

# IMAGINE PARADISE

TOWN OF PARADISE  
DEVELOPMENT REGULATIONS  
2016



UPLAND



# Urban and Rural Planning Act Resolution to Approve

## Town of Paradise Development Regulations 2016

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

- (a) adopted the Town of Paradise Development Regulations, 2016 on the 11<sup>th</sup> day of July, 2017.
- (b) gave notice of the adoption of the Paradise ~~Municipal Plan~~ <sup>Development Regulations</sup> by advertisement inserted on the 19<sup>th</sup> day of July and the 26<sup>th</sup> day of July, 2017 in the Shoreline newspaper, as well as the 15<sup>th</sup> day of July and the 22<sup>nd</sup> day of July, 2017 in the Telegram.
- (c) set August 3<sup>rd</sup>, 2017, 7:00pm at the St. Thomas Community Centre, 2 Neary Road, Paradise, for the holding of a public hearing to consider objections and submissions.
- (d) considered the Commissioner's report at a regular meeting of Council held September 19<sup>th</sup>, 2017.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Paradise approves the Town of Paradise Development Regulations, 2016 with the following changes:

1. Development Regulations - images throughout the document have been revised and clarified.
2. Section 2 Definitions - Child Care (Family) has been revised to allow for seven (7) children as per recent changes to the Child Care Act.
3. Regulation 4.6 Building Line and Setback - has been revised to clarify the regulation by adding 4.6(3) "Notwithstanding the Building Line Setback in any Zone in Section 9, the Town may require an increased Setback on Topsail Road, St. Thomas Line and Paradise Road in accordance with the requirements of the Engineering Department".
4. Regulation 4.20 Shoreline Buffers - has been revised to change 4.20(1) from "60 m of Octagon Pond" to "30 m of Octagon Pond" and add 4.20 (3) "Council may require an assessment of the visual impact of a development on the Octagon Pond walking trail and the implementation of measures it considers necessary to protect the integrity of the trail and the surrounding treed buffer."
5. Regulation 9.21 Commercial General (CG) - has been revised to add Place of Worship as a permitted use.



6. Regulation 9.22 Commercial Main Street (CM) - has been revised to add standards for Single-detached Dwellings (existing) to Regulation 9.22 (5) which states "Development standards for Single-detached Dwellings (existing) shall be the same as those set out in the Residential Medium Density Use Zone."
7. Regulation 9.29 Commercial Neighbourhood (CN) - has been revised to clarify "Market" as "Outdoor Market".
8. Appendix B Classification of Uses and Building - has been revised to remove Family and Group Home from an example under Residential Dwelling Uses.
9. Land Use Zoning Map
  - 12 Paradise Road has been rezoned from Residential Medium Density (RMD) to Residential Mixed (RM).
  - The Conservation (CON) zone around Octagon Pond has been reduced to 30m.
  - The Conservation (CON) zone along Topsail Bluff has been edited to reflect 30m from the cliff's edge.
  - Minor adjustments to better reflect property boundaries.

SIGNED AND SEALED this 16<sup>th</sup> day of February, 2018. 2017.

Mayor:

D. Bullitt

Clerk:

Shelley

APPROVED  
April 2, 2018  
Mary Cleary



# Urban and Rural Planning Act Resolution to Adopt

## Town of Paradise Development Regulations 2016

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Paradise adopts the Town of Paradise Development Regulations, 2016.

Adopted by the Town Council of Paradise on the 11<sup>th</sup> day of July, 2017.

Signed and sealed this 16<sup>th</sup> day of February, 2018. 2017.

Mayor:

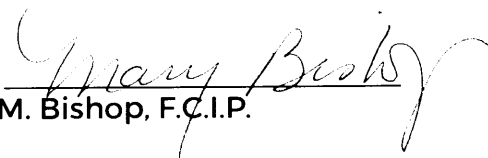


Clerk:

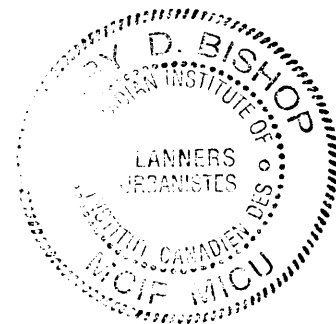


### Canadian Institute of Planners Certification

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

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

  
A. Cashin, M.C.I.P.



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## APPENDICES

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### **APPENDIX B: Classification of Uses and Buildings**

### **APPENDIX C: Infill Limits Map**

### **APPENDIX D: Development Limits, Existing Streets**

### **APPENDIX E: Provincial Development Regulations**

### **APPENDIX F: Street Classification Map**

The Town of Paradise acknowledges and thanks the Town of Truro for the use of graphics throughout this document.

# 1: APPLICATION

## 1.1 Title

These Regulations may be cited as the Town of Paradise Development Regulations, 2016.

## 1.2 Interpretation

Words and phrases used in these Regulations shall have the meanings ascribed to them in Sections 2 and 7 of these Regulations. Words and phrases not defined in these Regulations shall have the meanings which are commonly assigned to them in the context in which they are used in the Regulations.

## 1.3 Commencement

These Regulations come into effect throughout the Paradise Municipal Planning Area, referred to as the Planning Area, on the date of publication of a notice of registration to that effect in the Newfoundland and Labrador Gazette.

## 1.4 Municipal Regulations

The Building Regulations, the Fire Regulations and any other municipal regulations controlling Development shall, under these Regulations, apply to the Paradise Municipal Planning Area. The National Building Code of Canada, 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 Paradise.

## 1.6 Delegation of Authority

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

## 1.7 Provincial Development Regulations

Appropriate Sections of the *Urban and Rural Planning Act, 2000* and the full text of the Provincial Development Regulations have been incorporated into the Paradise Development Regulations and are marked as follows:



Urban and Rural Planning  
Sec. X




Provincial  
Reg. X

Where there is a conflict between these Regulations and the Provincial Regulations, the Provincial Regulations shall apply (See Appendix E).


## 2: DEFINITIONS

**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.


 Provincial  
Reg. 4 (1) (a)

**ACCESSORY BUILDING** includes:

- a. a detached subordinate building not used as a dwelling, located on the same Lot as the Main Building or Use to which it is accessory, and which has a Use that is customarily incidental or complimentary to the main Use of the Building or Land.
- b. for residential Uses: domestic garages, carports, ramps, sheds, Swimming Pools, greenhouses, cold frames, fuel sheds, vegetable storage cellars, shelters for domestic pets, or radio and television antennae.
- c. for commercial Uses: workshops, garages; and
- d. for industrial Uses: garages, Offices, raised ramps and docks.

 Provincial  
Reg. 4 (1) (b)

**ACCESSORY USE** means a Use that is subsidiary to a permitted or Discretionary Use and that is customarily expected to occur with the Permitted or Discretionary Use.

 Provincial  
Reg. 4 (1) (c)

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

 Provincial  
Reg. 2 (a)

**ADULT DAY CARE USE (NON-RESIDENTIAL)** means a Building or part of a Building maintained for the purpose of providing day care services and activities for adults.

**ADULT DAY CARE USE (RESIDENTIAL)** means a dwelling or part thereof in which day care services and activities are regularly provided to adults not related to the resident operator.

**AGRICULTURE (COMMERCIAL)** means horticulture, fruit, grain and seed growing, dairy farming, bee keeping, the breeding or keeping of animals for food, skins, or fur, the use of Land, meadow land, market gardens and nursery grounds and the use of Land for woodlands where that Use is ancillary to the farming of the Land. Agriculture includes primary processing of on-site products. For the purposes of these Regulations, Agriculture also includes the keeping or boarding of horses.

**AGRICULTURE (URBAN)** means the keeping of a limited number of birds, poultry, goats, or a beehive on a residential Lot for the purposes of providing food for the personal consumption of the occupants of the dwelling. For the purpose of these Regulations, Urban Agriculture does not include home gardens.


**AMENITY SPACE** means a common area on a property that provides benefits to the occupants, which increase the attractiveness, functionality and value of a property and which areas are dedicated to passive and active recreational Uses, exclusive of parking lots and drive isles. Such areas can include but are not limited to patios, decks, Swimming Pools, paths, leisure spaces or lawns. Within a Building, hallway, elevators, stairways and exits are not considered Amenity Space.



**ANIMAL USE** means the keeping of animals (including horses) intended as domestic pets and the associated structures necessary to house them, including Kennels.

**ANIMAL GROOMING** means a Building or part of a Building primarily engaged in providing services involving the non-medical aesthetic care of animals including, but not limited to, grooming, washing, styling, and trimming their coats, and may include day care, but does not include a Kennel.

**APPLICANT** means a person who has applied to the Authority for an approval to carry out a Development.


 Provincial  
Reg. 2 (b)

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

**APPROVAL IN PRINCIPLE** means a preliminary approval of a Development conditional upon the submission of additional plans and details before a development approval/ building permit is issued.

**ASSISTED LIVING RESIDENTIAL COMPLEX** means a residential Building designed for people seeking assisted home care by the content and layout of the Dwelling Units (varying in size, number of bedrooms, shared kitchens), provisions for common dining facilities, recreation areas, Amenity Spaces, respite units, and the accessibility of all units and facilities to the physically challenged. Provision of services such as day care for adults, housekeeping, personal care, meal programs, physiotherapy, activity programs may also be provided. The Use includes Personal Care/Nursing Homes but does not include a hospital.

**AUTHORITY** means a council, authorized administrator or regional authority.

 Provincial  
Reg. 2 (c)


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

**BED AND BREAKFAST** means a single unit dwelling in which the resident supplies, for compensation, not more than four (4) bedrooms for the temporary accommodation of travellers.

**BOARDING HOUSE** means a dwelling wherein accommodation is provided for between five (5) and sixteen (16) persons inclusive, in which kitchen and/or bathroom facilities are used in common by some or all of the occupants.

**BUILDING** means:

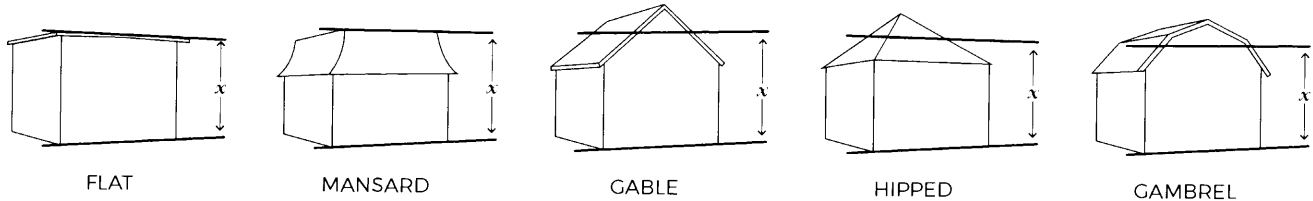
- a. a structure, erection, excavation, alteration or improvement placed on, over or under Land, or attached, anchored or moored to Land.
- b. mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other similar Uses.
- c. a part of and fixtures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

 Urban and Rural  
Planning Act  
Sec. 2 (c)

**BUILDING HEIGHT** means the vertical distance, measured in metres, from Established Grade to the:

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

Provincial  
Reg. 4 (1) (d)



**BUILDING LINE (SETBACK)** means a line established by Council that runs parallel to the Street Line and is set at the closest point to a Street that a Building may be placed.

Provincial  
Reg. 4 (1) (e)

**CAR WASHING ESTABLISHMENT** means an establishment used exclusively for washing or cleaning motor vehicles for gain.

**CHILD CARE (FAMILY)** means a Building or part of a Building in which services and care are regularly provided to up to seven (7) children.

**CHILD CARE (DAYCARE CENTRE)** means a Building or part of a Building in which licensed child care services are provided to more than six (6) children at any one time in accordance with the *Child Care Services Act*, but does not include a school as defined in the *Schools Act*.

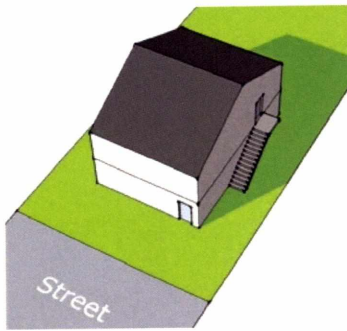
**COMMUNITY GARDEN** means an outdoor space used to grow and care for vegetables, flowers, and/or annual plantings for personal consumption or non-commercial purposes.

**DEVELOPMENT** means the carrying out of building, engineering, mining or other operations in, on, over, or under Land, or the making of a material change in the Use, or the intensity of use of Land, Buildings, or premises and the:

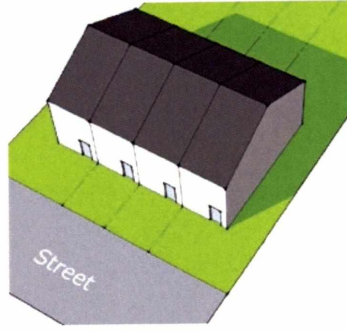
- making of an Access onto a highway, road or way.
  - erection of an advertisement or Sign.
  - construction of a Building.
  - the parking of a trailer, or vehicle used for the sale of refreshments or merchandise, or as an Office, or for living accommodation;
- and excludes
- the carrying out of works for the maintenance, improvement or other alteration of a Building, being works which affect only the interior of the Building or which do not materially affect the external appearance or Use of the Building.
  - the carrying out by a highway authority of works required for the maintenance or improvement of a road, being works carried out on Land within the boundaries of the road reservation.
  - the carrying out by a local authority or statutory undertaker of works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of Streets or other Land for that purpose.
  - the Use of a Building or Land within the courtyard of a dwelling house for a purpose incidental to the enjoyment of a dwelling house as a dwelling.

Urban and Rural  
Planning Act  
Sec. 2 (g)

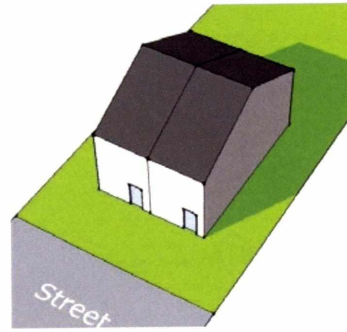
**DISCRETIONARY USE** means a Use that is listed within the Discretionary Use classes established in the Use Zone tables of Council's Development Regulations.



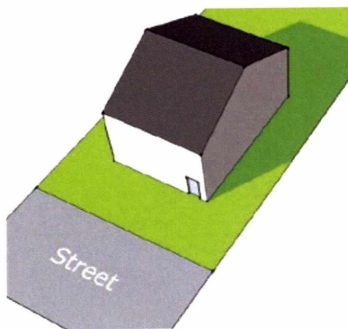
**DWELLING (DUPLEX)** means a Building containing two (2) Dwelling Units, constructed one above the other, each having an individual entrance, provided that no such unit shall be constructed or located in the basement of any such dwelling.



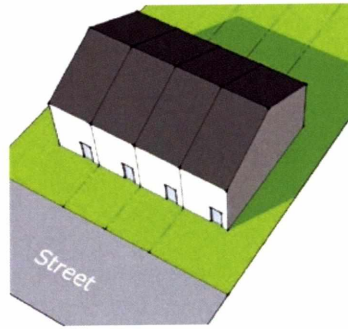
**DWELLING (ROW)** means a Building of three (3) or more Dwelling Units at ground level, where each unit is separated vertically from an adjoining unit by a common wall, and in which each unit may be situated on a separate Lot and may include a Subsidiary Apartment.



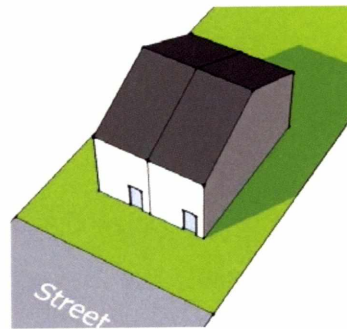
**DWELLING (SEMI-DETACHED)** means a dwelling containing one unit, situated on its own Lot, separated vertically from another adjoining unit by a common wall, and can include a Subsidiary Apartment.



**DWELLING (SINGLE-DETACHED)** means a dwelling containing one (1) main Dwelling Unit situated on its own Lot, which is not attached to another dwelling, and can include a Subsidiary Apartment.



**DWELLING (MULTIPLE UNIT)** means a Building containing three (3) or more Dwelling Units, including an apartment building, but does not include a Row Dwelling.



**DWELLING (SUBSIDIARY APARTMENT)** means a separate Dwelling Unit constructed within and subsidiary to a Single, Semi-detached, or Row Dwelling.

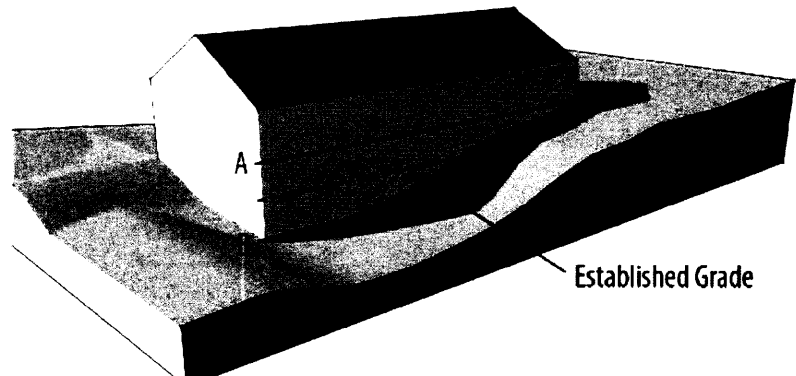
**DWELLING UNIT** means one or more habitable rooms designed, occupied or intended for use by one or more persons as an independent and separate housekeeping establishment containing cooking, eating, living, sleeping and sanitary facilities.

**ENGINEER** means a professional engineer who has a license to practice in Newfoundland and Labrador and has complied with the provisions of the *Association of Professional Engineers and Geoscientists Act of Newfoundland and Labrador*, and is a member in good standing of the association created by that Act.

**EXISTING** means legally existing as of the effective date of these Regulations.

**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 of 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.



Provincial  
Reg. 4 (1) (g)

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

**FLOOR AREA (NET)** for the purposes of these Regulations means 80% of Floor Area.

**FLOOR AREA (GROSS)** means the total Floor Area of all floors in a Building or Buildings on the Lot including basements and mezzanines but excluding any porches, verandas, sunrooms (unless habitable in all seasons of the year), mechanical penthouse, any Floor Areas used exclusively for parking area, or Amenity Space.

**FORESTRY** means the use of Land for the purpose of forest and woodland management including the felling, cutting, trimming and thinning of forest or woodland for the extraction of timber, and includes reforestation, afforestation and silviculture.

**GENERAL GARAGE** means a Building or part of a Building used for the repair of equipment or self-propelled vehicles and/or trailers.


**GENERAL INDUSTRY** means the use of Land or Buildings for the purpose of storing, assembling, altering, repairing, manufacturing, fabricating, preparing, processing, testing, salvaging, breaking up, demolishing, or treating any article, commodity or substance, and "Industry" shall be construed accordingly.

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

Provincial  
Reg. 4 (1) (h)

**HEALTH AND FITNESS FACILITY** means an establishment providing health, fitness and recreational activities, such as, but not limited to boxing, dancing, gymnastics, martial arts, weightlifting, yoga or other forms of physical exercise.

**HISTORIC RESOURCE** means a work of nature or of humans that is primarily of value for its archaeological, prehistoric, historic, cultural, natural, scientific or aesthetic interest, including an archaeological, prehistoric, historic or natural site, structure or object.


 Historic Resources Act  
Sec. 2 (e)

**HOME-BASED BUSINESS** means a secondary Use of a Dwelling Unit or its Accessory Building by at least one of the residents of such Dwelling Unit to conduct a gainful occupation or business activity, and subsidiary to a residential Use. Includes professional, medical, personal, general service, and office Uses, as well as small-scale manufacturing such as crafts and art, but does not include a woodworking shop for the purposes of manufacturing such things as stairs or cabinets.

**HOME OFFICE** means a secondary Use of a Dwelling Unit by at least one of the residents of such Dwelling Unit to conduct a gainful occupation or business activity with such occupation or business activity being restricted to office Uses which do not involve visitation by clients, customers, or the general public to the site, nor the employment of non-residents, and subsidiary to a residential Use.

**KENNEL** means a Building or premise where domestic household animals and birds are boarded for breeding or otherwise.

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

 Urban and Rural Planning Act  
Sec. 2 (i)

**LANDSCAPING** means that part of a Lot developed for beautification or visual improvement such as, but not limited to, an artwork, berm, fence, fountain, lawn, path, patio, pond, retaining wall, shrub, screen, tree, walkway, wall or existing natural treed area, but does not include any space beneath, within or on top of a Building, or an Access, driveway, parking area or ramp.

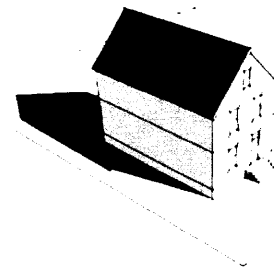
**LAND USE IMPACT ASSESSMENT** means a report prepared by suitably qualified persons(s) to identify and assess the impacts of a proposed Land Use or Development on the urban or natural environment and/or surrounding Lands or neighbourhood, and includes recommendations and proposal to control and mitigate identified impacts.

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

**LOT** means a plot, tract or parcel of Land that can be considered as a unit of Land for a particular Use or Building.

 Provincial Reg. 4 (1) (j)

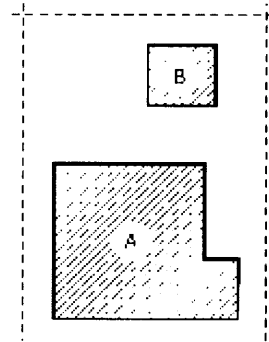
**LOT (CORNER)** means a Lot or parcel of Land abutting upon two or more Streets at their intersection, or upon two parts of the same Street forming an interior angle of less than 135 degrees.



**LOT AREA** means the total horizontal area within the lines of a Lot.

**LOT COVERAGE** means the combined area of all Buildings on a Lot measured at the level of the lowest floor above the Established Grade and expressed as a percentage of the total area of the Lot.

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



Provincial  
Reg. 4 (1) (k)

Provincial  
Reg. 4 (1) (l)

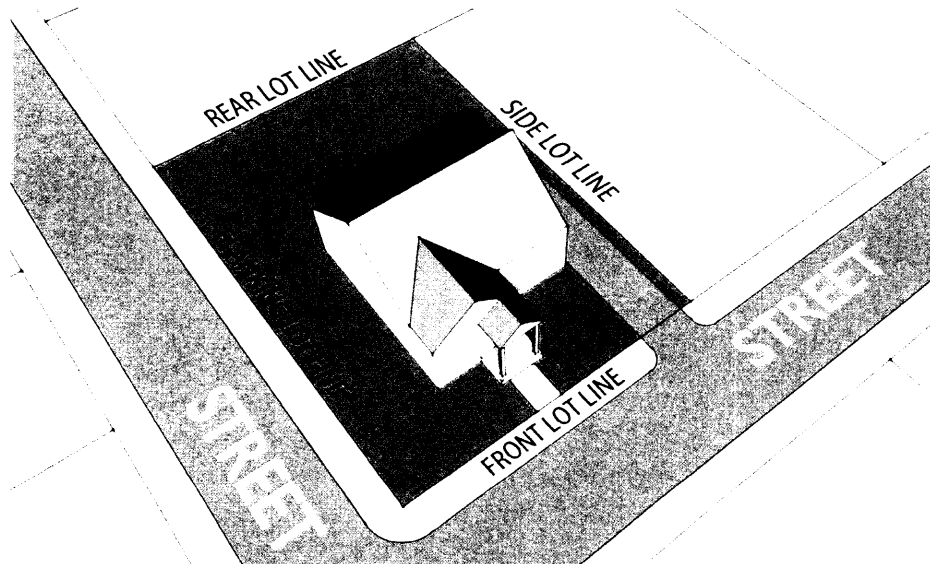
**LOT DEPTH** means the average distance between the Front Lot Line and the rear Lot Line of a Lot.

