canada and any other ancillary code and any Building Regulations, Waste Disposal Regulation and/or any other municipal regulations regulating or controlling the development, conservation and use of land in force in the Town of Harbour Main - Chapel's Cove - Lakeview shall, under these Regulations apply to the entire Planning Area.

1.5 Authority

In these Regulations, "Authority" means the Council of the Town of Harbour Main - Chapel's Cove - Lakeview.

1.6 Delegation of Authority

Where the term Council is referenced in these Regulations, Council may delegate its authority to administer these Regulations or part thereof to an employee of Council or an agent of Council, by a resolution of Council.

1.7 Provincial Development Regulations

Appropriate sections of the *Urban and Rural Planning Act, 2000* and the full text of the Provincial Development Regulations have been incorporated into the Harbour Main - Chapel's Cove - Lakeview Development Regulations and are marked as follows:



Where there is a conflict between these Regulations and the Provincial Regulations, the Provincial Regulations shall apply. A complete copy of the Provincial Development Regulations is attached in Appendix B.

2 Definitions

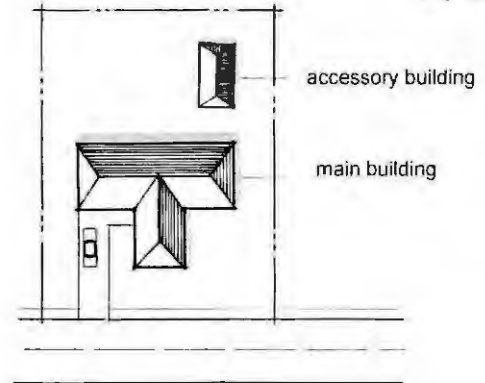
2.1 **Access** means a way used or intended to be used by vehicles, pedestrians or animals in order to go from street to adjacent or nearby land or to go from that land to the street.


Provincial
Reg. 4(a)

2.2 **Accessory Building** means

- a) A detached subordinate building not used as a dwelling, located on the same lot, or on a lot adjacent to the main building to which it is an accessory, and which has a use that is customarily incidental and complementary to, the main use of the building or land (see illustration);
- b) For residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetable storage cellars, shelters for domestic pets or radio and television antennae;
- c) For commercial uses, workshops or garages; and
- d) For industrial uses, garages, offices, raised ramps and docks.


Provincial
Reg. 4(b)



2.3 **Accessory Use** means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use.


Provincial
Reg. 4(c)

2.4 **Act** means the Urban and Rural Planning Act, 2000.


Provincial
Reg. 2(a)

2.5 **Agriculture** means horticulture, fruit, grain or seed growing, dairy farming, the breeding or rearing of livestock, including any creature kept for the production of food, wool, skins, or fur, or for the purpose of its use in the farming of land, the use of land as grazing land, meadow land, market gardens and nursery grounds and the use of land for woodlands where that use is ancillary to the farming of land for any other purpose. "Agriculture" shall be construed accordingly.

2.6 **Appeal Board** means the appropriate Appeal Board established under the Act.

2.7 **Applicant** means a person who has applied to an authority for an approval or permit to carry out a development.


Provincial
Reg. 2(b)

2.8 **Bed and Breakfast Establishment** means a single dwelling unit in which the resident supplies, for compensation, no more than 4 bedrooms for the temporary accommodation of travelers.

2.9 **Building** means

- a) A structure, erection, alteration or improvement placed on, over or under land, or attached, anchored or moored to land,
- b) Mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other similar uses,
- c) A part of, and fixtures on, buildings referred to in (a) and (b), and

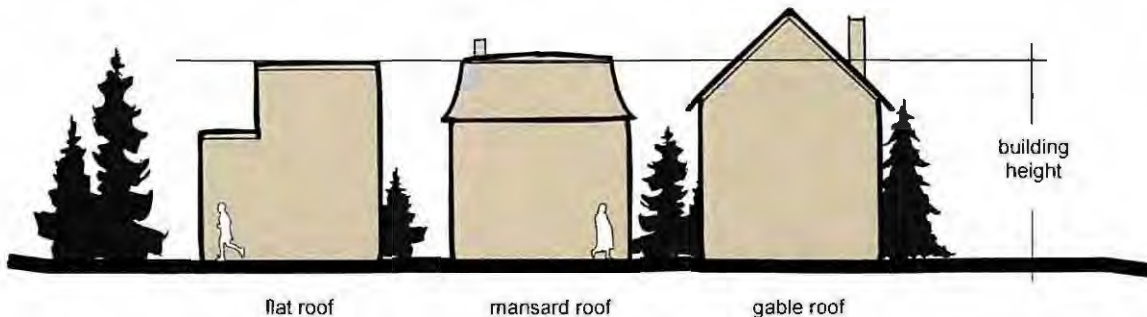

Urban and Rural
Planning
Reg. 2 (c)

- d) An excavation of land whether or not that excavation is associated with the intended or actual construction of a building or thing referred to in (a) or (c).

2.10 Building Height means the vertical distance, measured in meters from the established grade to the;


Provincial
Reg. 4(d)

- a) highest point of the roof surface of a flat roof;
- b) deck line of a mansard roof;
- c) mean height level between the eave and the ridge of a gable, hip or gambrel roof;
- d) and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above the roof.



2.11 Building line means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed (see lot frontage for illustration).


Provincial
Reg. 4(e)

2.12 Convenience Store means a building used as a store that serves the primary needs of the adjacent neighbourhood and includes the sale of magazine, confectionary and grocery items, rental of video movies, and a delicatessen or snack bar provided that any eating facility is within a wholly enclosed building.

2.13 Daycare Centre or Day Nursery means a building or part of a building in which services and activities are regularly provided to children of pre-school age during the full daytime period as defined under the *Childcare Services Act*, but does not include a school as defined by the *Schools Act*.

2.14 Development means the carrying out of building, engineering, mining or other operations in, on over, or under land, or the making of a material change in the use, or the intensity of use of land, buildings, or premises and the;


Urban and Rural
Planning
Reg. 2(g)

- a) Making of an access onto a highway, road or way,
- b) Erection of an advertisement or sign,
- c) Construction of a building,
- d) Parking of a trailer, or vehicle used for the sale of refreshments or merchandise, or as an office, or for living accommodation,

And excludes:

- e) Carrying out of works for the maintenance, improvement or other alteration of a building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building;
- f) Carrying out by a highway authority of works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation;
- g) Carrying out by a local authority or statutory undertakers of works for the purpose of inspecting, repairing or renewing sewers, mains, pipes, cables or other apparatus, including the breaking open of street or other land for that purpose; and
- h) Use of a building or land within the courtyard of a dwelling house for a purpose incidental to the enjoyment of the dwelling house as a dwelling.

2.15 Discretionary Use means a use that is listed within the discretionary use classes established in the use zone tables of an authority's development regulations.



2.16 Dwelling, Single Detached Unit means a self-contained unit consisting of one or more habitable rooms used or designed as the living quarters for one household.

2.17 Dwelling, Double Unit (or Duplex) means a building containing two dwelling units, placed one above the other, or side by side, but does not include a self-contained dwelling containing a subsidiary apartment.

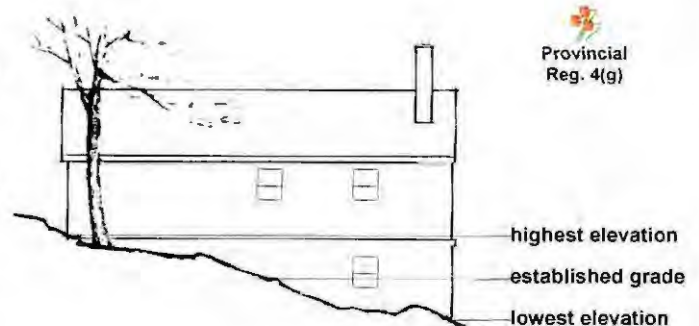
2.18 Dwelling, Townhouse means three or more dwelling units, each with a separate entrance, constructed side by side and separated by common vertical walls.

2.19 Dwelling, Apartment Building means a building containing three or more dwelling units, but does not include a row dwelling.

2.20 Erect means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing, shall include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

2.21 Established Grade means

- a) Where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building, exclusive of any artificial embankment or entrenchment, or
- b) Where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of an artificial embankment or entrenchment.





Provincial
Reg. 4(h)

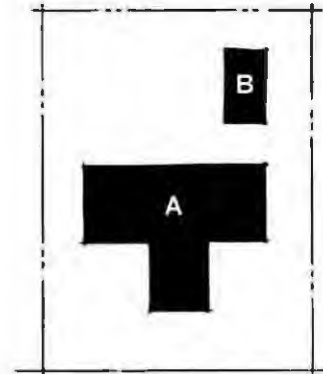
- 2.22 **Existing** means legally existing as of the effective date of these Regulations.
- 2.23 **Floor Area** means the total area of all floors in a building measured to the outside face of exterior walls.
- 2.24 **General Industry** means the use of land or buildings for the purpose of storing, assembling, altering, repairing, manufacturing, fabricating, packing, canning, preparing, breaking up, demolishing, or treating any article, commodity or substance.
- 2.25 **General Garage** means land or buildings used exclusively for repair, maintenance and storage of motor vehicles and may include the sale of gasoline or diesel oil.
- 2.26 **Home Occupation** means an accessory use of a dwelling and/or accessory building for gainful employment involving the provision or sale of goods and/or services.
- 2.27 **Inspector** means any person appointed and engaged as an Inspector by the Authority or by any federal or provincial authority or the agent thereof.
- 2.28 **Land** includes land covered by water, and buildings and structures on, over, under the soil and fixtures that form part of those buildings and structures.
- 2.29 **Landscaping** means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property or to provide a screen between properties in order to mitigate objectionable features between them.
- 2.30 **Light Industry** means use of any land or buildings for any general industrial use that can be carried out without hazard or intrusion and without detriment to the amenity of the surrounding area by reason of noise, vibration, smell, fumes, smoke, grit, soot, ash, dust, glare or appearance.
- 2.31 **Livestock** means domestic animals such as cattle, poultry or horses raised for home use or for profit.
- 2.32 **Loading Space** means an area of land provided for use for the temporary parking of a commercial motor vehicle where merchandise or materials are loaded or unloaded from the vehicles.
- 2.33 **Lot** means a plot, tract, or parcel of land which can be considered as a unit of land for a particular use or building.
- 2.34 **Lot Area** means the total horizontal area within the lines of the lot.


Provincial
Reg. 4(j)


Provincial
Reg. 4(k)

2.35 **Lot Coverage** means the combined area of all buildings on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot.

$$\text{Lot coverage} = \frac{\text{Area of A} + \text{Area of B}}{\text{Lot area}}$$



Provincial
Reg. 4(l)

2.36 **Lot line** means an outer boundary for a specific lot.

2.37 **Lot line, Front** means the line dividing a lot from the street. For a corner lot, the shorter lot line adjacent to the street shall be deemed the front lot line and the longer lot line abutting the street shall be deemed the flanking lot line.

2.38 **Lot Frontage** means the horizontal distance between side lot lines measured at the building line (the distance between points A and B in illustration below).

Provincial
Reg. 4(i)

2.39 **Lot line, Rear** means the lot line on the opposite side of the front lot line.

2.40 **Lot line, Side** means the lot lines perpendicular to the front and rear lot lines.

2.41 **Lot line, Flanking** means a lot line which abuts the street on a corner lot.

2.42 **Main Building** means any building in which is carried on the principal purpose for which the lot is used.

2.43 **Marina** means a dock or basin together with associated facilities where slips, moorings, supplies, repairs, and other services that are typically available for boats and other watercraft, including storage, sales and rentals, and may include a club house.

