

Town of Indian Bay

Development Regulations

2019-2029

Prepared for

The Town of Indian Bay

Prepared by

Baird Planning Associates

October 2019

Urban and Rural Planning Act 2000 Resolution to Adopt

Town of Indian Bay Development Regulations 2019 - 2029

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Indian Bay adopts the Indian Bay Development Regulations.

Adopted by the Town Council of Indian Bay on the 9th day of September 2019.

Signed and sealed this 15 day of Oct 2019


Mayor:



Christa Lane

(Council Seal)

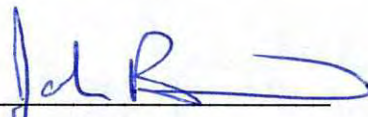
Clerk:



Triffie Parsons

Canadian Institute of Planners Certification

I certify that the attached Municipal Plan has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.



John Baird, MCIP



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Urban and Rural Planning Act, 2000 Resolution to Approve

Town of Indian Bay Development Regulations 2019 - 2029

Under the authority of Section 16, Section 17, and Section 18 of the *Urban and Rural Planning Act, 2000*, the Town Council of Indian Bay

- (a) Adopted by the Indian Bay Municipal Plan on the 9th day of September 2019.
- (b) Gave notice of the adoption of the Indian Bay Municipal Plan by advertisement inserted in the *Central Voice* newspaper on the 18th day and the 25th day of September 2019.
- (c) Set the 7th day of October 2019 at the Town Hall, Indian Bay for the holding of a public hearing to consider objections and submissions.

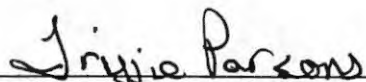
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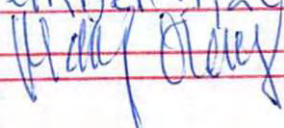
Mayor:


Christa Lane

(Council Seal)

Clerk:


Triffie Parsons

Development Regulations/Amendment	
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Number	<u>2385-2019-001</u>
Date	<u>November 5, 2019</u>
Signature	<u></u>

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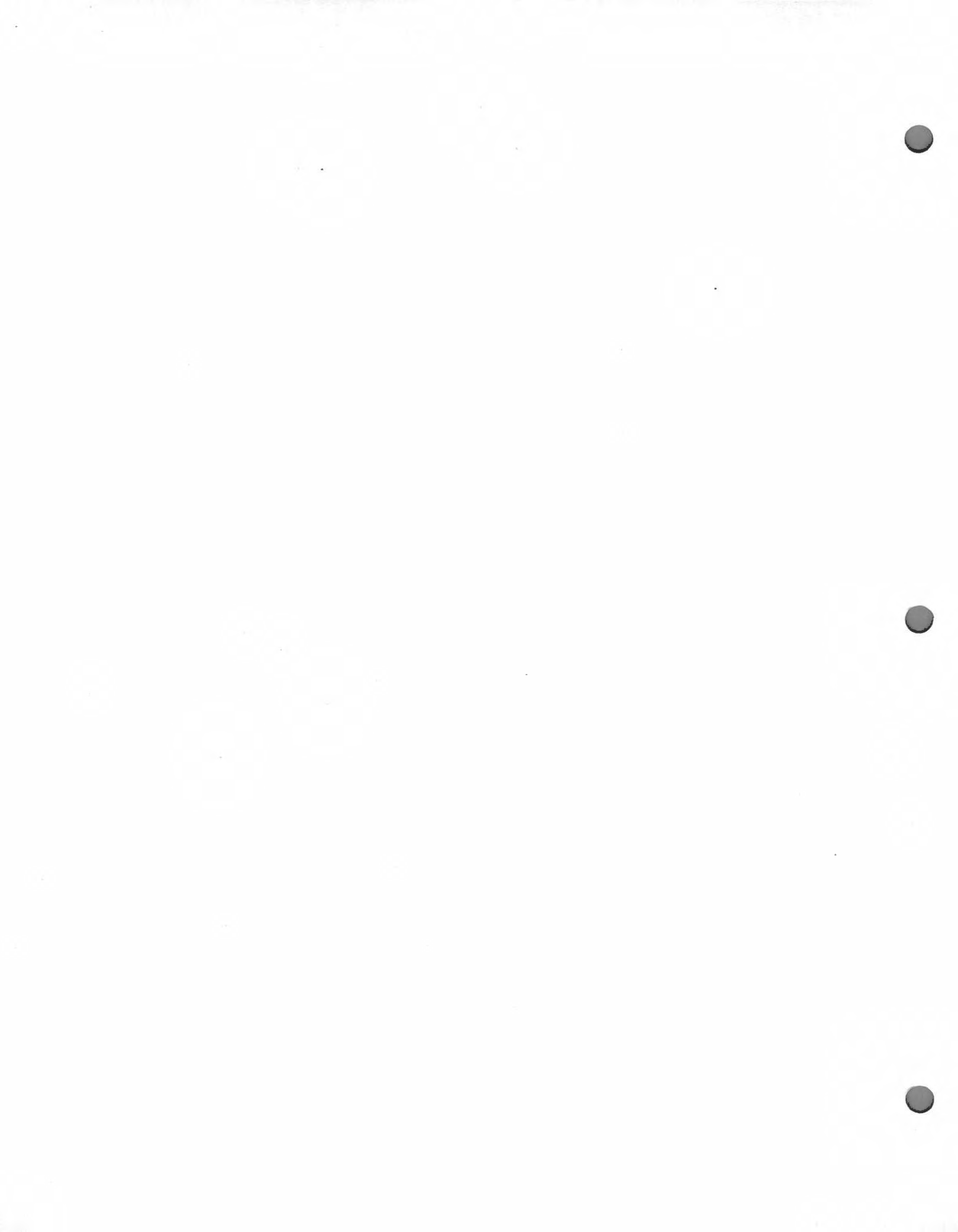
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Table of Contents

PART 1:	APPLICATION	1
1.1	Title	1
1.2	Interpretation	1
1.3	Commencement.....	1
1.4	Municipal Regulations and Codes	1
1.5	Council	1
1.6	Provincial Development Regulations	1
PART 2:	DEFINITIONS	2
PART 3:	GENERAL REGULATIONS	22
3.1	Compliance with Regulations.....	22
3.2	Permit Required	22
3.3	Permit to be Issued	22
3.4	Permit Not to be Issued in Certain Cases.....	22
3.5	Discretionary Powers of Council	22
3.6	Variances	23
3.7	Non-Conforming Uses	23
3.8	Service Levy	25
3.9	Financial Guarantees by Developer.....	25
3.10	Dedication of Land for Public Use.....	25
3.11	Restoration of Land.....	26
3.12	Form of Application	26
3.13	Register of Applications	26
3.14	Deferment of Application.....	26
3.15	Approval in Principle	26
3.16	Development Permit	27
3.17	Temporary Use Permit.....	28
3.18	Permit Fees.....	28
3.19	Compliance with Legislation	28
3.20	Reasons for Refusing or Setting Conditions on a Permit.....	29
3.21	Notice of Application	29
3.22	Delegation of Powers.....	30
3.23	Right of Entry	30
3.24	Record of Violations.....	30
3.25	Stop Work Order and Prosecution	30
3.26	Notice of Right to Appeal	30
3.27	Appeals	30
3.28	Return of Appeal Fee.....	31
PART 4:	GENERAL DEVELOPMENT STANDARDS	32
4.1	Accesses and Service Streets	32
4.2	Archaeological Sites	32
4.3	Industrial Use Buffers.....	32
4.4	Watercourses and Wetlands.....	32
4.5	Building Lines and Setbacks.....	33

4.6	Multiple Uses on One Lot.....	34
4.7	Main Buildings on a Lot.....	34
4.8	Lot Area	34
4.9	Lot Area and Size Exceptions	35
4.10	Street Frontage	35
4.11	Offensive and Dangerous Uses	35
4.12	Screening and Landscaping	35
4.13	Public Services and Utilities.....	35
4.14	Land Capability for Development.....	35
4.15	Site Excavation and Infilling	36
4.16	Street Construction Standards.....	36
4.17	Sight Lines at Intersections.....	36
4.18	Protected Provincial Road	36
4.19	Fire Hydrant, Manhole and Lift Station Buffers	37
4.20	Habitat Conservation	37
PART 5:	SPECIFIC USE REGULATIONS	38
5.1	Access Ramps	38
5.2	Accessory Buildings.....	38
5.3	Accessory Structures	40
5.4	Accessory Uses (.....	40
5.5	Agriculture - Commercial Livestock Facilities	40
5.6	Bed and Breakfasts (B&Bs) and Visitor Rental Dwellings	41
5.7	Campgrounds and Tourist Cottage Establishments	42
5.8	Childcare Services	44
5.9	Energy Generation Facilities	44
5.10	Fences	44
5.11	Home Occupations	45
5.12	Mineral and Petroleum Exploration.....	45
5.13	Mineral Workings	46
5.14	Personal Livestock Use on Residential Lots.....	48
5.15	Residential Care Homes	50
5.16	Salvage Yards.....	51
5.17	Service Stations and General Garages	51
5.18	Storage and Scrapping of Car Wrecks and Salvage Materials.....	51
PART 6:	SUBDIVISION OF LAND	52
6.1	Application of Part 6.....	52
6.2	Subdivision Permit Required.....	52
6.3	Services to be Provided	52
6.4	Payment of Service Levies and Other Charges.....	52
6.5	Permit Subject to Considerations.....	52
6.6	Building Permits Required	53
6.7	Form of Application	53
6.8	Subdivision Subject to Zoning.....	53
6.9	Building Lines.....	53
6.10	Dedication of Land for Public Use.....	53
6.11	Structure in Street Reservation	53
6.12	Subdivision Requirements	53

6.13	Subdivision Design Standards	54
6.14	Engineer to Design Works and Certify Construction Layout.....	55
6.15	Developer to Pay Engineer's Fees and Charges	55
6.16	Street Works May Be Deferred	55
6.17	Transfer of Streets and Utilities to Council.....	55
6.18	Restriction on Sale of Lots	56
6.19	Grouping of Buildings and Landscaping	56
PART 7:	SIGNS	57
7.1	Intent	57
7.2	Permit Required	57
7.3	Provincial Highway.....	57
7.4	Form of Application	57
7.5	Approval Subject to Conditions.....	57
7.6	Signs Prohibited in Street Reservation	57
7.7	Sign Removal.....	57
7.8	Signs Exempt from Contr	57
7.9	General Sign Standards.....	58
7.10	Residential Areas.....	58
PART 8:	USE ZONES	59
8.1	Use Zones.....	59
8.2	Map Interpretation.....	59
8.3	Use Classes.....	59
8.4	Permitted Uses	59
8.5	Discretionary Uses.....	59
8.6	Uses Not Permitted.....	59
PART 9:	USE ZONE SCHEDULES.....	60
9.1	Environmental Protection (EP) Zone	61
9.2	Protected Watershed (PW) Zone.....	63
9.3	Coastal (CO) Zone.....	65
9.4	Residential Mixed (RM) Zone	67
9.5	Residential (RES) Zone	70
9.6	Residential Seasonal (RS) Zone.....	72
9.7	Commercial (COM) Zone.....	73
9.8	Tourism Resource (TR) Zone	76
9.9	Public Use (PU) Zone	78
9.10	Rural (RU) Zone.....	79
APPENDIX A - CLASSIFICATION OF USES OF LAND AND BUILDINGS		83
APPENDIX B - OFFSTREET LOADING AND PARKING REQUIREMENTS.....		91
APPENDIX C - PROVINCIAL DEVELOPMENT REGULATIONS		97
APPENDIX D - LAND USE ZONING MAPS.....		107



PART 1: APPLICATION

1.1 Title

These Regulations may be cited as the Indian Bay Development Regulations.

1.2 Interpretation

- (1) Words and phrases used in these Regulations shall have the meanings ascribed to them in Part 2.
- (2) Words and phrases not defined in Part 2 shall have the meanings that are commonly assigned to them in the context in which they are used in the Regulations.
- (3) The boundaries of Use Zones in the Land Use Zoning Maps are general only and, except where they coincide with roads, shorelines, or other prominent features, are not intended to define exact limits.

1.3 Commencement

These Regulations came into effect throughout the Indian Bay 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 Regulations and Codes

The building regulations and any other municipal regulations controlling the development, conservation, and use of land shall under these Regulations apply to the entire Planning Area. The National Building Code of Canada, the Fire Code of Canada, and all ancillary codes and regulations, shall also apply to the entire Planning Area.

1.5 Council

In these Regulations, "Council" means the Municipal Council of the Town of Indian Bay having jurisdiction over the Indian Bay Development Regulations.

1.6 Provincial Development Regulations

The *Provincial Development Regulations*, enacted under Section 36 of the *Act*, shall apply to development within the Planning Area. Where there is conflict between these and the Indian Bay Development Regulations, the Provincial Regulations shall prevail. The Provincial Development Regulations are appended as Appendix D.

PART 2: DEFINITIONS

GENERAL NOTE:

A definition marked with one asterisk is also included in the Provincial Development Regulations. A definition marked with two asterisks is also included in the Urban and Rural Planning Act, 2000.

***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.

***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, which has a use that is customarily incidental or complementary to the main use of the building or land,
- (ii) For a residential use, a domestic garage, carport, ramp, shed, swimming pool, greenhouse, cold frame, fuel shed, vegetable storage cellar, shelter for domestic pets, or antennae. It also includes a portable shelter (see definition) that is used on more than a temporary basis.
- (iii) For a commercial use, an office, workshop, storage building, garage, or portable shelter,
- (iv) For an industrial use, an office, workshop, storage building, garage, or ramp.

***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.

***ACT** means, unless the context indicates otherwise, the *Urban and Rural Planning Act, 2000*.

AGRICULTURE, CROP means a commercial crop operation, which may include:

- (a) the clearing, draining, irrigating or cultivation of land for crop production,
- (b) the production of agricultural field crops,
- (c) the production of fruit and vegetables and other specialty horticultural crops,
- (d) the operation of agricultural machinery and equipment,
- (e) storage, use or disposal of organic wastes for farm purposes,
- (f) the preparation of a non-livestock farm product for distribution from the farm gate, including cleaning, grading and packaging,
- (g) the operation of pick-your-own farms, roadside stands, farm produce stands, and tourist operations as part of a farm operation, or
- (h) any other non-livestock agricultural activity or process prescribed by Provincial regulation that is carried on for gain or reward or in the hope or expectation of gain or reward.

AGRICULTURE, LIVESTOCK means a commercial livestock operation, which may include:

- (a) the clearing, draining, irrigating or cultivation of land for livestock grazing,
- (b) the raising of livestock, including poultry,
- (c) the raising of fur-bearing animals,
- (d) the raising of bees,
- (e) the production of eggs and milk,
- (f) the preparation of a livestock, poultry, or dairy product for distribution from the farm gate,

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

- including cleaning, grading and packaging,
- (g) the on-farm processing of farm products for the purpose of preparing livestock, poultry, or dairy products for wholesale or retail consumption,
 - (h) any other livestock activity or process prescribed by Provincial regulation that is carried on for gain or reward or in the hope or expectation of gain or reward.

AGRICULTURE, PERSONAL CROP USE means the use of land, buildings, or structures to produce vegetables, fruits and other crops for personal use or market gardening. It includes home gardens, community gardens, and hobby farming, but does not include the keeping of poultry or livestock.

AGRICULTURE, PERSONAL LIVESTOCK USE means the use of land, buildings, or structures for the limited keeping of livestock animals for personal use.

ANIMAL, DOMESTIC (PET) means any animal normally and customarily kept by domestic households for pleasure and companionship, excluding poultry, livestock, horses, and similar animals or fowl.

ANIMAL UNIT (for commercial agriculture) means any one of the following animals or groups of animals as specified by the Agriculture Lands Section (Department of Fisheries and Land Resources):

Type of Livestock	Average Weight per Animal (kg)	No. of Livestock per Animal Unit
Dairy Cows	545-640	1
Heifers	300	2
Veal	91	5
Bulls	545	1
Beef cows	360	2
Sows (F to F)	454	1
Sows	150	3
Hogs	75	6
Boars	150	3
Sheep (ewe)	54	8
Sheep (lamb)	27	16
Goats	64	7
Foxes	11.35	40
Mink	3	150
Rabbits	2.27	200
Laying Hens	1.8	252
Broilers	.9	500
Pullets	1.3	350
Broiler turkey	6.5	70
Heavy turkey	7.5	60
Heavy toms	12	40

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

APARTMENT BUILDING means a residential building containing three or more dwelling units but does not include row house units.

APPEAL BOARD means the appropriate Appeal Board established under the Act.

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

APPROVAL IN PRINCIPLE means a preliminary approval of a development conditional upon the submission of additional plans and details before a development or building permit will be issued.

ARTS AND CRAFTS STUDIO means a building or portion thereof used for the production, display, instruction, or sale of arts or crafts, but which does not include any activity that might be offensively dirty or noisy in its operation.

ARTERIAL ROAD means a main traffic artery to and through the Planning Area, which is shown as an arterial street on the zoning maps. Route 320(Bonavista North Highway) is the only arterial road in Indian Bay.

AUTHORITY means the Municipal Council of the Town of Indian Bay.

BED AND BREAKFAST means an owner-occupied single dwelling, which includes guest rooms for the accommodation of travellers. The establishment must be approved by the Provincial Tourism Department as a Bed and Breakfast operation.

BOARDING HOUSE means a dwelling in which accommodation is provided for two (2) to twelve (12) persons inclusive, and in which kitchen, dining, and bathroom facilities may be used in common by some or all of the occupants.

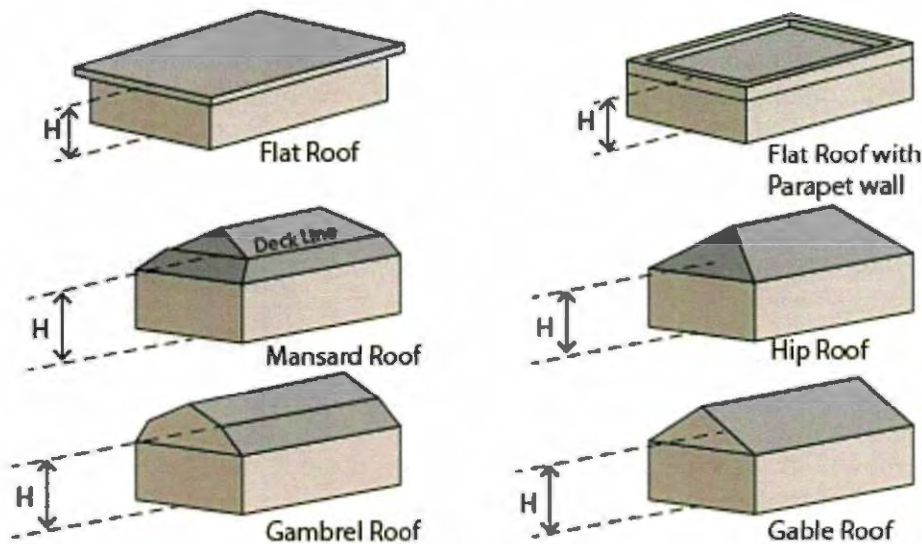
****BUILDING** means:

- (a) a structure, erection, alteration or improvement placed on, over or under land or attached, anchored or moored to land,
- (b) mobile structure, vehicle or marine vessel adapted or constructed for residential, commercial, industrial and other similar uses,
- (c) a part of and fixture on a building referred to in subparagraphs (a) and (b), and
- (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 subparagraphs (a) to (c).