**LOT FRONTAGE (FRONTAGE)** means the horizontal distance between side Lot Lines measured at the Building Line.

**LOT LINE** means any line defining the boundaries of a Lot and shall include a Front Lot Line, a rear Lot Line and a side Lot Line.

**LOT LINE (FRONT)** means the Street Line on which a Lot has its civic address, except where a Lot has two (2) or more Street Lines, in which case Council shall determine the Front Lot Line, considering the most appropriate siting of the Building on the Lot.

Provincial  
Reg. 4 (1) (i)



**LOUNGE** means a Building or part of a Building which is primarily used for the purpose of selling and serving of spirits, wines or beer to the general public for consumption on the premises and which is licensed under the *Liquor Control Act* and any regulations made thereunder.

**MAIN BUILDING** means any Building which is carried on the principal purpose for which the Building Lot is used.

**MINERAL EXPLORATION** means the activity of searching for minerals or mineral occurrences including oil exploration, wherein for the purposes of these Regulations it takes the form of a Development that is visible and involves an appreciable disturbance of soil.

**MINERAL WORKING** means Land or Buildings used for the working, stockpiling or extraction of rock, mineral, peat or aggregate material.


**MINISTER** shall mean the Minister of Municipal Affairs, unless otherwise specified.

**MODULAR/MINI HOME** means a transportable factory-built Single-detached Dwelling Unit:

- a. which complies with space standards substantially equal to those laid down in the current edition of the National Building Code of Canada and is in accordance with the construction standards laid down by the Canadian Standards Association and all other applicable provincial and municipal codes; and
- b. which is designed to be transported to a modular home Lot, and subsequently supported on its own foundation; and
- c. connected to piped water, piped sewer, and utilities in order to be suitable for year round occupancy.


**MUNICIPAL PLAN** or **PLAN** means the Town of Paradise Municipal Plan, 2016.

**NON-CONFORMING USE** means a legally Existing Use that is not listed as a Permitted Use or Discretionary Use for the Use Zone in which it is located or which does not meet the development standards for that Use Zone.


 Provincial  
Reg. 4 (1) (m)

**OFFICE** means a room where business may be transacted, a service performed or consultation given but does not include the manufacturing of any product or the on-site retailing or selling of goods.

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

 Provincial  
Reg. 4 (1) (n)

**PERMITTED USE** means a Use that is listed within the Permitted Use classes set out in the Use Zone tables of these Development Regulations.

 Provincial  
Reg. 4 (1) (o)

**PLACE OF WORSHIP** means a Building dedicated to religious worship and includes a church, synagogue, temple, or assembly hall and may include such Accessory Uses as a nursery school, a school of religious education, convent, monastery,, parish hall, food bank and residential dwelling/Dwelling Unit.

**PLANNING AREA** means a regional planning area and a municipal planning area established under Section 6 and 11 of the Act. For the purpose and context of these Regulations, the Planning Area shall mean the area within the municipal boundaries of the Town of Paradise.

**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.

 Provincial  
Reg. 4 (1) (p)

**RESTAURANT** means a Building or part thereof, designed or intended to be used or occupied for the purpose of serving food on the premises but does not include a Lounge.

**RETAIL STORE** means a Building, or part thereof where consumer goods are displayed for sale or rent, or sold directly to the public for the purchaser's own use, and includes a garden centre, but does not include an establishment wherein the primary purpose is the serving of meals or refreshments, a General Garage, or a Service Station.

**SERVICE STATION** means a Building, including gas pumps, used for the sale of petroleum products, and may include general merchandise, minor automotive repairs, and washing of vehicles.

**SHOPPING CENTRE** means a group of Retail Stores with integrated parking which is planned, developed and designed as a unit containing a minimum of five (5) retail establishments.

**SHOWROOM** means a Building or part of a Building in which samples or patterns are displayed and in which orders may be taken for goods, wares or merchandise, including vehicles and equipment, for later delivery.

**SIGHT TRIANGLE** means a triangle-shaped portion of Land established at Street intersections to ensure a safe sight distance for motorists entering or leaving the intersection. The triangular-shaped portion of Land is formed by the Street Lines and a line drawn from a point in one Street Line to a point in the other Street Line.

**SIGN** (See Section 7)

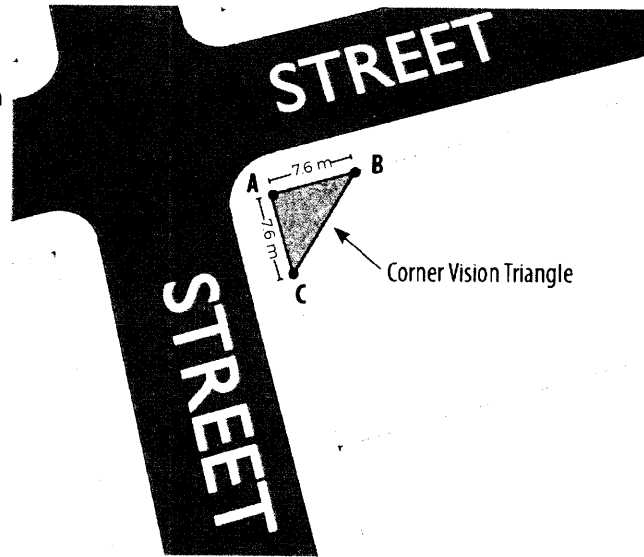
**STREET** means a street, road, highway or other way designed for the passage of vehicles and pedestrians, and which is accessible by fire department and other emergency vehicles.

**STREET (ARTERIAL)** means the Streets in the Planning Area constituting the main traffic arteries of the area and shown as Arterial Streets or highways on the Land Use Zoning Map.

**STREET (COLLECTOR)** means a Street that is designed to link Local Streets with Arterial Streets and which is shown as a Collector Street on the Land Use Zoning Map.

**STREET (LOCAL)** means a Street designed primarily to provide access to adjoining Land and which is not designated as a Collector Street or Arterial Street on the Land Use Zoning Map.

**STREET (SERVICE)** means a Street constructed parallel to or close to another Street for the purpose of limiting direct access to that Street.

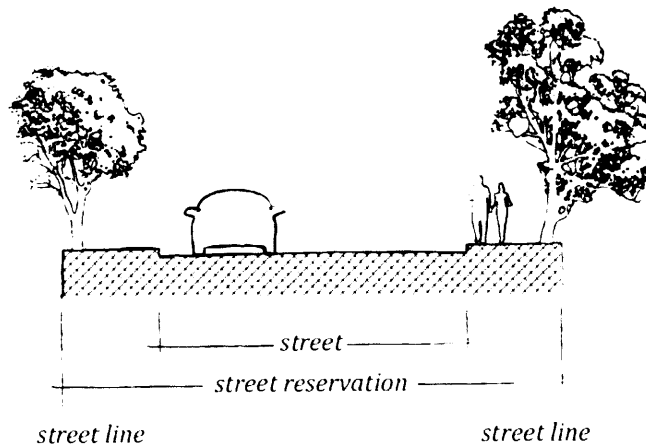


Provincial  
Reg. 4 (1) (t)



**STREET RESERVATION** means an area determined by Council that is reserved for a Street, a future Street or future street improvements.

**STREET LINE** means the edge of the right-of-way of a Street Reservation as defined by the Authority having jurisdiction.



Provincial  
Reg. 4 (1) (u)

**SUBDIVISION** means the dividing of Land, whether in single or joint ownership, into two (2) or more pieces (including Lots), for the purpose of Development.

Urban and Rural  
Planning Act  
Sec. 2 (q)

**SWIMMING POOL (RESIDENTIAL)** means any in-ground or above-ground structure that is located on a residential Lot capable of containing water with a minimum depth of 91cm, including Swimming Pools, non-portable wading pools, and landscape water features, but excludes hot tubs.

**TAKE-OUT FOOD SERVICE** means a retail establishment which sells prepared food not for consumption on the premises.

**URBAN PLANNER** means a person who is a Member of the Canadian Institute of Planners eligible to prepare plans under the *Urban and Rural Planning Act, 2000*.

**USE** means a Building or activity situated on a Lot or a Development permitted on a Lot.

Provincial  
Reg. 4 (1) (v)

**USE ZONE** or **ZONE** means an area of Land including Buildings and water designated on the Zoning Map to which the Uses, standards and conditions of a particular Use Zone table apply.

Provincial  
Reg. 4 (1) (w)

**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 Council's Regulations.

Provincial  
Reg. 4 (1) (X)

**VETERINARY CLINIC** means a facility for the medical care and treatment of animals and includes provisions for their overnight accommodation but does not include any outdoor facilities such as Kennels, pen runs and enclosures.

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

**WHEELCHAIR RAMP (RESIDENTIAL)** means a ramp to gain entry to a dwelling for use by persons with disabilities resulting in them being non- or semi-ambulatory.

**YARD** means any open, uncovered, unoccupied space appurtenant to a Building.

**YARD (ABUTTING)** means the Yard of an abutting Lot which shares a Lot Line of the subject property.

**YARD (FLANKING)** means the Side Yard of a Corner Lot extending from the Front Yard to the Rear Yard between the flanking Lot Line and the nearest main wall of any Main Building or structure on the Lot.

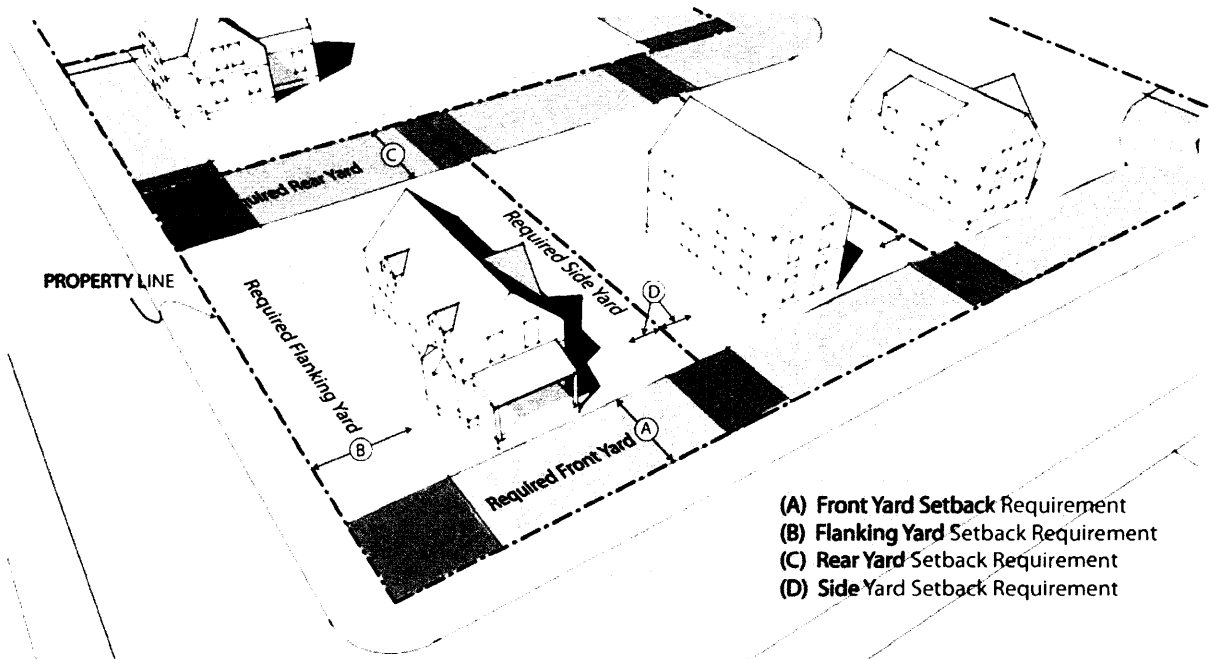
**YARD DEPTH (FRONT)** means a Yard extending across the full width of the Lot between the Front Lot Line and the wall of a Main Building.

**YARD DEPTH (REAR)** means the distance between the rear Lot Line and the rear wall of the Main Building on a Lot.

Provincial  
Reg. 4 (1) (r)

**YARD DEPTH (SIDE)** means the distance between the side Lot Line and the nearest side wall of a Building on the Lot.

Provincial  
Reg. 4 (1) (s)



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

Provincial  
Reg. 4 (1) (y)

## 3: GENERAL REGULATIONS

### 3.1 Compliance with Regulations

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

### 3.2 Permit Required

Development shall not be carried out unless Council has first issued a Building Permit.

### 3.3 Licenses, Permits and Compliance with Other By-laws

Nothing in these Regulations shall exempt any person from complying with the requirements of any by-law in force within the Town of Paradise, or from obtaining any license, permission, permit, authority or approval required by any statute or regulation of the Province of Newfoundland and Labrador or the Government of Canada.

### 3.4 Approval To Develop

Subject to Regulations 3.5 and 3.6, an approval/permit shall be issued for Development within the Planning Area that conforms to:

- a. The policies expressed in the Municipal Plan and any further scheme, plan or regulation pursuant thereto.
- b. the general development standards set out in Section 4 of these Regulations, the requirements of Section 5 of these Regulations, and the Use classes, standards, requirements, and conditions prescribed in Section 9 of these Regulations for the Use Zone in which the proposed Development is located.
- c. the standards set out in the Building Code and/or other ancillary codes, and any Building Regulations, Waste Disposal Regulations, and/or any other municipal regulation in force in the Planning Area regulating or controlling Development, conservation and use of Land and Buildings.
- d. the standards set out in Section 6 of these Regulations in the case of Subdivision of Land.
- e. the standards set out in Section 7 of these Regulations in the case of signs.
- f. the standards set out in Section 8 of these Regulations in the case of off-street parking and loading.

### 3.5 Permit Not To be Issued In Certain Cases


Neither a Development Approval nor Approval in Principle shall be issued for Development within the Planning Area when, in the opinion of Council, it is premature by reason of the site lacking adequate road access, power, drainage, sanitary facilities, or domestic water supply, or being beyond the natural Development of the area at the time of application.

### 3.6 Discretionary Powers of Council

1. Council may conditionally approve an application to carry out Development which, notwithstanding the conformity of the application with the requirements of these Regulations, is, in the opinion of Council:
  - a. Consistent with the policies expressed in the Municipal Plan and any further scheme, plan or regulations applicable to the subject property;
  - b. Would not create any hazard to public safety; and
  - c. Enhances the general appearance of the area.
2. Council may refuse an application to carry out Development which, notwithstanding the conformity of the application with the requirements of these Regulations, is, in the opinion of Council:
  - a. Not consistent with the intent and policies of the Municipal Plan and any further scheme, plan or regulations applicable to the subject property.
  - b. Would create a hazard to public safety.
  - c. Would not enhance the general appearance or amenity of the development site and surroundings.
  - d. Would create unplanned demands for public services and utilities.

### 3.7 Variances

1. Where an approval or permit cannot be given by Council because a proposed Development does not comply with development standards set out in Development Regulations, Council may, in its discretion, vary the applicable development standards to a maximum of 10% if, in Council'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. Council 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. Council shall not permit a Variance from development standards where the proposed Development would increase the non-conformity of an Existing Development, or where approval of a Variance will result in the creation of a non-conformity of any legal Existing Development.

 Provincial  
Reg. 12

### 3.8 Notice of Variance

Where Council is to consider a proposed Variance, Council 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, and allow a minimum period of seven (7) days for response.

 Provincial  
Reg. 13

### **3.9 Service Levy**

1. Council may require the payment of a service levy in accordance with Section 149 (2) of the *Municipalities Act, SN, 1999*.
2. A service levy shall not exceed the cost, including finance charges, to Council of improving or constructing the public works that are necessary for the real property to be developed in accordance with the standards required by Council and permitted by Council on that real property.
3. A service levy shall be assessed on:
  - a. the amount of property benefiting by the public work relative to all the property benefited; and
  - b. the density of Development made possible or increased by the public work.
4. Council may require a service levy be paid by the Owner of the property benefited and may specify the time for payment.

### **3.10 Financial Guarantees and Insurance**

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.
2. Building Permit securities are outlined in the Town's Fee Schedule.
3. Council may require a developer to have insurance sufficient to cover public liability relative to the Development.
4. Council shall determine the form, amount and conditions of the financial agreement and the insurance, as outlined under Section 38 of the Act.

### **3.11 Dedication of Land for Public Use**

Council may require a portion of the Land to be developed for a public purpose where public works are required to accommodate the proposed Development, and such Land shall be conveyed to Council in accordance with the provisions of the Act.

### **3.12 Restoration of Land**

Council may order the developer, the site occupier, and/or the Owner, to restore the site to the satisfaction of Council where:

- a. the use of Land is discontinued.
- b. a Development Approval and/or a Building Permit has been revoked.
- c. the intensity of the Use has been decreased.
- d. a temporary Building Permit has expired.

### **3.13 Application**

1. Applications to carry out Development shall be made only by the Owner or person authorized by the Owner to Council, on such form as may be prescribed by Council. Every application shall include such plans, specifications and drawings and be accompanied by the appropriate fee, as required by Council.
2. Council shall, on request, supply to every Applicant a copy of the application forms referred to in Regulation 3.13(1) and a description of the plans, specifications and drawings required to be provided with the application.

### 3.14 Register of Application

Council shall keep a public register of all applications for Development, which shall contain a record of Council's decision and the result of any appeal from that decision.

### 3.15 Deferment of an Application

1. Council may defer consideration of an application with the written agreement of the Applicant.
2. Council may defer decisions on an application within a specified area where Council has directed that a planning study or other similar study pertaining to the future Use and Development of the specified area be undertaken.

### 3.16 Approval in Principle

1. An application for Approval in Principle shall include:
  - b. a description of the proposed Development.
  - c. a description of the limits of the Land to be used with the proposed Development, and may include a survey description of the subject Lands.
  - d. submission of detailed plans.
  - e. any additional information that may be required by Council.
2. Council may issue an Approval in Principle if it determines the application conforms to the Municipal Plan and these Regulations, and attach conditions that are:
  - c. required to be met prior to the issuance of a Development Approval; and
  - d. necessary to ensure the Development occurs in a manner consistent with the policies of the Municipal Plan and these Regulations.
3. An Approval in Principle shall be valid for a period of two (2) years.
4. No Development shall be carried out under an Approval in Principle.

### 3.17 Development Approval

1. A plan or drawing which has been approved by Council and which bears a mark and/or signature indicating such approval together with a Development Approval shall be deemed to be permission to develop Land in accordance with these Regulations but such permission shall not relieve the Applicant from:
  - a. full responsibility for obtaining a Building Permit, permits or approvals under any other regulation or statute prior to commencing the Development.
  - b. having the work carried out in accordance with these Regulations or any other regulations or statutes; and
  - c. compliance with all conditions imposed there under.

Council may attach to a Development Approval and/or Building Permit such conditions as it deems fit, in order to ensure that the proposed Development will be in compliance with the Municipal Plan and these Regulations.
2. A Development Approval and/or Building Permit is valid for one (1) year. If the Development has commenced, the Development Approval and/or Building Permit shall be renewed annually until the Development is complete.
3. No person shall erase, alter or modify any drawing or specifications upon which a Development Approval and/or Building Permit has been issued.
4. Any changes or modifications to plans or drawings shall be approved by Council.
5. A copy of the Building Permit, and the plans and specifications, shall be kept on the site until completion of the Development.

### 3.18 Revoke Development Approval and Permit

Council may revoke a Development Approval and/or Building Permit for failure by the Applicant or developer to comply with these Regulations or any condition attached to the Development Approval and/or Building Permit or where it was issued in error or was issued contrary to the applicable regulations, or was issued on the basis of incorrect information.

### 3.19 Correction of Errors and Remedial Work

The approval of any plans or drawings or the issuance of a Development Approval and/or Building Permit shall not prevent Council or any officer from thereafter requiring the correction of errors or from ordering the cessation of, or remedial work on any Development being carried out in the event that the same is in violation of these or any other regulations or statutes.

### 3.20 Temporary Structures

A Building Permit for a temporary structure (such as a construction or Office trailer at a construction site) may be issued for a period of two (2) years.

### 3.21 Building Permit Fees

A fee may be charged for a Building Permit in accordance with the annual Schedule of Fees as adopted by Council.

### 3.22 Decisions of Council

Decisions made by Council with respect to an Approval in Principle or a Development Approval required by these Regulations, shall be made in writing stating:

- a. The reasons for a refusal of an application.
- b. The conditions contained within the Approval in Principle or Development Approval.
- c. The right to appeal the decision, in accordance with Section 42 of the Act and the requirements of Section 3.23 of these Regulations.

### 3.23 Notice of Right to Appeal

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.

 Provincial  
Reg. 5


### 3.24 Appeal Requirements

1. The secretary of the Appeal Board at the Department of Municipal Affairs and Environment, Main Floor, Confederation Building (West Block), P.O. Box 8700, St. John's, NL, A1B 4J6 is the secretary to all Appeal 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 Appeal Board.
2. The fee required under Section 44 of the Act shall be paid to the Appeal Board that hears the decision being appealed by filing it with the secretary referred to in Subsection (1) within the fourteen (14) days referred to in Subsection 42(4) of the Act.

 Provincial  
Reg. 6


3. The Appeal Board that hears the decision being appealed shall, subject to Subsection 44(3) of the Act, retain the fee paid to the Appeal Board.
4. Where an appeal of a decision and the required fee is not received by an Appeal Board in accordance with this Section and Part VI of the Act, the right to appeal that decision shall be considered to have been forfeited.

### 3.25 Appeal Registration

 Provincial  
Reg. 7

1. Upon receipt of an appeal and fee as required under the Act and these Regulations, the secretary of the Appeal Board as referred to in Subsection 3.24(1), shall immediately register the appeal.
2. Where an appeal has been registered the secretary of the Appeal Board shall notify Council of the appeal and shall provide to Council a copy of the appeal and the documentation related to the appeal.
3. Where Council has been notified of an appeal Council 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 Council 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 Council, a notice that the appeal has been registered.
5. A notice published under Subsection (4) shall be published not fewer than two (2) weeks before the date upon which the appeal is to be heard by the board.

### 3.26 Development Prohibited

 Provincial  
Reg. 8

1. Immediately upon notice of the registration of an appeal Council 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 Council 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, Council shall not carry out work related to the matter being appealed.

### 3.27 Board of Appeal

The Eastern Newfoundland Board of Appeal is established as the appeal Council for the Paradise Municipal Planning Area. The mandate, powers, and Council of this Appeal Board are specified under Sections 40 - 46 of the Act, and the Ministerial Regulations thereunder.