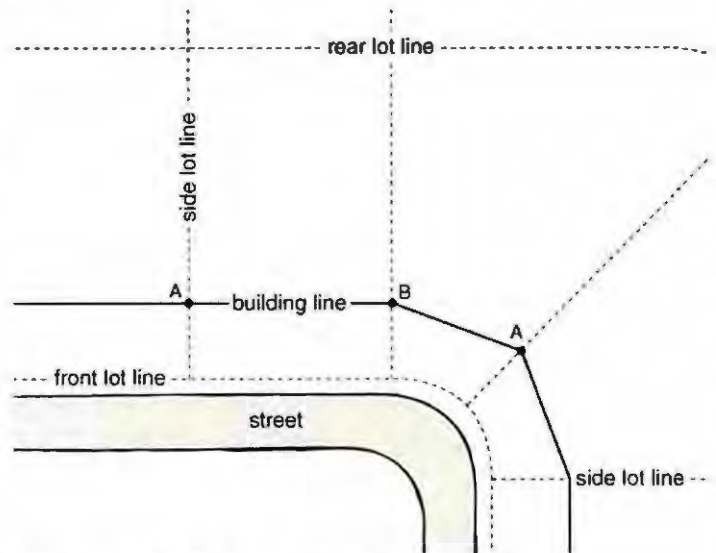
2.44 **Mineral Working** means land or buildings used for the working or extraction of any naturally occurring substance, including a pit or quarry.

2.45 **Non-Conforming Use** means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone.

Provincial
Reg. 4(m)

2.46 **Owner** means a person or an organization of persons owning or having the legal right to use the land under consideration.

Provincial
Reg. 4(n)



2.47 Permitted Use means a use that is listed within the permitted use classes set out in the use zone tables of an authority's development regulations.


Provincial
Reg. 4(o)

2.48 Prohibited Use means a use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that an authority specifies as not permitted within a use zone.

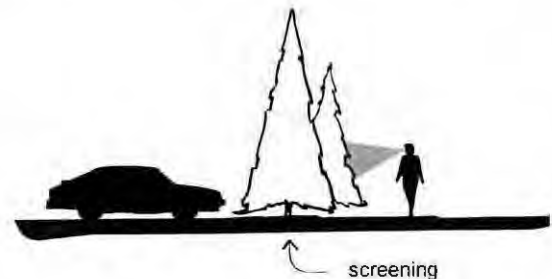

Provincial
Reg. 4(p)

2.49 Public Use means any lands, structure or building which is constructed for use by the general public, including but not limited to parks, playgrounds, trails, paths and other recreational and open spaces, scenic and historic sites, publicly funded buildings such as schools, hospitals, libraries and other public buildings and structures.

2.50 Recreational Use means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, athletic fields, golf courses, picnic areas, swimming pools, day camps, walking trails, and similar uses.

2.51 Restaurant means a building or part thereof, designed or intended to be used or occupied for the purpose of serving the general public with meals or refreshments for consumption on the premises.

2.52 Screening means the method by which a view of one site from another adjacent site is shielded, concealed or hidden. The example on the right shows trees and fences being used to screen a parking lot from public view.



2.53 Service Station means any land or building used exclusively for the sale of petroleum products, automotive parts and accessories, minor repairs, washing and polishing of motor vehicles.

2.54 Shop means a building or part thereof used for retail trade wherein the primary purpose is the selling or offering for sale of goods, wares or merchandise by retail or the selling or offering for sale of retail services but does not include an establishment wherein the primary purpose of the serving of meals or refreshments, an amusement use, a general garage, or a service station.

2.55 Sign (or advertisement) means a word, letter, model, placard, board, device or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement or direction and excludes those things employed wholly as a memorial, advertisements of local government, utilities, and boarding or similar structures used for the display of advertisements.


Provincial
Reg. 4(q)

2.56 Sign Area means the area of the smallest rectangle, circle, or semi-circle that can enclose the surface area of the sign. Where a sign has two faces or more, the maximum area is permitted for each of the two faces.

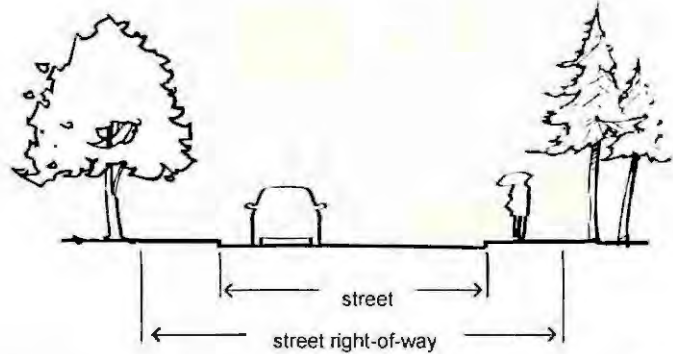
2.57 **Street** means a street, road, highway or other way designed for the passage of vehicles and pedestrians, and which is accessible by fire department and other emergency vehicles.


Provincial
Reg. 4(t)

2.58 **Street Line** means the edge of a street reservation as defined by the Authority having jurisdiction.


Provincial
Reg. 4(u)

2.59 **Street Right-of-Way** means a strip of land between the street lines, acquired by reservation, dedication or forced dedication intended to be occupied by a public street, road or highway.



2.60 **Subdivision** means the dividing of land, whether in single or joint ownership, into two or more pieces for the purpose of development.


Urban and Rural
Planning
Reg. 2(q)

2.61 **Subsidiary Apartment** means a separate dwelling unit constructed within and subsidiary to a self-contained dwelling.

2.62 **Use** means a building or activity situated on a lot or a development permitted on a lot.


Provincial
Reg. 4(v)

2.63 **Use Zone or Zone** means an area of land including buildings and water designated on the Zoning Map to which the uses, standards and conditions of a particular Use Zone Table apply.


Provincial
Reg. 4(w)

2.64 **Variance** means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone of the authority's regulations.


Provincial
Reg. 4(x)

2.65 **Watercourse** means any lake, pond, river, stream or other body of water.

2.66 **Wetland** means the land usually or at any time occupied by water, where the water table is at or is just above the surface of the land either permanently or intermittently, depending upon the class of the wetland which includes bogs, fens, marshes, swamps and shallow water zones along shorelines of bodies of water.

2.67 **Yard** means an open uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in these Regulations.

2.68 **Yard, Rear** means the distance between the rear lot line and the rear wall of the main building on a lot.

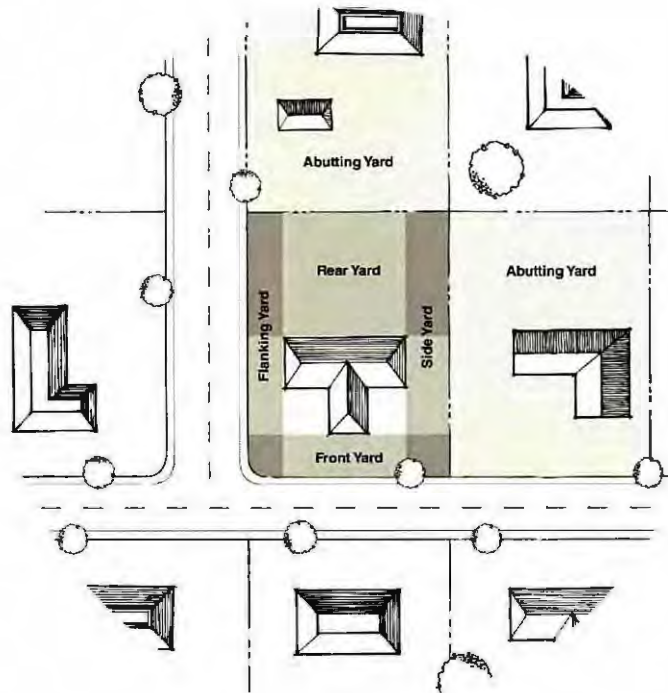
2.69 **Yard, Side** means the distance between the side lot line and the nearest side wall of a building on the lot.

2.70 **Yard, Front** means the distance between the front lot line of a lot and the front wall of the main building on the lot.

2.71 **Yard, Flanking** means the side yard of a corner lot bounded by the street.

2.72 **Yard, Abutting** means the yard of an abutting lot which shares a lot line of subject property.

2.73 **Zoning Map** means the map or maps attached to and forming a part of the authority's regulations.



Provincial
Reg. 4(r)

Provincial
Reg. 4(s)

Provincial
Reg. 4(y)

3 General Regulations

3.1 Permit to Develop Required

No person shall carry out any development within the Planning Area except where otherwise provided in these Regulations unless a permit for the development has been issued by the Council.

3.2 Compliance with Regulations

Development shall be carried out and maintained within the Planning Area in accordance with the Municipal Plan, these Regulations, conditions stated in a Development Approval, and any other by-law or regulation enacted by the Authority.

3.3 Decisions of Council

Decisions made by Council with respect to a permit required by these Regulations shall be made in writing, and state the reasons for a refusal of, or conditions attached to a permit. Council shall also advise the person to whom the decision applies of their right to appeal, in accordance with Section 42 of the Act and the requirements of Section 3.22 of these Regulations.

3.4 Permit to be Issued

Subject to Regulations 3.5 and 3.6, a permit shall be issued for development within the Planning Areas that conforms to:

- a) The policies expressed in the Municipal Plan and any further scheme, plan, or regulation pursuant thereto;
- b) The general development standards set out in Section 4 of these Regulations, the requirements of Section 6, 7 and 8 of these Regulations, and the use classes, standards, requirements, and conditions prescribed in Sections 9 of these Regulations for the use zone in which the proposed development is located;
- c) The standards set out in the Building Code and/or other ancillary codes, and any Building Regulations, Waste Disposal Regulations, and/or any other municipal regulation in force in the Planning Area regulating or controlling development, conservation and use of land and buildings;
- d) The standards set out in Section 5 of these Regulations in the case of off-street parking and loading;
- e) The standards set out in Section 6 of these Regulations in the case of signs and advertisement;
- f) The standards set out in Section 7 of these Regulations in the case of subdivision; and
- g) The standards of design and appearance established by Council.

3.5 Permit Not to be Issued in Certain Cases

No permit or approval in principle shall be issued for development within the Planning Area when, in the opinion of Council, it is premature by reason of the site lacking adequate road access, power, drainage, sanitary facilities, or domestic water supply, or being beyond the natural development of the area at the time of application unless the applicant contracts to pay the full cost of construction

of the services deemed necessary by Council and such cost shall attach to and upon the property in respect of which it is imposed.

3.6 Discretionary Powers

In considering an application for a permit or for approval in principle to carry out development, Council shall take into account the policies of the Municipal Plan and shall assess the general appearance of the development of the area, the amenity of the surroundings, availability of utilities, public safety, and any other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of these Regulations, Council may, in its discretion, and as a result of its consideration of the matters set out in this Regulation, conditionally approve or refuse the application.

3.7 The Application

- 1) Applications for a Permit to Develop or an Approval in Principle shall be made only by the owner, the owner's agent or person authorized by the owner, on an application form prescribed by Council. Every application shall include such plans, specifications, drawings and fee as may be required.
- 2) Council shall, on request, supply to every applicant a copy of the application forms referred to in Regulation 3.7(1) and a description of the plans, specifications, drawings and fee required to be provided with the application.

3.8 Register of Application

Council shall keep a public register of all applications for development, and shall enter therein Council's decision upon each application and the result of any appeal from that decision.

3.9 Deferment of Application

- 1) Council may, with the written agreement of the applicant, defer consideration of an application; and
- 2) Applications properly submitted in accordance with these Regulations which have not been determined by Council and on which a decision has not been communicated to the applicant within eight weeks of the receipt thereof by Council, and on which consideration has not been deferred in accordance with Regulation 3.9(1), shall be deemed to be refused.

3.10 Approval in Principle

- 1) An application for Approval in Principle shall include;
 - a) a description of the proposed development,
 - b) a description of the limits of the land to be used with the proposed development, and may include a survey description of the subject lands,
 - c) submission of detailed plans,
 - d) any additional information that may be required by Council.
- 2) Council may issue an Approval in Principle if it determines the application conforms to the Municipal Plan and these Regulations.