***BUILDING HEIGHT** means the vertical distance, measured in metres, from the established grade to:

- (i) the highest point of the roof surface of a flat roof,
- (ii) the deck line of a mansard roof, and
- (iii) the mean height level between eave and 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.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS



***BUILDING LINE** (See also **SETBACK**, **FRONTYARD**) means a line established by Council that runs parallel to a street line and is set at the closest point to a street that building may be placed.

CAMPGROUND means a contiguous parcel of land, managed as a unit, for the accommodation of any combination of ten (10) or more recreational vehicles, travel trailers, or tents used on a short term or seasonal basis, and where accessory uses may include an administrative office, clubhouse, snack bar, laundry, convenience store, swimming pool, washroom, and recreational area or facility.

CAR WRECK means a motor vehicle of any type that is disabled or non-operational, is no longer licensed for road use, and/or has been parked or stored in the outdoors for longer than six months.

CATERING means a building or part of a building where food is prepared and served within the premises and includes a restaurant and coffee shop but does not include a take-out food service or drinking establishment.

CEMETERY means a facility or site reserved for the burial of the dead and may include a crematorium, mortuary, and related maintenance facility.

CHILDCARE 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 *Child Care Act*, but which does not include a school as defined by the *Schools Act*.

CLUB AND LODGE means land, a building, or part of a building used by a non-profit association or organization for fraternal, social, recreational or religious purposes.

COLLECTOR ROAD means a street that links local streets with arterial streets or other collector streets, and which is designated as a collector street in the Municipal Plan and shown on the Future Land Use and Land Use Zoning Maps.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

COMMERCIAL ACCOMMODATION means a building, or part thereof, used to provide short-term accommodation for paying guests. Accommodation may be self-contained (with kitchen and bathroom) or serviced (meals provided). A commercial accommodation may include a hotel, motel, or inn, but not a bed and breakfast, visitor rental dwelling, tourist cottage establishment, or campground, which are each defined separately.

COMMUNICATIONS means a building, structure, mast, or antenna used to facilitate the receiving or transmitting of radio, television, telephone, cellular, Internet, or satellite communications, and may include radio and television stations.

COMMUNITY GARDEN means a common outdoor space where residents grow and care for vegetables and/or flowers for personal consumption or other non-commercial purposes.

CONSERVATION means a use of land that serves to protect, maintain, or improve an environmental resource or feature.

CONSTRUCTION YARD means an area used for the storage of construction materials, supplies, equipment, tools, stockpiles of construction materials, and other items including temporary storage containers, construction trailers, and temporary office trailers.

CORNER LOT - See "LOT, CORNER".

COUNCIL means the Council of the Town of Indian Bay having jurisdiction of the Indian Bay Municipal Plan and Development Regulations.

CROP AGRICULTURE – See "AGRICULTURE, CROP".

CULTURAL AND CIVIC means land or a building used for a cultural or civic activity such as a museum, art gallery, interpretation centre, cultural centre, outdoor interpretive or educational display, or used for a government activity not otherwise defined in these Regulations.

DECK means a structure abutting a dwelling or other building that has no walls and is constructed on piers or a foundation above-grade for use as an outdoor living area.

****DEVELOPMENT** means the carrying out of any building, engineering, mining or other operations in, on, over, or under land, or the making of any material change in the use, or the intensity of use of any land, buildings, or premises and includes:

- (a) the making of an access onto a highway, road or way,
- (b) the erection of an advertisement or sign,
- (c) the construction of a building,
- (d) the parking of a trailer, or vehicle of any description used for the sale of refreshments or merchandise, or as an office, or for living accommodation, for any period of time.

and excludes:

- (a) the carrying out of works for the maintenance, improvement or other alteration or any 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,
- (b) the carrying out by a highway authority of any works required for the maintenance or

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

- improvement of a road, being works carried out on land within the boundaries of the road reservation,
- (c) the carrying out by any local authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose, an
 - (d) the use of any building or land within the courtyard of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as such.

***DEVELOPMENT REGULATIONS** mean these regulations and regulations and by-laws respecting development that have been enacted by Council.

***DISCRETIONARY USE** means a use that is listed within the discretionary use classes established in the use zone tables of Council's development regulations.

DISTANCE means the shortest separation, measured on a horizontal plane, between a lot line, street line, a watercourse, or other point specified in these Regulations and the nearest part of a building, structure, excavation, or other use of land.

DOCK means a recreational wharf or slipway structure extending into a body of water but does not include a marina or marine facility.

DOMESTIC ANIMAL – See ANIMAL, DOMESTIC (PET)

DOUBLE DWELLING means a building containing two dwelling units, placed one above the other (duplex), or side by side (semi-detached), but does not include a single dwelling containing a subsidiary apartment.

DRAINAGE means the removal of surface or subsurface water by a channel, open ditch, grassed waterway, or conservation structure.

DRINKING ESTABLISHMENT means a commercial operation, assembly hall, club, lodge, or lounge in which the sale and consumption of liquor is licensed under the *Liquor Control Act*, and in which meals and food may be served for consumption on the premises and entertainment may be provided.

DRIVEWAY means a vehicular passageway having at least one end thereof connected to a public street and providing ingress to and/or egress from a lot.

DWELLING means a main building or portion thereof, which contains one or more dwelling units.

DWELLING UNIT means a self-contained unit consisting of one or more habitable rooms used or designed as the living quarters for one household.

EDUCATIONAL means an institution of learning that includes primary, elementary, junior high, and senior high schools, colleges, universities, as well as buildings used for temporary training activities.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

EMERGENCY SERVICE means a fire station, police station, ambulance station, rescue centre, or other facility for the provision of emergency services, including a related training facility.

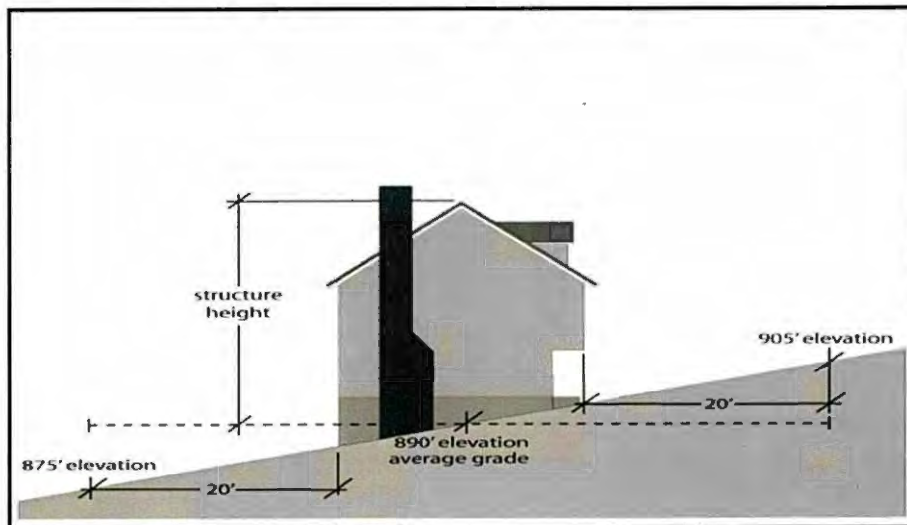
ENERGY GENERATION FACILITY means a small-scale facility for the generation of electricity.

ENGINEER means a professionally certified engineer who is employed or retained by Council or is employed or retained by a developer in relation to developments that require Council approval.

ENTERTAINMENT means the internal use of a building for entertainment activities, and may include a bowling alley, theatre, games arcade, poolroom, youth centre, or similar uses.

***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 any artificial embankment or entrenchment.



EXCAVATION OF LAND means the extraction of soil, gravel, or bedrock material to prepare a site for development or to sell for off-site use.

FENCE means a barrier, railing or other upright structure to mark a boundary, control access, prevent escape, serve as a landscape feature, or provide some combination of all these functions. The construction of a fence in Indian Bay requires a development permit.

***FLOOR AREA** means the total area of all floors in a building measured to the outside face of exterior walls.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

FORESTRY means the general growing and harvesting of trees and, without limiting the generality of the foregoing, shall include the cutting of fuelwood, sawlogs, pulpwood, Christmas trees, and other products.

FRONT LOT LINE – See “LOT LINE, FRONT”

***FRONTAGE** - See “LOT WIDTH”

FRONTYARD SETBACK - See “SETBACK, FRONTYARD”

FUTURE STREET means a portion of land delineated on a development plan as a “Future Street”, which is to be used as a street at some date in the future and which the title of the land will be vested with Council upon the completion of the development.

GARAGE means a building erected for the storage of motor vehicles as an ancillary use to a main building on the lot.

GARDEN CENTRE means the use of land, buildings, or structures or part thereof for the purpose of growing and selling plants and garden equipment and supplies.

GENERAL ASSEMBLY means land or buildings used as gathering places for substantial numbers of people and, without limiting the generality of the foregoing, includes auditoriums, convention centres, public and private halls, gymnasiums, bowling alleys, theatres, and similar gathering places.

GENERAL GARAGE means land or a building used for repair, maintenance and storage of motor vehicles and may include the sale of gasoline or diesel oil.

GENERAL INDUSTRY means the use of land or a building to store, assemble, alter, repair, manufacture, fabricate, pack, can, prepare, break up, demolish, or treat any article, commodity or substance. “Industry” shall be construed accordingly.

GENERAL SERVICE means an outlet for servicing, repairing, installing, or renting things and equipment, without limiting the generality of the foregoing, includes the following examples:

- (a) radio, television, and computer service and repair shops
- (b) locksmith shops
- (c) small appliance service or repair shops
- (d) household and carpenter tool service or repair shops
- (e) tools and equipment rental shops

GRADE – See “ESTABLISHED GRADE”.

GREENHOUSE means a building whose roof and sides are made largely of transparent or translucent material for the cultivation of plants for subsequent sale, transplanting, or personal use.

GROUP HOME means a residential care home to accommodate no fewer than four (4) and no more than six (6) persons, exclusive of support staff, in a home-like setting. Subject to the size

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

limitation, this definition includes, but is not limited to, facilities referred to as "group care homes", "halfway houses", and "foster homes". Any home that provides care to fewer than four persons is treated in these Regulations the same as any other private dwelling.

HABITAT means an area where plants, animals, and other organisms live and find adequate amounts of food, water, shelter, and space needed to sustain their populations. Specific habitats of concern may include areas where species (e.g. geese, ducks, salmon) concentrate at a vulnerable point in their life cycle or annual migration.

HAZARD LAND means land that poses a hazard or constraint to development such as wetlands, organic soils, steep slopes, flood plains, contaminated soils, and landslide prone areas.

HAZARDOUS INDUSTRY means the use of land or buildings for industrial purposes involving the use of materials or processes, which because of their inherent characteristics constitute a special fire, explosion, radiation or other hazard.

HAZARDOUS USE means the use of land or buildings for any purpose that constitutes a hazard by reason of fire, explosion, radiation, pollution, noxiousness, and risk to human health, or other hazard.

HEIGHT – See "BUILDING HEIGHT".

HOME OCCUPATION means a secondary use of a dwelling or its accessory building by a resident of the dwelling to conduct a gainful occupation or business activity.

HOME OFFICE means a secondary use of a dwelling by a resident of the dwelling to conduct a gainful occupation or business activity with such occupation or business activity being limited to office uses that do not involve visitation by clients, customers, or the general public to the site.

HOTEL means a commercial establishment that consists of a building with three or more attached sleeping units grouped under one roof designed to accommodate the traveling public, which may or may not have restaurant, retail, and personal services.

INDOOR ASSEMBLY means land or a building used as a gathering place for sports-related recreational activities and, without limiting the generality of the foregoing, includes arenas, armoires, ice rinks, and indoor swimming pools.

INDOOR MARKET means the use of a building for the display and sale of goods and produce by a number of retail enterprises.

INFILL DEVELOPMENT means development or redevelopment occurring on an infill lot.

INFILL LOT means vacant land along a built-up street that is suitable for further construction or development.

INFILLING means the depositing of soil, gravel, or bedrock material to prepare a site for development.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

INSPECTOR means any person appointed or engaged as an Inspector by Council or by any federal or provincial authority or the agent thereof.

KENNEL means any land, building, or structure where five (5) or more dogs, cats or other domestic animals are boarded, bred, trained, and cared for, and may include a pet grooming business, but does not include a veterinary clinic.

****LAND** includes land covered by water, and buildings and structures on, over, or under the soil and fixtures that form part of these buildings and structures.

LIGHT INDUSTRY means the use of any land or buildings for any general industrial use that can be carried out without hazard, intrusion, or detriment to the amenity of the surrounding area by reason of noise, vibration, smell, fumes, smoke, grit, soot, ash, dust, glare or appearance.

LIVESTOCK means any species of poultry, cattle, sheep, swine, goats, llamas, horses, or other animals that are normally kept and raised on farms for producing food or other animal derived products, riding (e.g. horses), boarding, breeding, or improving animal nutrition, for profit, personal use, or otherwise. Livestock does not include domestic animals as defined in these regulations.

LIVESTOCK AGRICULTURE – See “AGRICULTURE, LIVESTOCK”.

LIVESTOCK FACILITY means a building or confined area used or intended to be used to house or confine livestock, and includes a structure or area used or intended to be used to store manure.

LOCAL STREET means a street designed primarily to provide access to adjoining land and which is not designated as a collector street or arterial street in the Municipal Plan or on the Zoning Map.

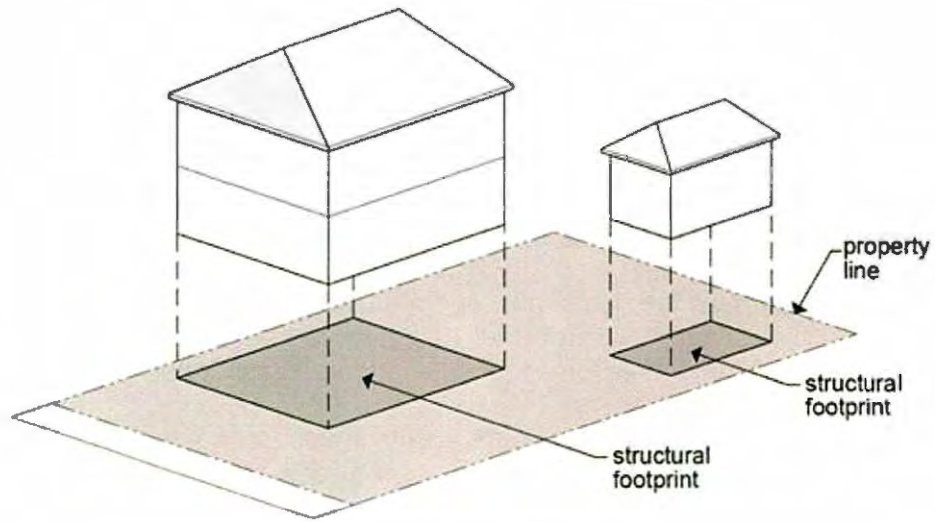
***LOT** means a plot, tract or parcel of land, which can be considered as a unit of land for a particular use or building.

***LOT AREA** means the total horizontal area within the boundary lines of the lot.

LOT, CORNER means a lot having two or more sides fronting onto two or more adjacent streets.

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

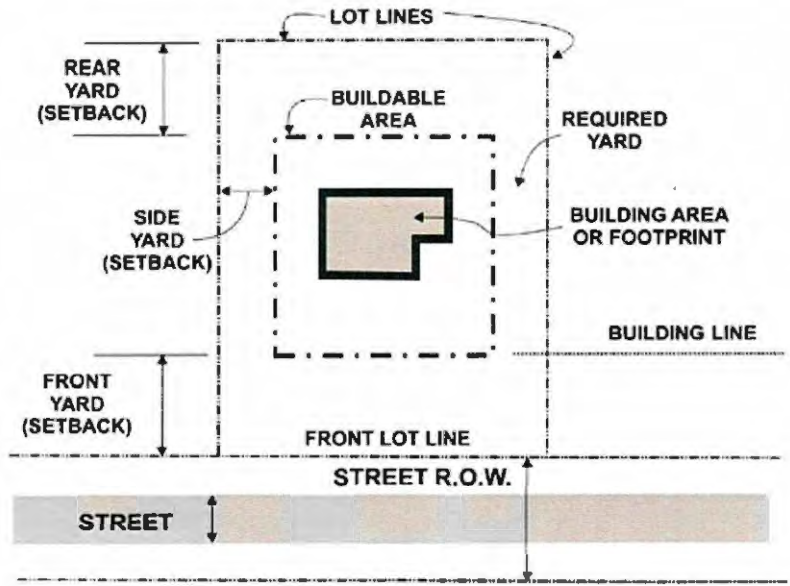
TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS



$$\text{lot coverage (\%)} = \frac{\text{total area of structural footprint(s)}}{\text{total lot area}}$$

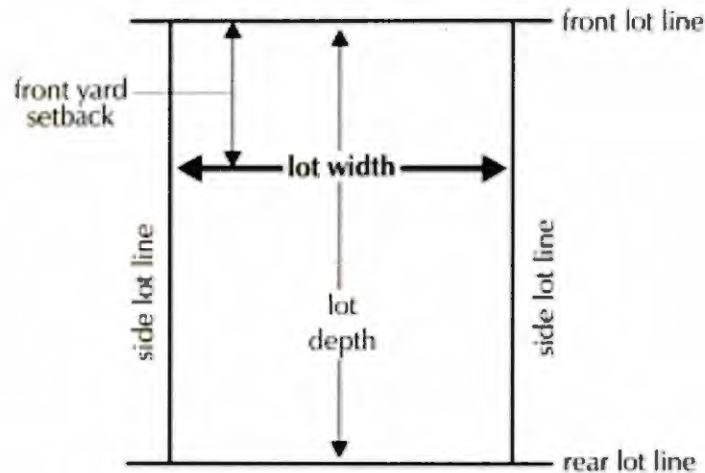
LOT LINE means a common boundary between a lot and an abutting lot or street.

LOT LINE, FRONT means the boundary between a lot and the street on which a lot has its civic address.



TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

LOT WIDTH (or FRONTAGE) means the horizontal distance between side lot lines measured at the building line.



MAIN BUILDING means the building or buildings in which the primary use(s) of a lot is located.

MAIN USE means the primary use for which a building, structure or lot is designed, arranged, or intended, or for which a lot may be used under this regulation.