### 3.28 Appeals

1. A person or an association of persons aggrieved of a decision that, under the regulations, may be appealed, may appeal that decision to the appropriate Appeal Board where the decision is with respect to:
  - a. an application to undertake a Development.
  - b. a revocation of an approval or a permit to undertake a Development.
  - c. the issuance of a stop work order; and
  - d. a decision permitted under the Act or another Act to be appealed to the board.
2. A decision of Council to adopt, approve or proceed with a Municipal Plan, a scheme, Development Regulations and amendments and revisions of them is final and not subject to an appeal.
3. An Appeal Board shall not make a decision that does not comply with the Municipal Plan, a scheme and Development Regulations that apply to the matter being appealed.
4. An appeal shall be filed with the Appeal Board not more than fourteen (14) days after the person who made the original application appealed from has received the decision being appealed.
5. An appeal shall be made in writing and shall include:
  - a. a summary of the decision appealed from.
  - b. the grounds for the appeal; and
  - c. the required fee.
6. An Appeal Board may meet as often as it considers necessary to conduct its work in an expeditious manner.
7. A person or group of persons affected by the subject of an appeal or their representatives may appear before an Appeal Board and make representations concerning the matter under appeal.
8. An Appeal Board may inform itself of the subject matter of the appeal in the manner it considers necessary to reach a decision.
9. An Appeal Board shall consider and determine appeals in accordance with the Act and the Municipal Plan, scheme and regulations that have been registered under Section 24, of the Act, and having regard to the circumstances and merits of the case.
10. In determining an appeal, an Appeal Board may confirm, reverse or vary the decision appealed from and may impose those conditions that the board considers appropriate in the circumstances and may direct Council to carry out its decision or make the necessary order to have its decision implemented.
11. Notwithstanding Subsection (10), where Council may, in its discretion, make a decision, an Appeal Board shall not make another decision that overrules the discretionary decision.
12. The decision of a majority of the members of an Appeal Board present at the hearing of an appeal shall be the decision of the Appeal Board.
13. The Appeal Board shall, in writing notify the appellant and Council of the decision of the Appeal Board.

### 3.29 Hearing Notice and Meetings

1. An Appeal Board shall notify the appellant, Applicant, Council and other persons affected by the subject of an appeal of the date, time and place for the appeal not fewer than seven (7) days before the date scheduled for the hearing of the appeal.
2. An Appeal Board may meet as often as is necessary to conduct its work in an expeditious manner.

### 3.30 Hearing of Evidence

1. An Appeal Board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under Section 3.29(1) or their representative may appear before the Appeal Board and make representations with respect to the matter being appealed.
2. An Appeal 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 Appeal Board.
5. In the conduct of an appeal hearing, the Appeal Board is not bound by the rules of evidence.

Provincial  
Reg. 10

### 3.31 Return of Appeal Fee

Where an appeal made by an appellant under Section 42 of the Act, is successful, an amount of money equal to the fee paid by that appellant under Section 3.24(2) shall be paid to the appellant by Council.

### 3.32 Notice of Application

1. Notice of an application must be given when;
  - a. a Variance is to be considered under Section 3.7.
  - b. a change in a Non-Conforming Use is to be considered under Section 4.11.
  - c. the proposed Development is listed as a Discretionary Use in Section 9.
  - d. Council determines that the public should be notified of an application.
2. Subsequent to 3.32(1), Council shall give notice of an application for a Development Approval and Approval in Principle as follows:
  - a. for an application for a Variance, a direct notification of persons that are affected by the application as specified under Sections 3.8 (Variances), and in compliance with the provisions of the Act. Council may use the property tax roll where available, or other means to determine who is affected.
  - b. for a change in a Non-Conforming Use, any proposed Development listed as a Discretionary Use, or if Council determines the public should be notified of an application, there shall be a public advertisement, with a minimum seven (7) day response period, to be specified in the notice, or as specified under, Section 15 of the Provincial Development Regulations.
  - c. for a Discretionary Use, notices will be sent to property owners within 200 m of the proposed Development in addition to the public advertisement referred to in 2(b).
3. Notice of an application shall be at the expense of the Applicant.
4. Notice of an application shall contain enough information to properly inform the public of the location, the proposed type of Development and other information deemed necessary to determine whether or not there is a concern about the application.

Provincial  
Reg. 15

### 3.33 Enforcement Right of Entry

Council, or an Officer of Council, in accordance with Section 105 of the *Urban and Rural Planning Act, 2000* and the *Municipalities Act*, may enter upon any public or private Land, or enter any Development or Building upon the Land for the purpose of making surveys or examinations or obtaining information relative to the carrying out of any Development, construction, alteration, repair or any other works whatsoever that Council is empowered to regulate.

### 3.34 Record of Violations


A designated official shall keep a record of each violation of these Regulations and report that violation to Council.

### 3.35 Stop Work Order and Prosecution

1. Where a person begins or continues a Development contrary, or apparently contrary, to the Municipal Plan and these Regulations, Council may order that person to stop the Development, and any work connected with it, pending the submission and approval of an application or a final decision in a prosecution arising out of the Development.
2. A person who does not comply with an order made under 3.35 (1) is guilty of an offence under Sections 102-107 of the Act.

### 3.36 Delegation of Powers

Council shall, where designating employees to whom a power is to be delegated to issue an order under Subsection 109(3) of the Act, make that designation in writing.

 Provincial  
Reg. 18

### 3.37 Land Use Impact Assessment

1. Assessment Required - Council may require a Land Use Impact Assessment to evaluate any proposed Land Use or Development that affects the policies contained in the Municipal Plan.
2. Terms of Reference - The Terms of Reference for a Land Use Impact Assessment shall be prepared and approved by Council.
3. Impact Assessment Report - The report and any supporting studies shall be prepared at the expense of the Applicant unless otherwise determined by Council.
4. Mitigation Plan - The report shall identify significant impacts, evaluate their importance, and recommend measures of control or mitigation, where appropriate.
5. Public Review - Council shall provide adequate time for public review and comment with regards to the items to be addressed in the Terms of Reference for the Land Use Impact Assessment.
6. Council may provide an opportunity for public review and comment on the Land Use Impact Assessment report prior to its approval.

### 3.38 Environmental Site Assessment and Remediation

Council may require an environmental site assessment:

- a. As a condition of approval for Development of Lands where site contamination is known or reasonably believed to have occurred. Where such an assessment indicates the presence of hazardous materials, no Development will be permitted until the site has been remediated in accordance with relevant federal and provincial regulations regarding contaminated sites.
- b. Where site contamination is discovered after a Development has commenced.

### 3.39 Archaeological Assessment

Applications for Development will be forwarded to the Historic Resources Division, Department of Tourism, Culture, Industry and Innovation for review and consideration under the *Historic Resources Act* where:

- a. Archaeological resources are known to exist, or where they are likely to exist based on location or historical evidence.
- b. Where they are discovered after a Development has commenced.

# 4: GENERAL DEVELOPMENT STANDARDS

## 4.1 Access and Service Streets

1. Vehicular access to Streets shall meet the following requirements:

Intersection Type	Minimum Distance from the Intersection
Collector or Arterial Street with another Collector or Arterial Street	20 m
Any intersection on Topsail Road, St. Thomas Line and Paradise Road	20 m
Collector Street with a Local Street	15 m
Local Street with a Local Street	10 m
Roundabout	To be determined on the basis of a traffic assessment prepared by a qualified traffic engineer.

2. Distance between a Street intersection and a proposed Access shall be measured from the streetline of the intersection and the nearest edge of the proposed Access.
3. Council may increase the minimum distance between an Access and any intersection where, in the opinion of Council, construction of an Access would create a safety concern.
4. Council may require, at the developer's expense, installation of traffic control devices as may be necessary to ensure vehicular and pedestrian safety as a result of a Development.
5. Council may require the provision of Service Streets to reduce the number of individual Accesses to an adjacent Street.
6. Developments and associated Accesses along St. Thomas Line shall be evaluated against infill limits identified in Appendix C, and notwithstanding the minimum Frontage set out in the applicable Use Zone, Council may:
  - a. Refuse a Development where construction of an Access would create a safety hazard.
  - b. Require a larger minimum Lot Frontage for Development to ensure an Access will not create a safety hazard.

## 4.2 Accessory Buildings

### 1. General

- a. Attached garages, carports, ramps and Swimming Pools shall not be subject to the requirements of Section 4.2(2).
- b. Accessory Buildings are permitted in each Use class provided the Buildings are clearly incidental and complimentary to the Main Buildings' character, size and use.
- c. The Buildings must be located on the Lot on which the Main Building is located.
- d. Accessory Buildings shall not be used for human habitation.
- e. Accessory Buildings shall not be used for commercial or industrial Uses on a residential property, regardless of the Use Zone in which it is located, unless Council has issued a permit for such Use.
- f. Repairs to vehicles, other than minor vehicle maintenance, are prohibited in Accessory Buildings.

### 2. Residential Accessory Buildings

- a. Notwithstanding Section 3.2, Accessory Buildings with a combined building footprint up to 5.2 m<sup>2</sup> do not require approval from Council, but shall be included in calculation of allowable area for Accessory Buildings in Section 2(g).
- b. Accessory Buildings greater than 5.2 m<sup>2</sup> require approval from Council and shall meet the following requirements:
  - i. They shall not be located within 1.2 m from any property boundary and 2.0 m from the Main Building;
  - ii. They shall not be placed within any easement area.
- c. Accessory Buildings shall not be placed in front of the Building Line on the Street which the Building has as its legal civic address. An Accessory Building on a Corner Lot may be placed in front of the Building Line on the Flanking Yard, provided the location does not impede visibility on the flanking Street, and the Accessory Building is set back a minimum of 6 m from the flanking Street.
- d. Notwithstanding Section 4.2 (2)(c) Council may, at its discretion, allow an Accessory Building with a building footprint less than 90 m<sup>2</sup> to be placed in front of the Building Line provided that:
  - i. A public notice has been advertised in accordance with Section 3.32;
  - ii. The Accessory Building shall be set back a minimum of 15 m from the front property line;
  - iii. The slope of the Lot and/or natural screening effectively blocks the view of the Building from the Street and adjoining properties. The placement of the Building must not negatively affect neighbouring properties;
  - iv. A site plan is submitted showing all Buildings on the Lot including the proposed Accessory Building.
- e. With the exception of greenhouses, the exterior cladding of the Accessory Building shall match or coordinate with the exterior siding of the main dwelling on the Lot and shall be residential in character.
- f. Quonset style/steel Accessory Buildings may be permitted within the Rural Residential Use Zone on Lots greater than 3,600 m<sup>2</sup>, at the discretion of Council.
- g. The Accessory Building must be constructed in accordance with the following:

Lot Size (m <sup>2</sup> )	Building Footprint of all Accessory Buildings	Maximum Height
Less than 1860 m <sup>2</sup>	7% of the Lot Area or 70 m <sup>2</sup> , whichever is less.	4.0 m
1860 m <sup>2</sup> or greater, but less than 3600 m <sup>2</sup>	70 m <sup>2</sup>	4.5 m
3600 m <sup>2</sup> or greater, but equal or less than 4050 m <sup>2</sup>	90 m <sup>2</sup> Greater than 90 m <sup>2</sup> to 150 m <sup>2</sup> subject to public notice and Council review and approval.	4.5 m
Greater than 4050 m <sup>2</sup>	90 m <sup>2</sup> Greater than 90 m <sup>2</sup> subject to public notice and Council review and approval.	4.5 m Greater than 4.5 m subject to public notice and Council review and approval.

- h. With the exception of Accessory Buildings for the purpose of livestock Uses, the installation of private or municipal water and/or sewer services to an Accessory Building is prohibited.
- i. The installation of electrical services to Accessory Buildings shall be permitted.
- j. In considering applications for residential Accessory Buildings exceeding 90 m<sup>2</sup> in area, or 4.5 m in height, Council shall consider:
  - i. The location of the Accessory Building on the Lot;
  - ii. The size of the Accessory Building compared to the dwelling on the Lot and the size of structures on neighbouring properties;
  - iii. Visibility of the structure from neighbouring properties and/or Street;
  - iv. If the Accessory Building will block a view and/or light from adjoining properties;
  - v. The Use of the Accessory Building;
  - vi. Site conditions, such as topography and the presence of Wetlands; and
  - vii. Any other on-site conditions that may warrant Council's considerations.

### 3. Residential Watershed Zone

Accessory Buildings located in the Residential Watershed Use Zone shall meet the following conditions:

- a. The maximum floor area shall be 45 m<sup>2</sup> or 7% of the Lot Area whichever is lesser.
- b. The maximum height shall be 4 m.
- c. The Building must be located in the Rear Yard with a minimum of 3 m from any Building on the Lot and a minimum of 1.5 m from any property boundary.
- d. The Building shall not encroach onto any easement.
- e. The Building is strictly used for ancillary purposes to the Permitted Uses listed in this Use Zone. Accessory Buildings on residential properties shall not be used for non-residential Uses without permission of the Town of Paradise and the City of St. John's.
- f. An Accessory Building shall not be permitted for the purpose of performing major auto repairs, painting, dismantling, or scrapping of vehicles or machinery.

#### **4. Commercial/Industrial Accessory Buildings**

Accessory Buildings located on commercial or industrial properties shall be:

- a. Located behind the Building Line of the Main Building on the Lot.
- b. Not closer than 2.4 m to another Building.
- c. A minimum of 1.2 m from any property line; and
- d. Not located on or encroach into any easement.

#### **5. Accessory Buildings in the Conservation Land Use Zone**

Notwithstanding Section 4.2(1)(c), Accessory Buildings in the Conservation Land Use Zone shall meet the following requirements:

- a. Residential Accessory Buildings may be permitted within 60 m of Topsail Pond, subject to Section 4.2(2)(g).
- b. Construction of docks, wharves, boathouses and similar structures shall be located on the same property as the residential Use to which they will be accessory, or on a parcel in the same ownership as the residential Use, no further than 200 m from the residential Use.
- c. An Accessory Building will not be permitted in front of any Building Line, closer than 2.4 m from another Building, nor 1.2 m from a property line. Accessory Buildings are subject to the same Side Yard requirements of the nearest residential Use Zone.
- d. Accessory Buildings are to be used strictly for ancillary purposes to a residential Use, and non-residential Uses shall not be permitted without the permission of Council. Aside from minor vehicle or boat maintenance, no person shall use an Accessory Building for the purpose of performing major repairs, painting, dismantling, or scrapping of vehicles or machinery.

### **4.3 Landscaping**

#### **1. Residential Developments**

- a. The Front, Side and Rear Yards of a residential Lot shall be landscaped with a minimum treatment of soft landscaping such as grass and natural vegetation and any variation or alternative landscaping treatment to this shall be proposed in the form of a landscaping plan prepared by a certified member of a recognized landscaping organization which is recognized by Council to offer such landscaping expertise and service.
- b. The minimum area to be landscaped in the Front Yard of a residential Lot shall be in accordance with the requirements for the applicable Use Zone set out in Section 9 of these Regulations. The landscaped area shall be continuous between the between the Building Line and the Front Lot Line unless otherwise determined by Council.
- c. Front Yard Landscaping for Semi-detached Dwellings shall be located between the driveways associated with main unit. Row Dwellings shall not be permitted to have a driveway with a width greater than 3 m to ensure a reasonable opportunity for landscaping within the Front Yards of each unit, unless the unit width is increased to ensure that the percentage of Landscaping required in the Front Yard can be achieved.
- d. A minimum of one tree shall be planted in the Front Yard per 6 m of Lot Frontage as part of the initial Landscaping feature of the Lot unless the Lot is part of an approved Subdivision that includes street trees in the design of the Street Reservation.
- e. The driveway and any parking areas shall be completed with a hard surface acceptable to Council.
- f. The placement of hard surfaces in Rear Yards will require submission and approval of a site drainage plan to ensure proper management of stormwater runoff from the Lot.

## 2. Commercial and Public Developments

- a. A minimum of 20% of the Lot shall be landscaped. Landscaping in the Front Yard of a commercial or public Lot shall be located across the front of the Lot to a depth of 6 m (exclusive of any Access), and consist of a mix of landscaping elements.
- b. The front, side, and Rear Yards of a commercial or institutional Lot, shall be landscaped and where appropriate, consistent the Town of Paradise Landscaping Guidelines.
- c. On every Lot, a minimum of one tree shall be planted for every 8 m of Lot Frontage.
- d. For smaller Lot Developments (Frontages of 30 m or less), the proposed Landscaping shall be indicated on the site plan.
- e. On larger Lots (Frontages greater than 30 m), a landscape plan, prepared by a certified member of a recognized landscaping organization, recognized by the Town to offer such landscaping expertise and service, shall be required as a condition of approval. An occupancy permit will require certification that the landscaping has been installed in accordance with the landscaping plan.
- f. The driveway and all vehicle circulation areas, including parking stalls and parking and shipping areas in all Yards (Front, Side, and Rear), unless otherwise approved by Council, shall be paved and curbed.

## 3. Industrial Developments

- a. Landscaping in the Front Yard of an industrial Lot shall be located across the front of the Lot to a depth of 6 m (exclusive of any Access), and consist of a mix of natural landscaping elements.
- b. The required side and Rear Yards of an industrial Lot shall be landscaped with a minimum treatment of grass and related natural vegetation, and any variation or alternative landscaping treatment to this requirement shall be proposed in the form of a landscaping plan prepared by a certified member of a recognized landscaping organization which is recognized by Council to offer such landscaping expertise and service.
- c. A landscape plan, prepared by a certified member of a recognized landscaping organization, recognized by the Town to offer such landscaping expertise and service, shall be required as a condition of approval. An occupancy permit will require certification that the landscaping has been installed in accordance with the landscaping plan.
- d. One tree shall be planted for every 8 m of street frontage within a 6 m landscape strip in the Front Yard of the Lot. Landscape features, such as trees and other plant material may also be planted as a cluster within the strip in accordance with the approved landscaping plan.
- e. The driveway and all vehicle circulation areas, including parking stalls and parking and shipping areas, in the Front, Side, and Rear Yards (with the exception of exterior storage yards), shall be paved with curbing extending from the front of the property up to the limits of the rear wall of the Building.



#### **4.4 Landscaped Buffer or Screen**

1. Council may require a buffer between Developments, in the form of a separation distance or structure to provide a visual or acoustic barrier.
2. Where any industrial, commercial, public or institutional Development permitted in any Zone abuts an Existing or proposed residential Use, the Owner of the site of the Development shall provide a buffer strip of not less than 3 m wide, or a screen of at least 1.8 m in height between the Development and the residential Use. Council may require a separation distance greater than 3 m where site conditions and type of commercial, public or institutional Development are necessary to prevent impacts on adjoining residential properties.
3. Where a commercial Development adjoins a residential area:
  - a. Landscaping of the commercial properties shall screen outdoor parking, shipping, and storage areas directly visible from adjacent dwellings.
  - b. Snow storage areas shall be provided away from common fences with residential properties and away from Streets.

#### **4.5 Building Height**

1. Building Height shall be in accordance with the requirements of the applicable Use Zone set out in Section 9 of these Regulations.
2. Council may require an analysis of the shadowing impacts of a commercial, industrial or public Building where it abuts a residential Zone or Existing residence, and may require an increase in Yard depth, or stepping back of upper stories of a Building to reduce the shadow effects of the Development on adjacent Uses.

#### **4.6 Building Line and Setback**

1. Council, by resolution, may establish Building Lines on an Existing 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 Section 9 of these Regulations.
2. Where a Development constitutes infill on an existing developed Street, Council may set the Building Line Setback to enable the Development to fit into the streetscape with respect to adjoining properties and the general area.
3. Notwithstanding the Building Line Setback in any Zone in Section 9, the Town may require an increased Setback on Topsail Road, St. Thomas Line and Paradise Road in accordance with the requirements of the Engineering Department

#### **4.7 Lot Area**

1. No new Lot shall be created for the purposes of Development which does not meet the minimum Lot standards as required under these Regulations, nor can any Lot be changed or reduced in area, so that it or any Building thereon shall have a Lot Coverage that exceeds, or a Front Yard, Rear Yard, Side Yard, Frontage or Lot Area that is less than that permitted by these Regulations for the Zone in which such Lot is located.
2. Where any part of a Lot is required by these Regulations to be reserved as a Yard, it shall continue to be so used regardless of any change in the ownership of the Lot or any part thereof, and shall not be deemed to form part of an adjacent Lot for the purpose of computing the area thereof available for building purposes.
3. Council may refuse a Lot where the Lot is divided by another Use Zone, natural feature such as a waterbody, or topography that renders a portion of the property unusable, unless the Lot has a continuous portion that can be developed, that is of sufficient area for the type of Use that is proposed.

#### 4.8 Lot Area and Size Exceptions

Council may approve Development of a Building on a Lot that exists at the time of coming into effect of these Regulations that has insufficient Frontage or area to permit the Owner or purchaser of the lot to comply with the provisions of these Regulations where:

- a. There is evidence that the Lot had received approval from Council prior to the coming into effect of these Regulations; and
- b. The Development can meet the minimum standards for Lot Coverage, Yards and Floor Area set out in the applicable Use Zone in which it is located.

#### 4.9 Lot Frontage

Except where specifically provided for in Section 9 of these Regulations, no Main Building shall be erected on a Lot, unless the Lot on which it is situated fronts directly onto a publicly owned and maintained Street, or forms part of an approved Subdivision.

#### 4.10 Multiple Uses and Buildings on a Lot

1. Multiple Uses and Buildings may occur on a Lot where:
  - a. They are part of an approved Planned Mixed Development plan.
  - b. The Uses are included in an approved mixed-use Building.
2. Where an additional Use or Building is proposed on a Lot originally approved for a single Use in any residential Use Zone, each Use shall be required to meet the provisions of these Regulations. Where there is a conflict such as in the case of Lot size or Lot Frontage, the higher, or more stringent standard shall prevail.
3. An additional Use or Building may be permitted on a Lot originally approved and developed for a commercial Use, provided the Lot is located in a commercial Zone, has sufficient area to meet the applicable Use Zone requirements for Yards, Access and parking for each Building and Use.

#### 4.11 Non-Conforming Use

1. Notwithstanding the Municipal Plan, scheme or regulations made under the *Urban and Rural Planning Act, 2000*, Council shall, in accordance with regulations made under the 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.
2. Notwithstanding Section 4.11 (1), a right to resume a discontinued Non-Conforming Use of Land shall not exceed six (6) months after that discontinuance unless otherwise provided by regulation under the Act.
3. A Building, structure or Development that does not conform to a scheme, plan or regulations made under the Act that is allowed to continue under Section 4.11 (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% or more of the value of that Building, structure or Development has been destroyed.
  - 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 by approval of Council where, in Council's opinion, the extension is not more than 50% of the Existing Building.
- f. where the non-conformance is with respect to the standards included in these Development Regulations, shall not be expanded if the expansion would increase the non-conformity; and
- g. where the Building or structure is primarily Zoned and used for residential purposes, may, in accordance with the appropriate plan and regulations, be repaired or rebuilt where 50% or more of the value of that Building or structure is destroyed.

#### **4.12 Side Yards**

A Side Yard, which shall be kept clear of obstruction, shall be provided on the exposed sides of every Building in order to provide access for the maintenance of that Building.

#### **4.13 Development Over Easements**

No permanent Building shall be constructed over any known easement, whether that easement has been assigned to the Town of Paradise, a department of the provincial or federal government, or a utility company.