- 3) An Approval in Principle shall be valid for 2 years.
- 4) No development shall be carried out under an Approval in Principle.
- 5) Council may revoke an Approval in Principle if it determines the applicant has changed the proposed development in a way that significantly alters the original intent of the applications.

3.11 Approval

Approval for an application is granted by Council in the form of a Development Permit or Building Permit for applications approved under these Regulations.

3.12 Development Permit

- 1) A plan or drawing which has been approved by Council and which bears a mark and/or signature indicating such approval together with a permit shall be deemed to be permission to develop. Such permission shall not relieve the applicant from
 - a) full responsibility for obtaining permits or approvals under any other regulation or statute prior to commencing the development;
 - b) having the work carried out in accordance with these Regulations or any other regulations or statutes; and
 - c) compliance with all conditions attached to an approval or a permit.
- 2) Council may attach to a permit or to approval in principle such conditions as it deems fit in order to ensure that the proposed development will be in accordance with the purpose and intent of these Regulations.
- 3) Where Council deems necessary, permits may be issued on a temporary basis for a period not exceeding two years, which may be extended in writing by Council for further periods.
- 4) A permit is valid for two years. If the development has not commenced, the permit may be renewed for a further period not in excess of one year, but a permit shall not be renewed more than once, except in the case of a permit for an advertisement, which may be renewed in accordance with Section 6 of these Regulations;
- 5) The approval of any application and plans or drawings or the issue of a permit shall not prevent Council from thereafter requiring the correction of errors, or from ordering the cessation, removal of, or remedial work on any development being carried out in the event that the same is in violation of this or any other regulations or statute;
- 6) No person shall erase, alter or modify any drawing or specifications upon which a permit to develop has been issued by Council; and
- 7) There shall be kept available on the premises where any work, matter or thing is being done for which a permit has been issued, a copy of the permit and any plans, drawings or specifications on which the issue of the permit was based during the whole progress of the work, or the doing of the matter or thing until completion.

3.13 Revoke Permit

Council may revoke an approval and any subsequent permits for failure by the applicant or developer to comply with these Regulations or any condition attached to the permit or where the permit was issued in error or was issued contrary to the applicable regulations or was issued on the basis of incorrect information.

3.14 Public Notice

- 1) Council shall provide public notice for a period of not less than:
 - a) 7 days - when considering a variance in accordance with Section 3.29; and
 - b) 14 days - when considering a change in a non-conforming use in accordance with Section 3.31; or development which is listed as a Discretionary use in any use zone in Section 9 of these Regulations.
- 2) Council may require public notice of any development application where, in the opinion of Council, such notice is required for information and public consultation purposes.
- 3) Council shall require the cost of the public notice or portion thereof to be paid by the applicant and that such notice shall be by public advertisement in a newspaper circulating in the area or by any other means deemed necessary or appropriate by Council.

3.15 Licenses, Permits and Compliance with Other Bylaws

Nothing in these regulations shall exempt any person from complying with the requirements of any By-Law in force within the Town of Harbour Main - Chapel's Cove - Lakeview, or from obtaining any license, permission, permit, authority or approval required by any statute or regulation of the Province of Newfoundland and Labrador or the Government of Canada.

3.16 Right of Entry

Council or other person or persons authorized by the municipality, may enter upon any public or private land and may at all reasonable times enter any development or building upon the land for the purpose of making surveys or examinations or obtaining information relative to the carrying out of any development, construction, alteration, repair, or any other works whatsoever which the Council is empowered to regulate.

3.17 Stop Work Order and Prosecution

- 1) Where a person begins a development contrary or apparently contrary to these Regulations, Council may order that person to pull down, remove, stop construction, fill in or destroy that building or development and may order the person restore the site or area to its original state, pending final adjudication in any prosecution arising out of the development; and
- 2) A person who does not comply with an order made under Regulation 3.17(1) is guilty of an offence under the provisions of the Act.

3.18 Service Levy

- 1) Council may require a developer to pay a service levy where development is made possible or where the density of potential development is increased or where the value of property is enhanced in accordance with Section 149(2) of the *Municipalities Act, SN, 1999*.
- 2) A service levy shall not exceed the cost, including finance charges to Council of constructing or improving the public works referred to in Regulation 3.18(1) that are necessary for the real property to be developed in accordance with the standards required by Council and for uses that are permitted on that real property;
- 3) A service levy shall be assessed on the real property based on:
 - a) The amount of real property benefited by the public works related to all the real property so benefited; and
 - b) The density of development made capable or increased by the public work.
- 4) Council may require a service levy be paid by the owner of the real property benefited and may specify the time for payment. The amount of the service levy will be outlined in the Town's Schedule of Rates and Fees.

3.19 Financial Guarantees by Developer

- 1) Council may require a developer before commencing a development to make such financial provisions and/or enter into such agreements as may be required to guarantee the payment of service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit of licence;
- 2) The financial provisions pursuant to Regulation 3.18(1) may be made in the form of:
 - a) a cash deposit from the developer, to be held by the Council, or;
 - b) a security or guarantee by a bank, or other institution acceptable to Council, for expenditures by the developer, or;
 - c) a performance bond provided by an insurance company or a bank.

3.20 Dedication of Land for Public Use

Council may, for a development not involving a subdivision, require a portion of the land to be developed to be conveyed to the Town for a public purpose where public works are required to accommodate the proposed development.

3.21 Reinstatement of Land

Council may order the developer, the site occupier, the owner, or any of them to restore the site to the satisfaction of Council where

- a) the use of land is discontinued;
- b) the intensity of the use is decreased;
- c) a Permit to Develop has been revoked; or
- d) a Temporary Permit to Develop has expired.

3.22 Notice of right to appeal

Where an authority makes a decision that may be appealed under Section 42 of the Act, that authority shall, in writing, at the time of making that decision, notify the person to whom the decision applies of the;

- a) person's right to appeal the decision to the board;
- b) time by which an appeal is to be made;
- c) right of other interested persons to appeal the decision; and
- d) manner of making an appeal and the address for the filing of the appeal.



3.23 Appeal requirements

- 1) The secretary of the board at the Department of Municipal Affairs, Main Floor, Confederation Building (West Block), P.O. Box 8700, St. John's, Nfld., A1B 4J6 is the secretary to all boards in the province and an appeal filed with that secretary within the time period referred to in subsection 42(4) of the Act shall be considered to have been filed with the appropriate board.
- 2) The fee required under section 44 of the Act shall be paid to the board that hears the decision being appealed by filing it with the secretary referred to in subsection (1) or (2) within the 14 days referred to in subsection 42(4) of the Act.
- 3) The board that hears the decision being appealed shall, subject to subsection 44(3) of the Act, retain the fee paid to the board.
- 4) Where an appeal of a decision and the required fee is not received by a board in accordance with this section and Part VI of the Act, the right to appeal that decision shall be considered to have been forfeited.



3.24 Appeal registration

- 1) Upon receipt of an appeal and fee as required under the Act and these regulations, the secretary of the board as referred to in subsections 3.23(1) and (2) (Subsections 6(1) and (2), Provincial Development Regulations) shall immediately register the appeal.
- 2) Where an appeal has been registered the secretary of the board shall notify the appropriate authority of the appeal and shall provide to the authority a copy of the appeal and the documentation related to the appeal.
- 3) Where an authority has been notified of an appeal that authority shall forward to the appropriate board a copy of the application being appealed, all correspondence, council minutes, plans and other relevant information relating to the appeal including the names and addresses of the applicant and other interested persons of whom the authority has knowledge.



- 4) Upon receipt of the information under subsection (3), the secretary of the board shall publish in a newspaper circulated in the area of the appropriate authority, a notice that the appeal has been registered.
- 5) A notice published under subsection (4) shall be published not fewer than 2 weeks before the date upon which the appeal is to be heard by the board.

3.25 Development prohibited

- 1) Immediately upon notice of the registration of an appeal the appropriate authority shall ensure that any development upon the property that is the subject of the appeal ceases.
- 2) Sections 102 and 104 of the Act apply to an authority acting under subsection (1).
- 3) Upon receipt of a notification of the registration of an appeal with respect to an order under section 102 of the Act, an authority shall not carry out work related to the matter being appealed.



Provincial
Reg. 8

3.26 Hearing notice and meetings

- 1) A board shall notify the appellant, applicant, authority and other persons affected by the subject of an appeal of the date, time and place for the appeal not fewer than 7 days before the date scheduled for the hearing of the appeal.
- 2) A board may meet as often as is necessary to conduct its work in an expeditious manner.



Provincial
Reg. 9

3.27 Hearing of evidence

- 1) A board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under subsection 3.26(1) (Subsection 9(1) of the Provincial Development Regulations) or their representative may appear before the board and make representation with respect to the matter being appealed.
- 2) A board shall hear an appeal in accordance with section 43 of the Act and these regulations.
- 3) A written report submitted under subsection 43(2) of the Act respecting a visit to and viewing of a property shall be considered to have been provided in the same manner as evidence directly provided at the hearing of the board.
- 4) In the conduct of an appeal hearing, the board is not bound by the rules of evidence.



Provincial
Reg. 10

3.28 Board decision

A decision of the board must comply with the plan, scheme or development regulations that apply to the matter that has been appealed to that board.



Provincial
Reg. 11

3.29 Variances

- 1) Where an approval or permit cannot be given by an authority because a proposed development does not comply with development standards set out in development regulations, an authority may, in its discretion, vary the applicable development standards to a maximum of 10% if, in the authority's opinion, compliance with the development standards would prejudice the proper development of the land, building or structure in question or would be contrary to public interest.
- 2) An authority shall not allow a variance from development standards set out in development regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10% variance even though the individual variances are separately no more than 10%.
- 3) An authority shall not permit a variance from development standards where the proposed development would increase the nonconformity of an existing development.



3.30 Notice of variance

Where an authority is to consider a proposed variance, that authority shall give written notice of the proposed variance from development standards to all persons whose land is in the immediate vicinity of the land that is the subject of the variance.



3.31 Residential non conformity

A residential building or structure referred to in paragraph 108(3)(g) of the Act must, where being repaired or rebuilt, be repaired or rebuilt in accordance with the plan and development regulations applicable to that building or structure.



3.32 Notice and hearings on change of use

Where considering a nonconforming building, structure or development under paragraph 108(3)(d) of the Act and before making a decision to vary an existing use of that non-conforming building, structure or development, an authority, at the applicant's expense, shall publish a notice in a newspaper circulating in the area or by other means give public notice of an application to vary the existing use of a non-conforming building, structure or development and shall consider any representations or submissions received in response to that advertisement.



3.33 Non-conformance with standards

Where a building, structure or development does not meet the development standards included in development regulations, the building, structure or development shall not be expanded if the expansion would increase the non-conformity and an expansion must comply with the development standards applicable to that building, structure or development.



3.34 Discontinuance of nonconforming use

An authority may make development regulations providing for a greater period of time than is provided under subsection 108(2) of the Act with respect to the time by which a discontinued nonconforming use may resume operation.



3.35 Delegation of powers

An authority shall, where designating employees to whom a power is to be delegated under subsection 109(3) of the Act, make that designation in writing.



4 General Development Standards

4.1 Access and Service Streets

- 1) Access shall be located to the specification of Council so as to ensure the greatest possible convenience and safety of the street system.
- 2) Council may prescribe the construction of service streets to reduce the number of accesses to collector and arterial streets.
- 3) No vehicular access shall be closer than 10 metres to the street line of any street intersection.
- 4) No access to a street may be made without the permission of the Authority. Before granting an approval for an access, the Authority shall have regard to safety and efficiency of the street for both vehicles and pedestrians.
- 5) Access to a Provincial Highway shall be subject to the requirements and approval of the Department of Transportation and Works.

4.2 Accessory Buildings

- 1) May be located on the same lot as the main building(s) to which it is accessory; or on a lot adjoining the lot that contains the main building, where both lots are under the same ownership.
- 2) Accessory buildings shall not be closer to the front lot line than the main building, 2m to the side lot line and 2m to the rear lot line.
- 3) Accessory buildings shall be complementary with the main building in terms of exterior finish, roofline and pitch.
- 4) Accessory buildings may have a lot coverage of 7 percent or a maximum floor area of 80 m², whichever is greater, and a maximum height of 6 m.