MARINA means a dock or basin together with associated facilities where slips, moorings, supplies, repairs, storage, rentals, refueling, and other services available for boats and other watercraft. Associated facilities may include boathouses, storage facilities, clubhouses and catering facilities.

MEDICAL CLINIC means a building or part thereof, used by physicians, dentists or other health professionals, their staff, and patients for consultation, diagnosis, and office treatment of humans. Without limiting the generality of the foregoing, a medical clinic may include administrative offices, waiting rooms, examination rooms, treatment rooms, laboratories, pharmacies, and dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms.

MEDICAL TREATMENT means a building for the medical care, supervision, and skilled nursing care of persons suffering from sickness, disease or injury, or for convalescent or chronically ill persons.

MINERAL EXPLORATION means the search for and sampling of minerals or quarry materials where the activity or activities involved meet the definition of "development" under the *Urban and Rural Planning Act*. "Mineral" and "quarry material" for the purpose of interpreting the definition of mineral exploration (development) are as defined in the provincial *Mineral Act* and *Quarry Materials Act, 1998*, respectively. Mineral exploration does not include mining or mineral working (e.g., quarrying). Activities which meet the definition of mineral exploration (development) are to be contrasted with mineral exploration activities that do not meet the definition of development, examples of which typically include traditional prospecting, geochemical sampling surveys (of

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

rock, soil, sediment, water, or vegetation), ground-based and airborne geophysical surveys, and the cutting of survey lines.

For further clarification for the purposes of these Regulations, mineral exploration takes the form of a development that may involve appreciable soil disturbance, use equipment other than hand tools, or involve the construction of roads to access the exploration site.

MINERAL WORKING means an operation consisting of one or more of the following activities: the digging for, excavation, and removal of quarry materials (i.e., quarrying) (may involve blasting), the removal of quarry materials previously excavated, the removal of quarry materials previously deposited on site, the stockpiling of quarry materials, the processing of quarry materials (e.g., crushing, screening, washing), the production of civil construction materials which use quarry materials in their natural form (e.g., asphalt, concrete), the re-processing of quarry materials including from reclaimed civil construction materials (e.g., reclaimed asphalt, concrete), the production of soil by blending organic materials with quarry materials, or the treatment or remediation of soil. "Quarry material" for the purpose of interpreting the definition of mineral working is as defined in the provincial *Quarry Materials Act, 1998*. Mineral working does not include mining but may include mineral exploration (development) as a secondary activity. Mineral working does not include the excavation and removal of quarry materials as a by-product of an approved development.

MINI-HOME means a prefabricated single dwelling unit that complies with the National Building Code, is designed to be used with or without a permanent foundation, has a width of less than six (6) metres throughout its entire length exclusive of steps or porches, is not fitted with facilities for towing or to which towing apparatus can be attached, and is capable of being transported by means of a single trailer from the site of its construction without significant alteration.

MINING means an operation involving the extraction of a mineral for sale and for which a mining lease is required under the provincial *Mineral Act* administered by the Department of Natural Resources. "Mineral" for the purpose of interpreting the definition of mining is as defined under the *Mineral Act*. Mining may include, as secondary activities, mineral exploration (development) and mineral working. Note that under the *Mineral Act* dimension stone (i.e., stone used for building facades, gravestones, etc.) is considered a mineral in Newfoundland and therefore extraction of dimension stone within the Indian Bay Municipal Planning Area would be considered mining.

MINISTER means the Minister responsible for the Urban and Rural Planning Act, 2000.

MINOR WATERCOURSE means a watercourse that flows for only part of the year, such as during snowmelt, spring runoff, rainstorms, and wet periods.

MODULAR HOME means a dwelling constructed in accordance with the standards applicable to site-built homes in the National Building Code and comprised of components substantially assembled in a manufacturing plant and transported to the building site for assembly on a permanent foundation.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

MOTEL means an establishment that serves the travelling public, which consists of one or more buildings containing four or more attached accommodation units, which may or may not have restaurant, retail, and personal services.

***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.

NOXIOUS USE means a use of land or a building which, from its nature or operation, creates a nuisance, or is liable to become a nuisance, which is offensive or dangerous by reason of noise, vibration, or emission of gas, fumes, dust, or objectionable odour.

NURSING HOME means a residential care facility licensed under Provincial legislation, which provides long-term nursing and medical care.

OFFICE means a use providing for administrative, governmental, professional services and general office functions, and includes accounting, bookkeeping, advertising, architectural, engineering, planning and design, surveying, legal services, counseling, data processing, telephone services, social services, public relations, consulting, realty offices and similar uses.

OFF-ROAD RECREATIONAL VEHICLE means a snowmobile or all-terrain vehicle used for off-road travel and recreation.

OPEN SPACE means land set aside to preserve natural areas or to develop passive recreational uses. Open space may include community gardens, woodlands, fields, walking trails, and passive recreational uses, but shall not include structures such as buildings, tennis courts, parking lots, or other impervious land uses.

OUTDOOR ASSEMBLY means land or outdoor facilities used as a gathering place for substantial numbers of people and, without limiting the generality of the foregoing, includes bleachers, grand stands, outdoor ice rinks and swimming pools, amusement parks, fair grounds, exhibition grounds, drive-in theatres, and similar gathering places.

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

PARKING AREA means a designated area on a lot, other than a driveway, for off-street parking of automobiles.

PARKING SPACE means a designated space in a parking area or a driveway adequate to park one automobile with room to open doors on both sides, together with related maneuvering room and access to a public street.

PASSIVE RECREATIONAL USE means a recreation activity that does not require a developed site. It includes such uses as walking, bicycling, and skiing trails, but does not include sports fields, structures, or facilities to accommodate off-road recreational vehicles.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

***PERMITTED USE** means a use that is listed within the permitted use classes set out in the use zone tables of Council's development regulations.

PERSONAL CARE HOME means a residential facility licensed under Provincial legislation that provides lodging, meals, and a limited degree of personal care.

PERSONAL LIVESTOCK USE – See "AGRICULTURE, PERSONAL LIVESTOCK USE"

PERSONAL SERVICE means a service oriented to the personal needs of persons, and without limiting the generality of the foregoing, includes hairdressing shops, gyms, taxi stands, computer services, hobby shops, and photo studios.

PERSONAL CROP USE – See "AGRICULTURE, PERSONAL CROP USE"

PETROLEUM EXPLORATION means the searching for petroleum or petroleum occurrences, wherein, for the purposes of these Regulations, it takes the form of a development that involves appreciable soil disturbance, uses equipment other than hand tools, or involves the construction of roads to access the exploration site.

PETROLEUM EXTRACTION means the use of land or buildings for the extraction of petroleum oil and/or natural gas.

****PLANNING AREA** means a municipal planning area established under section 6 and 11 of the *Act*.

PORTABLE SHELTER, for the purpose of these Regulations, means a collapsible structure, covered with plastic or fabric, more than 30 square metres in floor area, and used as an accessory building on a residential property.

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 Council specifies as not permitted within a use zone.

PUBLIC BUILDING means a building that can be used for a public or non-profit purpose and without limiting the generality of the foregoing, may include such a building such as a school, place of worship, municipal facility, community centre, hospital, town hall, and government office.

PUBLIC RIGHT-OF-WAY means a route across privately or publicly owned land that may be followed, but not deviated from, by members of the public.

***REARYARD SETBACK** - See "SETBACK, REARYARD"

RECREATIONAL DWELLING means a single dwelling that is used primarily for recreational purposes and is not inhabited on a full-time basis.

RECREATIONAL OPEN SPACE means an outdoor recreational use designed and equipped for the conduct of sports and/or leisure activities, and may include a park, playground, outdoor skating rink, golf course, racing track, playing field, dog park, outdoor theatre, target shooting range, water slide, multi-use trail, or similar outdoor facility.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

RECREATIONAL VEHICLE means a motor vehicle with facilities for sleeping and eating used for camping and recreational activities.

RECYCLING FACILITY HOME means land or a building used to deposit, store, separate, clean, or redistribute discarded materials such as drink containers, paper, glass, plastic, and cardboard.

RESIDENTIAL CARE means an accommodation facility or home providing for the care of aged, sick, injured, or special needs persons, other than in a public hospital, and may include a personal care home, nursing home, rest home, seniors home, or group home.

RESTAURANT means a building or part thereof, used or occupied for the purpose of serving the general public with meals or refreshments for consumption on the premises.

ROW DWELLING means a dwelling containing no less than three units at ground level in one building, each unit separated vertically from the others and with individual entrances directly from the outside.

SENSITIVE AREA means an area that is easily disrupted by human activity, and may include steep slopes, cliffs, watercourses, wetlands, riparian areas, springs, coastal features, wet and unstable soils, unstable geology, and vulnerable or threatened flora or fauna.

SERVICE STATION means any land or building used for the sale of petroleum products, automotive parts and accessories, and the repairing, washing and polishing of motor vehicles.

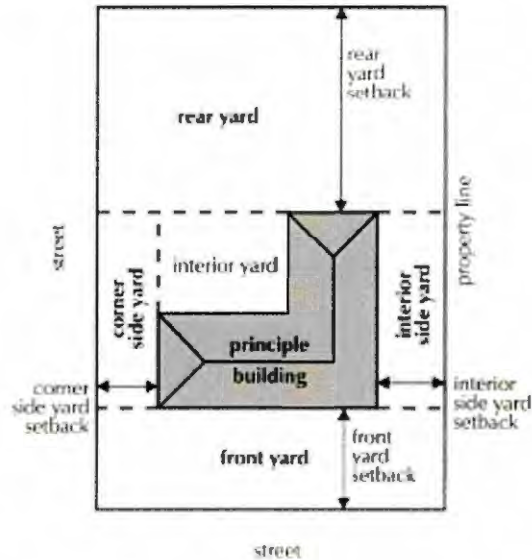
SETBACK, FRONTYARD means the distance between the "building line" as defined in these regulations and the front street line of a lot.

SETBACK, REARYARD means the distance between the rear lot line and the rear wall of the main building on the lot.

SETBACK, SIDEYARD means the distance between the side lot line and the nearest sidewall of a building on the lot.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

ILLUSTRATION OF YARDS AND YARD SETBACKS



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 is the serving of meals or refreshments, an amusement use, a general garage, or a service station.

***SIDEYARD SETBACK** - See "SETBACK, SIDEYARD"

***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.

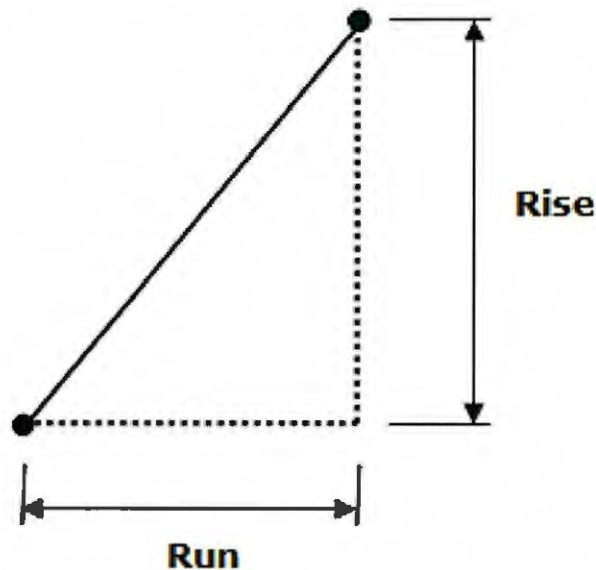
SINGLE DWELLING means a free-standing dwelling, which is separate and detached from other main buildings and consists of a constructed, prefabricated, or manufactured dwelling unit, but does not include a mini-home or a mobile home.

SLIPWAY means a ramp on the shore by which boats can be launched or removed from the water.

SLOPE means the rate of vertical change of the surface of the ground expressed as a percentage and determined by dividing the change in vertical distance (rise) by the change in horizontal distance (run).

$$\text{Slope (\%)} = \text{Rise (m)} / \text{Run (m)}$$

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS



STAGE means a platform on the shore with working tables, sheds, etc., where fish are landed and processed for salting and drying and fishing gear and supplies are stored.

***STREET** means a street, road or highway or other way designed for the passage of vehicles and pedestrians with the following characteristics:

- (a) it is accessible by fire department and other emergency vehicles,
- (b) it includes related infrastructure, for example, the roadway itself, side ditches, culverts, and bridges, and
- (c) its maintenance is the responsibility of Council or the Provincial Department of Transportation and Works.

STREET CENTRE LINE as used by the Province under the *Protected Road Zoning Regulations* means the centre of the roadway in the case of an undivided highway, and the centre of the nearest driving lane in the case of a divided highway. The street centre line is used to establish building control lines along Protected Provincial Highways, which in Indian Bay includes Route 320 (Bonavista North Highway).

***STREET LINE** means the edge of a street reservation as defined by Council or the Province.

STREET RESERVATION means the entire right-of-way in which a street or highway is located, and which is public property owned by the Town of Indian Bay or the Province.

STRUCTURE means anything constructed or erected with a fixed location on or below the ground or attached to something having a fixed location on the ground, and includes buildings, walls, fences, signs, billboards, utility poles, and similar items.

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

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

SUBSIDIARY APARTMENT means a separate dwelling unit constructed within and subsidiary to a self-contained dwelling or other building.

SURFACE WATER means any flowing or standing water on the surface of the earth.

TAKE-OUT FOOD SERVICE means a building or mobile canteen in which meals and refreshments are prepared and sold for consumption off the premises.

TEMPORARY USE means a use or structure permitted to exist for a limited amount of time.

TOURIST COTTAGE ESTABLISHMENT means a contiguous parcel of land, managed as a unit, consisting of two (2) or more self-contained accommodation units used for short-term stays, and where accessory uses could include an administrative office, clubhouse, snack bar, convenience store, swimming pool, and recreational facilities.

TRAILER means any vehicle used for sleeping accommodation on a temporary basis and so constructed as to be suitable for being attached to and drawn by a motor vehicle and not used as a full time residence.

TRANSPORTATION means transportation infrastructure such as airfields, streets, bridges, culverts, and sidewalks, along with associated buildings and structures.

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

***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.

UTILITY means a facility used to provide the public with electricity, heat, steam, communications, water, sewage, waste disposal, recycling, or similar services.

***VARIANCE** means a departure, to a maximum of 10 percent from the yard area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of these Development Regulations.

VEHICLE SALES means a building or an open area used for storage or display, for sales purposes, of three (3) or more motor vehicles.

VETERINARY means an establishment used by veterinarians, or practitioners in related specialties, for practicing veterinary medicine, where animals are admitted for examination or treatment, and where limited laboratory and other diagnostic services may be offered but excludes a kennel.

VISITOR RENTAL DWELLING means a single dwelling used for rentals to the travelling and vacationing public.

WATER UTILITY means any infrastructure or facility used for water supply management, operations, and protection such as intake pipes and filters, treatment plants, and pipelines.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

WATERCOURSE means the full width and length, including the bed, banks, side and shoreline, or other part, of a river, stream, spring, brook, lake, pond, reservoir, canal, estuary, or other natural or artificial freshwater body or channel open to the atmosphere, the primary function of which is the conveyance or containment of water, whether the flow is continuous or not.

WATERSHED means the surface area contained within a topographical divide above a specified point on a river, brook, stream, or other flowing body of water.

WETLAND means a land whose soil is saturated with moisture either permanently or seasonally. Wetlands include swamps, marshes, bogs, fens, and shallow water, among others. The water found in wetlands can be saltwater, freshwater, or brackish.

ZONE – See "USE ZONE"

***ZONING MAP** means the map or maps attached to and forming part of the Regulations.

PART 3: GENERAL REGULATIONS

3.1 Compliance with Regulations

No development shall be carried out within the Planning Area except in compliance with these Regulations.

3.2. Permit Required

Except where otherwise stated in these Regulations, no person shall undertake a development except where Council has issued a permit for the development.

3.3 Permit to be Issued

Subject to **Regulation 3.4**, **Regulation 3.5**, and **Regulation 3.6**, a permit shall be issued for development within the Planning Area that conforms to all requirements of these Regulations, including:

- (a) Part 4 - General Development Standards
- (b) Part 5 – Specific Use Regulations
- (c) Part 6 – Subdivision of Land
- (d) Part 8 – Use Zones
- (e) The use classes, standards, and conditions prescribed in Part 9 – Use Zone Schedules for the use zone in which the proposed development is located.
- (f) The National Building Code and other ancillary codes, waste disposal regulations, and any other municipal regulation in force in the Planning Area regarding development, conservation, and use of land and buildings.
- (g) Other standards of design and appearance as may be established by Council.

3.4 Permit Not to be Issued in Certain Cases

A development permit or approval in principle will not be issued when, in the opinion of Council, the development would be premature by reason of the site lacking adequate road access, power, drainage, or municipal water and sewer, except where the applicant contracts to pay the full cost of construction of services deemed necessary by Council and such cost shall attach to and upon the property in respect of which it is imposed.

3.5 Discretionary Powers of Council

- (1) In considering an application for a development permit or approval in principle, Council shall take into account the policies of the Municipal Plan and any further scheme, plan or regulations pursuant thereto, and shall assess:
 - (a) the general appearance of the development,
 - (b) the amenity of the surroundings and potential impacts on viewsheds,
 - (c) the capacity of municipal water and sewer infrastructure to service the development,
 - (d) the availability of utilities;
 - (e) public safety and convenience,
 - (f) other considerations, which in its opinion, are material,and notwithstanding the conformity of the application with 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.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

- (2) Where Council receives an application for a discretionary use, it will give public notice in accordance with **Regulation 3.21 (4)**.
- (3) When approving a discretionary use, Council shall state in writing the basis for its approval.

3.6 Variances

(Refer to Provincial Development Regulations, Section 12)

- (1) Where an approval or a permit cannot be given by Council because a proposed development does not comply with development standards set out in these Regulations, Council may, in its discretion, vary the applicable development standards to a maximum of 10 percent if, in Council's opinion, requiring strict compliance with the development standards would prejudice the proper development of the land, building or structure in question, or would be contrary to the public interest.
- (2) Council shall not allow a variance from a development standard set out in these 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 percent variance even though the individual variances are separately not greater than 10 percent.
- (3) Council shall not permit a variance from the development standards where the proposed development would increase the non-conformity of an existing development or would create a non-conformity of any existing legal development.
- (4) Where Council is to consider a proposed variance from a development standard, in accordance with **Regulation 3.21(2)**, it will give written notice of the proposed variance to all persons whose land, in the opinion of Council, may be affected. At a minimum, this will include all land located within sixty (60) metres of the property that is the subject of the variance. Where it deems necessary, Council may provide the notice to a wider area.