#### **4.14 Minor Front and Flanking Yard Projections**

No portion of a Building or structure attached to a Main Building on a Lot may extend into a Yard, except in accordance with the following:

- a. The projection does not encroach upon or create an obstruction in the Sight Triangle for Corner Lots.
- b. On residential Lots a minimum 1.2 m Side Yard shall remain unobstructed.
- c. On residential Lots, the following projections shall be permitted:
  - i. chimney breast, eaves, sills or cornices not projecting more than 1 m into a required Front Yard Depth;
  - ii. unenclosed steps with or without a landing; an unenclosed or enclosed porch, patio, deck or veranda that projects no more than 2 m into the established Building Line Setback for the Lot. Steps associated with these structures are permitted to project into the Front Yard up to an additional 2 m;
  - iii. Wheelchair Ramps or other accessibility structures as approved by Council.

#### **4.15 Street Construction Standards**

Streets shall be designed and constructed in accordance Section 6 of these Regulations with respect to Subdivisions and with the Town of Paradise Engineering Guidelines for Subdivisions.

#### **4.16 Drainage System of Developments**

1. A Development may not be constructed or maintained so that it alters the natural flow of water causing damage to other properties.
2. Each Development shall be provided with a drainage system that is adequate to prevent the retention of surface water on the development site except that retention ponds may be incorporated into the system.
3. The drainage system of a Development shall connect to other drainage systems on surrounding properties and Streets where possible.
4. Council may require a developer, at the developer's expense, to install new and/or upgrade existing stormwater infrastructure sufficient to accommodate stormwater flows from a Development.

#### **4.17 On-Site Water and Wastewater Systems**

1. Where permitted, private on-site septic systems, shall be properly designed, installed and maintained.
2. Approval for on-site septic systems is required from the applicable provincial agency prior to the issuance of a Building Permit from the Town.
3. Where Development on the basis of water supply wells (either in unserved infill areas or in a Rural Residential or Conservation Subdivision) an assessment of groundwater quantity and quality may be required in accordance with the Provincial Department of Municipal Affairs and Environment Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Served by Individual Private Wells, 2009.
4. Where there is insufficient groundwater yield to support any Development proposed on the basis of a well, Council shall refuse the Development.

#### **4.18 Conservation of Natural Environment and Aesthetic Areas**

Council may, in considering a proposed Development, require agreements to preserve sensitive environmental or natural features on a site. Such agreements may include designating areas within a site for conservation, for the maintenance of tree cover within a Development as a natural feature along Lot Frontages, or as a buffer along rivers, streams and shorelines.

#### **4.19 Storage of Flammable Liquids**

Uses and structures for the storage of flammable liquids shall meet the following requirements:

- a. They are constructed to conform with the requirements of the Provincial Fire Commissioner.
- b. Where part of an approved Use in any commercial, industrial or planned Development Use Zone, structures that contain flammable liquids shall generally be located in the Rear Yard or Side Yard placed at or behind the Building Line; and
- c. Be surrounded by such buffers and landscaping as Council may require to prevent damage to adjacent Uses by fire, explosion or spillage of flammable liquid or other dangerous goods.

#### **4.20 Shoreline Buffers**

1. With the exception of public works and passive recreation Uses such as walking trails, no Development shall generally be permitted within 15 m of the 1:100 flood plain of rivers or streams, within 30 m of the shoreline of lakes and ponds, and 30 m of Octagon Pond.
2. Council may require a floodplain analysis where Development is proposed near waterbodies for which no floodplain mapping is available.
3. Council may require an assessment of the visual impact of a development on the Octagon Pond walking trail and the implementation of measures it considers necessary to protect the integrity of the trail and the surrounding treed buffer

#### **4.21 T'Railway Provincial Park Corridor/Grand Concourse/Walkways**

1. Existing vegetation within 20 m on either side of the centreline of the T'Railway Provincial Park right-of-way will be maintained to preserve the natural quality of the trail corridor.
2. Where a Development is proposed that would create a pedestrian connection to walkways developed by the Grand Concourse Authority, or by the Town of Paradise, Council may require the developer to maintain or restore existing vegetation, or provide new landscaping where the connection with the trail is made.

#### **4.22 East Coast Trail**

The East Coast Trail Association are developing a natural hiking trail within the Town along the coastline of Conception Bay as part of their much larger coastal trail system. Council shall ensure that a 30 m, undisturbed buffer is maintained along the undeveloped trail corridor to protect the integrity of the trail system.

#### **4.23 Swimming Pools**

Swimming Pools as a residential Accessory Use, shall meet the following requirements:

- a. It shall be located in the Rear Yard of the residential property.
- b. Shall not encroach upon any easements.
- c. Shall not be located under any overhead power lines.
- d. Shall have a minimum set back of 2.0 m from any property boundary.
- e. The area surrounding the Swimming Pool and pool deck shall be fully enclosed by a fence to prevent people, especially children, from unauthorized access to the pool area, in accordance with the Town of Paradise Fence Regulations.

#### **4.24 Heat Pump, Air Conditioner, External Fan or Mini-Split Heat Pump**

1. A heat pump, air conditioner, external fan or mini-split heat pump shall not generate noise exceeding 55 dBA at the property boundary. If a mini-split heat pump is found to be exceeding that limit, noise mitigation measures shall be employed to reduce the noise level to a maximum of 55 dBA.
2. A heat pump, air conditioner, or external fan shall be located:
  - a. in the flanking Street Side Yard or Rear Yard of a Lot.
  - b. no closer than 2.4 m from a side Lot Line of the Lot; and
  - c. no closer than 3 m to a door or window of a dwelling on an adjoining Lot.
3. A heat pump shall be placed on a concrete base that rests on or in the ground, or equivalent.
4. A mini-split heat pump:
  - a. May be located in a Front, Rear, Side or Flanking Yard.
  - b. Shall be attached securely to the Main Building on the Lot or attached securely to a concrete base resting on or in the ground as per the manufacturer's specifications, or equivalent to prevent vibration of the equipment during operation.
5. Upon receipt of a noise complaint about a heat pump, mini-split heat pump, air conditioner or external fan unit, the unit shall be inspected and certified to be in appropriate working order by a company certified to service the equipment. Proof of inspection and certification must be made available upon request by the Town. If the noise continues and exceeds the noise level permitted for a heat pump, mini-split heat pump, air conditioner or external fan unit, the property owner will be required to undertake noise mitigation measures or relocate the unit.

#### **4.25 Provincial Highways**

Any Development proposed within or having access to the Building Control Line of the Pitts Memorial Drive/Manuels Access Road, or the Trans Canada Highway/Outer Ring Road, shall require the approval of the applicable provincial government departments.

#### **4.26 Street Hierarchy**

For the purpose of these Regulations, Streets in the Paradise Planning Area are classified as show on the Street Classification Map in Appendix F.

#### 4.27 Vision Obstruction at Intersection (Sight Triangle)

1. No Building, fence sign or utility enclosure shall be erected on any Corner Lot within the Sight Triangle, unless, in the opinion of the Engineering Department, it does not impede sight lines along the Street.
2. Where it has been determined that an Accessory Building, fence, Sign, or utility enclosure does not impede a sight line of a Corner Lot, the Engineering Department shall determine the height and placement of the structure.
3. Sightlines shall be established as follows:

Type of Street	Distance from the point of intersection of two Street Lines and a line connecting two points on the two Street Lines
Local Street with posted speed limits 50 km/hr or less <sup>2</sup>	7.6 m
All other Streets	As determined by the Engineering Department

#### 4.28 Development Along Topsail Bluff

1. Development, where permitted near Topsail Bluff, shall be set back a minimum of 30m from the top of the bluff to any planned residential Building Lot or Lots.
2. Council may require a site specific study to determine the top of bluff edge, or the stability of the bluff for the purposes of establishing an appropriate setback, and may increase the minimum setback where slopes and stability of the slope are shown to pose a hazard to development.

#### 4.29 Removal of Excavated Material

For approved Developments where the extraction of quarry materials is occurring or may be expected to occur, the Town shall send a copy of the development permit to the Mineral Lands Division, Department of Natural Resources. Quarry materials includes, but it not limited to, aggregate, fill, rock, stone, gravel, sand, clay, borrow material, topsoil, overburden, subsoil, peat.

## 5: SPECIFIC USE REGULATIONS

### 5.1 Adult Day Care Use (Non-Residential)

An Adult Day Care Use (Non-Residential) shall be subject to the following conditions:

- a. The Use shall comply with all pertinent provincial and municipal regulations.
- b. Adequate noise separation shall be maintained between the Use and adjoining Dwelling Units in an apartment building.
- c. Adequate noise separation shall be maintained between the Use and adjoining commercial Uses.
- d. A fire exit for the exclusive use of the Adult Day Care Use shall be provided.
- e. A separate entrance for the exclusive use of the Adult Day Care Use shall be provided unless the entrance to the Use from a common lobby or foyer is immediately adjacent to such lobby or foyer.
- f. Parking as required in these Regulations shall be provided and reserved for the exclusive use of the Adult Day Care Use and identified as such on the parking plan.
- g. A minimum of 5 m<sup>2</sup> of Net Floor Area per person shall be provided for use by the Adult Day Care users, this aggregate floor space shall be utilized for the purpose of group amenity areas and individual rest areas; and
- h. The Use shall operate only during the full daytime period between 7:00 a.m. and 6:00 p.m.

### 5.2 Adult Day Care Use (Residential)

An Adult Day Care Use (Residential) shall be subject to the following conditions:

- a. The Use shall comply with all pertinent provincial and municipal regulations.
- b. The Use shall occupy a maximum of forty 40% of the Floor Area of the Dwelling Unit.
- c. The Use shall have a maximum of six (6) Adult Day Care users present at any time.
- d. A minimum of 5 m<sup>2</sup> of Net Floor Area per person shall be provided for use by Adult Day Care users, this aggregate floor space shall be utilized for the purpose of group amenity areas and individual rest areas.
- e. Adequate parking shall be provided.
- f. The operator of the Use shall maintain the dwelling in which the Use is located as his/her primary residence.
- g. A maximum of one (1) person, other than the operator, shall be employed in the Adult Day Care Use.
- h. The Use shall be clearly subsidiary to the residential Use.
- i. The Use shall be compatible with nearby Uses; and
- j. The Use shall operate only during the full daytime period between 7:00 a.m. and 6:00 p.m.

### 5.3 Agriculture (Commercial) - Livestock Structures

Where permitted, the construction of Buildings designed to house animals as part of a Commercial Agriculture enterprise, including the boarding of horses, shall meet the following requirements:

- a. The structure shall be at least 20 m from the boundary of the property on which it is to be erected.
- b. A manure management plan, satisfactory to Council is submitted with the application.
- c. The structure is approved by the applicable provincial agencies.

### 5.4 Agriculture (Urban)

Urban Agriculture Uses shall be limited to the keeping of poultry, small goats (dwarf, pygmy) and beehives on a residential Lot subject to the following conditions:

- a. The owner shall keep the poultry, goats, eggs or honey produced for personal use.
- b. The owner shall register the activity with the Town.
- c. Any manure shall be contained within a fully sealed container and removed from the Lot on a regular basis.
- d. Any feed shall be stored within a fully sealed container.
- e. Keeping of Poultry shall meet the following requirements:
  - i. Include no more than four (4) hens and shall not include a rooster;
  - ii. Include a single coop and associated run in the Rear Yard of Lot that prevents animals from roaming free; and
  - iii. The coop used to house the poultry shall be located:

Minimum distance from a side or rear Lot Line	3 m
Minimum distance from a dwelling on an adjacent Lot	7.5 m
Minimum distance from any well	30 m

- f. Beehives
  - i. Only one beehive in the form of a Langstroth type hive shall be kept per subject property;
  - ii. The beehive shall not exceed 1.5 m high by 0.5 m wide by 0.5 m deep;
  - iii. The beehive is kept in the Rear Yard of the subject property, a minimum of 13 m from any property boundary; and
  - iv. Fencing, hedging, or other suitable barrier must be established to direct bees away from neighbouring dwellings.
- g. Goats
  - i. No more than two (2) small goats shall be permitted on a property; and
  - ii. The property shall be fenced.



## 5.5 Animal Uses

Where permitted, Animal Uses shall meet the following requirements:

- a. They shall be limited to the keeping of animals as domestic pets and their associated structures, including Kennels.
- b. Where horse(s) are permitted as a pet, the following conditions shall apply:
  - i. A minimum of 4050m<sup>2</sup> of Land area per horse is required exclusive of the minimum required Lot Area for the residential Use;
  - ii. Property owners must submit a manure management plan that outlines how animal wastes will be stored and removed from the site;
  - iii. All horses must be kept inside secured stable and fenced areas. Fencing must be constructed of materials of sufficient design and strength and a minimum of 2.0m in height to secure the horse(s). Electrical fencing may be used to re-enforce the fence but shall not be used as a standalone fencing option. Barbed wire shall not be permitted as a fencing material; Tethering of a horse for grazing shall not be permitted;
  - iv. Proof of liability insurance for the keeping of the animal(s) on the property must be submitted to the Town;
  - v. The keeping of stallions shall not be permitted; and
  - vi. The residential property shall not be used for commercial purpose such as riding lessons, boarding or other associated Use without the approval of Council.

## 5.6 Assisted Living Residential Complex

Assisted Living Residential Complexes, where permitted, shall meet the following requirements:

- a. They shall be licensed by the applicable provincial authority (where required).
- b. Have paved Access and parking area.
- c. Council may require a privacy fence to be constructed.
- d. Unless part of a planned mixed-use Development, meet the following minimum Lot standards:

Standard	
Lot Frontage (min)	30 m
Building Line Setback (min)	10 m or consistent with the Building Line Setback as established by Existing Lots on the Street
Side Yard (min)	5 m
Rear Yard (min)	10 m
Lot Coverage (max)	50%
Landscaping	20%

- e. A personal care home Use is permitted in a Dwelling Unit that is adequate in size to accommodate the number of persons living in the group, inclusive of staff. The Use and appearance of the dwelling shall not materially differ from, nor adversely affect, the amenities of the adjacent residences or neighbourhood.

## 5.7 Automotive Sales

An Automotive Sales Use where permitted shall meet the following conditions:

- a. Submission of a site development plan that shows:
  - i. The number and location of parking spaces.
  - ii. Ingress and egress of the parking lot.
  - iii. Motor vehicle circulation pattern within the Lot.
  - iv. Location of Buildings on the Lot.
  - v. Areas to be landscaped and screened and the type of landscaping to be used.
  - vi. Customer parking in accordance with Section 8 of these Regulations.
- b. The Automotive Sales Use shall have a Main Building on the Lot in which the business is conducted.
- c. The Automotive Sales Lot shall be paved and shall provide drainage, lighting, curbs, and landscaping in accordance with the requirements of Council.
- d. The Automotive Sales Use shall be licensed under the *Automotive Dealers Act* prior to the Use commencing.

## 5.8 Bed and Breakfast

Where permitted, a Bed and Breakfast is subject to the following conditions:

- a. The approved occupant load shall be posted in a prominent position within the Bed and Breakfast.
- b. Except for a Sign, there shall not be any change to the exterior appearance of the residence
- c. On-site parking is provided in accordance with Section 8 of these Regulations.
- d. If located in an area not serviced with municipal water and sewer, the applicable provincial department must approve a drilled well and septic system, designed by an approved designer.
- e. A Land Use Assessment Report may be required.

## 5.9 Child Care (Daycare Centre)

Where permitted in a Use Zone, a Daycare Centre shall meet the following conditions:

- a. The operation is in accordance with all applicable provincial laws and regulations.
- b. The Building shall be designed so that its type, massing and visual appearance fits into the Street on which it is located.
- c. A limit of one (1) Daycare or day nursery will be permitted on any cul-de-sac.
- d. Any on-site, outdoor play space will have a fence erected around its perimeter, with a gate in case of emergency.
- e. Provision for off-street parking will be required as per the off-street parking requirements of these Regulations.
- f. The drop-off and pick-up of children will not interfere with the free flow of vehicular traffic.
- g. The Use is not located adjacent to or near hazardous, dangerous, or incompatible Uses. These include, but are not limited to, heavy industrial Uses, Service Stations, garages, Lounges, and night clubs.

## 5.10 Child Care (Family)

Where permitted in a Dwelling Unit by the Town of Paradise, Child Care as a Home-Based Business shall conform to the requirements of the *Child Care Services Act* and Regulations. Where required, a licence to operate shall be obtained from the applicable provincial department.

## 5.11 Home-Based Business

1. The following conditions shall apply to the Use of a dwelling for a Home-Based Business:
  - a. The Dwelling Unit is occupied as a residence by the Applicant.
  - b. The Use is clearly subsidiary to the residential Use, and does not detract from the residential character of the surrounding area. The external appearance of the dwelling shall not be changed by the Home-Based Business.
  - c. No more than 25% of the total Floor Area of the dwelling, up to a maximum of 45 m<sup>2</sup>, is devoted to the business Use.
  - d. No wholesale sales is carried out and retail sales are incidental and subsidiary to the approved Use.
  - e. There will not be more than two (2) non-resident employees working regularly in the dwelling.
  - f. No regular parking of more than three (3) non-resident owned vehicles will be permitted on the Lot.
  - g. The Lot shall have sufficient area to accommodate the parking requirements of the Dwelling Unit and the Home-Based Business.
  - h. The parking of commercial vehicles is subject to a permit being issued by Council, and subject to the Town of Paradise Commercial Vehicle Regulations.
  - i. Activities associated with the Use are not hazardous, and do not cause noticeable noise, odour, dust, fumes, night lights, or other inconvenience or nuisance to the neighbouring residents.
  - j. Activities, such as the delivery or movement of goods, are limited to the hours of 8 a.m. to 8 p.m.
  - k. There will be no repair, major maintenance, dismantling, or scrapping of vehicles or heavy equipment.
  - l. There will be no storage of unsightly materials or waste outdoors.
  - m. No change will be made in the type, class, intensity or extent of the business or service without a permit.
  
2. In addition to the requirements set out in Section 5.11(1), a Home-Based Business in an Accessory Building may only be permitted in the Residential Mixed, Commercial Main Street and Rural Residential Use Zones, subject to the following conditions:
  - i. Not include any autobody, off-road vehicle or heavy equipment repair or salvage, painting/detailing or sales;
  - ii. The Building shall not be connected to municipal water or sewer services, nor an on-site well or septic system;
  - iii. The business shall be owned and operated by the occupants of the dwelling; and
  - iv. Activities associated with the Use are carried out inside the Accessory Building, are not hazardous and do not cause a noticeable increase in noise, odour, dust or fumes, nor cause electrical interference or in any other way result in a nuisance to the occupants of surrounding residences.

## 5.12 Home Office Use

A Home Office in a residential Dwelling Unit:

- a. Shall not occupy more than 25% of the total Floor Area of the dwelling.
- b. Have no exterior open storage or display of goods, materials or equipment.
- c. Must have no employees other than a resident of the dwelling.
- d. Shall have no signage associated with the Home Office Use.

### 5.13 Non-Residential Buildings (adjacent to Residential Areas)

1. The following conditions shall apply to a Development that includes a Building containing a commercial, office, industrial or public Use that adjoins a residential Lot or Zone:
  - a. The views from habitable rooms of dwellings and the amenity of outdoor spaces shall be respected in the design and siting of the proposed non-residential Building.
  - b. Landscaping of the non-residential property shall screen outdoor parking, shipping and storage areas directly visible from adjacent dwellings.
  - c. Snow piling areas shall be provided away from common fences with residential properties and away from Streets.
  - d. Parking lots and motor vehicle circulation areas for commercial Uses shall be situated to minimize the impact on adjoining residential properties.
2. A Land Use Assessment Report may be required to assess the impact of shading and shadow effects on surrounding residential properties. Council may require Building Height, and Side or Rear Yards to be modified to prevent shading and shadow effect of the proposed Building on adjoining residential properties.

### 5.14 Service Stations and Gas Bars

Where permitted, Service Stations and Gas Bars shall be subject to the following requirements:

Standard	
Lot Area	900 m <sup>2</sup> (minimum)
Lot Frontage	48 m, or where located at an intersection, 35 m along each Street
Building Height	1 storey
Building Line Setback	6 m
Building Line (canopies)	3 m
Side Yards	6 m, 7.6 m on a flanking Street
Rear Yard	6 m

- a. Petroleum dispensing pumps must be located on pump islands which vehicles may access on either side, except for propane, diesel, and kerosene pumps which may have access on one side.
- b. Pump islands shall be set back a minimum of 4 m from the Front Lot Line.
- c. Accesses to the Lot shall have a minimum width of 7 m, and shall be clearly defined.
- d. When a dispensing pump is located on a Corner Lot, the minimum distance between an Access to the Lot and the intersection of Street Lines shall be 20 m, unless otherwise determined by Council.
- e. Surface run-off shall be directed to an oil/water separator before discharging into any storm sewer or any other surface or sub-surface drainage system.

### **5.15 Subsidiary Apartments**

Where permitted, a Subsidiary Apartment shall meet the following requirements:

- a. It shall occupy less than 50% of the Gross Floor Area of the dwelling in which it is situated.
- b. The appearance of the main dwelling is maintained.
- c. One (1) off-street parking space is provided in addition to that required for the main dwelling.
- d. In new unserviced Developments, the single dwelling and apartment shall require the approval for on-site septic system by the applicable provincial authority.

### **5.16 Telecommunications and Antennas**

Telecommunications structures or antennas shall comply with all applicable provincial and federal regulations and follow Industry Canada guidelines for community consultation. Council shall provide input to Industry Canada regarding the impact of proposed telecommunications towers and their potential impact on the community.

### **5.17 Veterinary Clinics and Animal Grooming**

Where permitted, Veterinary Clinics and Animal Grooming shall meet the following requirements:

- a. They shall be for the treatment/care of small animals.
- b. Overnight accommodation for small animals may only be permitted inside the Main Building, of a Veterinary Clinic provided such accommodation is soundproofed and does not exceed 15% of the Gross Floor Area of the Main Building.
- c. Where day care is provided for small animals, soundproofing may be required to reduce impacts on adjoining Uses.
- d. Outdoor animal runs associated with these Uses shall not be permitted.

# 6: SUBDIVISION OF LAND

## 6.1 Permit Required

No Land shall be subdivided unless a Development Approval is first obtained from Council.

## 6.2 Services to be Provided

The Development of a Subdivision shall include provisions for Streets, water, waste and stormwater infrastructure designed to standards established by Council.

## 6.3 Building Permit Required for Each Lot

Notwithstanding the approval of a Subdivision by Council, a separate Building Permit is required for each Building proposed to be erected within the Subdivision. No Building Permit shall be issued until the developer has complied with all the provisions of these Regulations, with respect to the Development of the Subdivision.

## 6.4 Issue of a Development Approval Subject to Considerations

A Development Approval shall not be issued when, in the opinion of Council, the Development of a Subdivision does not contribute to the orderly growth of the municipality and does not demonstrate sound design principles. In determining an application, Council shall consider:

- a. The location of the Land.
- b. The availability of and the demand created for schools, water, waste and storm, sewer services, and public utilities.
- c. The policies of the Municipal Plan.
- d. The Land Use, physical form and character of adjacent Developments, including proximity to potential sources of Land Use conflict or nuisance.
- e. The transportation network, including Street typologies and traffic densities affecting the site.
- f. The topography, drainage, soil, and subsurface characteristics of the site.
- g. Natural environment features such as lakes, streams, vegetation.
- h. Availability of community facilities.
- i. Energy conservation.
- j. Potential for enhancing connectivity of the Street and pedestrian network.
- k. Such other matters that Council may deem material.