4.3 Accessory Uses Permitted

Where these regulations provide for any land to be used, or building to be erected or used for a purpose, the purpose shall include any accessory use. Such uses shall be clearly incidental and complementary to the use of the main building and be contained on the same lot as the main building or an adjoining lot where both lots are under the same ownership.

4.4 Advertisements

Advertisements shall not be erected or displayed except in accordance with Section 6 and 9 of these Regulations.

4.5 Alterations to the Natural Environment

Development proposals shall include plans for grading, ditching, and landscaping. Significant alterations to the natural environment as part of a development (such as changing the drainage pattern or removing vegetation) will be considered during the evaluation of development proposals. Alterations which will adversely affect watercourses or adjacent property as a result of alterations to watercourses, drainage or grading shall not be permitted. Topsoil or sods shall not be removed except with the approval of Council.

4.6 Archaeological Assessment

Applications for development involving major ground disturbance, including works along the coastline shall be referred to the Provincial Archaeology Office, Historic Resources Division, Department of Business, Tourism, Culture and Rural Development, for review and consideration under the *Historic Resources Act*.

4.7 Buffer Strips

- 1) Where development is proposed that, in the opinion of Council, will have a visual impact on a highway, viewscape or abutting land use, Council may require the owner of the site to provide a separation buffer to screen the development. The buffer shall include provision of such natural or structural barrier as may be required by Council and shall be maintained by the owner or occupier to the satisfaction of the Council.
- 2) Along selected trails and public open spaces, the Authority may require that a buffer of no less than 15 metres be provided between a development and a designated trail, public amenity area or public open space.

4.8 Building Height

- 1) Council may permit the erection of buildings of a height greater than that specified in Section 9, but in such cases the building line setback and rear yard requirements shall be varied as follows:
 - a) The building line setback shall be increased by 2 metres for every 1 metre increase in height.
 - b) The rear yard shall not be less than the minimum building line setback calculated as described in (1) above plus 6 metres.
- 2) Height requirements may be waived in the case of communication towers, flagpoles or chimneys. Where an increase of more than 20% in the permitted height of the structure is proposed it shall only be authorized under the provisions of Section 3.29 and 3.14.

4.9 Building Line and Setback

Council, by resolution, may establish building lines on an existing or proposed street or service street and may require any new buildings to be located on those building lines, whether or not such building lines conform to the standards set out in the use zone tables in Section 9 of these regulations.

4.10 Landscaping and Screening

- 1) All land except that used for customer parking and vehicle access shall be landscaped and maintained by the owner or occupier to the satisfaction of Council.
- 2) Council may, in the case of existing unsightly development, order the owner or occupier to provide adequate and suitable landscaping or screening; and for this purpose may require the submission of an application giving details of the landscaping or screening, and these Regulations shall then apply to that application.
- 3) The provision of adequate and suitable landscaping or screening may be made a condition of any development permit where, in the opinion of Council, the landscaping or screening is desirable to preserve amenity or to protect the environment.

4.11 Lot Area

- 1) No lot shall be reduced in area, either by the conveyance or alienation of any portion thereof or otherwise, so that any building or structure on such lot shall have a lot coverage that exceeds, or a front yard, rear yard, side yard, frontage or lot area that is less than that permitted by these Regulations for the zone in which such lot is located.
- 2) Where any part of a lot is required by these Regulations to be reserved as a yard, it shall continue to be so used regardless of any change in the ownership of the lot or any part thereof, and shall not be deemed to form part of an adjacent lot for the purpose of computing the area thereof available for building purposes.

4.12 Lot Area and Size Exceptions

Where, at the time of coming into effect of these Regulations, one or more lots already exist in any residential zone, with insufficient frontage or area to permit the owner of such a lot or lots to comply these Regulations, then these Regulations shall not prevent the issuing of a permit by Council for the erection of a dwelling thereon, provided that the lot coverage is not greater than, and the yards are not less than the standards set out in these regulations.

4.13 Lot Frontage

Except for accessory buildings, no new buildings shall be erected unless the lot on which it is situated fronts directly onto a street constructed to standards established by Council.

4.14 Non-Conforming Uses

Applications involving non-conforming uses shall be processed in accordance with Section 108 of the *Urban and Rural Planning Act* and Sections 3.32-3.34 of these Regulations. If a non-conforming uses ceases to exist for a period of more than 24 months, new uses for the property and any buildings must conform to the requirements of the land use zone in which it is located.

4.15 Offensive and Dangerous Uses

No building or land shall be used for any purpose which may be dangerous by causing or promoting fires or other hazards or which may emit noxious, offensive or dangerous fumes, smoke, gases, radiation, smells, ash, dust or grit, excessive noise or vibration, or create any nuisance that has an unpleasant effect on the senses unless its use is authorized by Council and any other authority having jurisdiction.

4.16 Parks, Playgrounds, and Conservation Uses

Nothing in these Regulations shall prevent the designation of conservation areas or the establishment of parks and playgrounds in any zone provided that such parks and playgrounds are not located in areas which may be hazardous to their use and are not operated for commercial purposes.

4.17 Side Yards

Side yards shall be kept clear of obstruction and shall be provided on the exposed sides of every building in order to provide access for the maintenance of that building.

4.18 Soils and Drainage

Development shall only be permitted on lands having soil and drainage conditions that are suitable to permit the proper siting and development of the proposed uses.

4.19 Soil Removal, Deposit and Site Grading

- 1) Where not part of an approved development, land disturbance involving the removal, deposition or grading on a property that results in extensive cut and fill and affecting more than 25 square meters in area, shall require application, review and approval by the Town and show the full extent of disturbance that is intended.
- 2) Council may require a developer to assess geotechnical aspects, visual and environmental impacts, as well as impacts on adjoining properties; and
- 3) Where alterations to the landscape are approved, financial guarantees may be required to ensure adequate site rehabilitation and/or landscaping.

4.20 Storage and Screening of Refuse Containers

Refuse containers used for the collection or storage wastes from a commercial use shall be screened by fence or similar structure.

4.21 Watercourse Protection

- 1) Development shall generally not be permitted within 15 metres of the high water mark any body of water or wetland. A referral to the Department of Environment and Conservation and, if fish habitat is affected, to Fisheries and Oceans, Canada will be made for their review, recommendation and approval, where required. Council may require larger buffer areas around watercourses where identified flood plains, steep slopes or unstable soil conditions (for example) could result in damage to watercourses and wildlife habitat as a result of

development. For the purposes of assessing applications in areas known to be at risk of flooding, the high water mark is considered to be the 1:100 year flood level.

- 2) Council shall require that water crossings, bridges, culverts, stream diversions and stormwater management devices, are planned, designed and constructed so as to ensure that fish habitat and passage is preserved, protected, and where possible, enhanced.
- 3) Filling in or alterations of wetlands shall only be permitted in accordance with a permit from the Water Resources Management Division, Department of Environment and Conservation.

4.22 Water Pressures/Fire Flows

Development may be refused where water pressures and fire flows cannot be guaranteed.

4.23 Servicing Development

- 1) Servicing with on-site well and septic systems may be permitted as infill on existing public streets.
- 2) Where permitted, private on-site septic systems, shall be properly designed, installed and maintained. Approval for on-site septic systems is required from the Government Service Centre.
- 3) Where development on the basis of water supply wells (either in unserviced infill areas or in a residential subdivision) an assessment of groundwater quantity and quality may be required in accordance with the Provincial Department of Environment and Conservation Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells, 2009.
- 4) Where there is insufficient groundwater yield to support any development proposed on the basis of a well, the Authority shall refuse the development.

4.24 Provincial T'Railway Park

Proposals for development adjacent to, or requiring access to, the Provincial T'Railway Park and associated rights-of-way shall be referred to the Parks and Natural Areas Division, Department of Environment and Conservation for consideration and approval.

4.25 Development Along Provincial Highways

Proposals for development adjacent to and requiring access from provincially maintained highways including Routes 60, 60-23, 60-24 and Route 1 (the Trans Canada Highway) shall be referred to the Department of Transportation and Works for review and approval.

5 Off-Street Parking and Loading

5.1 Parking Required

For every building, structure or use there shall be provided and maintained a quantity of off-street parking spaces sufficient to ensure that the flow of traffic on adjacent streets is not impeded by the parking of vehicles associated with that building, structure or use.

5.2 Parking Spaces

The number of parking spaces to be provided for any building, structure, use or occupancy shall conform to the following standards. Parking requirements for uses not specifically listed below shall be decided at the discretion of Council.

Residential Uses	Parking Requirement
Single detached, double dwelling, row dwelling, mobile home	2 spaces per unit
Apartment dwelling	1.5 spaces per unit
Commercial residential	1 space per guest room
Commercial Uses	Parking Requirement
Office, Medical and Professional, Personal Service, General Service, Take-out Food Service, Veterinary, Shop, Convenience Stores	1 space per 20 m ² of floor area
Industrial Uses	Parking Requirement
Light, General Industry	Discretion of Council
Service Station	1 space per 20 m ² of floor area

5.3 Parking Area Design Standards

Parking areas or parking lots associated with a development requiring more than four parking spaces will meet the following standards:

- a) Individual parking spaces will be a minimum of 15 m² in area, accessible without the need to move other vehicles to access the space;
- b) The parking area shall be constructed with a stable surface;
- c) No part of any off-street parking area shall be closer than 1.5 m to the front lot line;
- d) Parking standards to accommodate persons with disabilities shall meet the requirement of the Buildings Accessibility Act and Regulations.

5.4 Parking Access Specifications

Off-street parking areas shall, except in the case of single or attached residential dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.

5.5 Off-Street Loading Requirements

For every building or structure or use requiring the shipping, loading or unloading of goods, there shall be provided loading facilities on land that is not part of a street and arranged so that vehicles can move clear of any street and so that it is not necessary for any vehicle to reverse onto or from a street.

6 Signs

6.1 Permit Required

Subject to provisions of Regulation 6.7, no sign shall be erected or displayed in the Planning Area unless a permit for the sign is first obtained from Council.

6.2 Provincial Highway Sign Regulations

All signs or advertisements to be erected within the boundaries of the Town of Harbour Main - Chapel's Cove - Lakeview must be approved in accordance with these Regulations. Where provisions of the Town of Harbour Main - Chapel's Cove - Lakeview are inconsistent with the regulations respecting advertising signs on or near public highways made or administered by provincial departments under the *Provincial Highway Sign Regulations*, the more restrictive regulations shall apply.

6.3 Form of Application

Application for a permit to erect or display a sign shall be made to Council in accordance with Regulation 3.1.

6.4 Signs Prohibited in Street Reservation

Unless otherwise permitted by these or other regulations (Highway Sign Regulations, Provincial Highway signs for example) no sign shall be permitted to be erected or displayed within, on or over any highway or street reservation.

6.5 Permit Valid for Limited Period

A permit granted under these Regulations for the erection or display of a sign shall be for a period not exceeding two years, but may be renewed at the discretion of Council for similar periods.

6.6 Removal of Signs

Notwithstanding the provisions of these Regulations, Council may require the removal of any sign which, in its opinion, is:

- a) Hazardous to road traffic by reason of its siting, colour, illumination, or structural condition, or;
- b) Detrimental to the amenities of the surrounding area.

6.7 Signs Exempt from Control

The following signs may be erected or displayed in the Planning Area without application to the Council:

- a) On a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.2 m² in area;
- b) On an agricultural holding or farm, a notice board not exceeding 1 m² in area and relating to the operations being conducted on the land;
- c) On any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board not exceeding 1 m² in area;

- d) The name of the building or the name of the occupants of the building, located on the principal façade of any commercial, industrial or public building, in letters not exceeding one tenth of the height of that façade or 3m, whichever is the lesser;
- e) On any parking lot, directional signs and one sign not exceeding 1m² in size, identifying the parking lot.
- f) Real estate sales, leasing or open house signs up to a maximum area of 1m²;
- g) Signs placed by candidates at municipal, provincial, or federal elections;
- h) Signs for temporary local events such as festivals, from one month before the event and to be removed within one week of its conclusion;
- i) Temporary signs on construction sites warning of danger and or outlining the nature of the development up to a maximum area of 7.5m².