3.7 Non-Conforming Uses

(Refer to Section 108(2) of the *Urban and Rural Planning Act, 2000* and Sections 14, 15, and 16 of the *Provincial Development Regulations*)

- (1) Notwithstanding the Municipal Plan, a scheme, or regulations made under the *Urban and Rural Planning Act, 2000*, Council shall, in accordance with regulations made under this *Act*, allow a development or use of land to continue in a manner that does not conform with a regulation, scheme, or plan that applies to that land provided that the non-conforming use legally existed before the registration under Section 24 of the *Act* of the plan, scheme or regulations made with respect to that kind of development or use.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

- (2) Notwithstanding Paragraph (1), a right to resume a discontinued non-conforming use of land shall not exceed one year after the discontinuance occurred. For the purpose of this Regulation, discontinuance of a non-conforming use begins when any one of the following conditions is met:
- (a) The building or use of land is clearly vacated,
 - (b) The owner or tenant has ceased paying business taxes for that use, and
 - (c) The owner or tenant has stated in writing that the use has ceased.
- (3) A non-conforming building, structure, or development under the Act, which is allowed to continue under Paragraph (1):
- (a) shall not be internally or externally varied, extended or expanded unless otherwise approved by Council,
 - (b) shall not be structurally modified except as required for the safety of the building, structure or development,
 - (c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50 percent or more of the value of that building, structure or development has been destroyed, except as provided for in Paragraph (g) below,
 - (d) may have the existing use for that building, structure or development varied by Council to a use that is, in Council's opinion, more compatible with the plan and regulations applicable to it,
 - (e) may have the existing building extended where, in Council's opinion that extension is not more than 50 percent of the existing building,
 - (f) where the non-conformance is with respect to the standards in these Regulations, shall not be expanded if the expansion would increase the non-conformity, and
 - (g) where the building, structure, or development is primarily zoned and used for residential purposes, may, in accordance with the appropriate plan and regulations, be repaired or rebuilt where 50 percent or more of the value of that building or structure is destroyed.
- (4) In accordance with **Regulation 3.21(3) - Notice of Application**, when considering an application to vary an existing use of a non-conforming building, structure or development under Paragraph (3)(d), Council will, at the applicant's expense, provide public notice of the application and shall consider any representations or objections received in response to that advertisement.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

3.8 Service Levy

- (1) In accordance with Section 149(2) of the *Municipalities Act, 1999*, where Council carries out a public work that enables a real property to be developed or developed to a higher density, or enhances the value of a property, Council may charge a service levy on the property.
- (2) The amount of a service levy shall be determined by Council, but shall not exceed the cost, including finance charges, to Council of constructing or improving the public works that are necessary for the real property to be developed in accordance with Council's standards 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 benefitted by the public work related to all the real property so benefitted; and,
 - (b) The density of development made capable or increased by the public work.
- (4) Council may require a service levy to be paid by the owner of the property benefitted and may specify the time for payment.

3.9 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 or licence.
- (2) The financial provisions pursuant to Paragraph (1) may be made in the form of:
 - (a) A cash deposit from the developer, to be held by Council,
 - (b) A guarantee by a bank, or other institution acceptable to Council, for expenditures by the developer,
 - (c) A performance bond provided by an insurance company or a bank, or
 - (d) An annual contribution to a sinking fund held by Council.

3.10 Dedication of Land for Public Use

Council may require the dedication of a percentage of the land area of any subdivision or other development for public use, and such land will be conveyed to Council in accordance with Section 37 of the *Act*.

Such land must be high quality land suitable for the intended public use and not land that is restricted from development for the purposes of stormwater drainage or environmental protection, whether or not that land is located within the Environmental Protection zone.

3.11 Restoration of Land

Where the use of a site is discontinued, the intensity of its use is decreased, a development permit has been revoked or has expired, or a temporary development permit has expired, Council may order the developer, the occupier of the site, the owner, or all of them to restore the site, remove all or any buildings or erections, cover or fill all wells or excavations, and close all or any accesses, or do any or all of these things, as the case may be, and the developer, occupier or owner shall carry out the order of Council and shall put the site in a clean and sanitary condition to Council's satisfaction.

3.12 Form of Application

- (1) An application for a development permit or for approval in principle shall be made to Council only by the owner or by a person authorized by the owner on such form as may be prescribed by Council and every application shall include plans and an application fee if required.
- (2) Council shall supply to each applicant a copy of the application form referred to in Paragraph (1) and any available information relevant to the application.

3.13 Register of Applications

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

3.14 Deferment of Application

- (1) Council may, with the written agreement of the applicant, defer consideration of an application.
- (2) An application that was properly submitted in accordance with these Regulations, which has not been determined by Council and on which a decision has not been communicated to the applicant within sixty (60) days of the application being received by Council, shall be deemed to be refused.

3.15 Approval in Principle

- (1) An application for an approval in principle for a subdivision or other form of development will include a description of the site and the proposed development, including a professionally prepared drawing, which:
 - (a) Delineates the limits of land to be used for the proposed development,
 - (b) Shows contours and significant natural features such as wetlands, watercourses, drainage channels, and slopes that exceed 15 percent,
 - (c) Shows existing streets, buildings, and land uses in the vicinity of the site,
 - (d) Shows a conceptual layout of proposed streets, trails, and other major components of the development, and
 - (e) Provides any additional information that may be requested by Council.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

- (2) Council will not consider an application for an approval in principle unless it includes a full description of the site and proposed development in accordance with Paragraph (1).
- (3) Council may grant an approval in principle if it determines that the proposed development complies generally with the intent and purposes of the Municipal Plan and these Regulations. Council will attach to the approval in principle such conditions that it deems necessary to ensure the proposed development will be in accordance with the Plan and these Regulations. It will also outline such details that the applicant will be required to address before a final development permit will be granted.
- (4) An approval in principle will be valid for a period of one (1) year and may be extended for one (1) additional year, up to a maximum of two (2) years.
- (5) Where approval in principle is granted, approval of a final development permit will be subject to the subsequent approval by Council of any details and conditions that were outlined in the approval in principle.
- (6) Approval in principle will not constitute permission to commence development. No form of development will commence until Council has issued a proper development permit.
- (7) Council may revoke approval in principle if it determines that the applicant has changed the proposed development in a way that significantly alters the original intent of the application or has not adequately addressed conditions or details stipulated in the approval in principal.
- (8) A decision by Council on an application for an approval in principle can be appealed in accordance with Section 42 of the *Act*.

3.16 Development Permit

- (1) A written development permit issued by Council or its designated staff will constitute permission to develop in accordance with these Regulations, but such permission shall not relieve the applicant from full responsibility to obtain all other permits or approvals prior to commencement of development and to comply with all other regulations and statutes during development.
- (2) Council may attach conditions to a development permit to ensure compliance with the Municipal Plan and these Regulations, and the permit holder will be responsible for full compliance with these conditions.
- (3) A development permit is valid for a period of one year and may be extended for one (1) additional year if requested by the applicant, up to a maximum of two years.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

- (4) The issuance of a development permit does not prevent Council from thereafter requiring the correction of errors or ordering the cessation, removal of, and remedial work on any development being carried out that is in violation of the Municipal Plan or these Regulations.
- (5) Council may revoke a permit:
 - (a) for failure by the holder of the permit to comply with these Regulations or any condition attached to the permit or approval in principle,
 - (b) where Council determines that the permit holder has changed the proposed development in a way that significantly alters the intent of the original application, or
 - (b) where the permit was issued in error or on the basis of incorrect information.
- (6) No person shall change the application for which a development permit was issued unless Council has issued written approval of the change.
- (7) A copy of the development permit, along with plans and specifications, shall be kept on the site until the development is completed.
- (8) A decision by Council on an application for an approval in principle or a development permit may be appealed in accordance with Section 42 of the *Act*.

3.17 Temporary Use Permit

- (1) At its discretion Council may issue a development permit for a temporary use that is otherwise prohibited in the location for which the application is received.
- (2) The temporary permit will be for a period not exceeding one (1) year and may be extended at the request of the applicant for one (1) additional year, to a maximum of two (2) years.

3.18 Permit Fees

Council may charge a fee for a development permit in accordance with the schedule of fees adopted by Council.

3.19 Compliance with Legislation

- (1) If Council deems that a proposed development may be affected by a provincial or federal act or regulation, the applicant may be required to provide confirmation that necessary government approvals have been obtained before Council will issue a development permit.
- (2) If Council deems that a proposed development may trigger the requirements of the *Environmental Assessment Act*, the proponent will be advised to consult with the Department of Municipal Affairs and Environment before Council will issue a development permit.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

- (3) Where these Regulations are more stringent than a provincial or federal act of regulation, these Regulations will apply.

3.20 Reasons for Refusing or Setting Conditions on a Permit

Council shall, when refusing to issue a permit or attaching conditions to a permit, state in writing the reasons for so doing.

3.21 Notice of Application

(Refer to Provincial Development Regulations, Sections 13 & 15)

- (1) Notice of an application to Council shall, at the applicant's expense, be given when:
 - (a) A variance is to be considered under **Regulation 3.6 - Variances**,
 - (b) A change in a non-conforming use is to be considered under **Regulation 3.7 - Non-Conforming Uses**,
 - (c) A proposed discretionary use is to be considered in accordance with **Regulation 8.5 – Discretionary Uses**.
 - (c) A proposed development is listed as a discretionary use in **Part 9 - Use Zone Schedules**,
 - (d) Council deems that the public should be notified.
- (2) **Variance Application**
In accordance with **Regulation 3.6(4)** of these Regulations and Section 13 of the Provincial Development Regulations, notice of a variance application will be given directly to persons who are likely to be affected and a minimum of ten (10) days from the posting of the notice will be provided for persons to respond.
- (3) **Application to Change a Non-Conforming Use**
In accordance with **Regulation 3.7(4)** of these Regulations and Section 15 of the Provincial Development Regulations, notice of an application to change a non-conforming use will be given directly to persons who are likely to be affected, and in addition will be posted on one or more of the following: Council's social media page, the Community Channel, local bulletin boards, or by advertisement in a newspaper circulating in the area. A minimum of ten (10) days from the posting of the notice will be provided for persons to respond.
- (4) **Discretionary Use Application**
In accordance with **Regulation 8.5** of these Regulations, notice of an application to develop a discretionary use, or which otherwise requires Council's discretionary approval, will be given directly to persons who are likely to be affected, and in addition will be posted on one or more of the following: Council's social media page, the Community Channel, local bulletin boards, or by advertisement in a newspaper circulating in the area. A minimum of ten (10) days from the posting of the notice will be provided for persons to respond.
- (5) **Other Applications Public Should be Aware Of**
For any other development that Council deems the public should be made aware,

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

notice of application will be given directly to persons who are likely to be affected, and in addition will be posted on one or more of the following: Council's social media page, the Community Channel, local bulletin boards, or by advertisement in a newspaper circulating in the area. A minimum of ten (10) days from the posting of the notice will be provided for persons to respond.

3.22 Delegation of Powers

(Refer to Provincial Development Regulations, Section 18)

Council shall, when designating employees or contractors to whom a power is to be delegated under Section 109(2) of the *Act*, make that designation in writing.

3.23 Right of Entry

Any official authorized by Council may enter upon land and may at all reasonable times enter any development or building for the purpose of making inspections relative to the development.

3.24 Record of Violations

Every inspector shall keep a record of any violation of these Regulations and report that violation to Council.

3.25 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 stop the development pending final adjudication in any prosecution arising out of the development.
- (2) A person who does not comply with an order made under Paragraph (1) is guilty of an offence under the provisions of the *Act*.

3.26 Notice of Right to Appeal

(Refer to Provincial Development Regulations, Section 5)

Where Council makes a decision that may be appealed under Section 42 of the *Act*, Council 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 appeal 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.

3.27 Appeals

(Refer to Provincial Development Regulations, Sections 6-11)

Sections 6 to 11 of the Provincial Regulations outline the regulations with respect to appeal requirements, appeal registration, prohibition of development that is subject to an appeal, notice of an appeal hearing, the appeal board's hearing of evidence, and its decisions.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

3.28 Return of Appeal Fee

In accordance with Section 42(3) of the *Act*, where an appeal of a Council decision is successful, an amount of money equal to the appeal fee paid by the appellant shall be paid to the appellant by Council.

PART 4: GENERAL DEVELOPMENT STANDARDS

4.1 Accesses and Service Streets

- (1) Every access to a street shall be located to the specification of Council so as to ensure the safety and efficiency of the street system. Council may require the construction of a service street to reduce the number of accesses to an arterial street.
- (2) Every access to a Protected Provincial Highway must also be approved by the Department Transportation and Works.
- (3) No access will be closer than 10 metres to the street line of any street intersection.

4.2 Archaeological Sites

- (1) Archaeological sites are protected under the *Historic Resources Act*. No development, excavation, or other disturbance of land will be permitted inside a buffer of 100 metres of the perimeter of a known or discovered archaeological site unless the Provincial Archaeology Office has been notified and authorized the development to proceed.
- (2) If an archaeological site or artifact is discovered during development of a property, the development shall stop and Council will consult with the Provincial Archaeology Office. Development shall not proceed until the Provincial Archaeology Office has evaluated the site or authorized the development to proceed.

4.3 Industrial Use Buffers

Where an industrial development abuts a residential area, or is separated from it by a road only, Council may require the development to provide buffer strip not less than ten (10) metres wide between any residential activity and the industrial area. The buffer shall include the 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 Council.

4.4 Watercourses and Wetlands

(1) Designated Watercourses and Wetlands

Designated watercourses include rivers, streams, lakes and ponds whose shoreline areas are zoned Environmental Protection on the zoning maps. Generally, the zone extends 15-30 metres from the ordinary high water mark of the watercourse but may extend farther where the adjoining land is environmentally sensitive, for example, where shoreline embankments are steep or where the shore area abuts a wetland, floodplain, or identified sensitive habitat.

Permitted land uses and development conditions in designated watercourses and wetlands are specified in the Environmental Protection zone.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

(2) **Other Watercourses and Wetlands**

Other watercourses and wetlands, which are not located within the Environmental Protection zone, are subject to the following:

- (a) No development will be permitted within 15 metres of the ordinary high-water mark of a watercourse or within 15 metres of the edge of a wetland except for:
- Reconstruction of a building or structure that was in existence on the date that this Municipal Plan came into effect,
 - A building or structure associated with a public work, for example, a water treatment facility, water main, or pump house,
 - An open space use such a trail, and
 - A transportation use (e.g. road, bridge, culvert), which by necessity must cross a watercourse.
- (b) Notwithstanding subparagraph (a), if a watercourse or wetland is deemed to be minor (see definitions below), Council may permit a development subject to conditions.

A **minor watercourse** is defined as (i) a drainage course that carries water only during rain events or snowmelt, (ii) an intermittent stream that does not carry significant spring runoff, or (iii) a stream that is not fish habitat.

A **minor wetland** is defined as a wetland less than one (1) hectare in area that is not associated with a watercourse and is not deemed to be an environmentally sensitive area.

(3) **Development Within a Body of Water**

Council will not approve infilling or other development within a body of water or involving alteration of a body of water unless the development or alteration has been approved or exempted by the Water Resources Division of the Department of Municipal Affairs and Environment and any other an agency having jurisdiction.

4.5 **Building Lines and Setbacks**

- (1) Council, by resolution, may establish building lines on an existing or proposed 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 **Part 9** of these Regulations.
- (2) A frontyard building line setback is measured from the front property line.
- (3) A sideyard setback shall be provided on the exposed sides of every building in order to ensure safe distances between buildings on adjoining lots and provide

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

access for building maintenance. An exception may be made for an access ramp as noted in **Regulation 5.1**.

- (4) Notwithstanding the minimum frontyard requirements set out in the Use Zone Tables in **Part 9**, Council, at its discretion, may allow development to complement existing building setbacks on adjoining properties.
- (5) The building line along Provincial highways shall not be less than that specified under the provincial *Protected Roads Regulation*.

4.6 Multiple Uses on One Lot

A multiple use occurs when two or more different use classes exist in a single building or on a single lot.

- (1) Where a single lot contains more than one permitted use, each use shall conform to all requirements in these Regulations that are applicable to that use.
- (2) A proposed new use on a multiple-use lot may not be permitted where Council deems that the use might be incompatible with existing uses on or adjacent to the lot by reason of safety, amenity, appearance, or nuisance.

4.7 Main Buildings on a Lot

- (1) Except for a single dwelling, more than one main building may be permitted on a lot provided that the requirements set out in the Use Zone Tables in Part 9 are satisfied.
- (2) No more than one single dwelling may be permitted on a lot.
- (3) Where more than one main building is developed on a lot, sufficient area shall be reserved to satisfy the yard requirements and other allowances outlined in Part 9 for the Use Zone in which the lot is located. These allowances shall be maintained when the adjacent land is developed.

4.8 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 frontyard, rearyard, sideyard, frontage, or lot area that is less than, that permitted 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 frontyard, sideyard, or rearyard, 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.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

4.9 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 or purchaser of such a lot or lots to comply with the provisions of these Regulations, then these Regulations shall not prevent the issuing of a permit by the Council for the erection of a dwelling thereon, provided that the lot coverage and height are not greater than, and the yard setbacks and floor area are not less than the standards set out in these Regulations.

4.10 Street Frontage

Except where provided for in **Schedule 9 - Use Zone Tables**, no building shall be erected on a lot that does not front directly onto a public street.

4.11 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.

4.12 Screening and Landscaping

- (1) 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.
- (2) 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 protect the environment, character, and appearance of the area.

4.13 Public Services and Utilities

Within any zone, Council may permit land to be used in conjunction with the provision of public services and public utilities if it deems that the use of that land is necessary to the proper operation of the public service or public utility concerned, provided that the design, construction, landscaping, and operation of the service or utility, in the opinion of Council, will be adequate to protect the environment, character, and appearance of the area.

4.14 Land Capability for Development

The following provisions will apply to all proposed land developments, ranging in scale from individual lots to multi-lot developments.

- (a) When reviewing a development application, Council shall consider:
 - (i) the capacity of municipal water and sewer infrastructure to service the development,

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

- (ii) street capacity to handle anticipated traffic load,
 - (iii) the capability the site in terms of slope, soils, geology, water table, surface and sub-surface drainage, and potential stormwater impacts on nearby properties and watercourses, and
 - (iii) other factors that Council deems to be relevant.
- (b) Before approving a development, if there are concerns or unanswered questions regarding water and sewer capacity to service the development, the general biophysical capability of the site, or potential for adverse drainage or stormwater impacts, Council may require the development proposal to be reviewed by a certified engineer. The review shall address all questions and potential concerns identified by Council.
- (c) An approval in principle or a permit to develop will not be granted when in Council's opinion existing municipal infrastructure has inadequate capacity to service the development or the clearing, excavation, and infilling of land, or other site developments will result in unacceptable drainage, environmental, or aesthetic impacts.

4.15 Site Excavation and Infilling

Excavation or infilling of land to prepare a site for development will be limited to an extent that is deemed by Council to be environmentally and aesthetically acceptable.

4.16 Street Construction Standards

A new street will be constructed in accordance with the design and construction specifications set by Council.