## 6.5 Minor Subdivisions

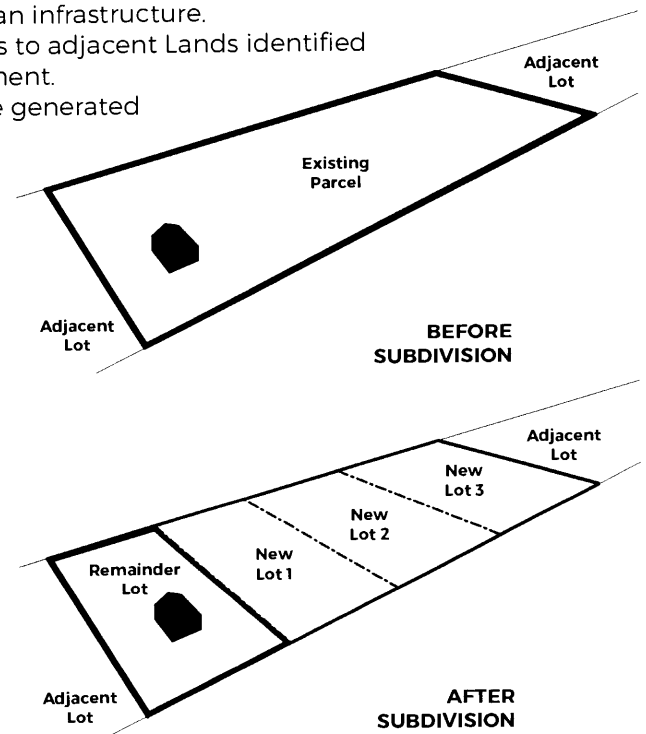
Applications for Subdivision of Lands fronting on an existing public Street, shall include the following information:

- The property to be subdivided, including a map or consolidated survey showing all original parcels of Land to be included in the proposed Development.
- A map or survey showing how the parcel is proposed to be divided.
- The physical features of the site, including any constraints, vegetation, potential hazards.
- The location and type of any Existing Buildings on the property being subdivided

## 6.6 Major Subdivisions

Applications for Subdivision of Lands resulting in the creation of three (3) or more Lots plus any remainder Lot and includes extension to an Existing Street or new Street(s) shall include a report, prepared and certified by a professional Urban Planner and other design professionals as necessary, that includes the following information:

- The property to be subdivided and developed, including a map or consolidated survey showing all original parcels of Land to be included in the proposed Development.
- How the proposed Development is consistent with the intent of the Municipal Plan and how the Development will help achieve the Plan's stated goals and objectives.
- The physical features of the site, including Development opportunities and constraints, vegetation, potential hazards.
- The conceptual layout of proposed Lots, Streets, pedestrian and cycle pathways, parks, and natural areas to be retained as public Amenity Space within the Development such as water bodies or significant stands of trees.
- How the proposed Subdivision relates to surrounding Development, including Land Use, Streets, and pedestrian infrastructure.
- How the Development provides for access to adjacent Lands identified in the Municipal Plan for future Development.
- The volume and type of traffic that will be generated by the Development.
- Proposed servicing infrastructure, including water and sewer, stormwater management and utilities.
- In residential Subdivisions, appropriate locations for neighbourhood mailboxes.
- The placement of parking areas, including driveways.
- A general grading plan that indicates areas of cut and fill relative to Lots, Streets, natural areas and planned open space; and
- A Land Use Assessment Report, or other report concerning the proposed Development, may be submitted to satisfy some or all of the information requirements of this Section.



### **6.7 Subdivision Agreement**

As a condition of approval for new Developments, Council shall require a developer to enter into a subdivision agreement with the municipality. Such agreements shall include specifications for fees, detailed plans for Lot layout, infrastructure, open space, grading and landscaping, utility easements, street lights, fill management, as well as bus stops and neighbourhood mailboxes where required.

### **6.8 Land for Public Use**

1. Subject to Section 37 of the Act, Council may require the developer to convey to Council title to an area of Land for public Use equal to, but not exceeding, 10% of the gross land area to be developed, provided the location and suitability of the Land conveyed is acceptable to Council.
2. In lieu of the conveyance of Land, Council may accept a sum of money equal to the value of the land. The money shall be reserved for the acquisition and Development of Land for public Use.
3. Land conveyed for public Use may be sold, leased or otherwise disposed.

### **6.9 Payment of Service Levies and Other Charges**

With the exception of permits to excavate, no Building Permit shall be issued for the Development of a Subdivision until agreement has been reached for the payment of all fees levied by Council for connection to services, utilities and Streets deemed necessary for the proper Development of the Subdivision, and all service levies and other charges imposed under Section 3.9 and 3.10.

### **6.10 Structure in Street Reservation**

The placing within any Street Reservation of any structure (for example, a hydro pole, telephone pole, fire hydrant, mail box, fire alarm, sign post) shall receive the prior approval of Council, which shall be satisfied on the question of safe construction and relationship to the adjoining Buildings and other structures within the Street Reservation.

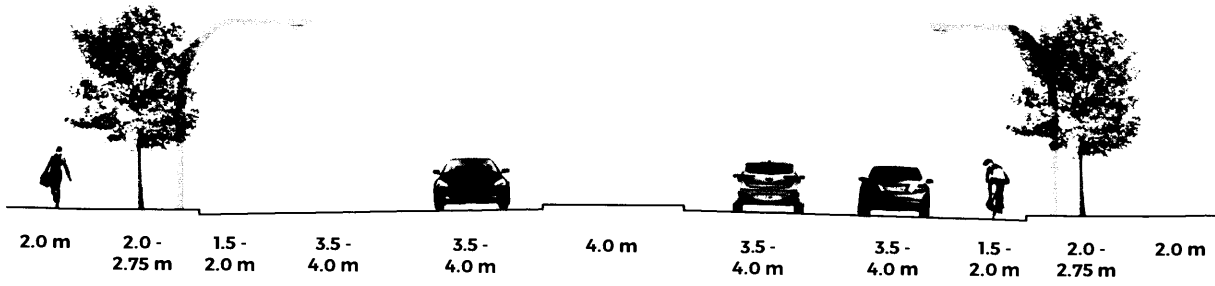


## 6.11 Subdivision Design Standards

The design of a Subdivision permitted under these Regulations shall conform to the following standards:

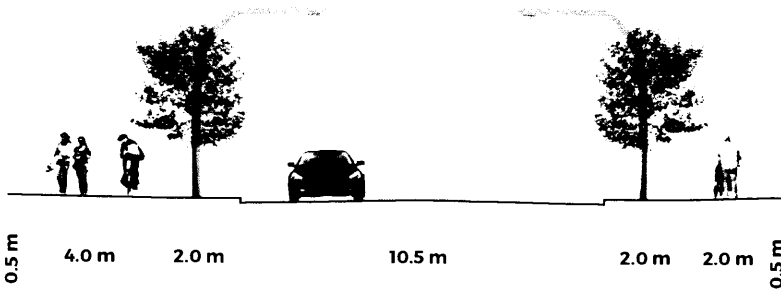
- a. The finished grade of a Street shall not exceed 10%.
- b. New Subdivisions shall have Street connections with an Existing Street or Streets.
- c. Street intersections shall be designed and constructed at a right angle and this alignment shall be maintained for 30 m from the intersection. Other intersection types, such as roundabouts may also be considered.
- d. The centre line of a Street intersection shall not be closer than 60 m to the centre line of another Street intersection.
- e. No Street block shall be longer than 500 m between Street intersections. Where blocks are longer than 250 m, a Street, pedestrian walkway or small park shall be included to connect Streets mid-blocks.
- f. Residential Lots shall not abut a Local Street at both Front and rear Lot Lines.
- g. Council may require an existing natural, historical or architectural feature to be retained.
- h. Land shall not be subdivided in such a manner as to inhibit the Development and Subdivision of adjoining Land.
- i. Unless specified otherwise in any plan or scheme in place that affects the Land proposed for Development, Streets in residential Subdivisions shall be designed to conform to the following minimum standards, consistent with the Town's Urban Design Guidelines:

Street Type	Street Reservation	Pavement Width	Sidewalk Width	Sidewalk Number	Amenity Strip
Arterial	30 m	4 - 3.5 m driving lanes, 2 -1.5 m Bike lanes	4 m boulevard pathway and 2 m	2 Less than 2 at Discretion of Council	2-2.75 m strips between sidewalk and curb, 1-3.5 m strip at Street centreline.
Collector Streets	20 m	10.5 m with on-street parking 9.0 m (no on-street parking)	4 m boulevard pathway and 2.0 m (separated bikes lanes may be considered)	2	2.0 m between curb and Sidewalk; 0.5 m between sidewalk and edge of Street Reservation.
Local Residential Streets	16 m	9 m	1.5 m	2	2.0 m between curb and Sidewalk.
Rural, Unserviced Streets	15 m	9 m	1.5 m walkable shoulder	1	



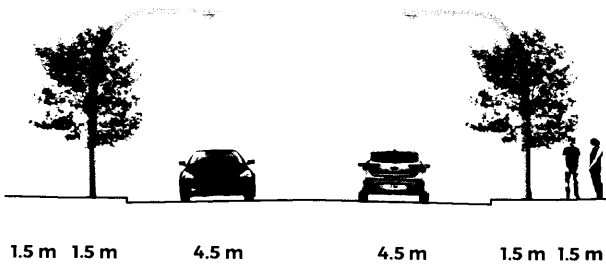
# Arterial

30M ROW



# Collector

20M ROW



# Local

15M ROW

- j. Notwithstanding the standards set out in 6.11(i), Council may approve alternative Street designs provided the main components set out in the 6.11(i) are included and it can be shown that the design meets Council's objectives for walkable, safe, Streets. (See Town of Paradise Urban Design Guidelines)
- k. Amenity strips shall be landscaped in accordance with a plan approved by Council, consistent with the Town's Landscaping Guidelines.
- l. Street trees shall be planted in accordance with an approved planting plan on both sides of the Street, except where front lot utility servicing is to be installed in which case the placement of street trees will be required on one (1) side of the Street.

### **6.12 Cul-de-sac Streets**

Within a residential Subdivision Development, cul-de-sac Streets shall be limited to areas where Street connections are not possible. Where permitted, a cul-de-sac Street shall meet the following standards:

- a. The maximum length of a cul-de-sac shall be:
  - i. 200 m in areas served by municipal piped water and sewer services, or as set out in the Limit of Servicing Agreement;
  - ii. 300 m in areas not served by, or planned to be served by, municipal piped water and sewer services, unless another Access can be provided to an Existing Street;
  - iii. The length of a cul-de-sac Street shall be measured from the Street Line of the Street it intersects with, to the end of the Street, excluding the area of the turning circle.
- b. A cul-de-sac shall not terminate, or appear to terminate, a Collector Street.
- c. Every cul-de-sac head shall be provided with a turning circle having a minimum driving surface of 30 m.

### **6.13 Open Space Areas**

1. All public open space areas to be conveyed to the Town shall be graded with suitable fill material, in accordance with the approved Subdivision site grading plan.
2. Minimum Landscaping of the recreational open space area shall be topsoil and grass sods or hydro seed and in accordance with the Subdivision Agreement must be completed prior to conveyance to the Town.

### **6.14 Building Lines**

Council may establish Building Lines for any Subdivision Street and require any new Buildings to be located on such Building Lines.

### **6.15 Lot Grading**

1. Subdivision design and Lot layout shall take into consideration natural topography and stormwater drainage.
2. Drainage design shall not create flooding or result in excessive stormwater flow for adjoining Lots or downstream properties. Retaining walls shall be avoided where possible and grading plans shall take into consideration the differences in dwelling elevation on adjoining lots. Each Lot shall have a useable Rear Yard of not less than 6 m and Side Yard that is consistent with the minimum Yard requirements of the applicable Land Use Zone.
3. The Town reserves the right to require a drainage easement of a minimum of 6 m in width that is not part of any required effective minimum side or rear yard.

### **6.16 Engineer to Design Works and Certify Construction Layout**

1. Plans and specifications for all water mains, hydrants, sanitary sewers, storm sewers and all appurtenances thereto and all Streets, paving, curbs, gutters and catch basins and all other utilities deemed necessary by Council to service the area proposed to be developed or subdivided shall be designed, prepared and certified by the Developer's 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 Developer's 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 the Developer's cost and in accordance with the approved designs and specifications and the construction layout certified by the Developer's Engineer, of all such water mains, hydrants, sanitary sewers and all appurtenances and of all such Streets and other works deemed necessary by Council to service the said area.

### **6.17 Street Works May Be Deferred**

1. The construction and installation of all curbs and gutters, catch basins, sidewalks and paving specified by Council as being necessary, may, at Council's discretion, be deferred until a later stage of the work on the Development of the Subdivision but the developer shall deposit with Council before approval of his application, an amount estimated by the Developer's Engineer as reasonably sufficient to cover the cost of construction and installation of the works.
2. 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.
3. 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 by which the deposit exceeds the contract price.

### **6.18 Transfer of Streets and Public Utilities to Council**

1. The developer shall, following the approval of the Subdivision of Land 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 to be developed or subdivided which are approved and designated by Council for public Uses as Streets, or other rights-of-way, or for other public Use.
  - b. all services or public works including Streets, water supply and distribution and sanitary and storm drainage systems installed in the Subdivision that are normally owned and operated by Council.
2. Before Council shall accept the transfer of Lands, services or public works of any Subdivision, the Developer's Engineer shall, at the cost to the developer, test the Streets, services, and public works installed in the Subdivision and certify that they have been constructed in accordance with the Town's Engineering requirements.

### **6.19 Restriction on Sale of Lots**

The developer shall not develop or dispose of any Lot within a Subdivision for the purposes of Development and no Building Permit shall be issued until Council is satisfied that:

- a. the Lot can be served with satisfactory water supply and sewage disposal systems; and
- b. satisfactory Access to a Street is provided for the Lots.

# 7: SIGNAGE

## 7.1 Intent

The purpose of regulations set out in this Section is to regulate Signs in the Town with the intent of authorizing 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 and visual character of the Town.
- e. Do not create a distraction or safety hazard for pedestrians or motorists.
- f. Minimize adverse impacts on nearby public and private property.

## 7.2 Definitions

**BANNER SIGN** means a Sign composed of lightweight, non-rigid material such as cloth, canvas or similar material that is attached to a Building, but does not include a Canopy Sign.

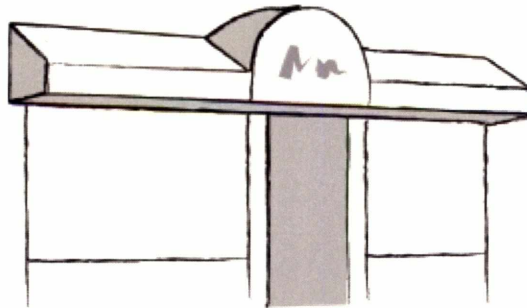
**BENCH SIGN** means a Sign painted, located on or attached to any part of the surface of a bench, seat or chair placed adjacent to a public place or Street.

**BILLBOARD** means a Sign displaying only third party advertising.

**BUILDING FACE** means the total area between the finished surface of the ground and the eaves of a Building.

**BUS SHELTER SIGN** means an advertisement that is painted, located on, attached, or forms part of a bus shelter placed or erected in a public place or adjacent to a Street.

**CANOPY SIGN** means a Sign that has a structure of rigid or non-rigid material on a framework sheltering an area or forming a sheltered walk.

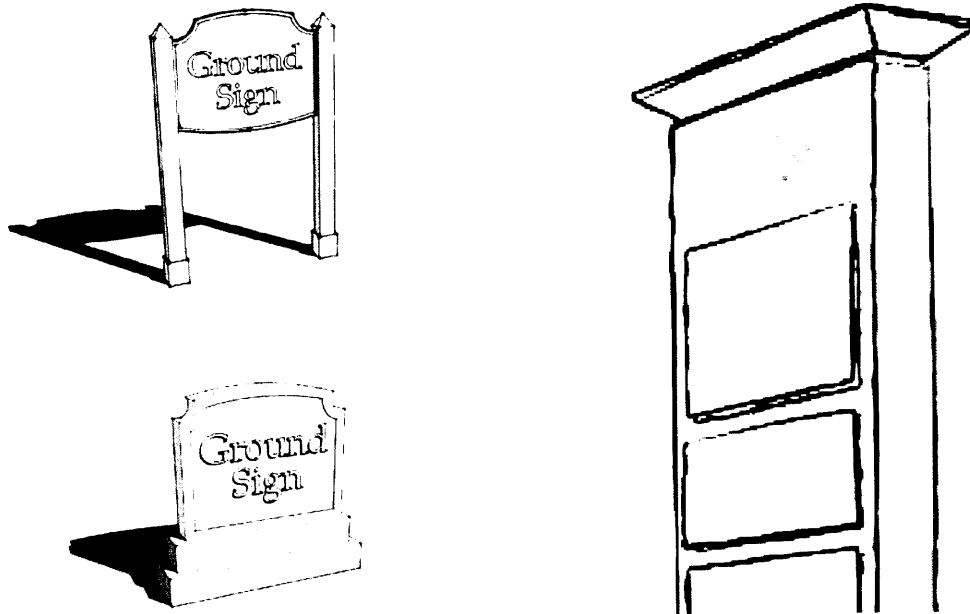


**CHANGEABLE MESSAGE BOARD** means any Sign that has a sign face that includes an internal light source capable of displaying words or symbols that can be electronically changed by remote or automatic means, and which can be part of a Ground, or Wall Sign.

**DIRECTORY SIGN** means a Sign with more than one (1) establishment and which displays only a listing of the names of these businesses or organizations without advertising copy, except a business logo.

**ELECTION SIGN** means any Sign used to promote a candidate or party during an election for public office.

**ELECTRICAL SIGN** means a Sign that utilizes an electrical source.



**GROUND SIGN** means a Sign supported by one or more uprights, placed permanently in the ground.

**GROUP SIGN** means a Sign that identifies the names and locations of tenants in a multi-tenant Building or in a Development made up of a group of Buildings

**HOME-BASED BUSINESS SIGN** means a Sign indicating a business within the premises or parcel that has been approved under these Regulations as a Home-Based Business.

**ILLUMINATED SIGN** means a Sign that emits artificial light or is illuminated by a light focused upon, or chiefly directed at, the surface of the Sign.

**INFLATABLE SIGN** means a Sign or display that is capable of being expanded by air or other gas and used as a temporary basis to advertise a product or event.

**MARQUEE** means any permanent roof like structure projecting beyond a Building or extending along and projecting beyond the wall of a Building, generally designed and constructed to provide protection from the weather.

**MARQUEE SIGN** means a Sign printed upon or attached to a Marquee.

**MENU BOARD** means a Sign erected as part of a drive-through facility and used to display and order products and services available in association with a drive-through business.

**NEW DEVELOPMENT SIGN** means a Temporary Sign that:

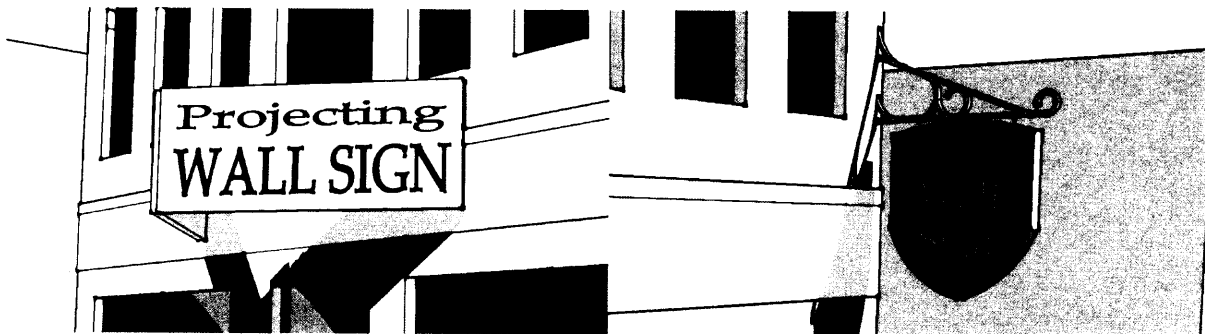
- Includes, in whole or in part, information promoting a Development.
- Relates to or advertises the location, construction or sale of a Building or structure in the process of being constructed on a premises.
- Promotes a plan of Subdivision or the construction of a Building or building complex on the premises or Land during Development, and indicating the names of the owner, designer, developer or contractor for the Development.

**OFF-SITE DIRECTIONAL SIGN** means a Sign indicating direction to a property, business or event that is located on a property that is not the same as the property to which the Sign relates, but does not include a Billboard.

**ON-SITE SIGN** means any Sign (permanent or temporary) located wholly within the confines of the Owner's property.

**PORTABLE SIGN** means a Sign designed to be mobile and not located permanently in a fixed location.

**PROJECTING SIGN** means any Sign that is wholly or partly dependent upon a Building for support and projects from the wall or face of a Building or structure.



**REAL ESTATE SIGN** means a Sign pertaining to the sale or lease of the premises or portion of the premises on which the Sign is located.

**ROOF SIGN** means a Sign fixed, placed upon or supported by the roof of a Building.



**SIDEWALK SIGN** means a free-standing Sign placed on but not permanently anchored in the ground, and may include Signs commonly referred to as A-frame, T-frame, sandwich boards, but does not include any other Sign defined in these Regulations.

**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 or local government, utilities and boarding or similar structures used for the display of advertisements.

**SIGN FACE AREA** means the total area in height and width of the entire advertising device, excluding posts and includes any framing or border around the actual lettering or graphics. Irregular shaped Signs shall have their area determined by the maximum dimensions of the sign face. Where a Sign has two faces or more, the maximum area is permitted for each of the two faces.

**SIGN HEIGHT** means the vertical distance measured at right angles from the highest point of the Sign or sign structure to the finished grade directly below.

**SPONSORSHIP SIGN** means a Sign which recognizes by name or logo, crest, insignia, trademark or emblem only a sponsor of a recreational, cultural or educational facility or programme.

**TEMPORARY SIGN** means a Sign, not permanently installed or in a fixed position, that advertises a business, site, event or activity for a limited period of time.

**VEHICLE SIGN** means a Sign which is attached to a vehicle where the principle purpose of the vehicle is to serve as a Sign or sign structure.

**WALL SIGN** means a Sign which is painted on or attached directly against the surface of a Building.

### 7.3 Permit Required

1. Subject to the provisions of Section 7.10, no Sign shall be erected or displayed in the Planning Area unless a permit is first obtained from Council.
2. The erection or placement of any Sign within 100 m of the road right-of-way of the Trans Canada Highway or Manuels Arterial is subject to dual jurisdiction with the Province. A permit for erection or display of Signs within 100 m of the centreline of the Trans Canada Highway (Outer Ring Road), and Pitt's Memorial Drive (Manuel's Arterial) shall also be obtained from the applicable provincial agency under the *Provincial Highway Sign Regulations* and the *Protected Road Zoning Regulations*.

### 7.4 Form of Application

Application for a permit to erect or display an advertisement shall be made to Council in accordance with Section 3.13.

### 7.5 Prohibited Signs

Notwithstanding the provisions of this Section, Council may refuse any Sign or advertisement that, in the opinion of Council, is considered hazardous to road traffic by reasons of its siting, colour, animation, illumination or structural condition or is considered detrimental to the visual appearance of the surrounding area.