6.8 Approval Subject to Conditions

A permit may only be issued for the erection or display of signs which comply with the appropriate conditions and specifications set out in the following regulations and the Use Zones in Section 9 of these Regulations.

6.9 Non-Conforming Uses

Signs associated with non- conforming uses will be subject to the conditions and standards for signs in the use zone in which the non-conforming use is located.

6.10 Prohibited Signs

The following sign types will not be permitted:

- a) Billboards
- b) Signs with Flashing Lights or Moving Parts.

6.11 General Standards for Signs

- 1) All signs must be located on the property where the person/activity/business being advertised is located unless otherwise permitted in these Regulations.
- 2) Signs in all zones must be maintained in good condition (e.g. no peeling paint, rotting wood, etc.) and not present a safety hazard in terms of structural stability.
- 3) No sign shall obstruct a means of ingress/egress from a door, window or fire escape.
- 4) Signs shall be professionally prepared and comply with standards as may be prescribed by Council.
- 5) The maximum number of signs a commercial use may have is 2 signs, regardless of the number of buildings on the lot associated with that business.
- 6) The maximum number of signs a home occupation use may have is 1 sign.
- 7) All double faced signs shall count as a single sign.

7 Subdivision of Land

7.1 Permit Required

No land in the Planning Area shall be subdivided unless a permit for the development of the subdivision is first obtained from Council.

7.2 Services to be Provided

No permit shall be issued for the development of a subdivision unless provisions satisfactory to Council have been made in the application for a supply of drinking water, a properly designed sewage disposal system, and a properly designed storm drainage system.

7.3 Payment of Service Levies and Other Charges

No permit shall be issued for the development of a subdivision until agreement has been reached for the payment of all fees levied by Council for connection to services, utilities and streets deemed necessary for the proper development of the subdivision, and all service levies and other charges imposed under Regulations 3.18 and 3.19.

7.4 Issue of Permit Subject to Considerations

A permit shall not be issued when, in the opinion of Council, the development of a subdivision does not contribute to the orderly growth of the municipality and does not demonstrate sound design principles. In considering an application, Council shall, without limiting the generality of the foregoing, consider:

- a) the location of the land;
- b) the availability of, and the demand created for, schools, services and utilities;
- c) the provisions of the Plan and Regulations affecting the site;
- d) the land use, physical form and character of adjacent developments;
- e) the transportation network and traffic densities affecting the site;
- f) the relationship of the project to existing or potential sources of nuisance;
- g) the topography of the site and its drainage;
- h) natural features such as ponds, streams;
- i) visual quality; and
- j) other matters as may affect the proposed development.

7.5 Proposals for Subdivision of Land

Proposals for the subdivision of lands for residential, commercial and industrial development shall be required to provide information on:

- a) The physical features of the site, including development opportunities and constraints, the location of mature stands of vegetation, including any vegetation to be retained.
- b) The layout of proposed lots and streets.
- c) How the proposed subdivision relates to existing development and roads on adjacent lands, and provide for future access to undeveloped lands in the area.
- d) The compatibility between the subdivision and surrounding land uses, both existing and future.
- e) The volume and type of traffic that will be generated by the development.
- f) Proposed servicing, including water and sewer, storm water management, and utilities from the main street and not from other connections on the lot; and
- g) The location of dedicated open space.

7.6 Form of Application

Application for a permit to develop a subdivision shall be made to Council in accordance with Regulation 3.7.

7.7 Subdivision Subject to Zoning

The subdivision of land shall be permitted only in conformity with the Use Zones delineated on the Land Use Zoning Maps.

7.8 Building Lines

Council may establish building lines for any subdivision street and require any new building to be located on such building lines.

7.9 Land for Public Open Space

- 1) Before a development commences, the developer shall, if required, dedicate to the Town (at no cost to the Town) an area of land equivalent to not more than 10% of the gross area of the subdivision for public open space, provided that:
 - a) Where land is subdivided for any purpose other than residential use, Council shall determine the percentage of land to be dedicated;
 - b) If, in the opinion of Council, no public open space is required, the land may be used for such other public use as Council may determine;
 - c) The location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of Council, but in any case, Council shall not accept land which, in its opinion, is incapable of development for any purpose;
 - d) Council may accept from the developer, in lieu of such area or areas of land, the payment of a sum of money equal to the value of the land which would otherwise be required to be dedicated;
 - e) Money received by Council in accordance with Regulation 7.9(1d) shall be reserved by Council for the purpose of the acquisition or development of land for public open space or other public purpose.
- 2) Land dedicated for public use in accordance with this Regulation shall be conveyed to the Town and may be sold or leased by Council for the purposes of any development that conforms with the requirements of these Regulations, and the proceeds of any sale or other disposition of land shall be applied against the cost of acquisition or development of any other land for the purposes of public open space or other public purposes.
- 3) Council may require a strip of land to be reserved and remain undeveloped along the banks of any river, brook or pond, and this land may, at the discretion of Council, constitute the requirement of land for public use under Regulation 7.9(1).

7.10 Structure in Street Reservation

The placing within any street reservation of any structure or landscaping, for example, a hydro pole, telegraph or telephone pole, fire hydrant, mail box, sign post or planting of street trees) shall receive the prior approval of Council which shall be satisfied on the question of safe construction and relationship to the adjoining buildings and other structures within the street reservation.

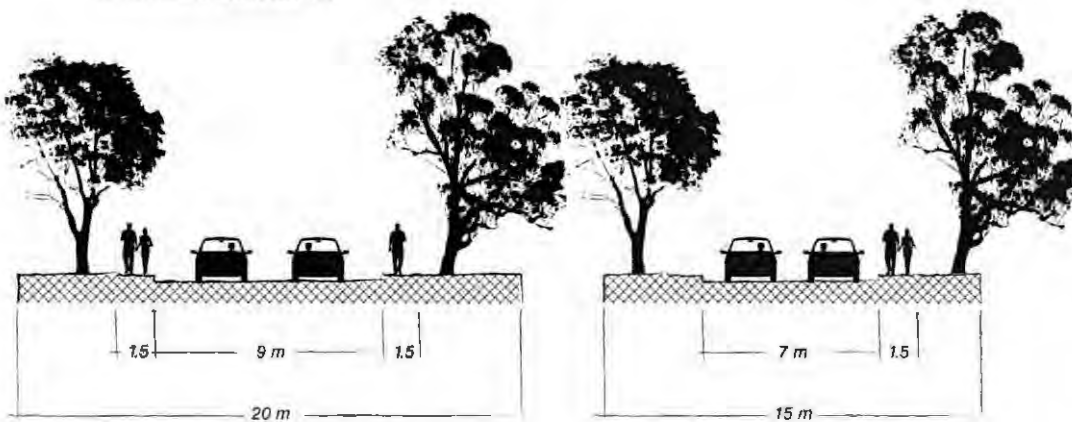
7.11 Development Agreement

As a condition of approval for new developments, Council shall require a developer to enter into an agreement with the Municipality. Such agreements will be negotiated between the developer and the Municipality for financing and development of services provided to the site. The agreement shall include specifications for water and sewer infrastructure, storm drainage, streets, sidewalks, open space, as well as school bus stops and neighbourhood mailboxes, where required.

7.12 Subdivision Design Standards

No permit shall be issued for the development of a subdivision unless the design of the subdivision conforms to the following standards;

- a) The finished grade of streets shall not exceed 10 percent.
- b) New subdivisions shall have street connections with an existing street or streets.
- c) All street intersections shall be constructed within 5° of a right angle and this alignment shall be maintained for 30 m from the intersection.
- d) No street intersection shall be closer than 60 m to any other street intersection.
- e) No more than four streets shall join at any street intersection.
- f) No residential street block shall be longer than 490 m between street intersections.
- g) Streets in residential subdivisions shall be designed in accordance with the approved standards of Council, but in the absence of such standards, shall conform to the following minimum standards:



Collector Street

Street Right-of-Way:	20 metres
Street Width:	9 metres
Minimum Sidewalk Width:	1.5 metres
Number of Sidewalks:	2

Local Street

Street Right-of-Way:	15 metres
Street Width:	7 metres
Minimum Sidewalk Width:	1.5 metres
Number of Sidewalks:	1

- h) Residential lots shall not be permitted which abut a local street at both front and rear lot lines.
- i) Council may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed.
- j) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land.

7.13 Cul de Sacs

Cul de sacs will generally be discouraged. Where permitted the following design standards are required:

- a) A turning circle of a diameter not less than 30 m.
- b) The maximum length of any cul de sac shall be;
 - i. 110 m (without emergency vehicle access)
 - ii. 230 m (with emergency vehicle access)
- c) Emergency vehicle access to a cul de sac shall be not less than 3 m wide and shall connect the head of the cul de sac with an adjacent street.

7.14 Engineer to Design Works and Certify Construction Layout

- 1) Plans and specification for all water mains, hydrants, sanitary sewers, storm sewers and all appurtenances thereto and all streets, paving, curbs, gutters and catch basins and all other utilities deemed necessary by Council to service the area proposed to be developed or subdivided shall be designed and prepared by or approved by the Engineer. The Engineer means a professional engineer employed or retained by the Authority. Such designs and specifications shall, upon approval by Council, be incorporated in the plan of subdivision.
- 2) Upon approval by Council of the proposed subdivision, the Engineer shall certify all work of construction layout preliminary to the construction of the works and thereupon the developer shall proceed to the construction and installation, at his or her own cost and in accordance with the approved designs and specifications and the construction layout certified by the Engineer, of all such water mains, hydrants, sanitary sewers and all appurtenances and of all such streets and other works deemed necessary by Council to service the said area.

7.15 Street Works May Be Deferred

The construction and installation of all curbs and gutters, catch basins, sidewalks and paving specified by the Council as being necessary, may, at the Authority's discretion, be deferred until a later stage of the work on the development of the subdivision but the developer shall deposit with the Council before approval of his application, an amount estimated by the Engineer as reasonably sufficient to cover the cost of construction and installation of the works. Any amount so deposited with the Council by the developer shall be placed in a separate savings account in a bank and all interest earned thereon shall be credited to the developer.

7.16 Deposit of Securities

As a condition of a permit to develop a subdivision and as part of a Development Agreement to subdivide, the applicant shall deposit with the Authority a security to cover the cost of all the subdivision improvements and completion thereof. These securities shall be payable after approval by the Authority and before issuance of a construction permit under these Regulations.

7.17 Transfer of Streets and Utilities to the Town

- 1) Where required by the terms of a Subdivision Development Agreement, the developer shall, following the approval of the subdivision of land and upon request of Council, transfer to the Town, at no cost to the Town, and clear of all liens and encumbrances:
 - a) All lands in the area proposed to be developed or subdivided which are approved and designated by Council for public uses as streets, or rights-of-way, or for other public use;

- b) All services or public works including streets, water supply and distribution and sanitary and storm drainage systems installed in the subdivision that are normally owned and operated by Council.
- 2) Before Council shall accept the transfer of lands, services or public works of any subdivision, the Engineer shall, at the cost to the developer, test the streets, services and public works installed in the subdivision and certify his or her satisfaction with their installation.
- 3) Council shall not provide maintenance for any street, service or public work in any subdivision until such time as such street, service or public work has been transferred to and accepted by Council.

7.18 Restriction on Sale of Lots

The developer shall not develop or dispose of any lot within a subdivision for the purposes of development and no building permit shall be issued until Council is satisfied that:

- a) The lot can be served with satisfactory water supply and sewage disposal systems, and;
- b) Satisfactory access to a street is provided for the lots.