4.17 Sight Lines at Intersections

So as not to create a safety hazard by obstructing the view of motorists and pedestrians, where an arterial or collector street intersects any other street, all land within a 15-metre sight triangle from the point of intersection shall be kept free of shrubs, plants, trees, fences, walls, buildings or structures exceeding a height of 0.75 metres from the street grade.

4.18 Protected Provincial Road

- (1) Provincially regulated highways in the Planning Area include the Bonavista North Highway (Route 320), which is designated as a Protected Road under the *Protected Roads Zoning Regulations* under the *Urban and Rural Planning Act, 2000*.
- (2) Within the Indian Bay Municipal Planning Area, any proposed development within 100 metres of the centreline of Route 320 will require approval of both Council and Service Newfoundland and Labrador (Service NL). Council will refer any development application within the 100-metre control line to Service NL for comments prior to taking its decision on the application.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

- (3) Council will not approve an access to Route 320 that has not first been approved by the Department of Transportation and Works.
- (4) All proposed signage within Protected Road corridors will require approval of both Council and Service NL.

4.19 Fire Hydrant, Manhole and Lift Station Buffers

No building, fence, hedge or other structure will obstruct access to a fire hydrant, manhole, or lift station, obstruct the visibility of a fire hydrant from the street, or protrude closer than 3.0 metres to a fire hydrant, manhole, or lift station.

4.20 Habitat Conservation

(1) Stewardship Agreement

The Town of Indian Bay and the Province are signatories to a Stewardship Agreement to conserve and protect sensitive wetland and waterfowl habitat. The Agreement includes measures to ensure sensitive wetland habitat for waterfowl is conserved and protected from development.

Any application for development within wetland areas and along freshwater and coastal shorelines shall be reviewed by Council to ensure that the development will not impact negatively on sensitive wetland habitat. Where it deems that a proposed development may have impacts, Council may refuse the application or may establish mitigating conditions to minimize potential habitat degradation.

(2) Proposed Habitat Management Units

As part of the Stewardship Agreement, one Habitat Management Unit was established in the Indian Bay Planning Area. The boundaries of this area are mostly contained within the Environmental Protection zone. A small area containing the Indian Bay camping park, which is zoned Tourism Resource, is also within the Habitat Management Unit.

PART 5: SPECIFIC USE REGULATIONS

5.1 Access Ramps

At its discretion, after consulting with abutting property owners, Council may permit a handicapped access ramp to be erected within a minimum front, rear, or sideyard setback if:

- (a) There is no alternative means to provide the access ramp, and
- (b) The ramp does not create a safety hazard or block sight lines.

5.2 Accessory Buildings

(1) General Requirements

- (a) An accessory building will be contained on the same lot as the main building and will be incidental and complementary to the use of the main building.
- (b) Notwithstanding Paragraph (a), at its discretion, Council may permit an accessory building to be located on a different lot than the main building.
- (c) Except in accordance with **Paragraph (2)**, no accessory building will be located closer than 1.2 metres to a property boundary, or, if adjacent to the side of the main building, within the minimum sideyard setback of the main building.
- (d) No accessory building will be located closer than 3.0 metres to any other building, whether on the same lot or an adjoining lot.
- (e) No accessory building will be erected upon an easement.
- (f) No accessory building will contain an apartment or other self-sufficient living unit.

(2) Additional Requirements for Residential Lots

In addition to the General Requirements outlined in Paragraph (1), the following requirements will apply to the erection of accessory buildings on residential lots.

- (a) **Frontyard Location**
 - (i) No accessory building will be located closer to the street than the front line of the dwelling, except where approved at Council's discretion in accordance with Paragraph (ii).
 - (ii) Notwithstanding Paragraph (i), at its discretion, Council may approve an accessory building closer to the street than the dwelling provided that:
 - Council deems that the applicant has a legitimate reason to erect the accessory building closer to the street than the dwelling,

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

- Council deems that the placement of the building will not negatively affect neighbouring properties, and
- (b) **Corner Lots**
On a corner lot, at its discretion, Council may permit an accessory building closer to the flanking street than the main dwelling provided that the building is set back at least 6.0 metres from the flanking street line, will not negatively affect neighbouring properties, and will not impede the required sight line at the street intersection (See **Regulation 4.18**).
- (c) **Maximum Floor Area and Height**
Development of a residential accessory building will be in accordance with the following lot sizes:

Lot Size	Maximum Combined Floor Area of Accessory Buildings	Maximum Height
<1500 m ²	<ul style="list-style-type: none"> • 70 m² or 7% of the lot area, whichever is less 	5.5 m
1500-3000 m ²	<ul style="list-style-type: none"> • 100 m² • At its discretion, Council may approve additional floor area to a maximum 130 m² of combined floor area 	5.5 m
> 3000 m ²	<ul style="list-style-type: none"> • 130 m² • At its discretion, Council may approve additional floor area to a maximum of 160 m² of combined floor area 	5.5 m

- (d) No truck, bus, semi-trailer, freight container, or other vehicle body will be used as an accessory building.
- (e) At its discretion, Council may permit a portable shelter to be used as an accessory building, subject to the provisions of this Regulation.
- (f) No accessory building will be used for a home occupation except as approved at Council's discretion in conformity with **Regulation 5.10**.
- (g) Except for personal needs, no accessory building will be used for painting, dismantling, or scrapping vehicles or machinery.
- (i) **Applications for Discretionary Approval**
In reviewing an application for discretionary approval with respect paragraphs (a), (b), (c), (e), and (f), Council will:
- (i) Require the applicant to submit a site plan showing the placement of the proposed building relative to the main dwelling and other buildings on the lot as well as on neighbouring lots,

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

- (ii) Provide notice of the application in accordance with **Regulation 3.21(4)**,
- (iii) Consider the location and size of the accessory building relative to the main dwelling as well as dwellings and buildings on neighbouring lots,
- (iv) Consider the effect of the accessory building and/or its use on neighbouring lots and the street,
- (v) Consider site topography and other site factors that Council deems relevant,
- (vi) Consider terms and conditions that may be necessary to ensure the location, size, height, appearance, and use of the accessory building will not significantly affect the neighbourhood in terms of character, amenities, or property values, and
- (vii) Approve the application as submitted, approve the application subject to terms and conditions, defer the application pending additional information, or refuse the application.

5.3 Accessory Structures

- (1) An accessory structure (for example a patio, deck, antenna, or swimming pool enclosure) will be contained on the same lot as the main building and will be incidental and complementary to the use of the main building.
- (2) Except in accordance with **Regulation 5.1**, no accessory structure will be located:
 - (i) within the minimum frontyard setback of the main building,
 - (ii) within the minimum sideyard setback of the main building, and
 - (iii) if in the rearyard of the main building, within 1.2 metres of the side or rear property boundary.
- (3) No accessory structure will be erected upon an easement.

5.4 Accessory Uses (Also see definition in Section 2.0)

Subject to Section 9.0 - Use Zone Schedules, uses that are customarily accessory to a permitted or discretionary use may be permitted in any zone, for example:

- (a) Facilities for the serving of food and beverages in a community hall or other place of assembly, marina, hotel, etc.
- (b) A gift or souvenir shop in a museum, hotel, or other establishment
- (c) An office, convenience store, laundry, or catering establishment in a campground
- (d) A home occupation in a residential dwelling or a residential accessory building
- (e) A home workshop in a residential dwelling or a residential accessory building

5.5 Agriculture - Commercial Livestock Facilities

- (1) Except at Council's discretion, no new commercial livestock facility designed to accommodate more than five (5) animal units (see Section 2), will be permitted within:
 - (a) 500 metres of a residential dwelling except for a farm dwelling or a dwelling on the same property,

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

- (b) 500 metres of the boundary of land zoned for residential use,
 - (c) 45 metres of the boundary of the property on which it is to be erected, and
 - (d) 80 metres of the centre line of a public street.
- (2) Except for an infill development or a farm dwelling, no new residential dwelling shall be developed within 500 metres of an existing livestock facility with capacity to accommodate more than five (5) animal units unless the dwelling is first approved by the Agriculture Lands Section of the Department of Fisheries and Land Resources.
- (3) In addition to the above requirements, a new livestock facility will be subject to applicable Provincial acts and regulations.

5.6 Bed and Breakfasts (B&Bs) and Visitor Rental Dwellings

(1) Bed and Breakfasts

Where permitted by Council, a bed and breakfast establishment will be subject to the following conditions:

- (a) It may operate only in a single dwelling unit.
- (b) It will not detract from the residential character of the neighbourhood in terms of scale or exterior design.
- (c) It will not have more than six (6) guest rooms.
- (d) No wholesale sales or storage of goods will be carried out and any retail sales will be incidental to the approved use.
- (e) At the discretion of Council, it may include catered dining on a limited-use basis.
- (f) In addition to the required residential parking spaces, it will provide on the same property a minimum of 1.0 to a maximum of 1.5 off-street parking spaces per guest room in a driveway and/or developed parking area.
- (g) It must be licensed by the Tourism Department.
- (h) All grounds and buildings shall be kept in a safe and well-maintained condition.

(2) Visitor Rental Dwellings

Where permitted by Council, a visitor rental dwelling will be subject to the following conditions:

- (a) It may operate only in a single dwelling unit.
- (b) It will not detract from the residential character of the neighbourhood in terms of scale or exterior design.
- (c) It will be rented as a single unit only, and not with different guest rooms rented to different customers.
- (d) No wholesale or retail sales will be carried out in association with visitor rentals.
- (e) All grounds and buildings shall be kept in a safe and well-maintained condition.

5.7 Campgrounds and Tourist Cottage Establishments

General Requirements

- (1) An application for a campground or a tourist cottage establishment will include a development plan with the following information:
 - (a) Location and full limits of the development,
 - (b) Layout of accesses and internal roads,
 - (c) Number and location of cottage units and/or campsites,
 - (d) Accessory uses such as comfort stations, laundry and storage facilities, washrooms, convenience store, employee accommodations, and outdoor and indoor recreation facilities,
 - (e) Water supply and wastewater disposal,
 - (f) Landscaping,
 - (g) Buffers and screening between the site and other land uses,
 - (h) Delineation of the property on a legal survey, and
 - (i) A proposed phasing plan for the development.
- (2) All campsites, cottages, and on-site facilities forming part of the development, will be accessible only via the internal road network of the development.
- (3) Council may require the development to include suitable buffers and screening where the development abuts a residential area.
- (4) The development permit will specify the maximum number of cottage units and/or campsites to be permitted on the site.
- (5) All grounds and buildings shall be kept in a safe and well-maintained condition.
- (6) No expansion or alteration, other than repairs and maintenance, will take place without the approval of Council.
- (7) The operation will comply with all bylaws and regulations of Council pertaining to noise and unruly behaviour.
- (8) The development must be licensed by the Tourism Department.

Campgrounds

- (10) A campground site shall:
 - (a) Front onto public street or highway.
 - (b) Have a minimum contiguous area of no less than 4000 m² (0.4 hectares).
 - (c) Have an adequately lighted main entrance from sunset to sunrise.
 - (d) Have an emergency exit.
 - (e) Have a maximum density of 75 campsites per gross hectare.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

- (11) Internal roadways in the campground shall:
- Provide 24-hour vehicle access to every campsite.
 - Be no less than 6.0 metres wide.
 - Be designed and constructed such that vehicles and trailers will not become mired.
- (12) Every campsite shall:
- If a tent site, have a minimum area of 120 m² in area and a minimum width of 6.0 metres.
 - If a trailer or RV site, have a minimum area of 220 m² and a minimum width of 12.0 metres.
 - Have the corners clearly defined with visible markers.
 - Be clearly numbered.
 - Have at least one and no more than two vehicle parking spaces.
 - Be no less than 50.0 metres from an on-site source of drinking water.

Tourist Cottage Establishments

- (13) A tourist cottage establishment shall:
- Front onto public street or highway.
 - Have a minimum contiguous area of no less than 4000 m² (0.4 hectares).
 - Have an adequately lighted main entrance from sunset to sunrise.
 - Have an emergency exit.
- (14) Internal roadways in the tourist cottage establishment shall:
- Provide 24-hour vehicle access to every cottage.
 - Be no less than 6.0 metres wide.
 - Be designed such that vehicles and trailers will not become mired.
- (15) A tourist cottage establishment shall comply with the following:
- The minimum ground floor area for a tourist cottage shall be 60 m².
 - No cottage will be more than one storey in height.
 - The minimum distance between individual cottages or buildings containing more than one cottage unit shall be 6.0 metres.
 - The minimum rearyard will be 5.0 metres.
 - Planting areas shall be provided adjacent to the side and rear lot lines.
 - Each cottage will be clearly numbered.
- (16) At Council's discretion, a tourist cottage establishment may be permitted as a secondary use on a residential lot, subject to the zoning provisions and the following:
- The lot must be no less than 4,000 m² in area,
 - Cottages must be buffered or screened to Council's satisfaction from neighbouring dwellings,
 - Total lot coverage of all buildings must not exceed 15% of the lot area, and
 - All other conditions deemed necessary by Council.

5.8 Childcare Services

Where permitted by Council, a childcare service will conform to the requirements of the *Child Care Services Act* and Regulations. Council will not approve a childcare use that has not obtained the necessary licenses and approvals from the Province.

5.9 Energy Generation Facilities

Small-scale wind, solar, and hydro generating facilities and associated facilities and services may be subject to the approval of relevant provincial and federal departments, agencies, and public utilities. The design and location of such utilities shall take into consideration their impact on nearby land uses and persons, the environment, and other matters that Council may deem to be significant.

5.10 Fences

(1) For the purpose of this Regulation a fence includes a vertical physical barrier constructed of typical fencing materials, and includes hedges, shrubs and landscaping features used for these purposes.

(2) Frontyard Fences

(a) No fence in the front yard of a lot will be erected closer to the street than the front property line of that lot. This will apply to new fences as well as existing fences that need to be replaced.

(b) Except where permitted by Council for screening purposes, no fence located between the frontyard building line and the street line (i.e. front property line) shall exceed 0.75 metres in height above the street grade.

(3) Fences to the Rear of the Front Building Line

No fence to the rear of the front building line shall exceed 1.8 metres in height from the ground.

(4) Maintenance

All fences shall be maintained in a good state of repair. For the purpose of this section, "good state of repair" means:

(a) It is complete, in a structurally sound condition, plumb, and securely anchored,

(b) It is protected by weather resistant materials,

(c) Components are not broken, rusted, rotten or in a hazardous condition,

(d) It is free of peeling paint or stain, and

(e) It does not present an unsightly appearance that is deleterious to abutting properties or the neighbourhood.

(5) Damages Caused by Council Operations

Council shall not be liable for damages to fences where Council, its employees or agents have acted without negligence. In particular, Council shall not be liable for any damages that occur as a result of normal street snow clearing.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

5.11 Home Occupations

Where permitted by Council, a home occupation will comply with the following conditions:

- (a) It will be clearly secondary to the residential use of the property,
- (b) It will be located inside the dwelling unit or, at Council's discretion, may be located in an accessory building on the same lot as the dwelling,
- (c) It will employ no less than one person who is a resident of the dwelling and may employ up to two persons who are not residents of the dwelling,
- (d) It will occupy no more than thirty percent (30%) of the floor area of the dwelling,
- (e) It will not include outdoor storage of materials,
- (f) It will not use or keep in storage any hazardous materials,
- (g) It will not use water or generate sewage in excess of what can be accommodated by the existing water supply and sewage disposal system,
- (h) It will not cause noise, odours, fumes, electrical interference, or other nuisances that unreasonably affect neighbouring properties,
- (i) Unless otherwise authorized by Council, sufficient off-street parking space shall be available on the lot for the parking needs of residents, employees, and clients,
- (j) Council may require fencing, screening, and/or a minimum space separation to protect the amenity of adjacent uses,
- (k) It will not create traffic safety or traffic congestion concerns,
- (l) It will adhere to all other conditions that Council deems necessary to protect the amenity of adjacent residential uses and the neighbourhood,
- (m) In reviewing an application for a home occupation, Council will provide notice of the application in accordance with **Regulation 3.21(4) – Notice of Application**, and
- (n) No change in the type or extent of a home occupation shall take place except with the approval of Council.

5.12 Mineral and Petroleum Exploration

- (1) Where permitted, a mineral or petroleum exploration use that constitutes a development (in accordance with the definitions in Part 2) will make provision for

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

buffering and other mitigations of impacts on residential, commercial, industrial, institutional, recreational, and environmentally sensitive areas.

- (2) Council will not issue a permit for mineral or petroleum exploration until all necessary permits and approvals have been obtained from the Departments of Natural Resources and Municipal Affairs and Environment, and any other relevant government agency.
- (3) Mineral and petroleum exploration may be subject to conditions to control noise, appearance, road construction, ground disturbance, and other impacts, as well as the duration of exploration activity. The precise nature of these controls will depend upon the location of the exploration in relation to built-up and environmentally sensitive areas such as water supply areas, watercourses, and wetlands.
- (4) Mineral and petroleum exploration that is not classed as a development by virtue of ground disturbance, access roads, or use of equipment other than hand tools may be permitted anywhere in the Planning Area with adequate notification to Council.

5.13 Mineral Workings

- (1) No new mineral working use will be developed without a development permit issued by Council. The development, operation, termination, and rehabilitation of a mineral working site will be carried out only in accordance with terms and conditions specified in the development permit. The development permit will be revoked if the operator does not comply with these terms and conditions.
- (2) An application to Council for the development of a mineral working use will include a site development plan with the following information:
 - (a) The site's biophysical features
 - (b) Delineation of the proposed extraction area
 - (c) The type and location of proposed aggregate processing equipment
 - (d) A site rehabilitation plan (**see Paragraph 15**)
- (3) Council may permit a mineral working processing plant (e.g. washing and screening plant, crusher) provided that the use will not significantly affect surrounding land uses by reason of noise, vibration, fumes, dust, odour, water drainage, unsightly storage of materials, or general appearance.
- (4) The permit fee for a mineral working use will be determined by Council in an amount sufficient to cover Council's costs associated with:
 - (a) If necessary a review of the development plan by a professional planner or engineer,
 - (b) Regular inspections of the site to determine compliance with the permit, and
 - (c) Inspections to determine acceptable site rehabilitation in accordance with a rehabilitation plan.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

- (5) Except where Council may require a higher buffer, no mineral working extraction or processing plant will be permitted within:
 - (a) 300 metres of a residential dwelling or the boundary of a zone that permits residential development,
 - (b) 200 metres of a commercial or public building or recreational open space use,
 - (c) 50 metres of a watercourse or wetland, and
 - (d) 50 metres of a public street or highway.
- (6) Except where Council may require a higher buffer, no blasting or quarrying of hard rock will be permitted within 1,000 metres of a residential, commercial, or public building, a recreational open space use, or a zone that permits residential development.
- (7) An undisturbed buffer strip of at least 30 metres will be maintained between the final perimeter of a pit or quarry and the boundary of the lot on which it is located.
- (8) Where a proposed mineral working site is located in the vicinity of a public street or highway, Council may require the owner to provide for natural or artificial screening to obstruct visibility of the site.
- (9) Council may require the mineral working site or excavated area to be fully or partially enclosed by a fence designed and constructed to Council's specifications.
- (10) All topsoil and organic material will be securely stockpiled for future rehabilitation of the site. The operator will ensure that the topsoil is not mixed with aggregate materials.
- (11) No mineral working shall create excessive drainage or erosion onto adjacent properties or into nearby watercourses.
- (12) No mineral working shall cause the accumulation or ponding of water in any part of the site. Settling ponds will be permitted only with approval from the Department of Municipal Affairs and Environment.
- (13) The mineral working site shall be kept clean of refuse, abandoned vehicles, abandoned equipment and derelict buildings.
- (14) During seasonal or extended shutdowns, the slope of any sand or gravel embankment shall not have a gradient steeper than 60 percent for the full depth thereof, and
- (15) Site Rehabilitation
 - (a) A development application for a new mineral working site will not be approved if it does not include a plan for site rehabilitation acceptable to

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

Council.