## 7.6 Removal of Signs

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

- Hazardous to vehicular and pedestrian traffic by reason of its sitting, colour, illumination, or structural condition.
- Not maintained to the satisfaction of Council; or
- Has been erected without a permit.

## 7.7 Signs Prohibited in Street Reservation

No advertisement shall be permitted, to be erected or displayed within, on or over any highway or Street Reservation.

## 7.8 Sight Triangle

Unless otherwise determined by Council, no Sign or advertisement shall be permitted to be located within the area identified by Council as the Sight Triangle at the intersection of Streets.

## 7.9 Easements

With the exception of Portable Signs, Signs shall not be permitted to locate upon or project within the limits of utility or municipal service easements. Any Sign located adjacent to a utility or municipal service easement shall be located in accordance with the requirements of the easement owner.

## 7.10 Signs Exempt from Control

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

Election Sign	Limited to federal, provincial, municipal or regional school board election, not greater than 3 m <sup>2</sup>
Temporary Sign	Limited to Signs associated with federal, provincial and municipal public works
Public Notices	Limited to notices required by-law to be posted
Regulatory, Warning, directional, guide or informational	Limited to federal, provincial, or municipal authority, or a community group approved by Council
Utility Sign	Limited to those of a utility company to indicate danger.
Real Estate Sign	Limited to non-illuminated Signs not larger than 0.465 m <sup>2</sup> advertising the sale or rent of a Building or Lot upon which the Sign is located. Subject to Section 7.27
New Development Sign	One (1) Sign not exceeding 9 m <sup>2</sup> related to a Development, located on the site of the Development, to be well maintained and removed upon completion or at a time determined by Council.

### **7.11 Signs Associated with Non-Conforming Uses**

Notwithstanding the provisions for Signs permitted in a Use Zone, a permit may be issued for the erection and display of Signs for a Non-Conforming Use, provided the advertisement does not exceed the size and type of Sign which could be permitted if the Development was in a Use Zone appropriate to its Use.

### **7.12 Non-Conforming Signs**

A Sign that legally exists at the date of coming into effect of these Regulations which is not in accordance with the standards of these Regulations may continue to exist provided the Sign is maintained and in good repair, and does not pose a safety hazard. It may be modified or replaced provided such modification or replacement is in accordance with these Regulations.

### **7.13 Number of Signs**

1. There should be no more than one (1) free-standing premises Sign per property.
2. Free-standing premises Signs may include a Changeable Message Sign, a Ground Sign or a Group Sign and may include advertising for more than one (1) business operating from the property.

### **7.14 Banner Signs**

A Banner Sign shall not be suspended across any Street unless Council grants its approval. A Banner Sign attached to a face of a Building, fence or other structure shall be considered in a like manner to a Wall Sign.

### **7.15 Bench and Bus Shelter Signs**

Bench Signs and Bus Shelter Signs shall be approved in accordance with the requirements and conditions as determined by Council.

### **7.16 Canopy Sign**

- a. A Canopy Sign shall meet the following conditions:

Sign width (max)	Width of the wall to which it is attached
Vertical Clearance	2.2 m from ground surface
Projection from wall	3.0 m

- b. The canopy or awning does not abut a residential Lot or Zone.
- c. The Sign shall not extend over public Land or Streets except where approved by Council.
- d. The Sign shall not extend over a driving area or parking surface except where approved by Council.
- e. The Sign shall be anchored and secured in accordance with the requirements of the Engineering Department.

### **7.17 Changeable Message Signs**

A changeable message board as part of the sign face is subject to the following conditions:

1. A Changeable Message Sign face may be permitted as a sign face on a Ground Sign, Marquee Sign, Menu Board, On-site Sign, Portable Sign, and Wall Sign subject to the conditions for such Signs set out in these Regulations.

2. The Changeable Message Sign face shall:
  - a. Have a maximum illumination level of 1,500 lumens between sunrise and sunset and a maximum illumination of 28 lumens between sunset and 11pm. and be equipped with technology that automatically adjusts the brightness accordingly.
  - b. Be turned off between 11 p.m. and 6 a.m. daily.
  - c. Have a maximum transition time from one image or format to the next of two (2) seconds, without transitions that include scrolling, sliding or rolling.
  - d. Have a minimum image display time of ten (10) seconds.
  - e. Be shielded to reduce glare in a manner acceptable to Council.
  - f. Have a positive contrast orientation.
  - g. Not have lights in a colour or combination of colours which in the opinion of Council, may be misinterpreted as an emergency/warning device or vehicle or other traffic control device; and
  - h. If possible, to display a black screen in the event of an error.
  
3. Where a Changeable Message Sign that is part of a free-standing Sign to be used primarily for advertising, the Lot or property on which the Sign is to be located shall:
  - a. Have a minimum Frontage of 30 m and the sign face shall not exceed 7 m<sup>2</sup>.
  - b. Have an overall height of the Sign from the surface above the ground to the top of the Sign of no greater than 5 m.
  - c. Be set back a minimum distance of 20 m from the intersection of Streets.
  - d. Not be located closer than 2 m to the front or flanking street Lot Line.
  - e. Not be located closer than 2 m to a side Lot Line.
  - f. Not be located within the limits of a utility or municipal service easement.
  - g. Have a minimum separation distance of 100 m between Signs when on the same side of the Street and in the same line of sight or visual plane.
  - h. Not interfere or obstruct access to or from a Lot or create a visual obstruction to the travelling public.
  - i. Not be located within 60 m of a residential Zone and shall not be oriented such that it faces an abutting residential Zone or residential Lot.
  - j. Not have lighting that will adversely affect neighbouring areas.
  
4. Where a Changeable Message Sign is part of a Wall Sign, the Lot or property on which the Sign is to be located shall:
  - a. Have a minimum Frontage of 30 m and the sign face shall not exceed 7 m<sup>2</sup>.
  - b. The maximum overall height of the Sign from the surface above the group to the top of the Sign shall be 5 m.
  - c. Not be located closer than 2 m to the front or flanking street Lot Line.
  - d. Not be located closer than 2 m to a side Lot Line.
  - e. Not be located on a Building such that the Sign faces an abutting residential Zone or residential Lot.
  - f. Not have lighting that will adversely affect neighbouring areas.
  
5. Council may require a Land Use Assessment to determine the impact of a Sign proposed to include a Changeable Message Sign face where, in the opinion of Council the Sign, by virtue of its size or location could have an impact on surrounding residences or could create a traffic hazard.

### 7.18 Election Signs

Election Signs shall be subject to the following conditions:

- a. No permit fee shall be required for Election Signs less than 3 m<sup>2</sup> in size.
- b. Permission of the Owner is required for placement on private property.
- c. The Sign does not cause an obstruction to neighbouring properties.
- d. Election Signs may be permitted on vacant Land owned by Council, provided they do not cause an obstruction to the travelling public or the work of Council, and are not located within the far limits of the Street at any Street intersection.
- e. Election Signs shall not be affixed or attached to existing municipal Buildings, structures or Signs.
- f. Candidates shall remove their Election Sign within 36 hours after the close of polls on Election Day and shall ensure that the site is cleaned up.
- g. If the Candidate fails to remove his or her Election Signs within 36 hours after the polls close on Election Day, Council may remove them and dispose of them and the candidate shall be responsible for the costs of the removal and disposal of such Signs.
- h. Council reserves the right to remove without notice, any Election Signs placed where such placement is not permitted, or where their placement causes an obstruction to the travelling public.

### 7.19 Electrical or Illuminated Signs

Every Electrical or Illuminated Sign shall be approved by a certified organization that is accepted by the Province of Newfoundland and Labrador and the Standards Council of Canada. A licensed electrician shall undertake the electrical hook-up of the Sign and the electrical certification's approval sticker shall be displayed on the Sign.

### 7.20 Ground Sign

Ground Signs shall be subject to the following conditions:

Standard	
Sign Face Area	48 m <sup>2</sup> , maximum width of 6 m
Height	8 m
Number permitted on a Lot	1 Greater than one at the discretion of Council
Density	No more than one (1) Sign per 30 m along any Street
Setback	One half the Sign Height from the Front Lot Line; 1 m (min) from side Lot Line
Separation distances (min)	3 m from a dwelling, apartment, school or church 15 m from Ground Signs on abutting Lots 1 m from ground surface for any electrical component

**7.21 Inflatable Sign**

Inflatable Signs shall be subject to the following conditions:

Size	Discretion of Council
Setback	1.5 times the inflated Sign Height from Front Lot Line
Number permitted on a Lot	1 per Lot for every 30 m of Frontage
Time Limit	30 days (max), may be extended for 30 days to a maximum of 60 days in total

- a. The Sign shall not interfere or obstruct access to or from a Lot.
- b. The Sign may be illuminated internally or externally but shall not contain flashing or intermittent lighting or lighting which creates glare when viewed by oncoming traffic or by abutting residential Uses.
- c. The Sign shall be anchored and secured in accordance with the requirements of the Engineering Department.
- d. If in the opinion of the Engineering Department the Sign is a hazard or unsafe to the public, the advertisement shall be removed immediately upon notice.

**7.22 Marquee Sign**

Marquee Signs shall be subject to the following conditions:

Size	Width shall be no greater than the Marquee to which it is attached
Vertical Clearance	3 m from ground surface to the Sign

- a. A Marquee Sign shall not extend over public Land or Street except where approved by Council.
- b. The Sign shall be anchored and secured in accordance with the requirements of the Engineering Department.

**7.23 Menu Boards**

Menu Board Signs shall be subject to the following conditions:

Sign Face Area (max)	2 m <sup>2</sup> Pre-menu Board 4.1 m <sup>2</sup> Menu Board
Height (max)	3 m
Number of Signs	One (1) pre-menu and one (1) Menu Board per drive-through isle

**7.24 Off-Site Directional Sign**

1. Off-site Directional Signs, intended to direct traffic to a commercial or industrial site or Use, shall not be permitted.
2. Off-site Directional Signs related to a charitable, non-profit or municipally sponsored event, which direct traffic to a community facility, may be permitted provided only one (1) Sign is erected per Street frontage, the Sign is erected for the duration of the event, and the location, size and construction of the Sign conforms to the requirements of Council.

**7.25 Portable Sign**

- a. Portable Signs shall be subject to the following conditions:

Standards	
Size	2 sign faces (max) of not more than 9 m <sup>2</sup> each
Height	3 m from ground level to top of Sign
Setback	1.5 m from any Lot Line, outside of the Sight Triangle on a Corner Lot
Density	Not more than one (1) where Lot Frontage is less than 20 m. Where Lot Frontage is greater than 20 m, Sign shall be no less than 15 m apart.

- b. The Sign must be located on the property on which the business is located.
- c. The Sign shall not interfere or obstruct access to or from a Lot.
- d. The Sign shall not be placed on a portion of a Lot that abuts a residential Zone or Existing residential Lot.
- e. If the Sign is Illuminated, the Sign shall be of a design approved by the Canadian Standards Association (CSA) and bear the CSA approval decal on the Sign.
- f. The Sign shall be constructed in accordance with engineered drawings approved by Council.
- g. The Portable Sign permit shall be valid for a period of 90 days from the date of issue by Council. Upon expiration of the sign permit, the Sign is to be removed or a new sign application submitted to Council and such permit may be renewed for further periods of 90 day upon application and approval.
- h. Every Portable Sign or advertisement shall display, in a manner acceptable to Council, the name and phone number of the design contractor and a Sign identification tag from the Town's sign registry.

**7.26 Projecting Sign**

- a. Projecting Signs shall meet the following conditions:

Standard	
Vertical Clearance	3 m (min) from ground surface
Separation	3 m (max) Projection from the Building to which it is attached

- b. The Sign is a rigid Sign and its design and construction does not permit it to swing in the wind.
- c. A Projecting Sign shall not extend over public Land or Streets except where approved by Council.
- d. A Projecting Sign shall not extend over a driving area or parking surface except where approved by Council.

**7.27 Real Estate Signs**

Real Estate Signs shall be subject to the following conditions:

- a. No Real Estate Sign shall be affixed to any utility pole or municipal Building, structure or Sign or be erected or placed on publicly owned Land without the permission of the property Owner.
- b. There shall be a limit of one (1) double-faced Sign per property or for every 30 m of Lot Frontage.
- c. A Corner Lot may carry two (2) double-faced Signs, one (1) Sign for each Street.
- d. Portable real estate open house signs shall also be permitted provided their placement does not obstruct vehicular or pedestrian movement, and the duration of such placement is limited to the time of the actual open house.
- e. A Real Estate Sign marking that the property is "sold" may appear for a limit of two (2) weeks from the date of the closing of the transaction.

**7.28 Sidewalk Sign**

- a. Sidewalk Signs shall meet the following conditions:

Size	Maximum of two (2) sign faces, no greater than 0.55 m <sup>2</sup> each
Height	1 m
Separation	3 m from any driveway Access  Placed as close to the Building Face as possible, maintaining an unobstructed sidewalk width of 1.5 m during business hours and taken indoors at all other times.

**7.29 Vehicle Signs**

Unless otherwise determined by Council, a Sign or advertisement shall not be attached, affixed, or displayed on a vehicle or trailer which is parked or located for the primary purpose of displaying said Sign or advertisement.

**7.30 Wall Sign**

- a. Wall Signs shall meet the following conditions:

Size	Wall coverage no greater than 20% of Building Face No wider than the wall to which it is attached
Vertical Clearance	3 m above ground surface
Projection	30 cm (max)

- b. Wall Signs shall not immediately face a residential Lot.
- c. The Sign shall be anchored and secured in accordance with the requirements of the Engineering Department.
- d. A permit for a Wall Sign on the primary facade is not required for a new Building that has been approved by Council.



### 7.31 Signs Permitted in Use Zones

Residential Zones	Home Based Business: Ground Sign (0.4m <sup>2</sup> Sign Face Area (max.)) Multi-unit Residential and Commercial Buildings: Ground Sign, Canopy Sign, Wall Sign	Other Commercial Uses: Wall Sign, Ground Sign
Planned Mixed Development (Residential)	Wall Sign, Ground Sign, Canopy Sign, Projecting Sign	Group Sign
Residential Mixed	Ground Sign, Wall Sign	Banner, Canopy Sign, Inflatable Sign, Marquee Sign, Projecting Sign, Portable Sign
Planned Mixed Development (Commercial) Commercial General Commercial Neighbourhood	Canopy Sign, Ground Sign, Marquee Sign, Portable Sign, Projecting Sign, Wall Sign	Changeable Message Sign
Commercial/Light Industrial	Banner, Canopy Sign, Ground Sign, Inflatable Sign, Marquee Sign, Portable Sign, Projecting Sign, and Wall Sign.	Changeable Message Sign
Commercial Mainstreet	Banner, Canopy Sign, Ground Sign, Inflatable Sign, Marquee Sign, Portable Sign, Projecting Sign, Wall Sign, Menu Board	Changeable Message Sign
Industrial General	Banner, Canopy Sign, Ground Sign, Inflatable Sign, Marquee Sign, Portable Sign, Projecting Sign, and Wall Sign.	Changeable Message Sign
Public Use	Canopy Sign, Ground Sign, Marquee Sign, Projecting Sign, Roof Sign, and Wall Sign.	Portable Sign, Changeable Message Sign
Open Space/Recreation		Banner, Canopy Sign, Ground Sign, Inflatable Sign, Marquee Sign, Portable Sign, Projecting Sign and Wall Sign.
Open Space/Buffer		
Conservation	Wayfinding Signs	
Rural	Banner, Canopy Sign, Ground Sign, Marquee Sign, Portable Sign, Projecting Sign and Wall Sign.	
Quarry	Ground Sign, Wall Sign, Portable Sign	

# 8: OFF-STREET PARKING AND LOADING

## 8.1 Off-street Parking Requirements

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

## 8.2 General Parking Requirements

The number of parking spaces to be provided for any Building, structure, Use or occupancy shall conform to the following requirements:

Development or Use	Minimum Off-Street Parking Requirement
<b>Assembly</b>	
Church or Church Hall Theatre	One (1) space per 10 m <sup>2</sup> of seating area
Cultural and Civic	One (1) space for every 20 m <sup>2</sup> of Net Floor Area
Funeral Home General Assembly Indoor Assembly	One (1) space for every 20 m <sup>2</sup> of Net Floor Area
Health and Fitness Facility	One (1) space per 25 m <sup>2</sup> of studio area
Educational	One (1) space for each staff One (1) space for every three (3) student population Level II or above Visitors, 5% of school population (min 2 spaces) Accessibility spaces in accordance with the <i>Accessibility Act</i>
Club and Lodge Lounges and Bars Restaurant	One (1) space for every 10 m <sup>2</sup> of seating area
Adult Day Care Use Daycare Centre	Where no drop off zone is provided: One (1) space for every three (3) employees plus one (1) space for every 15 m <sup>2</sup> of Net Floor Area. Where a drop off zone is provided: One (1) space for every three (3) employees plus one (1) space for every 40 m <sup>2</sup> of Net Floor Area.
<b>Institutional</b>	
Medical Treatment and Special Care	One (1) space for every 20 m <sup>2</sup> of Net Floor Area

<b>Residential</b>	
Single Dwelling	Two (2) spaces per Dwelling Unit, one (1) space per Dwelling Unit in Residential High Density Use Zone.
Duplex, Semi-detached Row or Mini Home Dwelling	One (1) space per Dwelling Unit. Parking may be on same Lot as the dwelling, or grouped in a designated parking area where the Buildings are part of a cluster development.
Apartment Building	Three (3) spaces for every two (2) Dwelling Units
Assisted Living Residential Complex (Seniors apartment Building)	One (1) space for every 20 m <sup>2</sup> for that portion of a Building utilized as wards. One (1) occupant parking space for every two (2) Dwelling Units One (1) visitor parking space for every four (4) Dwelling Units; and 0.85 parking space per staff member.
Subsidiary Apartment	One (1) space
Hotels	One (1) space for every guest room plus one (1) per 20 m <sup>2</sup> of banquet or conference room
<b>Business and Personal Service Use</b>	
Office	One (1) space for every 40 m <sup>2</sup> of Net Floor Area
Medical and Professional Personal Service General Service	One (1) space for every 20 m <sup>2</sup> of Net Floor Area
Animal Grooming	One (1) space per 30 m <sup>2</sup> of Net Floor Area
Hair Salons	Two (2) spaces for each employee
Veterinary Clinic	Minimum of two (2) spaces plus one (1) space for every 20 m <sup>2</sup> of Net Floor Area
Home-Based Business	Minimum of one (1) space per non-resident employee
<b>Retail</b>	
Shopping Centre	One (1) space for every 20 m <sup>2</sup> of Net Floor Area
Convenience Store Retail Store	Minimum of two (2) spaces plus one (1) space for every 20 m <sup>2</sup> of Net Floor Area
Take-Out Food Service	Minimum of two (2) spaces plus one (1) space for every 15 m <sup>2</sup> of Net Floor Area
Vending Stand	Minimum of two (2) spaces plus additional as specified by Council
<b>Industrial</b>	
Hazardous Industry General Industry Light Industry	One (1) space for every employee, plus three (3)
General Garage	Five (5) spaces per service bay plus one (1) space per employee
Service Station	One (1) space for every 20 m <sup>2</sup> of Net Floor Area.

### 8.3 Unspecified Parking Standards

For every Use, Building, or structure not specified in Section 8.2, the requirement shall be as determined by Council.

### 8.4 Residential Off-Street Parking Spaces

Parking areas for vehicles on a residential Lot shall:

- a. Be on the area of the Lot approved for off-street parking space or spaces.
- b. Not be permitted on the landscaped portion of the Front Yard, or Flanking Street Side Yard of the Lot.
- c. For Row Dwellings, parking may be provided for groups of dwellings, within an approved Development.
- d. Parking space for apartment buildings shall be provided in the Rear Yard where possible.
- e. Driveway and parking areas shall have a surface treatment that may include a hard surface such as asphalt, or pervious treatment with pavers, brick, turf stone or porous pavement designed to reduce stormwater runoff.

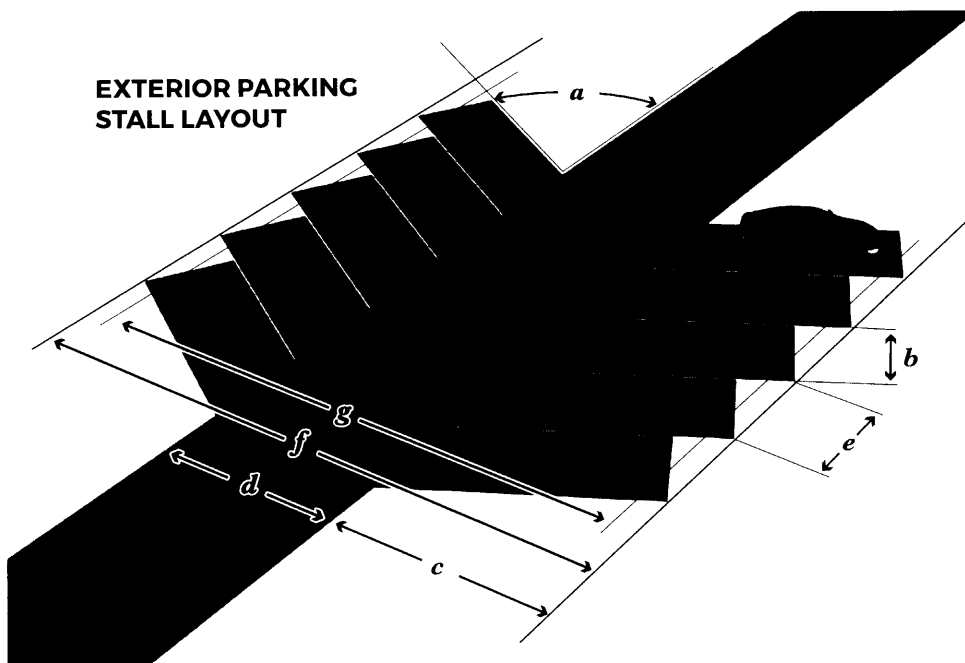
### 8.5 Non-Residential Parking Areas

1. To the extent that is possible and practicable, off-street parking spaces shall be sited to reduce the visibility of parking areas from public Streets through a combination of placement within a Development, Landscaping and shared parking space. Parking areas, where possible, shall be planned so that they are located within or behind buildings, or in a Side Yard.
2. Where permitted, parking areas for more than four (4) vehicles shall meet the following requirements:
  - a. The parking areas shall be arranged so that it is not necessary for any vehicle to reverse onto or from a Street.
  - b. The parking area and an adjoining driveway shall be paved and provide drainage, lighting, curbs, and Landscaping in accordance with requirements of Council.
  - c. The lights used for illumination of the parking area shall be so arranged as to divert the light away from adjacent Development.
  - d. A structure, not more than 3 m in height and more than 5 m<sup>2</sup> in area may be erected in the parking area for the use of attendants in the area.
  - e. No part of any off-street parking area shall be closer than 1.5 m to the Front Lot Line in any Zone.
  - f. Where a parking area is in or abuts a residential Zone, a natural or structural barrier at least 1.8 m in height may be required along the abutting Lot Lines.
3. A parking lot involving thirty (30) or more parking spaces shall include provision for safe pedestrian movement to and from parking spaces and the Main Building or Buildings on the Lot as follows:
  - a. Walkways that cross a parking lot or driveway shall be clearly marked through the use of paint or a change in paving materials, distinguished by their colour, texture or height.
  - b. A continuous pedestrian walkway with a minimum width of 1.5 m shall be provided along the full length of all building facades featuring a customer entrance and/or customer parking lot.
4. A parking lot involving sixty (60) or more parking spaces shall include one (1) or more landscaped islands equal to 1 m<sup>2</sup> for each parking space, and such island or islands shall be landscaped in accordance with an approved Landscaping Plan and enclosed with permanent continuous cast-in-place concrete curbing.
5. The design of parking areas may incorporate landscape design features outlined in the Town's Urban Design Guidelines, such as swales, or surface treatments consisting of pervious materials such as pavers, brick, turf stone or porous pavement to reduce stormwater runoff from the Lot.