8 Special Developments

8.1 Bed and Breakfast Establishments

A Bed and Breakfast establishment in a single residential dwelling, where permitted, shall be subject to the following conditions:

- a) The nature and scale of the proposed use is consistent with adjoining development and the use does not detract from the residential character of the neighbourhood.
- b) A parking area abutting a residential lot shall be appropriately screened by a fence, wall, or hedge of height not less than 1 m and located a minimum distance of 1 m from the edge of the parking area.
- c) A single, non-illuminated, free-standing sign, not exceeding 0.4 m² in area, shall be permitted.
- d) That the use is approved and licensed under the Tourist Establishment Regulations, 1996, of the Provincial Department of Business, Tourism, Culture and Rural Development.

8.2 Convenience Stores

- 1) Where proposed in areas that are mainly residential in nature, convenience stores shall be designed to blend into the residential area, and have a footprint that is similar in size to surrounding buildings.
- 2) A building containing a convenience store shall be of a design, with any parking, lighting or signs arranged, so as to blend in with the character of the residential area, and to minimize its effect on the adjacent residential uses.
- 3) All convenience stores will be required to have adequate off-street parking and be screened from adjacent dwellings by a fence or other material approved by Council.

8.3 General Industry

Where land fronts on the marine shoreline, general industrial uses shall be limited to marine-related uses. In other areas where the land is zoned Rural, general industrial uses shall be restricted to the maintenance and repair of equipment, processing and storage related to agriculture, forestry or mineral working uses which;

- a) Do not require municipal services
- b) Are extensive users of land for open storage and handling of materials, goods and equipment.
- c) Would create nuisances if located in an urban area because of appearance, noise, heavy truck traffic, or other features of the operations.
- d) No wholesale or retail sales activities shall be permitted.

8.4 Home Childcare

Childcare as a home occupation shall conform to the requirements of the *Child Care Services Act* and Regulations. Where required, a license to operate shall be obtained from the Department of Education and Early Childhood Development.

8.5 Home Based Business

Medical, professional, and personal service uses, along with crafts and repairs, are permitted as a home business, provided:

- a) The use is situated on a residential property and the primary use of the property remains residential;
- b) The use is entirely enclosed within the dwelling and/or the accessory building and the use does not change the appearance of the dwelling or accessory building;
- c) The floor area of the Home-Based Business does not exceed fifty (50) percent of the total floor area of the dwelling;
- d) No outdoor activities or storage associated with the use occurs;
- e) No regular parking of commercial vehicles or trailers except for one vehicle with a gross weight of no greater than one tonne will be permitted;
- f) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, traffic or inconvenience and are not a nuisance to the occupants of adjacent dwellings; and
- g) Any retail sales are incidental and subsidiary to the approved use.

8.6 Home Based Business in Accessory Buildings

In addition to the requirements set out in Regulation 8.5, a home occupation where permitted in a residential accessory building shall:

- a) Be located on the same lot as the residential use;
- b) The business shall be owned and operated by the occupants of the dwelling;
- c) No repairs to vehicles or heavy equipment are carried out;
- d) Activities associated with the use are carried on inside the accessory building, are not hazardous and do not cause a noticeable increase in noise, odour, dust or fumes, nor cause electrical interference, or in any other way result in a nuisance to the occupants of surrounding residences.

8.7 Service Stations

Automobile service stations and garages shall conform to the following conditions:

- a) All gasoline pumps shall be located on pump islands designed for such purpose, and to which automobiles may gain access from either side;
- b) Pump islands shall be set back at least 4 metres from the front lot line.
- c) A canopy for sheltering pump islands may be erected provided that no part of the canopy is located within 3m of the street or lot line.
- d) Access points shall be at least 7 metres wide and shall be clearly marked.
- e) Where a service station is located on a corner lot, the centre line of any access shall be at least 15 metres from the center line of the junction. The lot line between entrances shall be clearly indicated.

9 Use Zone Tables

9.1 Use Zones

- 1) For the purpose of these Regulations, the Planning Area is divided into Use Zones which are shown on the Harbour Main - Chapel's Cove - Lakeview Land Use Zoning Map attached to and forming part of these Regulations as follows:

Residential	RES
Community Centre	CC
Environmental Protection	EP
Open Space Recreation	OSR
Rural	RUR
Protected Public Water Supply	PPWS
Wellhead Protection	WP

- 2) Subject to Regulation 9.1(1), the permitted and discretionary uses, standards, requirements and conditions applicable to each Use Zone are set out in Section 9.5 to 9.11 of these Regulations.
- 3) Where standards, requirements and conditions applicable to a permitted or discretionary use listed in a Use Zone are not set out in Sections 9.5 to 9.11, or elsewhere in these regulations, Council may in its discretion, determine the standards, requirements and conditions which shall apply.

9.2 Permitted Uses

Subject to these Regulations, the uses that fall within the permitted Use Classes set out in the Use Zones in Sections 9.5 to 9.11 shall be permitted by Council in that Use Zone.

9.3 Discretionary Uses

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone in Sections 9.5 to 9.11 may be permitted in that Use Zone if the Council is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if Council has given notice of the application in accordance with Section 3.14 and has considered any objections or representations which may have been received on the matter.

9.4 Prohibited Uses

Uses that do not fall within the Permitted or Discretionary Use or Use Class, or are specifically listed as a Prohibited Use in a Use Zone in Sections 9.5 to 9.11, shall not be permitted in that Use Zone.

9.5 Residential (RES)

9.5.1 Permitted Uses

Single dwelling
Double dwelling
Subsidiary Apartment
Supportive Living Accommodation (special care homes, seniors housing complexes, nursing homes)
Home Office
Child Care as a Home Occupation
Tourism Accommodations in the form of Bed and Breakfast establishments
Small Scale Agriculture
Conservation
Recreational Open Space in the form of parks, trails.
Building Supply Store – Limited to Hickey's Building Supplies property, Conception Bay Highway.

9.5.2 Discretionary Uses

Professional and Personal Services as Home Based Business such as beauty salons, teaching studios, small-scale manufacturing/workshops and repair shops.
Commercial Uses limited to convenience stores, bank, office
Public Uses including Assembly
Light Industry
Public Uses such as Civic/Government Buildings
Utilities, including telecommunications infrastructure

9.5.3 Lot Requirements

Minimum lot area	700 m ² (lots with piped water and sewer service)
Minimum lot frontage	21 m (lots with piped water and sewer service)
Minimum lot frontage (Unserviced Lot)	30 m (lots with an onsite well and/or septic system)
Minimum front yard (building line setback)	8 m on local streets 18m from the centreline of Conception Bay Highway
Minimum side yard	2 m
Minimum rear yard	9 m
Maximum lot coverage	33%
Maximum Height	15m

9.5.4 **Minimum Lot Area for Development with On-Site Servicing**

Municipal piped water supply and sewage disposal by an on-site septic system approved by the Government Service Centre	1400 m ²
Well water supply and connection to municipal sewer	1400 m ²
Well water supply and sewage disposal by an on-site septic system approved by the Government Service Centre	1860 m ²

9.5.5 **Unserviced Residential Development**

Proposed residential development, whether in the form of a single lot or a residential subdivision development, shall be in accordance with the requirements of Section 4.23 of these Regulations. Any subdivision of land to create 4 or more lots shall be referred to the Water Resources Management Division, Department of Municipal Affairs and Environment, and shall be required to undertake a groundwater assessment in accordance with provincial policy for unserviced subdivision development.

9.5.6 **Back Lot Development**

Notwithstanding Regulation 4.13 of these Regulations, the following standards and conditions shall apply to the development of flag lots, or back lots:

- a) All backlots shall have a permanent and direct access to a public road;
- b) No more than one dwelling shall be permitted to share an access and driveway;
- c) The minimum access width shall be 8 metres. The responsibility for construction, care and maintenance of the shared access shall be that of the developer;
- d) Only single dwellings shall be permitted to develop on back lots;
- e) No dwelling shall be located more than 245 metres from a fire hydrant or from a public street to which it has access;
- f) The placement of the dwelling on the lot shall be done in a manner that does not affect the privacy of adjoining dwellings; and
- g) There are no objections to the proposed development from abutting property owners who will be consulted prior to Council issuing an approval.

9.5.7 **Development Along Public Rights of Way**

Where a development is proposed that is along an existing public right of way, but beyond either the Limit of Servicing, or the end of the publicly maintained portion of the ROW, a developer shall, at the developer's expense, upgrade the ROW to a standard established by Council for a public street. No building permits will be issued until the ROW has been upgraded and inspected to ensure that it meets the required standard.

9.6 Community Centre (CC)

9.6.1 Permitted Uses

Single dwelling
Double dwelling
Apartment Buildings (up to 20 units)
Townhouses (up to 15 units)
Subsidiary Apartment
Assisted Living Complex including seniors housing, nursing homes
Commercial Accommodations
Educational
General Assembly
Place of Worship
Child Care
Shops
Offices for Professional, Medical and Personal services
Conservation
Recreational Open Space

9.6.2 Discretionary Uses

Restaurants
Farm Markets
General Industry
Light Industry
Utilities, including telecommunications towers
Service Station

9.6.1 Lot Requirements

Minimum lot area	700 m ²
Minimum lot frontage	21 m where serviced by municipal water and sewer services
Minimum lot frontage	30 m for unserviced or partially serviced lot
Minimum front yard	8 m, or 18m from the centreline of Conception Bay Highway
Minimum side yard	2 m
Minimum rear yard	9 m
Maximum lot coverage	33%
Maximum building height	18 m

9.6.2 **Minimum Lot Area for Developments with On-Site Servicing**

Municipal piped water supply and sewage disposal by an on-site septic system approved by the Government Service Centre	1400 m ²
Well water supply and connection to municipal sewer	1400 m ²
Well water supply and sewage disposal by an on-site septic system approved by the Government Service Centre	1860 m ²

9.6.3 **Residential Development**

Residential development shall be subject to the standards and conditions of the Residential land use zone.

9.6.4 **Non-Residential Buffers**

1. Where any proposed non-residential use abuts the residential zone or an existing dwelling, the owner of the site of the non-residential development may be required to provide a buffer strip between any non-residential building or activity and the residential zone or dwelling.
2. The buffer may include a separation distance consisting of an area with grass, hedge, trees or shrub cover, or a structural barrier in the form of a fence, as may be required by the Authority, and shall be maintained by the owner or occupier to the satisfaction of the Council.

9.6.5 **Open Storage**

Council may permit open storage of materials and goods, provided the following conditions are met:

- a) Open storage shall not occupy more than fifty (50) percent of the site area and shall not be located in the front yard or in any required setback or buffer areas;
- b) Open storage shall be enclosed by a wall or fence not less than 2 metres in height constructed of uniform materials approved by the Authority; and
- c) Open storage shall be maintained with a stable surface to prevent raising or movement of dust, clay, mud, or loose particles.

9.7 Environmental Protection (EP)

9.7.1 Permitted Uses

Conservation

9.7.2 Discretionary Uses

Public Utilities including Telecommunication Structures

Recreational Open Space – Nature parks, trails, recreational boating and associated docking infrastructure.

9.7.3 Shoreline Buffers, Boating and Water Recreation

Generally, no development will be permitted within 15m of rivers, or streams or the shoreline of wetlands or waterbodies. Notwithstanding Regulation 4.21, certain public works and passive recreational open space uses may be permitted provided they are constructed to preserve sensitive environmental features. Approval of development in this zone may require review and approval by Fisheries and Oceans and/or the Department of Environment and Conservation. Boating, swimming and water recreation activities may be permitted.