- (b) Council may require the extraction site to be rehabilitated at progressive stages of extraction.
- (c) Upon abandonment of a mineral working site, the owner will:
 - (i) Remove all buildings, machinery and equipment,
 - (ii) Grade all pit and quarry slopes to a slope of less than 60 percent,
 - (iii) Rehabilitate the entire excavated area in accordance with the rehabilitation plan, and
 - (iv) If required, close and decommission the access road to the site in accordance with Council's wishes.

(16) Other such conditions that Council deems as necessary.

5.14 Personal Livestock Use on Residential Lots

(1) Livestock Species

At its discretion, Council may permit the keeping of livestock animals on a residential lot for personal use after first giving public notice and considering comments received. No species will be permitted other than:

<u>Small Livestock</u>	<u>Large Livestock</u>
Ducks	Goats
Geese	Horses
Hens	Pigs
Rabbits	Sheep
Turkeys	

(2) Small Livestock

- (a) The keeping of small livestock on a residential lot will be subject to the following.
 - (i) No small livestock will be permitted on a lot that is less than 300 m² in area.
 - (ii) Only a person who resides on a property will be permitted to keep animals on that property.
 - (iii) The maximum number of small livestock permitted on a residential lot will be in accordance with the following table.

Lot Size	Maximum Number of Animals (including offspring until weaning)
300 - 600 m ²	3
601 - 900 m ²	4
901 - 1,200 m ²	5
1,201 - 1,500 m ²	6
1,501 - 1,800 m ²	8
1,801 - 2,100 m ²	10
2,101 - 2,500 m ²	12

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

- (b) A facility for keeping small livestock will include an enclosed indoor shelter and an enclosed outdoor run subject to the following.
 - (i) No portion of the facility will be located in the frontyard or sideyard of the residential dwelling.
 - (ii) Within the rearyard of the dwelling, no portion of the facility will be located within four (4) metres of any lot line.
- (c) Keeping of the animals will be subject to the following.
 - (i) The livestock facility will be maintained continually in a clean condition, free of noxious odours, substances, and vermin.
 - (ii) Animal excreta will be removed on a weekly basis, and properly contained and disposed of in an environmentally acceptable manner.
 - (iii) Animals will not be slaughtered on any property that is not zoned for commercial agriculture use.
 - (iv) Animals will be provided with clean drinking water, nesting materials, and an adequate quantity and quality of food to allow for healthy growth and maintenance of a healthy body weight.
 - (v) Food and water will be kept in receptacles that avoid contamination from excreta.

(3) Large Livestock

- (a) The keeping of large livestock on a residential lot will be subject to the following.
 - (i) No large livestock will be permitted on a lot that is less than 1,860 m² in area.
 - (ii) Only a person who resides on a property will be permitted to keep animals on that property.
 - (iii) The maximum number of large livestock permitted on a residential lot will be in accordance with the following table.

Lot Size	Maximum Number of Animals (including offspring until weaning)			
	Horses	Goats	Sheep	Pigs
1,860 - 3,000 m ²	1	3	3	3
3,001 - 6,000 m ²	2	6	6	6
6,001 - 9,000 m ²	3	9	9	9
Over 8,000 m ²	1 per 3,000 m ²	3 per 3,000 m ²	3 per 3,000 m ²	3 per 3,000 m ²

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

The maximum is exclusive to a single species. For example, on an 1,860 m² lot, no more than one horse, or 3 goats, or 3 sheep, would be permitted.

- (iv) Mixing of species would only be considered to the allowable maximum, for example, 2 goats and 1 sheep on an 1,860 m² lot, or 1 horse and 3 goats on a 4,000 m² lot.
- (b) A facility for keeping large livestock will include an enclosed indoor shelter and an enclosed outdoor run subject to the following.
 - (i) No portion of the facility will be located in the frontyard or sideyard of the residential dwelling.
 - (ii) Within the rearyard of the dwelling, no portion of the facility will be located within eight (8) metres any lot line.
- (c) Keeping of the animals will be subject to the following.
 - (i) The livestock facility will be maintained continually in a clean condition, free of noxious odours, substances, and vermin.
 - (ii) Animal excreta will be removed no less than weekly and contained and disposed of in an environmentally acceptable manner.
 - (iii) Animals will not be slaughtered on any property that is not zoned for agriculture use.
 - (iv) Animals will be provided with clean drinking water and an adequate quantity and quality of food to allow for healthy growth and maintenance of a healthy body weight.
 - (v) Food and water will be kept in receptacles to avoid contamination from excreta.
- (4) **Permit Required**
No livestock will be kept on lot until a permit has been issued by Council. The permit shall be visibly displayed on the livestock facility. Every permit will expire on December 31st and must be renewed for the following year.

5.15 Residential Care Homes

- (1) A residential care home may be permitted in a facility or dwelling that is of adequate size to accommodate all persons living in the home including staff.
- (2) The use and appearance of the building shall not adversely affect the amenities of adjacent residences or the neighbourhood. Council may set conditions aimed at ensuring the use is compatible with the neighbourhood.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

- (3) Council will not approve a residential care home that has not first been approved by Service Newfoundland and Labrador and other Provincial agencies having jurisdiction.

5.16 Salvage Yards

- (1) No salvage yard will be developed or expanded in scale without a development permit issued by Council. The development, operation, termination, and rehabilitation of a salvage yard site will be carried out only in accordance with terms and conditions specified in the development permit. The development permit will be revoked if the operator does not comply with the terms and conditions of the development permit.
- (2) Except where Council requires a higher buffer, no salvage yard will be permitted within:
 - (a) 300 metres of a residential or public building or recreational open space use,
 - (b) 300 metres of the boundary of an area zoned for residential use,
 - (c) 40 metres of the centerline of a public street, and
 - (d) 60 metres of a watercourse or wetland.
- (3) No salvage yard will be permitted near an area where there may be a concern for stormwater or groundwater contamination or other potential pollution.
- (4) Council may require a salvage yard to provide for natural or artificial screening to obstruct visibility from a public street or other public place.

5.17 Service Stations and General Garages

The following requirements shall apply to all proposed service stations and general garages:

- (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) Accesses shall not be less than 7 metres wide and shall be clearly marked, and where a service station is located on a corner lot, the minimum distance between an access and the intersection of street lines at the junction shall be 10 metres and the lot line between entrances shall be clearly indicated.

5.18 Storage and Scrapping of Car Wrecks and Salvage Materials

The use of land for the storage or scrapping of car wrecks, old machinery and equipment, tires, scrap metals, used building materials and other recyclables will not be permitted except in an approved salvage yard.

PART 6: SUBDIVISION OF LAND

6.1 Application of Part 6

Part 6 of these Regulations applies to each of the following:

- (a) The subdivision of a parcel of land under single ownership into two or more lots, including the residual lot,
- (b) Construction, upgrading, or extension of a public street, and
- (c) Extension or upgrading of the municipal water and sewer system.

6.2 Subdivision Permit Required

No land in the Planning Area shall be subdivided into two or more lots unless a permit for the subdivision is first obtained from Council.

6.3 Services to be Provided

No permit shall be issued for a subdivision of land unless provisions satisfactory to Council have been made for water supply, sewage disposal, and stormwater drainage.

6.4 Payment of Service Levies and Other Charges

No permit will be issued for a subdivision of land 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 these Regulations.

6.5 Permit Subject to Considerations

For every proposed subdivision of land, an application and development plan shall be submitted to Council.

A subdivision permit shall not be issued when, in the opinion of Council, the subdivision will not contribute to the orderly growth of the municipality or demonstrate sound design principles.

In considering a subdivision application, Council shall, without limiting the generality of the foregoing, consider:

- (a) Proposed land uses within the development.
- (b) The location and natural characteristics of the site, including topography, drainage, soils and geology, vegetation, wetlands, watercourses, and sensitive areas.
- (c) Municipal Plan policies, Development Regulations, and Use Zones affecting the site.
- (d) The capacity of municipal water and sanitary sewer infrastructure, stormwater infrastructure, and utilities to adequately service the development.
- (e) Provision for access to adjacent undeveloped areas.
- (f) The land use, physical form and character of adjacent developments.
- (g) The relationship of the project to existing or potential sources of nuisance.
- (h) Visual quality and effect on viewsheds.
- (i) Environmental effects with respect to watercourses, wetlands, steep slopes, drainage patterns, stormwater generation and discharge, and loss of habitat.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

- (j) Municipal financial costs related to the provision and maintenance of roads, water and sewer systems, other infrastructure, and municipal services.
- (k) Such other matters that Council deems to be important.

6.6 Building Permits Required

Notwithstanding approval of a subdivision by Council, a separate building permit shall be obtained for each building proposed for construction in the subdivision, and no building permit for any building in the area shall be issued until the developer has complied with all the requirements in these Regulations with respect to the development of the subdivision.

6.7 Form of Application

Application for a permit to develop a subdivision shall be made to Council in accordance with **Regulation 3.12 - Form of Application**.

6.8 Subdivision Subject to Zoning

The subdivision of land must comply with all provisions of the Use Zone in which the land is located.

6.9 Building Lines

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

6.10 Dedication of Land for Public Use

In accordance with Section 37 of the *Act*, Council may require land developers to provide land to the Town land for open space or other public use equal to ten per cent of the gross area to be developed. In lieu of land dedication, Council may accept a sum of money that is equivalent to the value of the land that would have been conveyed to be used for the good of the community.

Land to be provided for public use must be high quality land suitable for the purpose and will not include land that Council requires to be set aside from development for the purposes of environmental protection or stormwater control.

6.11 Structure in Street Reservation

The placing of a structure (e.g. hydro pole, fire hydrant, mail box, bus shelter, sign post) within any street reservation shall not be approved unless Council is satisfied on the question of safety with regard to the structure's relationship to other buildings or structures within the street reservation and with regard to the safe movement of vehicles and pedestrians.

6.12 Subdivision Requirements

Where a subdivision involves construction of a new street or street extension, all work must be completed in compliance with the following requirements.

- (1) Street construction must meet the standards set out by Council with respect to:
 - (a) sub-base and base
 - (b) asphalt

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

- (c) street design and cul de sac length
 - (d) intersection alignments and locations
- (2) Water system construction must meet the standards set out by Council with respect to:
- (a) minimum burial beneath finished grades
 - (b) water main and service line materials
 - (c) fire hydrants
 - (d) placement of main line valves
- (3) Sanitary sewer construction must meet the standards set out by Council with respect to:
- (a) gravity sewers
 - (b) force mains
 - (c) lift stations
- (4) Manholes and catch basins must meet the standards set out by Council with respect to location, materials, sizing, spacing, frames, grates and covers.
- (5) All services and roadwork must be connected to existing services and roads in accordance with Council requirements. This may include work outside the limits of the subdivision boundary and onto existing road reservations and roadways.
- (6) The developer is responsible for the reinstatement of all property damaged during the connection process back to the original condition. This may include, but is not limited to, curb, sidewalk, asphalt, and seeded areas.

6.13 Subdivision Design Standards

No permit shall be issued for the development of a subdivision under these Regulations unless the design of the subdivision conforms to the following standards:

- (a) The finished grade of streets shall not exceed 8 percent.
- (b) A cul de sac will be subject to the following:
 - (i) The turning circle will have a driving surface diameter of not less than 30 metres, and
 - (ii) It will not be longer than 500 metres.
- (c) Streets will be designed in accordance with the following minimum standards.

Type of Street	Street Reservation	Pavement Width
Arterial	30.0 m	15.0 m
Collector	15.0 m	7.3 m
Local	12.2 m	5.2 m

- (d) Land will not be subdivided in such a manner as to prejudice the development of adjoining land.

6.14 Engineer to Design Works and Certify Construction Layout

- (1) Plans and specifications for all streets, paving, sidewalks 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. 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 own cost and in accordance with the approved designs and specifications and the construction layout certified by the Engineer, of all such streets and other works deemed necessary by Council to service the said area.

6.15 Developer to Pay Engineer's Fees and Charges

The developer shall pay to Council all the Engineer's fees and charges for the preparation of designs and specifications and for the layout and supervision of construction; such fees and charges being percentages of the total cost of materials and labour for the construction and installation of all works calculated in accordance with the Schedule of Fees recommended by the Association of Professional Engineers and Geoscientists of Newfoundland and Labrador and in effect at the time the work is carried out.

6.16 Street Works May Be Deferred

The construction and installation of all curbs and gutters, catch basins, and paving specified by Council as being necessary, may, at Council's discretion, be deferred until a later stage of the subdivision development but the developer shall deposit with Council before approval of the application, an amount estimated by the Engineer as reasonably sufficient to cover the cost of construction and installation of the works. In the later stage of the work of development, Council shall call for tenders for the work of construction and installation of the works, and the amount so deposited by the developer shall be applied towards payment of the contract cost. If the contract cost exceeds the deposit, the developer shall pay to Council the amount of the excess. If the contract price is less than the deposit, Council shall refund the amount of the excess. Any amount so deposited with 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.

6.17 Transfer of Streets and Utilities to Council

- (1) The developer shall, following approval of the subdivision and upon request of Council, transfer to Council, at no cost to Council, and clear of all liens and encumbrances:
 - (a) All lands in the area proposed for development or subdividing, which are approved and designated by Council for public use as streets, or other rights-of-way, or for other public use;
 - (b) All services and public works including streets, water supply and distribution system, sanitary sewer system, storm drainage system, street

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

lighting, and other infrastructure 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 cost to the developer, test the streets, services and public works installed in the subdivision and certify his/her satisfaction with their installation.
- (2) Council will not provide maintenance for any street or public work in any subdivision until such time as the street, service or public work has been transferred to Council.

6.18 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 the lot has satisfactory access to a street.

6.19 Grouping of Buildings and Landscaping

- (1) Each plan of subdivision shall make provision for the grouping of building types and for landscaping in order to enhance the visual aspects of the completed development and to make the most use of existing topography and vegetation.
- (2) Building groupings, once approved by Council, shall not be changed without written application to and subsequent approval of Council.

PART 7: SIGNS

7.1 Intent

This intent of this section is to authorize signs that:

- (a) Are appropriate in size, number, and location to the type of activity or use to which they pertain.
- (b) Provide reasonable and appropriate means for the public to locate and identify facilities, businesses, and services without difficulty or confusion.
- (c) Are compatible with their surroundings.
- (d) Protect and enhance the aesthetic qualities of the area.
- (e) Do not create a distraction or safety hazard for pedestrians or motorists.

7.2 Permit Required

Except in accordance with **Regulation 7.8**, no sign shall be erected or displayed in the Planning Area unless a permit for the sign is first obtained from the Council.

7.3 Provincial Highway

In addition to a permit from Council, the erection or display of a sign on Provincial Route 320 shall require a permit from the Service Newfoundland and Labrador. Where these Regulations are inconsistent with the Provincial Highway Sign Regulations, the more restrictive regulations shall apply.

7.4 Form of Application

Application for a permit to erect or display a sign shall be made to the Council in accordance with **Regulation 18**.

7.5 Approval Subject to Conditions

A permit will only be issued for the erection or display of signs that comply with the appropriate conditions and standards set out in these Regulations.

7.6 Signs Prohibited in Street Reservation

No sign will be permitted within, on, or over any highway or street reservation.

7.7 Sign Removal

Council may require the removal of any sign, which, in its opinion:

- (a) is hazardous to pedestrian or vehicle traffic by reason of its siting, colour, illumination, or structural condition, or
- (b) is unsightly or not maintained to the satisfaction of the Council.

7.8 Signs Exempt from Control

Notwithstanding **Regulation 7.2**, the following signs may be erected or displayed without application to Council:

- (a) on a residential dwelling or within the yard of a dwelling, one nameplate not exceeding 0.2 m² in area;
- (b) on an agricultural, forestry, or quarrying operation, one notice board not exceeding 0.5 m² in area relating to the operations being conducted on the land;

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

- (c) on a site occupied by an institutional, civic, service or public use (e.g. church, school, museum, cemetery), one notice board not exceeding 1.0 m² in area,
- (d) on a commercial or industrial building, a notice board not exceeding 1.0 m² in area,
- (e) on any parking lot, directional signs plus one sign only not exceeding 1.0 m² in size to identify the parking lot,
- (f) real estate sales, leasing, and open house signs not exceeding 1 m²
- (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 to no later than one week after 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.

7.9 General Sign Standards

No commercial, industrial, or public use will have more than two (2) signs.

The following standards shall apply to signs erected for a commercial, industrial, or public use. In accordance with **Regulation 7.5**, Council may set additional conditions to its approval of a sign.

- (a) Window Sign – maximum of 1 m²
- (b) Awning/Canopy Sign – maximum of 3 m wide by 0.75 m high
- (c) Wall Sign – maximum of 3 m wide by 0.75 m high
- (d) Hanging and Projecting Sign – maximum of 1 m²
- (e) Murals - At the discretion of Council.
- (f) Free Standing Sign – one per use, maximum of 5.0 m²

7.10 Residential Areas

Notwithstanding **Regulation 7.9**, except at the discretion of Council, no sign will be permitted in a residential area that does not meet the standards set out in **Regulation 7.8**.

PART 8: USE ZONES

8.1 Use Zones

- (1) For the purpose of these Regulations, the Planning Area is divided into Use Zones, which are shown on the Zoning Map attached to and forming part of these Regulations.
- (2) Subject to Paragraph (3), the permitted use classes, discretionary use classes, standards, requirements and conditions applicable to each Use Zone are set out in the Use Zone Schedules in Part 9 of these Regulations.
- (3) Where standards, requirements and conditions applicable in a Use Zone are not set out in the Use Zone Schedules in Part 9, Council may in its discretion, determine the standards, requirements and conditions that shall apply.

8.2 Map Interpretation

The boundaries of Use Zones on the Land Use Zoning Maps are general only and, except where they coincide with roads, shorelines, or other prominent features, are not intended to define exact limits. No zoning amendment shall be required to allow minor adjustments of the Use Zone boundaries. Other than such minor boundary adjustments, no development shall be permitted that does not conform to the Use Zone delineated on the Land Use Zoning Maps.