## 8.6 Parking Space Layout

1. Parking stall layouts shall be required to be designed in accordance with the following standards:

<b>(a)</b> Parking Angle	0	20	30	45	60	70	80	90
<b>(b)</b> Stall width	2.74	2.74	2.74	2.74	2.74	2.74	2.74	2.74
<b>(c)</b> Stall to curb	2.74	4.57	5.27	6.04	6.40	6.40	6.19	5.79
<b>(d)</b> Aisle width	3.66	3.35	3.35	3.96	5.49	7.32	7.32	7.32
<b>(e)</b> Curb length per vehicle	7.01	8.02	5.49	3.87	3.17	2.93	2.77	2.74
<b>(f)</b> Centre to centre width of double row with aisle between	9.14	12.50	13.90	16.00	18.29	18.59	19.60	18.90
<b>(g)</b> Curb to curb stall centre	-	9.91	11.52	14.17	16.92	17.65	19.11	-



2. The minimum standards for indoor parking are:

Stall width	2.6 m
Stall to curb	5.6 m
Aisle width	6.7 m
Centre to centre width of double row with aisle between	18.0 m
The space required for each parking stall must be maintained between any obstacles such as columns.	

3. Small car parking may be provided subject to the following conditions:
  - a. A maximum of 25% of the required number of parking spaces for a Development may be dimensioned for small (mini/subcompact) car use;
  - b. Each space for small car parking is clearly marked as such;
  - c. Spaces for small cars shall have a stall depth of 2.4 m, and stall length of 4.7 m. Dimensions for angled parking for small cars shall be provided by the Engineering Department.

### **8.7 Parking Spaces for Persons with Disabilities**

For any Development 4% of the total parking shall be allocated for disabled parking in accordance with the requirements of the *Buildings and Accessibility Act* and Regulations administered by the Province of Newfoundland and Labrador.

### **8.8 Parking Relief**

1. At the discretion of Council, an Applicant may be relieved of all or part of the parking required under Section 8.2 provided the Applicant is able to show that, because of the particular characteristics of the Development, the actual parking requirements within the foreseeable future are expected to be lower than those required by Council.
2. Shared parking, vehicle and pedestrian Access shall be considered in commercial Zones along Topsail Road where there is more than one commercial Building, occupancy or Use on a Lot, or between adjoining Lots, where such sharing will improve vehicular and pedestrian safety, access, movement, and the space required to be occupied by parking lots.

### **8.9 Drop-Off and Pick Up Areas**

Adequate off-street provision for drop-off and pick-up of persons shall be provided in Developments where determined by Council to be required.

### **8.10 Off-Street Loading Requirements**

Loading facilities shall be provided where Land is used or a Building or portion of a Building is erected, placed, altered, or used, involving the frequent loading, shipping, or unloading of animals, goods, merchandise, persons, or wares, subject to the following conditions:

- a. Each on-site loading space shall have a minimum width of 3.5 m, a minimum depth of 15 m, and a minimum height clearance of 4.2 m.
- b. No loading space shall be located in the required Front or Flanking Yard of the Lot or be located in any required Yard abutting a Lot in a residential Zone.
- c. All loading spaces shall be so arranged that vehicles can maneuver clear of any Street and so that it is not necessary for any vehicle to reverse onto or from a Street.
- d. Council may require loading spaces to be visually screened from nearby Streets or residential Use by berm, Building, Landscaping, solid fence, wall, or any other similar structure.

### 8.11 Bicycle Parking

1. Bicycle parking spaces, consisting of racks or storage lockers, shall be required for non-residential Uses including office, retail, or public Use.
2. Bicycle parking spaces where required, shall be provided in the following manner:
  - a. A minimum of two (2) bicycle parking spaces or 7 % of the required number of vehicular parking spaces, whichever is greater.
  - b. They shall be securely anchored to concrete, asphalt, or other similar hard surface on the ground, or be anchored to a structure permanently affixed to the ground or a Building, and such rack or locker shall allow the bicycle frame to be locked.
  - c. Required bicycle parking spaces shall be provided within 15 m of a Building entrance it serves.

### 8.12 Drive-Through Facilities

1. On-site queuing spaces for a Drive-Through Facility shall be provided and maintained in the amounts as follows:

Use	Minimum Number of Queue Spaces Required
Auto Service	Two (2) inbound for each service bay
Car Wash, Automatic	Five (5) inbound
Car Wash, Self-Serve	Two (2) for each car wash stall
Restaurant, Fast Food	Fourteen (14) inbound for each service window and one (1) outbound for each service window
Financial Institution	Four (4) inbound for each service window
Pharmacy	Three (3) inbound for each service window
Other	Same as listed Use that has a sufficiently similar queuing expectation

2. There shall be a minimum of 6 m after the pick-up window to an on-site aisle or parking area.
3. Drive-through stacking lanes should be separated by raised islands, be well signed to provide for ease of use and located so as to avoid crisscrossing of lanes.
4. Order boards with an intercom shall be designed to minimize noise impact on adjacent residential or institutional Uses.
5. Council may require the Applicant to undertake a Land Use Impact Assessment to assess the proposed Drive-Through Facility and mitigation measures where the Drive-Through Facility is adjacent to residential Uses.
6. No drive-through stacking lane, order window, or order board shall be located within 3 m of a Lot Line abutting a residential Use.
7. A buffer consisting of a sound-proof fence and landscaping shall be provided adjacent to residential Uses. A fence, berm, and landscaping or a combination of these elements shall be used to reduce headlight glare, order board lighting, and noise from the Drive-Through Facility.

# 9: USE ZONES

## 9.1 Identification of Zones

For the purpose of these Regulations, the Planning Area is divided into Use Zones which are illustrated on the Paradise Land Use Zoning Map, attached as Appendix A and forming part of these Regulations.

## 9.2 Interpretation of Zone Boundaries

Boundaries between Zones shall be determined as follow:

- a. Where a Zone boundary is indicated as following a Street the boundary shall be the centre line of the Street unless otherwise indicated.
- b. Where the Zone boundary is indicated as approximately following Lot Lines the boundary shall follow the Lot Lines.
- c. Where an electric transmission line right-of-way serves as a Zone boundary, the centreline of the right-of-way shall be considered the boundary between the Zones unless otherwise indicated.
- d. Where a Zone boundary is indicated as following the edge of a watercourse the Zone shall follow any change in the boundary of that watercourse.

## 9.3 Classification of Land Uses and Buildings

Appendix B contains a table listing classes of Uses and provides examples of specific Uses for each Use class. Where a Use is proposed that is not listed as an example, Council may interpret that Use as being included in a Use class for the purposes of determining whether it is a Permitted, Discretionary or Prohibited Use in the applicable Use Zone.

## 9.4 Permitted Uses

Subject to these Regulations, the Uses that fall within the Permitted Use classes set out in the appropriate Use Zones shall be permitted by Council in that Use Zone.

## 9.5 Discretionary Uses

Subject to these Regulations, the Uses that fall within the Discretionary Use classes set out in the appropriate Use Zones 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, or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if Council has given notice of the application and has considered any objections or representations which may have been received on the matter.

## 9.6 Prohibited Uses

Uses that do not fall within the Permitted or Discretionary Use class of any Use Zone, or are specifically identified as a Prohibited Use shall not be permitted in that Zone.



## 9.7 Uses Permitted in All Zones

The following Uses shall be permitted in any Use Zone:

- Municipal Infrastructure, Services and Utilities
- Public Open Space
- Conservation

## 9.8 Standards and Conditions

In addition to the requirements of these Regulations, the standards and conditions for Development in each Use Zone are listed in the Use Zone tables. Where standards, requirements and conditions applicable in a Use Zone are not set out in these Regulations, Council may determine the standards, requirements and conditions which shall apply.

## 9.9 Use Zones

The following Land Use Zones are set out in these Regulations. The abbreviations listed have been used to identify individual Use Zones on the Zoning Map:

Use Zone	Abbreviation
RESIDENTIAL LOW DENSITY	RLD
RESIDENTIAL MEDIUM DENSITY	RMD
RESIDENTIAL HIGH DENSITY	RHD
RESIDENTIAL WATERSHED	RWS
RURAL RESIDENTIAL	RR
RURAL RESIDENTIAL (CONSERVATION)	RR(C)
RESIDENTIAL SUBDIVISION AREA	RSA
PLANNED MIXED DEVELOPMENT (Residential)	PMDR
RESIDENTIAL MIXED	RM
RESIDENTIAL MINI HOME	RMH
PLANNED MIXED DEVELOPMENT (Commercial)	PMDC
COMMERCIAL GENERAL	CG
COMMERCIAL MAINSTREET	CM
COMMERCIAL NEIGHBOURHOOD	CN
COMMERCIAL/LIGHT INDUSTRIAL	C/LI
INDUSTRIAL GENERAL	IG
PUBLIC USE	PU
OPEN SPACE/RECREATION	OSR
OPEN SPACE/BUFFER	OSB
CONSERVATION	CON
RURAL	RUR
QUARRY	Q
COMPREHENSIVE DEVELOPMENT AREA	CDA

## 9.10 Residential Low Density (RLD)

### 1. Purpose

To recognize the low density pattern of Development along older Streets in Paradise characterized by larger Lots and Building Setbacks.

### 2. Permitted Uses

The following Uses shall, subject to the requirements of these Regulations, be permitted:

- Family Child Care
- Home Office
- Single Dwellings
- Urban Agriculture

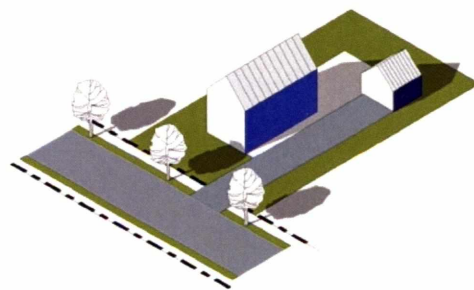
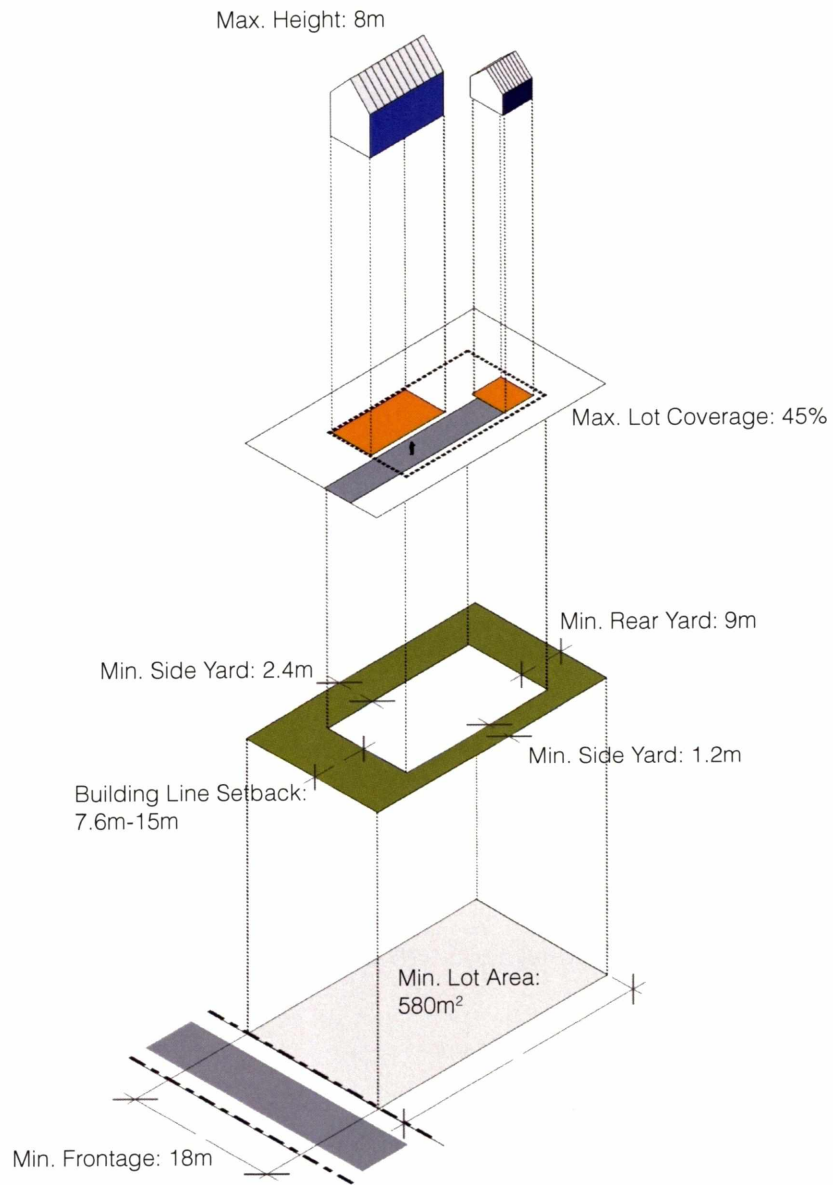
### 3. Discretionary Uses

The following Uses may be permitted, subject to the requirements of these Regulations:

- Adult Day Care (Residential)
- Animal
- Assisted Living Residential Complex
- Bed and Breakfast
- Daycare Centre
- Home-Based Business
- Subsidiary Apartment
- Telecommunications Towers

### 4. Zone Standards

Standard	Single Dwelling	Single Dwelling (Unserviced)
Minimum Lot Area (m <sup>2</sup> )	580	1,860 (infill)
Minimum Frontage (m)	18.0	30.5 (infill)
Minimum Building Line Setback (m)	7.6	7.6 Where Development is infill on an Existing Street, Setback to be generally consistent with adjacent dwellings but no greater than 30 m in accordance with Section 4.6
Maximum Building Line Setback (m)	15.0	30.0
Minimum Side Yard (m)	1.2/2.4	1.2/3.0
Minimum Flanking Street Side Yard (m)	7.6	7.6
Minimum Rear Yard (m)	9.0	9.0
Maximum Lot Coverage	45%	
Maximum Height (m)	8.0	8.0



Single Dwelling (Serviced)

## 9.11 Residential Medium Density (RMD)

### 1. Purpose

To recognize existing neighbourhoods of predominantly Single-detached Dwellings and to accommodate additional forms of housing in new, infill Subdivisions including Single and Semi-detached Dwellings as well as small, multi-unit dwellings.

### 2. Permitted Uses

The following Uses shall, subject to the requirements of these Regulations, be permitted:

- Assisted Living Residential Complex
- Duplex Dwellings
- Family Child Care
- Home Office
- Single-detached Dwelling
- Semi-detached Dwelling
- Subsidiary Apartment
- Urban Agriculture

### 3. Discretionary Uses

The following Uses may be permitted, subject to the requirements of these Regulations:

- Animal
- Apartment Building (up to 8 units)
- Bed and Breakfast
- Boarding House
- Daycare Centre
- Educational
- Home-Based Business
- Office
- Personal, Professional and Medical (up to 200 m<sup>2</sup>)
- Place of Worship
- Row Dwelling
- Telecommunications Towers

### 4. Exception

Civic Address	Exception
22 Pleasantview Avenue	Existing Light Industrial Use recognized as a Permitted Use

### 5. Zone Standards

Standard	Single Dwelling	Semi-detached Dwelling	Row Dwelling
Minimum Lot Area (m <sup>2</sup> )	450	270 per d u	180 per d u
Minimum Frontage (m)	15.25	9.0 per d u	6.0 per d u
Minimum Building Line Setback (m)	7.6	7.6	7.6
Maximum Building Line Setback (m)	15.0	15.0	15.0
Minimum Side Yard (m)	1.2/2.4	2.4	3.0 on end unit
Minimum Flanking Street Side Yard (m)	7.6	7.6	7.6

Minimum Rear Yard (m)	8.0	8.0	8.0
Maximum Lot Coverage	45%	45%	55%
Maximum Height (m)	8.0	8.0	8.0
Landscaping (Minimum) Front Yard	50%	33%	33%

## 6. Standards for Multi-Unit Residential Buildings

Minimum Lot Area Per Unit (m <sup>2</sup> )	140
Lot Depth (min)	30.0
Minimum Frontage (m)	25.0
Minimum Building Line Setback (m)	7.6
Minimum Side Yard (m)	3.0 (Flanking Street - 7.6)
Minimum Rear Yard (m)	10.0
Maximum Lot Coverage	45%
Maximum Height (m)	14.0

## 7. Lot Exceptions

The following standards shall apply to Lots for Single-detached Dwellings located at the civic addresses listed below:

Civic Address	Standard	
1-39, 2-24 Jane Heights	Minimum Lot Area (m <sup>2</sup> )	336
	Minimum Frontage (m)	12.0
3-11, 4-12 Priscilla Place	Minimum Building Line Setback (m)	6.0
3-17, 4-16 Ashley Place	Maximum Building Line Setback (m)	15.0
3-13, 4-16 Jillian Place	Minimum Side Yard (m)	3.0 and 0.0
11-53, 4-36 Christine Crescent	Minimum Flanking Yard (m)	7.6m
3-43 Dungarvan Street	Minimum Rear Yard (m)	6.0
3-19, 4-20 Newcastle Place	Maximum Lot Coverage	33%
	Maximum Building Height (m)	8.0

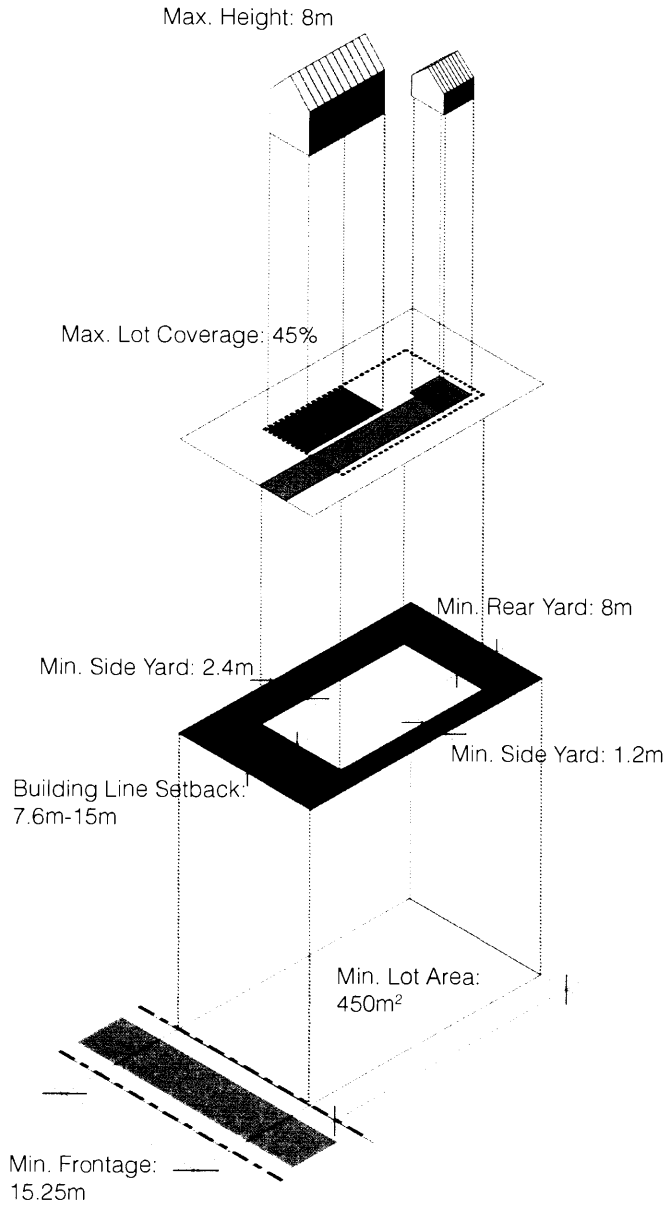
## 8. Infill Development, St. Thomas Line

Developments and associated Accesses along St. Thomas Line shall be evaluated against infill limits identified in Appendix C, and notwithstanding the minimum Frontage requirement for this Use Zone, Council may:

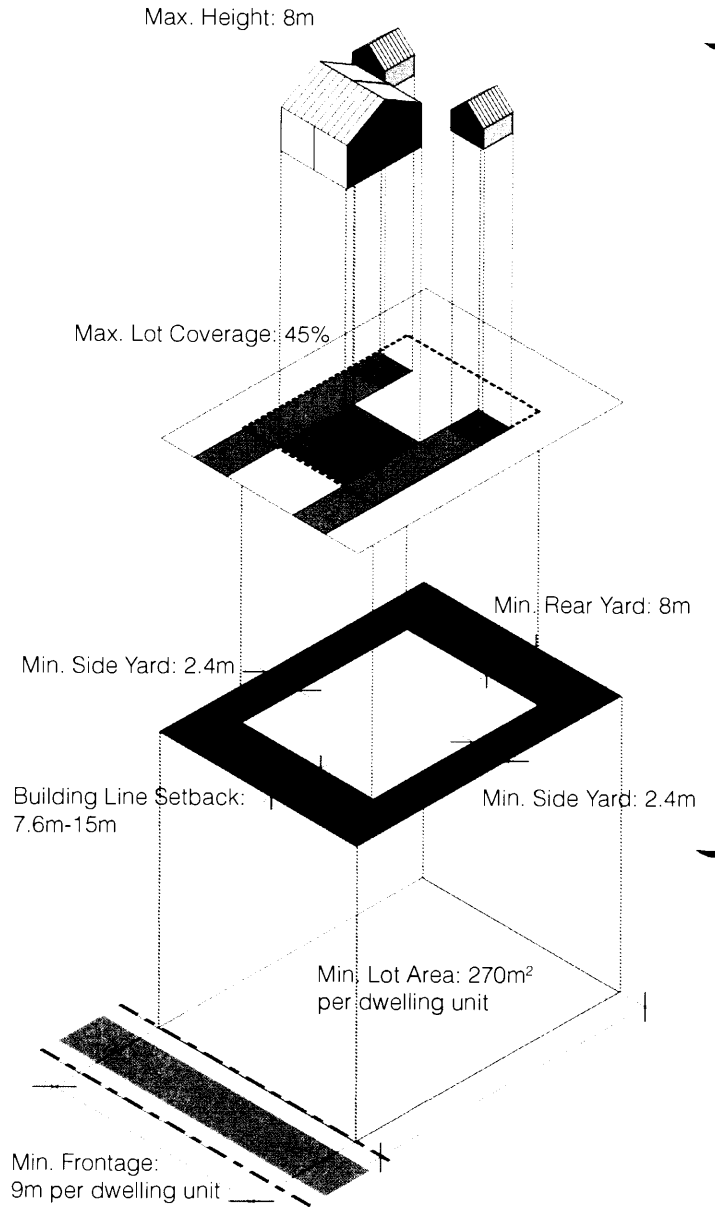
- Refuse a Development where construction of an Access would create a safety hazard.
- Require a larger minimum Lot Frontage for Development to ensure an Access will not create a safety hazard.