9.8 Open Space Recreation (OSR)

9.8.1 Permitted Uses

Sports Fields
Parks including neighbourhood parks, playgrounds
Trails

9.8.2 Discretionary Uses

Indoor Recreation Facilities
Day Use Parks including picnic areas

9.9 Rural (RUR)

9.9.1 Permitted Uses

Agriculture
Forestry
Maintenance and Operation of Existing Uses
Mineral Exploration
Recreational Open Space
Conservation

9.9.2 Discretionary Uses

General Industry
Mineral Workings
Assembly Uses
Cemeteries

9.9.3 Lot Requirements

Minimum lot area	As determined by the Authority
Minimum lot frontage	As determined by the Authority
Minimum front yard	8 m, or 18m from the centreline of the Conception Bay Highway
Minimum side yard	5m
Minimum rear yard	9 m
Maximum lot coverage	33%
Maximum building height	15 m

9.9.4 Agriculture

Agricultural uses shall be subject to the following conditions:

- a) That the proposed use is managed in accordance with accepted agricultural best management practices to control odours, noise, dust, environmental impacts, and ;
- b) The proposed use satisfies the requirements of the Provincial Government, Department of Environment and Conservation and Natural Resources, Agrifoods Branch.

9.9.5 Forestry

1. Forestry and related uses may be permitted by the Authority provided that the Authority is satisfied that such uses will not increase soil erosion, and further provided that the operation is in an approved wood-cutting area and meets the requirements of the Department of Forest Resources and Agri-foods.
2. The Authority may if necessary require a detailed submission concerning the proposed forestry operation setting out the extent and nature of the forestry operation, including provisions for the mitigation of impacts.

9.9.6 General Industry

1. General industry shall be restricted to the maintenance and repair of equipment, processing and storage related to agriculture, forestry or mineral working uses, or to those unsuitable sites adjacent to urban uses. Examples of the latter are industrial uses involving hazardous substances such as bulk fuel storage; requiring large lots; or featuring outdoor activities such as heavy equipment storage or maintenance.
2. Unless the Authority is satisfied that the general industry use will not create a nuisance and will not adversely affect the amenity of the surrounding area, the Authority shall require the provision of buffering by the developer to the satisfaction of the Authority.

9.9.7 Open Storage

The Authority may permit open storage of materials and goods, provided the following conditions are met:

- a) Open storage shall not occupy more than fifty (50) percent of the site area and shall not be located in the front yard or in any required setback or buffer areas;
- b) Open storage shall be enclosed by a wall or fence not less than 2 metres in height constructed of uniform materials approved by the Authority; and
- c) Open storage shall be maintained with a stable surface to prevent raising or movement of dust, clay, mud, or loose particles.

9.9.8 Mineral Exploration

Mineral exploration activities shall meet the following conditions:

- a) all permits and approvals from federal and provincial agencies including the Department of Natural Resources have been obtained;
- b) the area affected by the exploration activities which require trenching and/or creation of cutlines through wooded areas, or other forms of ground disturbance is rehabilitated in accordance with a Mineral Exploration Permit from the Department of Natural Resources.

9.9.9 Mineral Workings

All mineral workings, including pits quarries and mines shall be subject to the requirements of the appropriate permit, lease or licence issues by the Mineral Lands Division, Department of Natural Resources, for development, operation, decommissioning and rehabilitation.

Where not addressed in an applicable provincial permit, lease or licence, mineral workings shall meet the following requirements of the Council:

- a) **Screening** - A buffer shall be required to screen mineral workings visible from a public street. A buffer may consist of a 30 metre wide tree screen, a landscaped berm or as required by Council. Council may waive the requirement for a buffer where natural topography creates a visual screen between mineral workings and adjacent public highways and streets.
- b) **Fencing** - Council may require the mineral working site or excavated area of a pit or quarry working to be enclosed by a fence designed and constructed to its specifications and no less than 1.8 metres in height.
- c) **Water Pollution** - No mineral working or extraction activity shall be permitted within 50 metres of a waterbody or watercourse.
- d) **Water Ponding** - No mineral working shall result in the excavation of areas below the level of the water table or in any way cause the accumulation or ponding of

water in any part of the site. Settling ponds may be permitted with the approval of the Department of Environment and Labour.

- e) **Site Maintenance** - The mineral working shall be kept clean of refuse, abandoned vehicles, and abandoned equipment and any derelict buildings.
- f) **Access Roads** - During extended periods of shutdown, access roads to a mineral working shall be ditched or barred to the satisfaction of Council.
- g) **Stockpiling Cover Material** - All stumps, organic material and topsoil, including the rusty coloured and iron stained layer, shall be stripped and stockpiled at least 5 metres from uncleared areas and 10 metres from active quarry or stockpile areas. The owner or operator shall ensure that the quantity of the topsoil is not affected by dilution with other materials.
- h) **Termination and Site Rehabilitation** - Upon completion of the mineral working, the following work shall be carried out by the operation:
 - (i) all buildings, machinery and equipment shall be removed;
 - (ii) all pit and quarry slopes shall be graded to slopes less than 20 degrees or to the slope conforming to that existing prior to the mineral working;
 - (iii) topsoil and any organic materials shall be re-spread over the entire quarried area to ensure adequate revegetation; and
 - (iv) the access road to the working shall be ditched or barred to the satisfaction of Council.
- i) **Separation from Adjacent Uses** - Unless Council is satisfied that the working will not create a nuisance and will not adversely affect the amenity of the specified development or natural feature, no mineral working shall be located closer than the minimum distances set out below to the specified development or natural feature:

<i>From:</i>	<i>Minimum Distance of Pit and Quarry Workings</i>
Existing or proposed Residential Development where no blasting is involved	300 metres
Existing or proposed Residential Development where blasting is involved	1000 metres
Any other developed area or area likely to be development during the life of the pit or quarry	150 metres
Public highway or street	50 metres
Protected Road	90 metres
Waterbody or watercourse	50 metres

9.10 Protected Public Water Supply (PPWS)

9.10.1 Permitted Uses

Uses related to the operation of the public water supply

Conservation

Existing Residential Uses

9.10.2 Discretionary Uses

Public Utilities

Forestry

Agriculture

Recreational Open Space

9.10.3 Discretionary Uses

Discretionary uses shall only be permitted where the use has been reviewed and approved by the Water Resources Management Division, Department of Environment and Conservation.

9.11 Wellhead Protection (WP)

9.11.1 Permitted Uses

Conservation

Existing Uses

9.11.2 Discretionary Uses

Public Utilities

9.11.3 Prohibited Uses

With the exception of existing dwellings and uses, no new permanent buildings or structures shall be permitted within this use zone except those as may be necessary for the operation and maintenance of the municipal public water supply wells. Development within this zone requires approval from the Water Resources Management Division, Department of Environment and Conservation.

9.11.4 Existing Uses

Existing uses shall be permitted to continue. Any change in use, or expansion to an existing use, shall be referred to the Water Resources Management Division for review under the *Water Resources Act*. Development may be refused where it would negatively affect the safety of the water supply.

APPENDIX A

Land Use Zoning Map

APPENDIX B

Provincial Development Regulations

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Important Information

(Includes details about the availability of printed and electronic versions of the Statutes.)

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**NEWFOUNDLAND AND LABRADOR
REGULATION 3/01**

*Development Regulations
under the
Urban and Rural Planning Act, 2000*

(Filed January 2, 2001)

Under the authority of section 36 of the *Urban and Rural Planning Act , 2000*, I make the following regulations.

Dated at St. John's , January 2, 2001 .

Joan Marie Aylward
Minister of Municipal and Provincial Affairs

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Short title

1. These regulations may be cited as the *Development Regulations*.

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Definitions

2. In these regulations,

- (a) "Act", unless the context indicate otherwise, means the *Urban and Rural Planning Act, 2000*;
- (b) "applicant" means a person who has applied to an authority for an approval or permit to carry out a development;
- (c) "authority" means a council, authorized administrator or regional authority; and
- (d) "development regulations" means these regulations and regulations and by-laws respecting development that have been enacted by the relevant authority.

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Application

3. (1) These regulations shall be included in the development regulations of an authority and shall apply to all planning areas.

(2) Where there is a conflict between these regulations and development regulations or other regulations of an authority, these regulations shall apply.

(3) Where another Act of the province provides a right of appeal to the board, these regulations shall apply to that appeal.

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Interpretation

4. (1) In development regulations and other regulations made with respect to a planning area the following terms shall have the meanings indicated in this section

- (a) "access" means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street;
- (b) "accessory building" includes
 - (i) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,
 - (ii) for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television antennae,

- (iii) for commercial uses, workshops or garages, and
- (iv) for industrial uses, garages, offices, raised ramps and docks;
- (c) "accessory use" means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use;
- (d) "building height" means the vertical distance, measured in metres from the established grade to the
 - (i) highest point of the roof surface of a flat roof,
 - (ii) deck line of a mansard roof, and
 - (iii) mean height level between the eave and the ridge of a gable, hip or gambrel roof,and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof;
- (e) "building line" means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed;
- (f) "discretionary use" means a use that is listed within the discretionary use classes established in the use zone tables of an authority's development regulations;
- (g) "established grade" means,
 - (i) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or
 - (ii) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment;
- (h) "floor area" means the total area of all floors in a building measured to the outside face of exterior walls;
- (i) "frontage" means the horizontal distance between side lot lines measured at the building line;
- (j) "lot" means a plot, tract or parcel of land which can be considered as a unit of land for a particular use or building;
- (k) "lot area" means the total horizontal area within the lines of the lot;
- (l) "lot coverage" means the combined area of all building on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot;
- (m) "non-conforming use" means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone;
- (n) "owner" means a person or an organization of persons owning or having the legal right to use the land under consideration;
- (o) "permitted use" means a use that is listed within the permitted use classes set out in the use zone tables of an authority's development regulations;

- (p) "prohibited use" means a use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that an authority specifies as not permitted within a use zone;
- (q) "sign" means a word, letter, model, placard, board, device or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement or direction and excludes those things employed wholly as a memorial, advertisements of local government, utilities and boarding or similar structures used for the display of advertisements;
- (r) "rear yard depth" means the distance between the rear lot line and the rear wall of the main building on a lot;
- (s) "side yard depth" means the distance between the side lot line and the nearest side wall of a building on the lot;
- (t) "street" means a street, road, highway or other way designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles;
- (u) "street line" means the edge of a street reservation as defined by the authority having jurisdiction;
- (v) "use" means a building or activity situated on a lot or a development permitted on a lot;
- (w) "use zone" or "zone" means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply;
- (x) "variance" means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the authority's regulations; and
- (y) "zoning map" means the map or maps attached to and forming a part of the authority's regulations.

(2) An authority may, in its discretion, determine the uses that may or may not be developed in a use zone and those uses shall be listed in the authority's regulations as discretionary, permitted or prohibited uses for that area.

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Notice of right to appeal

5. Where an authority makes a decision that may be appealed under section 42 of the Act, that authority shall, in writing, at the time of making that decision, notify the person to whom the decision applies of the

- (a) person's right to appeal the decision to the board;
- (b) time by which an appeal is to be made;
- (c) right of other interested persons to appeal the decision; and
- (d) manner of making an appeal and the address for the filing of the appeal.

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Appeal requirements

6. (1) The secretary of the board at the Department of Municipal and Provincial Affairs, Main Floor, Confederation Building (West Block), P.O. Box 8700, St. John's, Nfld., A1B 4J6 is the

secretary to all boards in the province and an appeal filed with that secretary within the time period referred to in subsection 42(4) of the Act shall be considered to have been filed with the appropriate board.

(2) Notwithstanding subsection (1), where the City of Corner Brook, City of Mount Pearl or City of St. John's appoints an appeal board under subsection 40(2) of the Act, an appeal shall be filed with the secretary of that appointed board.

(3) The fee required under section 44 of the Act shall be paid to the board that hears the decision being appealed by filing it with the secretary referred to in subsection (1) or (2) within the 14 days referred to in subsection 42(4) of the Act.

(4) The board that hears the decision being appealed shall, subject to subsection 44(3) of the Act, retain the fee paid to the board.

(5) Where an appeal of a decision and the required fee is not received by a board in accordance with this section and Part VI of the Act, the right to appeal that decision shall be considered to have been forfeited.

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Appeal registration

7. (1) Upon receipt of an appeal and fee as required under the Act and these regulations, the secretary of the board as referred to in subsections 6(1) and (2), shall immediately register the appeal.