8.3 Use Classes

The specific uses to be included in each Use Class set out in the Use Zone Schedules in Part 9 shall be determined by Council in accordance with the classifications and examples set out in **Appendix A**.

8.4 Permitted Uses

Subject to these Regulations, uses that fall within the Permitted Use Classes set out in the appropriate Use Zone Table in **Part 9** shall be permitted by Council in that Use Zone.

8.5 Discretionary Uses

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone Schedule in **Part 9** may be permitted in that Use Zone if Council is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, any further scheme or plan or regulation pursuant thereto, or to the public interest, and only if Council has given notice of the application in accordance with **Regulation 3.21(4) - Notice of Application** and has considered any objections or representations that may have been received on the matter.

8.6 Uses Not Permitted

Uses that do not fall within the Permitted Use Classes or Discretionary Use Classes set out in the appropriate Use Zone Tables shall not be permitted in that Use Zone.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

PART 9: USE ZONE SCHEDULES

Before issuing a permit for development or an approval in principle, Council shall review the application to ensure that it is in compliance with the Use Zone Schedule for which it is proposed as well as each of the following:

- Part 2: Definitions
- Part 3: General Regulations
- Part 4: General Development Standards
- Part 5: Specific Use Regulations
- Part 6: Subdivision of Land
- Part 8: Use Zones
- Appendix A: Classification of Uses of Land and Buildings
- Appendix B: Off-Street Parking Requirements
- Appendix C: Provincial Development Regulations
- Appendix D: Land Use Zoning Maps

Part 9 contains schedules for the following Use Zones:

USE ZONE	ABBREVIATION
9.1 Environmental Protection	EP
9.2 Protected Watershed	PW
9.3 Coastal	CO
9.4 Residential Mixed	RM
9.5 Residential	RES
9.6 Residential Seasonal	RS
9.7 Commercial	COM
9.8 Tourism Resource	TR
9.9 Public Use	PU
9.10 Rural	RU

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

9.1 Environmental Protection (EP) Zone

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.21(4) and 8.5)
Conservation	Communications Open space Transportation (See Condition 5) Utility

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be compatible with the Permitted Use Classes and not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will not detract from the main environmental protection purpose of this zone.

2. Buildings and Structures

No buildings or structures will be permitted in the EP zone except for a structure associated with a utility or municipal infrastructure (e.g. communications antenna, transmission line, water pumping station) or an open space use (e.g. viewing platform, gazebo, picnic shelter).

3. Environmental Control

- (1) Any approved development must be designed and developed to a high environmental standard as specified in terms and conditions set by Council.
- (2) Where it deems necessary, Council may require a proposed discretionary use to undergo an appropriate assessment to ensure that the development will be undertaken in a way that minimizes environmental effects.

4. Watercourses, Shorelines and Wetland Areas

Within the EP zone:

- (a) Excavation and infilling of watercourses, riparian areas, and wetlands will not be permitted, and
- (b) Significant clearing of natural vegetation and landscaping will not be permitted except at Council's discretion subject to strict terms and conditions to protect sensitive shoreline, aquatic, and wetland habitat.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

5. **Transportation**

- (1) Transportation uses that may be permitted at Council's discretion will be limited to roads and associated infrastructure, for example, a culvert or bridge across a stream.
- (2) A transportation use will not be permitted if:
 - (a) Alternative locations for access are reasonably available,
 - (b) Potential environmental effects cannot be minimized or mitigated to the satisfaction of Council,
 - (c) The development cannot meet reasonable terms and conditions as set by Council, and
 - (d) The development has not received any necessary Provincial approvals.
- (3) No transportation use will be permitted in a Habitat Management Unit established under a Stewardship Agreement between the Town of Indian Bay and the Province.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

9.2 Protected Watershed (PW) Zone

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.21(4) and 8.5)
Conservation Open space	Communications Forestry Mineral exploration (See Regulation 5.12) Mineral working (See Condition 4 and Regulation 5.13) Petroleum exploration (See Regulation 5.12) Recreational open space Transportation (See Condition 5)

CONDITIONS

1. **Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at Council’s discretion provided the development will be compatible with the Permitted Use Classes and not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will not negatively impact the municipal drinking water supply.

2. **Referral to the Water Resources Division**

All proposed development within the Protected Watershed zone will be referred to the Water Resources Division of the Department of Municipal Affairs and Environment. No development will be permitted until comments and recommendations have been received from the Division.

3. **Buffer Zones**

(1) Other than a development related to conservation or water supply management and protection, no development, forest harvesting, or other resource use activity will be permitted in the vicinity of a watercourse except in accordance with the following minimum buffers from the top of the bank of a watercourse.

Watercourse	Minimum Buffer Width
Intake pond or lake	150 m
Intake river	150 m for a distance of 1,000 m upstream and 100 downstream of intake
Main river channel	75 m
Major tributaries, lakes and ponds	50 m
Other watercourses	30 m

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

4. **Mineral Working**

No mineral working use will be permitted that has not received prior approval from the Water Resources Division of the Department of Municipal Affairs and Environment.

5. **Transportation**

- (1) Transportation uses that may be permitted at Council's discretion will be limited to roads and associated infrastructure, for example, a culvert or bridge across a stream.
- (2) A transportation use will not be permitted if:
 - (a) Reasonable alternative locations for access are available,
 - (b) Potential environmental effects cannot be minimized or mitigated to the satisfaction of Council,
 - (c) The development cannot meet reasonable terms and conditions that may be set by Council, and
 - (d) The development has not received necessary Provincial approvals.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

9.3 Coastal (CO) Zone

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.21(4) and 8.5)
Conservation Open space	Dock (See Condition 3) Fisheries facility (See Condition 2) Marina (See Condition 2) Marine facility (See Condition 2) Single dwelling (Condition 6) Slipway (Condition 3) Stage (Condition 3)

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be compatible with the Permitted Use Classes and not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will not detract from the general quality and amenities of the area.

2. Fisheries, Marine, and Marina Developments

At Council's discretion, a fisheries, marine, or marina facility may be permitted if it is for commercial or public use and is deemed by Council to be coastal location essential, environmentally acceptable, compatible with surrounding development, and not contrary to the public interest.

Any approval of a proposed development will be subject to terms and conditions set by Council.

3. Recreational Docks, Slipways, and Stages

A recreational dock, slipway, or stage may be permitted as a Discretionary Use only if its proposed location, size, and use are deemed by Council to be environmentally acceptable, compatible with surrounding development, and not an impediment to public access to or along the shoreline. The maximum floor area of a shed on a stage will be 16 square metres.

Approval will be subject to terms and conditions set by Council.

4. Public Access

Council will ensure that sufficient and appropriate public access is maintained to and along coastal shorelines provided that such access does not unreasonably impinge on the use and enjoyment of adjacent private lands.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

5. **Site Excavation and Infilling**

Excavation and infilling of land above or below the water line will not be permitted except where it is related to a public work, fisheries or marine facility, or marina that has been approved by the Department of Municipal Affairs and Environment, Fisheries and Oceans Canada, and other applicable agencies.

6. **Single Dwelling**

Council will not consider an application to develop a single dwelling within the Coastal zone except under the following circumstances:

- (a) The lot on which the proposed dwelling is to be erected was in existence on the date that these Development Regulations came into effect,
- (b) There is no opportunity on the lot to erect the dwelling outside the Coastal zone,
- (c) Necessary approvals are obtained from relevant government agencies, and
- (d) The erection of the dwelling, as well as associated clearing of vegetation and landscaping, meets all terms and conditions set by Council aimed at mitigating potential environmental impacts.

7. **Environmental Control**

- (1) All approved developments and utilities must be designed and constructed in accordance with high environmental standards as specified in terms and conditions established by Council.
- (2) Where it deems necessary, Council may require a proposed discretionary use to undergo an appropriate assessment to ensure that the development will be undertaken in a way that minimizes potential environmental effects.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

9.4 Residential Mixed (RM) Zone

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.21(4) and 8.5)
Single dwelling Subsidiary apartment (See Condition 4) Accessory building (See Regulation 5.2) Childcare (See Regulation 5.8) Conservation Home office Open space Personal crop use (See Condition 5) Transportation	Double dwelling Mini-home Row dwelling Arts and crafts studio Bed and breakfast (See Regulation 5.6) Boarding house Campground (See Regulation 5.7) Catering Cemetery Club and lodge Commercial accommodation Communications Cultural and civic Emergency service Energy generation facility (See Regulation 5.9) Garden centre General assembly General service Home occupation (See Regulation 5.11) Indoor assembly Indoor market Kennel (See Condition 6) Light industry Medical service Office Outdoor assembly Outdoor market Personal livestock use (See Regulation 5.14) Personal service Recreational open space Residential care (See Regulation 5.15) Shop Take-out food service Tourist cottage establishment (See Regulation 5.7) Visitor rental dwelling (See Regulation 5.6)

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

DEVELOPMENT STANDARDS			
STANDARD	Single Dwelling	Mini-Home	Double Dwelling (per unit)
Fully Serviced Areas (municipal water and municipal sewer)			
Minimum lot area	390 m ²	330 m ²	300 m ²
Minimum lot width (frontage)	13.0 m	11.0 m	10.0 m
Minimum frontyard setback	7.5 m	7.5 m	7.5 m
Semi Serviced Areas (one of municipal water or municipal sewer)			
Minimum lot area	1500 m ²	1500 m ²	Not Permitted
Minimum lot width (frontage)	23.0 m	23.0 m	
Minimum frontyard setback	7.5 m	7.5 m	
Unserviced Areas (no municipal water and no municipal sewer)			
Minimum lot area	2000 m ²	2000 m ²	Not Permitted
Minimum lot width (frontage)	30.0 m	30.0 m	
Minimum frontyard setback	7.5 m	7.5 m	
All Areas			
Minimum sideyard (each side)	1.5 m + 2.5 m	1.5 m + 2.5 m	2.5 m
Min. sideyard on flanking street	6.0 m	6.0 m	6.0 m
Minimum rearyard	8.0 m	8.0 m	8.0 m
Minimum distance between buildings	3.0 m	3.0 m	3.0 m
Maximum lot coverage – all buildings	35%	35%	40%

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be compatible with the uses within the Permitted Use Classes and not contrary to the general intent of the Municipal Plan and Development Regulations.

Development that is permitted at Council's discretion will be subject to terms and conditions to ensure it will not detract from the residential quality and amenities of the area.

2. Developments that Require Municipal Water and Sewer Services

Childcare and double dwellings will not be permitted in any area where municipal water and sewer services are not available.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

3. Onsite Services

An application for a residential, commercial or other development that cannot be connected to municipal water and sewer will be approved only if it has received the necessary Provincial approvals for an on-site well and sewage treatment system.

4. Subsidiary Apartments

(1) One subsidiary apartment only may be permitted in a single dwelling. Subsidiary apartments will not be permitted in mini-homes, double dwellings, or accessory buildings.

(2) Approval of a subsidiary apartment will be subject to the following conditions:

(a) The apartment will be completely self-contained, with facilities for cooking, sleeping, and bathing.

(b) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

5. Personal Crop Uses

Personal crop uses may include home gardens, small-scale commercial farming that is accessory to a residential use, and community gardens.

6. Kennels

A kennel, if permitted at Council's discretion, will be subject to such terms and conditions deemed necessary to restrict the number of dogs, cats, or other animals on the premises and to minimize potential noise, odour, and other impacts on neighbouring land uses.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

9.5 Residential (RES) Zone

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.21(4) and 8.5)		
Single dwelling Subsidiary apartment (See Condition 4) Accessory building (See Regulation 5.2) Childcare (See Regulation 5.8) Conservation Home office Open space Personal crop use (See Condition 5)	Double dwelling Mini-home Row dwelling Bed and breakfast (See Regulation 5.6) Energy generation facility (See Regulation 5.9) Home occupation (See Regulation 5.11) Kennel (See Condition 6) Recreational open space Residential care (See Regulation 5.15) Transportation Visitor rental dwelling (See Regulation 5.6)		
DEVELOPMENT STANDARDS			
STANDARD	Single Dwelling	Mini-Home	Double Dwelling (per unit)
Fully Serviced Areas (municipal water and municipal sewer)			
Minimum lot area	390 m ²	330 m ²	300 m ²
Minimum lot width (frontage)	13.0 m	11.0 m	10.0 m
Minimum frontyard setback	7.5 m	7.5 m	7.5 m
Semi Serviced Areas (one of municipal water or municipal sewer)			
Minimum lot area	1500 m ²	1500 m ²	Not Permitted
Minimum lot width (frontage)	23.0 m	23.0 m	
Minimum frontyard setback	7.5 m	7.5 m	
Unserviced Areas (no municipal water and no municipal sewer)			
Minimum lot area	2000 m ²	2000 m ²	Not Permitted
Minimum lot width (frontage)	30.0 m	30.0 m	
Minimum frontyard setback	7.5 m	7.5 m	
All Areas			
Minimum sideyard (each side)	1.5 m + 2.5 m	1.5 m + 2.5 m	2.5 m
Min. sideyard on flanking street	6.0 m	6.0 m	6.0 m
Minimum rearyard	8.0 m	8.0 m	8.0 m
Minimum distance between buildings	3.0 m	3.0 m	3.0 m
Maximum lot coverage – all buildings	35%	35%	40%

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be compatible with the uses within the Permitted Use Classes and not contrary to the general intent of the Municipal Plan and Development Regulations.

Development that is permitted at Council's discretion will be subject to terms and conditions to ensure it will not detract from the residential quality and amenities of the area.

2. Developments that Require Municipal Water and Sewer Services

Childcare and double dwellings will not be permitted in any area where municipal water and sewer services are not available.

3. Onsite Services

An application for a residential, commercial or other development that cannot be connected to municipal water and sewer will be approved only if it has received the necessary Provincial approvals for an on-site well and sewage treatment system.

4. Subsidiary Apartments

(1) One subsidiary apartment only may be permitted in a single dwelling. Subsidiary apartments will not be permitted in double dwellings, row houses, or accessory buildings.

(2) Approval of a subsidiary apartment will be subject to the following conditions:

(a) The apartment will be completely self-contained, with facilities for cooking, sleeping, and bathing.

(b) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

5. Personal Crop Uses

Personal crop uses may include home gardens, small-scale commercial farming that is accessory to a residential use, and community gardens.

6. Kennels

A kennel, if permitted at Council's discretion, will be subject to such terms and conditions deemed necessary to restrict the number of dogs, cats, or other animals on the premises and to minimize potential noise, odour, and other impacts on neighbouring land uses.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

9.6 Residential Seasonal (RS) Zone

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.21(4) and 8.5)
Recreational dwelling Accessory building (See Regulation 5.2) Conservation Personal crop use (See Condition 2) Open space	Energy generation facility (See Regulation 5.9)
DEVELOPMENT STANDARDS	
	Recreational Dwelling
Minimum lot area	3000 m ²
Minimum lot width	40 m
Minimum frontyard setback	4.0 m
Minimum sideyard setback	2.5 m
Minimum rearyard setback	4.0 m
Minimum distance between buildings	3.0 m

CONDITIONS

1. **Discretionary Use Classes**
The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be compatible with the uses within the Permitted Use Classes and not contrary to the general intent of the Municipal Plan and Development Regulations.
2. **Personal Crop Uses**
Personal crop uses may include hobby and small-scale commercial farming that is accessory to a residential use as well as a community garden
3. **Exemption from Street Frontage Requirement**
Lots in this zone are exempted from **Regulation 4.10** of these Regulations, which does not permit a building to be erected on a lot that does not front onto a public street.
4. **Road Upkeep and Maintenance**
Access roads to cottage areas in the Residential Seasonal zone are not owned by Council and are not the responsibility of Council to maintain.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

9.7 Commercial (COM) Zone

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.21(4) and 8.5)
Catering Childcare (See Regulation 5.8) Communications Conservation Cultural and civic Emergency service Garden centre General service Indoor market Light industry Medical clinic Office Open space Outdoor market Personal service Shop Transportation Veterinary	Campground (See Regulation 5.7) Club and lodge Commercial accommodation Drinking establishment Energy generation facility (See Regulation 5.9) Entertainment General assembly General garage (See Regulation 5.17) General industry Indoor assembly Kennel (See Condition 6) Outdoor assembly Recreational open space Recycling facility Service station (See Regulation 5.17) Subsidiary apartment (See Condition 4) Take-out food service Tourist cottage establishment (See Regulation 5.7)
DEVELOPMENT STANDARDS	
	All Uses
Minimum frontyard setback	8.0 m
Minimum sideyard setback	5.0 m
Min. sideyard setback flanking street	8.0 m
Minimum rearyard setback	10.0 m

CONDITIONS

1. **Discretionary Uses**

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be compatible with the uses within the Permitted Use Classes and is not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will be reasonably compatible with surrounding land uses and will not detract from the general quality and amenities of the area.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

2. **Development Standards**

Where a commercial, industrial or other development is permitted in the Commercial zone, it will be subject to the following:

- (a) It will meet the minimum development standards established for a single dwelling or such higher standards as Council may require.
- (b) It will be designed and maintained to a high standard with regard to safety, appearance, and compatibility with surrounding land uses.
- (c) It will provide for adequate off-street parking to meet the needs of the development.
- (d) It will meet such other conditions that are deemed necessary by Council.
- (e) No change in the type or scale of the use will be permitted except in accordance with a new development permit and conditions set by Council.

3. **Onsite Services**

An application for a residential, commercial or other development that cannot be connected to municipal water and sewer will be approved only if it has received the necessary Provincial approvals for an on-site well and sewage treatment system.

4. **Subsidiary Apartments**

- (1) One subsidiary apartment only may be permitted on a single commercial lot.
- (2) Approval of a subsidiary apartment will be subject to the following conditions:
 - (a) The apartment will be completely self-contained, with facilities for cooking, sleeping, and bathing.
 - (b) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

5. **Outdoor Storage**

Council may require fencing or other forms of screening of an outdoor storage area where the quantity or type of material being stored would contribute to unsightly appearance.

6. **Kennels**

A kennel, if approved by Council, may be subject to such terms and conditions deemed necessary to restrict the number of dogs, cats, or other animals on the premises and to minimize potential noise, odour, and other impacts on neighbouring land uses.

7. **Dangerous, Hazardous, and Noxious Uses**

In accordance with **Regulation 4.11**, Council may restrict the development or location of any use or activity that it deems might be dangerous or might release or emit a hazardous, noxious, or polluting substance that would affect neighbouring properties.