(2) Where an appeal has been registered the secretary of the board shall notify the appropriate authority of the appeal and shall provide to the authority a copy of the appeal and the documentation related to the appeal.

(3) Where an authority has been notified of an appeal that authority shall forward to the appropriate board a copy of the application being appealed, all correspondence, council minutes, plans and other relevant information relating to the appeal including the names and addresses of the applicant and other interested persons of whom the authority has knowledge.

(4) Upon receipt of the information under subsection (3), the secretary of the board shall publish in a newspaper circulated in the area of the appropriate authority, a notice that the appeal has been registered.

(5) A notice published under subsection (4) shall be published not fewer than 2 weeks before the date upon which the appeal is to be heard by the board.

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Development prohibited

8. (1) Immediately upon notice of the registration of an appeal the appropriate authority shall ensure that any development upon the property that is the subject of the appeal ceases.

(2) Sections 102 and 104 of the Act apply to an authority acting under subsection (1).

(3) Upon receipt of a notification of the registration of an appeal with respect to an order under section 102 of the Act, an authority shall not carry out work related to the matter being appealed.

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Hearing notice and meetings

9. (1) A board shall notify the appellant, applicant, authority and other persons affected by the subject of an appeal of the date, time and place for the appeal not fewer than 7 days before the date scheduled for the hearing of the appeal.

(2) A board may meet as often as is necessary to conduct its work in an expeditious manner.

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Hearing of evidence

10. (1) A board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under subsection 9(1) or their representative may appear before the board and make representations with respect to the matter being appealed.

(2) A board shall hear an appeal in accordance with section 43 of the Act and these regulations.

(3) A written report submitted under subsection 43(2) of the Act respecting a visit to and viewing of a property shall be considered to have been provided in the same manner as evidence directly provided at the hearing of the board.

(4) In the conduct of an appeal hearing, the board is not bound by the rules of evidence.

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Board decision

11. A decision of the board must comply with the plan, scheme or development regulations that apply to the matter that has been appealed to that board.

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Variances

12. (1) Where an approval or permit cannot be given by an authority because a proposed development does not comply with development standards set out in development regulations, an authority may, in its discretion, vary the applicable development standards to a maximum of 10% if, in the authority's opinion, compliance with the development standards would prejudice the proper development of the land, building or structure in question or would be contrary to public interest.

(2) An authority shall not allow a variance from development standards set out in development regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10% variance even though the individual variances are separately no more than 10%.

(3) An authority shall not permit a variance from development standards where the proposed development would increase the non conformity of an existing development.

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Notice of variance

13. Where an authority is to consider a proposed variance, that authority shall give written notice of the proposed variance from development standards to all persons whose land is in the immediate vicinity of the land that is the subject of the variance.

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Residential non conformity

14. A residential building or structure referred to in paragraph 108(3)(g) of the Act must, where being repaired or rebuilt, be repaired or rebuilt in accordance with the plan and development regulations applicable to that building or structure.

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Notice and hearings on change of use

15. Where considering a non conforming building, structure or development under paragraph 108(3)(d) of the Act and before making a decision to vary an existing use of that non-conforming building, structure or development, an authority, at the applicant's expense, shall publish a notice in a newspaper circulating in the area or by other means give public notice of an application to vary the existing use of a non-conforming building, structure or development and shall consider any representations or submissions received in response to that advertisement.

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Non-conformance with standards

16. Where a building, structure or development does not meet the development standards included in development regulations, the building, structure or development shall not be expanded if the expansion would increase the non-conformity and an expansion must comply with the development standards applicable to that building, structure or development.

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Discontinuance of non-conforming use

17. An authority may make development regulations providing for a greater period of time than is provided under subsection 108(2) of the Act with respect to the time by which a discontinued non-conforming use may resume operation.

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Delegation of powers

18. An authority shall, where designating employees to whom a power is to be delegated under subsection 109(3) of the Act, make that designation in writing.

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Commencement

19. **These regulations shall be considered to have come into force on January 1, 2001 .**

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APPENDIX C

Classification of Buildings and Uses

Appendix C - Classifications of Buildings and Uses

This Schedule is intended to assist in the interpretation of the types of uses within the use classes listed in the Use Zone Tables in Section 9 of these regulations.

1. Residential Uses

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
1. Residential Dwelling Uses	Double Dwelling	<ul style="list-style-type: none"> • Duplex Dwellings • Semi-detached Dwelling
	Row Dwelling	<ul style="list-style-type: none"> • Row Houses
	Apartment Building	<ul style="list-style-type: none"> • Apartment Building • Residential Complexes (4 or more units)
2. General Residential Uses	Boarding House Residential	<ul style="list-style-type: none"> • Bed & Breakfast Establishment • Boarding Houses
	Tourism Accommodation	<ul style="list-style-type: none"> • Hotels • Motels • Inns

2. Assembly Uses

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
1. Assembly Uses for the production & viewing of the performing arts.	Theatre	<ul style="list-style-type: none"> • Movie Theatres • Theatres
2. General Assembly Uses	Cultural & Civic	<ul style="list-style-type: none"> • Art Galleries • Town Administrative Offices • Court Rooms • Libraries • Museums • Arts and Culture Centres • Interpretive Centres
	General Assembly	<ul style="list-style-type: none"> • Auditoria • Bowling Alleys • Community Halls • Dance Halls • Exhibition Halls • Fitness Clubs • Gymnasias • Lodge Halls and Private Clubs

	Educational	<ul style="list-style-type: none"> • Colleges (non- residential) • Private Schools • Public Schools
	Place of Worship	<ul style="list-style-type: none"> • Church Halls • Churches & similar places of worship
	Passenger Assembly	<ul style="list-style-type: none"> • Passenger Stations & Depots • Recreational Piers/Docks
	Catering	<ul style="list-style-type: none"> • Bars • Lounges • Restaurants • Nightclubs
	Funeral Home	<ul style="list-style-type: none"> • Crematoria • Funeral Homes & Chapels
	Child Care	<ul style="list-style-type: none"> • Day Care Centres • Home Child Care Services • Nursery Schools • Early Childhood Education Services
	Amusement	<ul style="list-style-type: none"> • Electronic Games Arcades • Pinball Parlours • Poolrooms
3. Arena-type Uses	Indoor Assembly	<ul style="list-style-type: none"> • Arenas • Armouries • Ice Rinks • Indoor Swimming Pools
4. Open-air Assembly Uses	Outdoor Assembly	<ul style="list-style-type: none"> • Amusement Parks & Fair-grounds • Bleachers • Drive-in Theatres • Exhibition Grounds • Grandstands • Outdoor Ice Rinks & Swimming Pools • Outdoor Stadiums • Outdoor Concert Venues

3. Business and Personal Services Uses

Division	Use Class	Examples
1. Business, Professional, & Personal Service Uses	Office	<ul style="list-style-type: none"> • Banks • Business & Government Office
	Medical & Professional	<ul style="list-style-type: none"> • Clinic • Dental Offices & Surgeries • Law Offices • Medical Offices & Consulting Rooms • Professional Offices
	Personal Service	<ul style="list-style-type: none"> • Barbers • Beauty Parlours

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
		<ul style="list-style-type: none"> • Domestic & Household Arts • Hairdressers • Tanning Salons • Pet Grooming • Nail Salons
	General Service	<ul style="list-style-type: none"> • Car Washes • Dry Cleaners (not using flammable or explosive substances) • Laundromats • Small Tool & Appliance Service & Rentals
	Communications	<ul style="list-style-type: none"> • Radio Stations • Telephone Exchanges
	Police Station	<ul style="list-style-type: none"> • Police Stations without detention quarters
	Taxi Stands	<ul style="list-style-type: none"> • Taxi Stands
	Take-out Food Service	<ul style="list-style-type: none"> • Take-out Restaurants • Food Stands

4. Institutional Uses

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
1. Penal & Correctional Institutional Uses	Penal & Correctional Detention	<ul style="list-style-type: none"> • Prisons • Police Stations (with detention quarters) • Psychiatric Hospitals (with detention quarters) • Youth Correctional Facilities
2. Special Care Institutional Uses	Medical Treatment & Special Care	<ul style="list-style-type: none"> • Personal Care Homes • Nursing Homes • Treatment Centres • Medical Clinics

5. Retail Uses

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
1. Retail Sale & Display Uses	Shopping Centre	<ul style="list-style-type: none"> • Shopping Centres • Strip Malls
	Shop	<ul style="list-style-type: none"> • Automobile Dealerships • Used Car Lots • Department Stores • Retail Shops • Showrooms • Supermarkets

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
	Indoor Market	<ul style="list-style-type: none"> • Auction Halls • Exhibition Halls • Indoor Farmers Markets
	Outdoor Market	<ul style="list-style-type: none"> • Animal Markets • Fish Stalls • Market Grounds • Produce & Fruit Stands • Outdoor Farmers Markets • Flea Markets
	Convenience Store	<ul style="list-style-type: none"> • Confectionary Stores • Corner Stores • Gift Shops • Specialty Shops • Video Stores

6. Industrial Uses

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
1. Industrial uses involving highly combustible & hazardous substances & processes.	Hazardous Industry	<ul style="list-style-type: none"> • Bulk Plants for Flammable Liquids • Bulk Storage Warehouses for Hazardous Substances • Chemical Manufacturing or Processing Plants • Distilleries • Dry-cleaning Plants • Feed Mills • Lacquer, Mattress, Paint, Varnish, & Rubber • Factories • Spray Painting Operations • Wastepaper Processing Plants
2. General Industrial Uses involving Limited Hazardous Substances & Processes.	General Industry	<ul style="list-style-type: none"> • Aggregate-Related Industries • Aircraft Hangars • Bulk Storage Facility • Cold Storage Plants • Contractors' Yards • Concrete Plants • Factories • Fish Processing Plants • Freight Depots • General Garages • Laboratories • Laundries • Planing Mills

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
		<ul style="list-style-type: none"> • Printing Plants • Sawmill • Warehouses • Workshops
	Service Station	<ul style="list-style-type: none"> • Gas Bars • Gasoline Service Stations
3. Light, Non- hazardous or Non-intrusive Industrial uses	Light Industry	<ul style="list-style-type: none"> • Custom Workshops • Indoor Storage • Light Industry • Parking Garages • Recycling Depot • Warehouses & Distribution Centres • Wholesale Rooms • Workshops

7. Non-Building Uses

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
1. Uses not directly related to building	Agriculture	<ul style="list-style-type: none"> • Commercial Farms • Hobby Farms • Market Gardens & Nurseries
	Forestry	<ul style="list-style-type: none"> • Silviculture • Sawmills • Tree Nurseries
	Mineral Working	<ul style="list-style-type: none"> • Mineral Exploration including trenching, diamond drilling and line cutting. • Mines • Oil Wells • Pits • Quarries
	Recreational Open Space	<ul style="list-style-type: none"> • Campgrounds • Golf Courses • Hiking Trails • Parks • Playing Fields • Playgrounds • Sports Grounds • Tourist Trailer Parks

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
	Conservation	<ul style="list-style-type: none"> • Architectural Historical Sites • Buffer Strips • Trails and Boardwalks • Scenic Lookout Sites • Watersheds • Wildlife Sanctuaries
	Cemetery	<ul style="list-style-type: none"> • Cemeteries
	Scrap Yard	<ul style="list-style-type: none"> • Car Wrecking Yards • Junk Yards • Salvage Yard • Scrap Dealers
	Solid Waste	<ul style="list-style-type: none"> • Incinerators • Recycling Plants • Sanitary Land Fill • Solid Waste Disposal
	Animal	<ul style="list-style-type: none"> • Animal Pounds • Kennels • Zoos • Pet Sitting Services
	Antenna	<ul style="list-style-type: none"> • Cellular Communications Towers • Satellite Dish Antenna • Television, Radio & Communications • Transmitting and Receiving Masts & Antennae
	Transportation	<ul style="list-style-type: none"> • Airfields • Boathouses • Docks and Harbours • Wharves and Marinas