8. **Flammable Liquids Storage**

All buildings, tanks, and structures related to the bulk storage of flammable liquids shall conform to the requirements of the Provincial Fire Commissioner and shall be surrounded by such buffers and landscaping as Council may require to reduce risks to adjacent uses due to fire, explosion, or spillage of flammable liquid.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

9. **Screening and Landscaping**

Council may require buffering or screening of sites with natural or planted vegetation, fencing, or structural barriers to reduce the aesthetic impact of industrial uses on nearby residential areas and public streets and highways.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

9.8 Tourism Resource (TR) Zone

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.21(4) and 8.5)
Conservation Open space	Campground (See Regulation 5.7) Catering Energy generation facility (See Regulation 5.9) Outdoor market (See Condition 4) Recreational open space Shop Subsidiary apartment (See Condition 3) Take-out food service Tourist cottage establishment (See Regulation 5.7) Transportation

CONDITIONS

1. Discretionary Uses

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be compatible with the uses within the Permitted Use Classes and is not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will be reasonably compatible with surrounding land uses and will not detract from the general quality and amenities of the area.

2. Development Standards

An approved development in the Tourism Resource zone will be subject to the following:

- (a) It will be designed and maintained to a high standard with regard to safety, appearance, and compatibility with surrounding land uses.
- (b) It will meet all development standards conditions deemed necessary by Council.
- (c) No change in the type or scale of the use will be permitted except in accordance with a new development permit and conditions set by Council.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

3. **Subsidiary Apartments**

- (1) One subsidiary apartment only may be permitted on a single commercial lot.
- (2) Approval of a subsidiary apartment will be subject to the following conditions:
 - (a) The apartment will be completely self-contained, with facilities for cooking, sleeping, and bathing.
 - (b) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

4. **Outdoor Markets**

An outdoor market, if permitted at Council's discretion, will be for a temporary period only as specified in the development permit.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

9.9 Public Use (PU) Zone

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.21(4) and 8.5)
Childcare (See Regulation 5.8) Conservation Educational Medical clinic Open space Transportation	Catering (See Condition 3) Cemetery (See Condition 2) Club and lodge Cultural and civic Energy generation facility (See Regulation 5.9) General assembly Indoor assembly Outdoor assembly Place of worship Recreational open space Residential care (See Regulation 5.15)
DEVELOPMENT STANDARDS	
	All Uses
Minimum frontyard setback	10.0 m
Minimum sideyard setback	2.0 m and 1.0 m
Min. sideyard setback flanking street	6.0 m
Minimum rearyard setback	10.0 m

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be compatible with the uses within the Permitted Use Classes and is not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will be reasonably compatible with surrounding land uses and will not detract from the general quality and amenities of the area.

2. Cemetery

An application to develop or expand a cemetery must be accompanied by a site design plan for Council's consideration. The site plan will illustrate the location of the cemetery, access points, landscaping, and buffers with adjacent properties.

3. Catering

Catering may be permitted only as an accessory use to a main use.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

9.10 Rural (RU) Zone

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.21(4) and 8.5)
Conservation Crop agriculture Forestry Open space Transportation	Campground (See Regulation 5.7) Cemetery (See Condition 6) Communications Energy generation facility (See Regulation 5.9) General industrial (See Condition 3) Light industrial (See Condition 3) Livestock agriculture (See Regulation 5.5) Mineral exploration (See Regulation 5.12) Mineral working (See Regulation 5.13) Mining Outdoor market (See Condition 5) Petroleum exploration (See Regulation 5.12) Petroleum extraction Recreational open space Salvage yard (See Regulation 5.16) Shop (See Condition 5) Single dwelling (See Condition 2)

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be compatible with the uses within the Permitted Use Classes and is not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will be reasonably compatible with surrounding land uses and will not detract from the general quality and amenities of the area.

2. Single Dwelling

At its discretion, Council may permit a single dwelling that is accessory to a commercial agricultural use, subject to the following:

- (a) It is demonstrated to Council's satisfaction that the agriculture use is a bona fide commercial operation from which the owner derives a major portion of his or her income, and
- (b) It is demonstrated to Council's satisfaction that full-time habitation on the site is necessary for the feasible operation of the agricultural use.

TOWN OF INDIAN BAY DEVELOPMENT REGULATIONS

- (c) The dwelling will be subject to such other terms and conditions as deemed appropriate by Council.

3. **General and Light Industrial Uses**

At its discretion, Council may permit a general or industrial use that is clearly accessory to an agricultural, forestry, or mineral working use, or that meets the following criteria:

- (a) The use is unsuitable for a built-up area by reason of appearance, noise, vibration, smell, fumes, smoke, grit, soot, ash, dust, or glare.
- (b) The use requires large outdoor areas for open storage and handling of materials, goods, and equipment.
- (c) The use is capable of being serviced by on-site water and sewage services.
- (d) The use can be screened from public streets and lands designated for urban uses.
- (e) The use generates low volumes of traffic.
- (f) The use will have no deleterious effects on the environment.
- (g) The use does not include warehousing, wholesale, or retail activities.
- (h) The use will be subject to such other terms and conditions as deemed appropriate by Council.

4. **Hazardous and Noxious Uses**

Council may restrict the development or location of any use or activity that might release or emit a hazardous or noxious substance that would affect neighbouring properties.

5. **Outdoor Markets and Shops**

At its discretion, Council may permit an outdoor market or shop as an accessory use to a bonafide farm, campground, or recreational open space use, provided that Council deems that the proposed use will be integral and complementary to the main use.

6. **Cemetery**

- (1) A cemetery, if permitted at Council's discretion, will be subject to such terms and conditions, as Council deems appropriate.
- (2) An application to develop or expand a cemetery must be accompanied by a site design plan for Council's consideration. The site plan will illustrate the location of the cemetery, access points, landscaping, and buffers with adjacent properties.

7. **Exemption from Street Frontage Requirement**

At Council's discretion, approved buildings in this zone may be exempted from **Regulation 4.10** of these Regulations only if the proposed use conforms with all conditions outlined in these Regulations as well as any other conditions that may be set by Council.

APPENDICES

APPENDIX A - CLASSIFICATION OF USES OF LAND AND BUILDINGS

APPENDIX A - CLASSIFICATION OF USES OF LAND AND BUILDINGS

This Classification is intended to assist in the interpretation of types of uses within the use classes listed in the Use Zone Tables in Schedule C of these Regulations. Examples included in the following tables are not exhaustive. They are used to illustrate typical types of developments within a use class.

GROUP	CLASS	EXAMPLES
RESIDENTIAL USES	Single Dwelling	Single detached dwellings
	Double Dwelling	Semi-detached dwellings, duplex dwellings
	Row Dwelling	Townhouses, row houses
	Apartment Building	Apartment buildings
	Mini-home	Mini-homes
	Collective Residential	Educational residences, nurse and hospital residences, worker accommodations
	Subsidiary Apartment	Basement apartments, in-law suites
	Boarding House	Boarding houses
	Bed and Breakfast	Bed and breakfast
	Visitor Rental Dwelling	Visitor rental dwelling
	Residential Care	Seniors housing, personal care homes, nursing homes, group homes
	Recreational Dwelling	Cabins, cottages
	Home Office	Home offices
	Home Occupation	Home occupations
Accessory Building	Sheds, garages, greenhouses, root cellars, personal livestock shelters, portable shelters	

GROUP	CLASS	EXAMPLES
COMMERCIAL USES	Campground	Campgrounds, trailer parks, RV parks
	Catering	Restaurants, coffee shops, bake shops
	Commercial Accommodation	Hotels, motels, inns.
	Convenience Store	Convenience stores
	Drinking Establishment	Bars, pubs, nightclubs, lounges
	Entertainment	Games arcades, poolrooms, bowling alleys, youth centres, movie theatres, theatres
	Funeral Home	Funeral homes and chapels
	Garden Centre	Greenhouses, nurseries
	General Garage	Repairs and services for vehicles and equipment
	General Service	Car washes, laundromats, tools and appliances.
	Indoor Market	Farmer markets, exhibition halls, flea markets
	Kennel	Kennels
	Medical clinic	Clinics, medical offices, dental offices
	Office	Professional offices, law offices, business offices, banks, government offices
	Outdoor Market	Fish markets, market grounds, flea markets, produce stands, outdoor farmer markets
	Personal Service	Beauty parlours, pet grooming, gyms, computer services, hobby shops, photo studios, taxi stands.
	Recycling Facility	Bottle recycling centres, metal recyclers
	Service Station	Gas stations, general garages, tire sales and repairs, auto parts sales, car washes.
	Shop	Retail shops, showrooms, supermarkets, convenience stores, gift shops, specialty shops
	Shopping Centre	Shopping centres
Take-out Food Service	Take-out restaurant, food stand, mobile canteen	
Tourist Cottage Establishment	Tourist cottages establishments	
Vehicle Sales and Services	Automobile dealerships, recreational vehicle dealerships, heavy equipment dealerships	
Veterinary	Veterinary clinics	

GROUP	CLASS	EXAMPLES
INSTITUTIONAL AND PUBLIC USES	Cemetery	Cemeteries
	Childcare	Daycare centres, home child care services, early childhood education services
	Club and lodge	Service club, private club, lodge (non-residential)
	Cultural and Civic	Art galleries, municipal offices, libraries, museums, interpretive centres, studios
	Educational	Schools, colleges
	Emergency Service	Police stations, fire stations, ambulance service
	General Assembly	Community halls, lodge halls, dance halls, exhibition halls, gymnasias, auditoria
	Indoor Assembly	Recreation centres, arenas, ice rinks, indoor swimming pools, armouries, fitness clubs, bowling alleys
	Medical Treatment	Hospitals, medical care centres, medical clinics
	Outdoor Assembly	Bleachers, grandstands, outdoor ice rinks, outdoor swimming pools, amusement parks, fairgrounds, exhibition grounds, drive-in theatres
	Passenger Assembly	Airport terminals, bus stations
	Penal and Correctional Detention	Jails, prisons, reformatories, group homes
	Place of Worship	Churches and similar places of worship, church halls
Residential Care	Seniors housing, personal care homes, nursing homes, group homes	

GROUP	CLASS	EXAMPLES
CONSERVATION AND OPEN SPACE USES	Conservation	Buffer strips, watersheds, protected sensitive areas (e.g. steep slopes, wetlands, wildlife habitat)
	Open Space	Parks, trails, boardwalks, protected green areas, picnic areas
	Recreational Open Space	Sports fields, running tracks, playgrounds, outdoor skating rinks, golf courses, dog parks

GROUP	CLASS	EXAMPLES
NATURAL RESOURCE USES	Crop Agriculture	Vegetable and hay farms, hobby farms, market gardens, community gardens, nurseries, greenhouses
	Forestry	Forest harvesting, silviculture, forest access roads
	Livestock Agriculture	Livestock barn, dairy farm, grazing land
	Mineral Exploration	Mineral exploration and associated activities (e.g. access roads, rock drilling)
	Mineral Working	Pits, quarries, washing plants, screening plants, crushers
	Mining	Mineral extraction, ore stockpiles, mineral processing plants
	Personal Crop Use	Home gardens, community gardens
	Personal Livestock Use	Keeping of horses, hens, etc. for personal use
	Petroleum exploration	Petroleum exploration and associated activities (e.g. access roads, rock drilling)
	Petroleum extraction	Petroleum extraction and associated activities (e.g. tanks, piping, pipelines)

GROUP	CLASS	EXAMPLES
	Fisheries Facility	Wharves, stages, slipways, fishplants, aquaculture facilities, ice-making facilities
	General Industry	Factories, cold storage plants, bulk storage facility, freight depots, planing mills, construction yards
	Hazardous Industry	Bulk storage of hazardous liquids and substances, chemical plants, distilleries feed mills, spray painting shops
	Light Industry	Workshops, light industry, indoor storage centres, warehouses, greenhouses, recycling depots, workshops, general garages
	Marine Facility	Wharves, loading docks, shipyards, slipways, refuelling services, marine repair services
	Salvage Yard	Car wrecking yards, junk yards, salvage yards, scrap dealers

GROUP	CLASS	EXAMPLES
TRANSPORTATION AND UTILITY USES	Transportation	Roads, bridges, marine structures, air fields
	Marina	Marinas, docks, moorings, slips, boat refuelling and repair services
	Communications	Communications towers, telephone exchanges, transmitting and receiving masts and antenna
	Dock	Recreational docks, slipways, and stages
	Energy Generation Facility	Wind generators, solar generators, small hydro generators, heating plants
	Electrical Utility	Hydro plants, electrical transmission lines, electrical power substations
	Water Utility	Water intakes, treatment facilities, pipelines
	Wastewater Utility	Sewage treatment plants, sewer outfalls, pipelines
	Solid Waste Utility	Landfill sites, recycling facilities

**APPENDIX B - OFFSTREET LOADING AND PARKING
REQUIREMENTS**

APPENDIX B - OFFSTREET LOADING AND PARKING REQUIREMENTS

1. Off-Street Loading Requirements

- (1) Where Council deems necessary, for every building, structure or use requiring the shipping, loading or unloading of animals, goods, wares or merchandise, one or more loading spaces will be provided and maintained on the lot measuring at least 15 metres long and 4 metres wide with a vertical clearance of at least 4 metres. The space will have direct access to a public street or to a driveway of a minimum width of 6 metres that connects to a public street.
- (2) The number of loading spaces to be provided will be determined by Council.
- (3) The loading spaces required by this Regulation will be designed so that vehicles can manoeuvre clear of any street and so that it would not be necessary for any vehicle to reverse onto or from a street.

2. Parking Area Standards

- (1) For the purposes of this Regulation,

Parking Area means a designated area of land on a lot for off-street parking.

Parking Space means a designated space in a parking area or driveway adequate to park one automobile with room to open doors on both sides, together with related manoeuvring room and access to a public street.

- (2) For every building, structure or use to be erected or enlarged, 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 on-street parking of vehicles associated with that building, structure or use.
- (3) The number of parking spaces to be provided for any building, structure, use or occupancy shall conform to the standards set out in **Appendix C**, except as otherwise modified by **PART 9** of these Regulations.
- (4) Each parking space, except in the case of a single or attached dwelling, will be made accessible by means of a right-of-way at least 3 metres wide.
- (5) Residential parking spaces shall be provided on the same lot as the dwelling or dwellings. Parking space for apartment buildings will be provided in the rear yard where possible.
- (6) Non-residential parking spaces shall be provided not more than 200 metres distance from the use for which the parking is required.
- (7) The parking facilities required by this Regulation will, except in the case of single or attached dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.

- (8) Where Council permits parking perpendicular to the curb, the minimum dimensions of each parking space will be as follows:

Parking space width	2.5 metres
Parking space length or depth	7.5 metres
Aisle width separating opposite parking spaces	7.0 metres
Aisle width separating a space from another obstruction	7.0 metres

Where Council permits parking parallel to the curb, the minimum length of the space will be 7.0 metres and the aisle width will be at least 4 metres, or more if deemed necessary by Council.

For any other parking lot configuration, the requirements shall as be as specified by Council, but in no instance shall the requirements be less than that specified for perpendicular parking spaces.

- (9) Other requirements for parking areas are as follows:
- (a) The parking area will be constructed and maintained to the specifications of Council,
 - (b) Lights for illumination of the parking area will be arranged so as to divert the light away from adjacent development,
 - (c) Except on a service station or industrial lot, no gasoline pump or other service station equipment will be located or maintained in a parking area,
 - (e) No part of any off-street parking area will be closer than 1.5 metres from the front lot line in any zone,
 - (f) Where Council deems that strict application of the parking requirements is impractical or undesirable, Council may as a condition of a permit require the developer to pay a service levy in lieu of the provision of a parking area, and Council will use the full amount of the levy for the provision and upkeep of alternative parking facilities within the vicinity of the development.

3. Off-Street Parking Requirements

- (1) The off-street parking requirements for the various use classes set out in **Appendix B** will be as set out in the following table, except as otherwise set out in **PART 9**. In the case of developments that include more than one use class, these standards shall be regarded as cumulative.
- (2) Adequate off-street provision for the drop-off and pick-up of persons will be provided on the same lot as the development unless otherwise stipulated by Council.
- (3) The number of spaces to be provided for off-street parking will be in accordance with the following table.

OFF-STREET PARKING SPACE REQUIREMENTS		
CLASS	MINIMUM SPACES	MAXIMUM SPACES
Theatre	1.0 per 6 seats.	N/A
Cultural and Civic	1.0 per 60 m ² of gross floor areas.	N/A
General Assembly	1.0 per 15 m ² of gross floor area.	N/A
Educational	Schools – 2.0 per classroom. Other educational – 1.0 per 5 students, faculty and staff.	N/A
Place of Worship	1.0 per 6 seats.	N/A
Passenger Assembly	As specified by Council.	N/A
Club and Lodge	1.0 per 3 persons of permitted occupancy	N/A
Catering	1.0 per 3 persons of permitted occupancy	N/A
Funeral Home	1.0 per 12 m ² of gross floor area.	N/A
Child Care	1.0 per 30 m ² of gross floor area	N/A
Amusement	1.0 per 15 m ² of gross floor area.	N/A
Outdoor Assembly	As specified by Council.	N/A
Campground	As specified by Council.	N/A
Hospital	1.0 per 22 m ² of suite or ward area	N/A
Single Dwelling	2.0 per dwelling unit	4.0 per dwelling unit
Double Dwelling	2.0 per dwelling unit	3.0 per dwelling unit
Row Dwelling	2.0 per dwelling unit	3.0 per dwelling unit
Apartment Building	1.5 per dwelling unit	2.5 per dwelling unit
Residential care	1.0 per 2 residents	As specified by Council.
Bed and Breakfast	As required for the dwelling plus 1.0 per guest room	As required for dwelling plus 1.5 per guest room
Boarding House	As required for the dwelling plus 0.8 per guest room	As required for dwelling plus 1.5 per guest room
Commercial Accommodation	1.0 per guest room.	2.0 per guest room
Mini-Home	2.0 per dwelling unit	3.0 per dwelling unit
Office	1.0 per 25 m ² of gross floor area.	N/A
Medical and Professional	1.0 per 25 m ² of gross floor area.	N/A
Outdoor Market	As specified by Council.	N/A
Convenience Store	1.0 per 20 m ² of gross floor area.	N/A
General and hazardous industry	As specified by Council, but not less than 1.0 per 100 m ² of gross floor area.	N/A
Service Station	1.0 per 20 m ² of gross floor area.	N/A
Light Industry	As specified by Council but not less than 1.0 per 50 m ² of gross floor area.	N/A

APPENDIX C - PROVINCIAL DEVELOPMENT REGULATIONS

APPENDIX C – PROVINCIAL DEVELOPMENT REGULATIONS

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

REGULATIONS

Analysis

1. Short title
2. Definitions
3. Application
4. Interpretation
5. Notice of right to appeal
6. Appeal requirements
7. Appeal registration
8. Development prohibited
9. Hearing notice and meetings
10. Hearing of evidence
11. Board decision
12. Variances
13. Notice of variance
14. Residential non conformity
15. Notice and hearings on change of use
16. Non-conformance with standards
17. Discontinuance of non-conforming use
18. Delegation of powers
19. Commencement

Short title

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

Definitions

2. In these regulations,
 - (a) "Act", unless the context indicates 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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 nonconforming 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.

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.

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.

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.

APPENDIX D - LAND USE ZONING MAPS