## 9. Standards for Non-Residential Uses

For non-residential Uses, the standards of the Commercial Neighbourhood Use Zone shall apply.



Single Dwelling



Semi Detached Dwelling

## 9.12 Residential High Density (RHD)

### 1. Purpose

To recognize existing and proposed high density developments characterized by multi-unit residential buildings, Duplexes, Semi-detached, and Row Dwellings.

### 2. Permitted Uses

The following Uses shall, subject to the requirements of these Regulations, be permitted:

- Apartment Buildings
- Assisted Living Residential Complex
- Family Child Care
- Home Office
- Row Dwelling
- Semi-detached Dwelling
- Single-detached Dwelling
- Subsidiary Apartment
- Urban Agriculture

### 3. Discretionary Uses

The following Uses may be permitted, subject to the requirements of these Regulations:

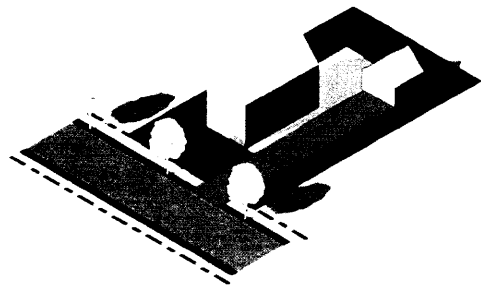
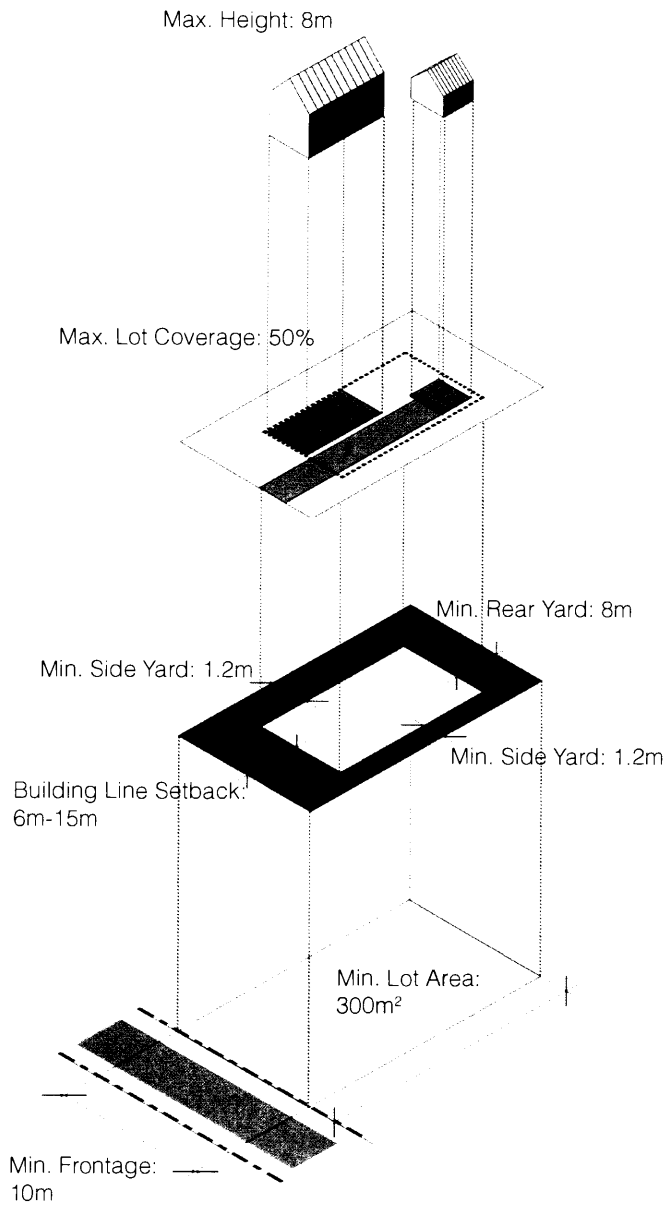
- Adult Day Care
- Bed and Breakfast
- Convenience Store (on ground floor of multi-unit building)
- Daycare Centre
- Educational
- Home-Based Business
- Office
- Personal, Professional and Medical (up to 250 m<sup>2</sup>)
- Telecommunications Towers

### 4. Zone Standards

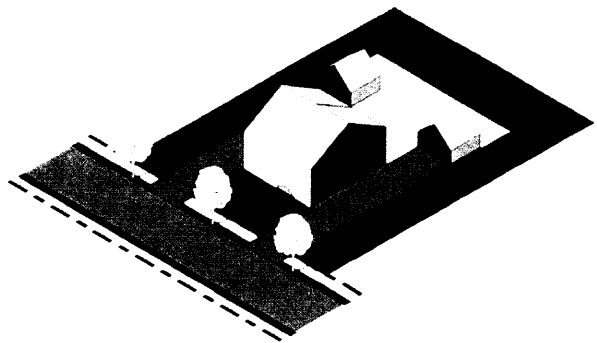
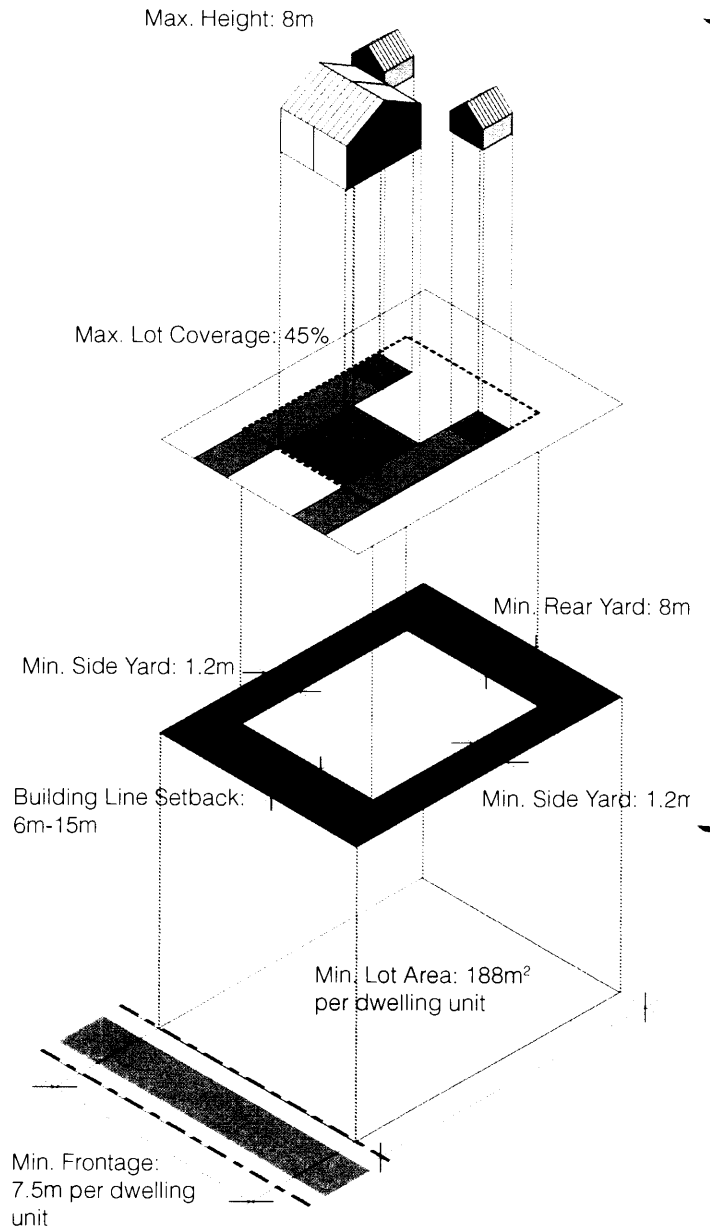
Standard	Single Dwelling	Semi-detached Dwelling	Row Dwelling	Multi-unit
Minimum Lot Area (m <sup>2</sup> )	300	188 per d. u.	140 per d. u.	90 per d u
Minimum Frontage (m)	10.0	7.5 per d.u.	5.5 per d. u.	25.0
Minimum Building Line Setback (m)	6.0	6.0	6.0	6.0
Maximum Building Line Setback (m)	15.0	15.0	15.0	15.0
Minimum Side Yard (m)	1.2	1.2	2.4 (on end unit)	6.0
Minimum Flanking Road Side Yard (m)	7.6	7.6	7.6	7.6
Minimum Rear Yard (m)	8.0	8.0	8.0	8.0
Maximum Lot Coverage	50%	45%	55%	55%
Maximum Height (m)	8.0	8.0	10.0	17.0
Landscaping (Minimum) Front Yard	40%	20%	40%	

### 5. Standards for Non-residential Uses

For non-residential Uses, the standards of the Commercial Neighbourhood Use Zone shall apply.

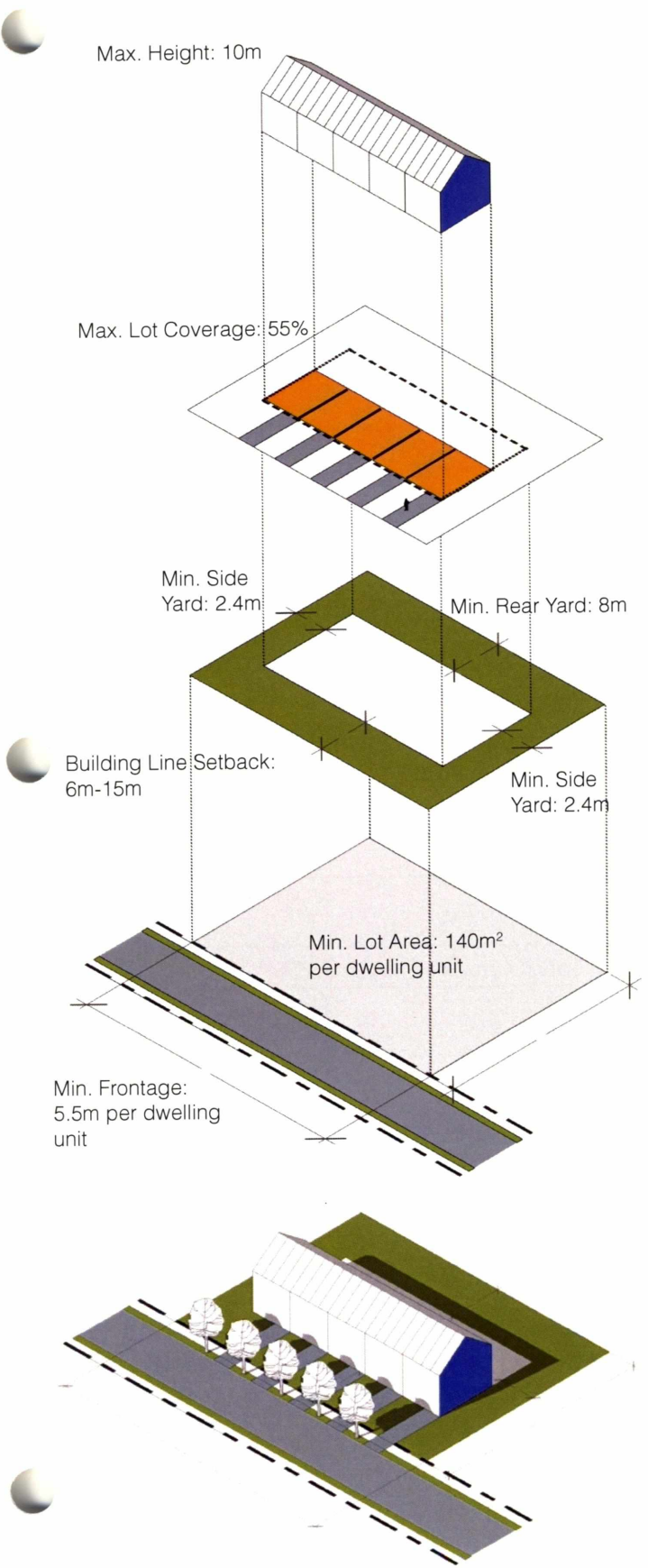


Single Dwelling

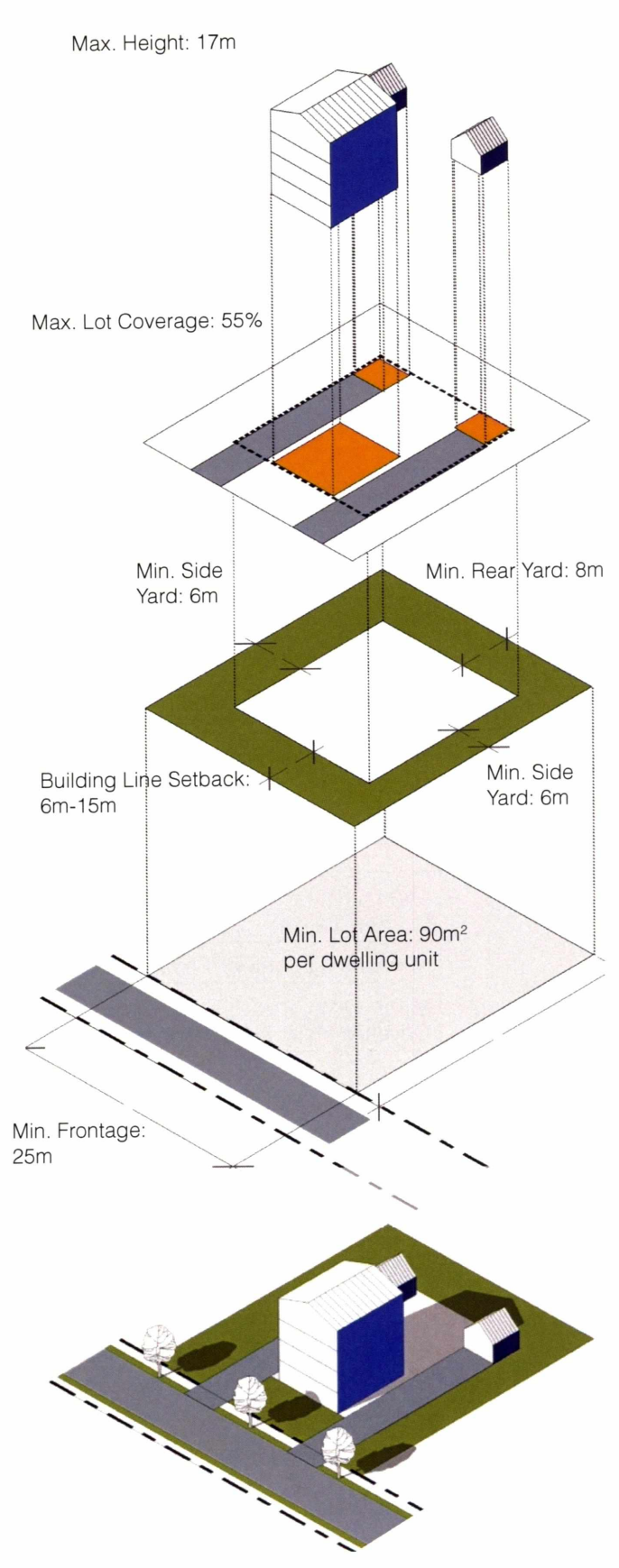


Semi Detached Dwelling





Row Dwelling



Multi-Unit Residential

## 9.13 Residential Watershed (RWS)

### 1. Purpose

To accommodate limited new serviced residential development in the Broad Cove River Watershed.

### 2. Permitted Uses

- Home Office
- Single-detached Dwelling
- Subsidiary Apartment

### 3. Discretionary Uses

- General Service
- Home-Based Business in form of Medical, Professional, Personal Service and Family Child Care only
- Telecommunications Towers

### 4. Zone Standards

The following standards shall apply to Lots created for Single-detached Dwellings:

Standard		Standard	
Minimum Lot Area (m <sup>2</sup> )	580	Minimum Building Line Setback (m)	15.0
Minimum Corner Lot Area (m <sup>2</sup> )	700	Minimum Side Yard (m)	1.2 and 2.4
Minimum Frontage (m)	18.0	Minimum Flanking Road Side Yard (m)	7.6
Minimum Frontage Corner Lot (m)	23.0	Minimum Rear Yard (m)	9.0
Minimum Lot Depth (m)	32.0	Maximum Lot Coverage	33%
Minimum Lot Development Area (m <sup>2</sup> )	700	Maximum Height (m)	8.0

### 5. Watershed Agreement

Under the provisions of the Watershed Agreement in place between the Town of Paradise and the City of St. John's, all development applications, including request for Variances, will be referred to the City of St. John's for approval.

### 6. Street Extension Limits

Development will be permitted only along the frontage of Existing Streets. New Streets will not be permitted, with the exception of a service road to connect Hussey's Road, Kipawa Drive, Woodville Drive, and Janal's Road. No new Development will be permitted along this service road. No Development shall be permitted so as to require the extension of Streets indicated on maps in Appendix D.

## 9.14 Rural Residential (RR)

### 1. Purpose

To provide opportunities for low-density, rural residential development where piped services are not planned.

### 2. Permitted Uses

- Home Office
- Family Child Care
- Single-detached Dwelling
- Urban Agriculture

### 3. Discretionary Uses

- Animal
- Bed and Breakfast
- General Service
- Home-Based Business
- Telecommunications Towers

### 4. Zone Standards

Standard	Single Dwelling
Minimum Lot Area (m <sup>2</sup> )	4050
Minimum Frontage (m)	45.0 35.0 For Three Island Pond Road, Topsail Pond Road (north of Buckingham Drive, Buckingham Drive (east of Topsail Pond Road), Shalloway Place, Angel's Road, Dawe's Road, Vanellen Place, and Hansen Place.
Building Line Setback (m)	7.6 to 45 conform generally with the Setback distances of dwellings on adjoining Lots.
Building Line Setback Greater than 45 (m)	Discretion of Council
Minimum Side Yard (m)	1.2/2.4
Minimum Flanking Road Side Yard (m)	7.6
Minimum Rear Yard (m)	9.0
Maximum Height (m)	8.0

## 9.15 Rural Residential Conservation (RRC)

### 1. Purpose

Intended for residential developments consistent with principles of conservation design to preserve open spaces, natural and scenic features.

### 2. Permitted Uses

- Family Child Care
- Home Office
- Single-detached Dwelling
- Urban Agriculture

### 3. Discretionary Uses

- Animal
- Bed and Breakfast
- Home-Based Business
- Telecommunications Towers

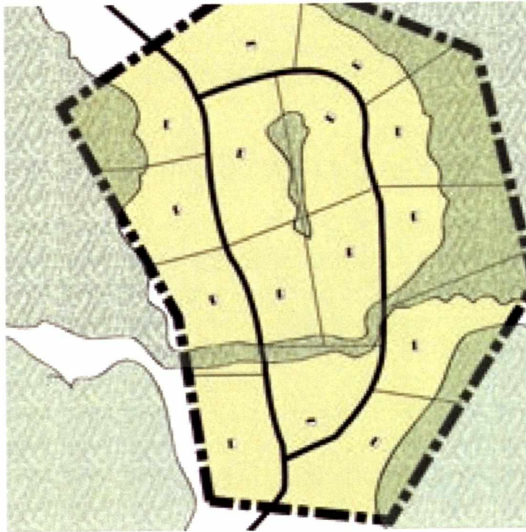
### 4. Zone Standards

Standard	Single Dwelling
Minimum Building Line Setback (m)	7.6
Maximum Building Line Setback (m)	30.0
Minimum Side Yard (m)	3.0
Minimum Flanking Road Side Yard (m)	7.6
Minimum Rear Yard (m)	9.0
Maximum Height (m)	10.0

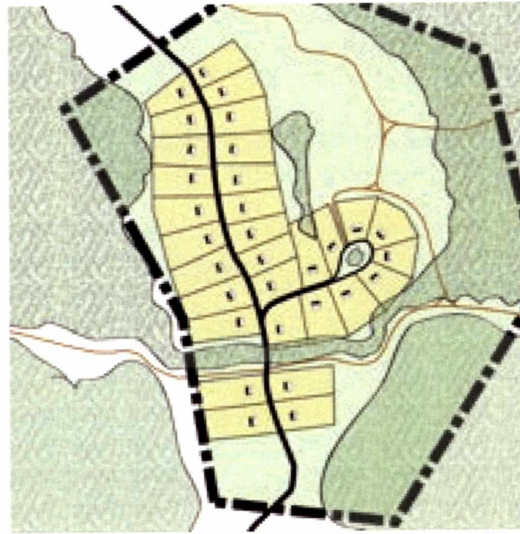
**5. Lot Size and Density**

Residential Subdivision Development within this Zone shall meet the following requirements:

- a. Consist of a minimum of fourteen (14) residential Lots.
- b. Have a maximum density of 1 unit per 4050 square meters calculated over the total area of the property proposed for Development.
- c. A maximum density of 1 unit per 3000 square meters (calculated over the total area of Land proposed for Development) may be permitted where 40% of the Land proposed for the Development will be retained as conservation Lands in the conservation design subdivision.



Traditional Large Lot Residential Development



Conservation Design Residential Development

**6. Application Requirements**

In addition to the requirements of Section 6 Subdivision of Land, applications for conservation design subdivisions will be considered according to the following two-stage process:

**Stage 1 Preliminary Site Assessment**

In addition to the information required for applications for Subdivision Development in Section 6 applicants will be required to assess the parcel(s) of Land proposed for Development and identify areas within it for conservation where Development should be avoided. The assessment shall identify the following primary conservation features of the site:

- a. Wetlands and watercourses.
- b. Rock outcroppings.
- c. Agricultural soils/previous agricultural cultivation.
- d. Groundwater recharge areas.

It shall also assess and identify :

- a. Scenic views from within and onto the site from the surrounding area illustrated through maps and photographs.
- b. Areas of mature forest.
- c. Existing and proposed trail networks, rights of way or traditional pathways.

Submissions of proposals for Development shall be accompanied by:

- a. A Letter of Intent stating the rationale for the proposed Development, total ha of the site and total ha of potential development area.
- b. A map of the property showing the conservation features and the potential development areas proposed for Development.
- c. Preliminary proposed sewage treatment system and identification of soils and other conditions capable of supporting the proposed system.
- d. The results of a Level 1 Groundwater Assessment Report prepared in accordance with the Department of Municipal Affairs and Environment Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells.

Council may require a site meeting to review the site, the areas identified for conservation and for Development, and require refinement of the preliminary site plan information.

### **Stage 2 Conceptual Design**

Using the information from Stage 1, a concept plan for the Development will be required that includes:

- a. The location and type of proposed Land Uses.
- b. Total ha of the site, total ha of development area and number of Dwelling Units.
- c. Proposed Frontage, and Front, Side and Rear Yard Setbacks for each Lot/Unit.
- d. Where all Land is to remain in private ownership, the area of disturbance (not to exceed 20% per Lot) for each Lot/Unit including areas for grading, lawns, pavement, Buildings and septic system areas.
- e. The proposed locations of communal or individual septic system areas.
- f. Total hectares and location of areas to be retained as conservation areas and a breakdown of total ha to be retained in non-municipal ownership.
- g. Proposed trails or trail networks.

The application shall include

- a. A Level 2 Groundwater assessment report prepared in accordance with Department of Municipal Affairs and Environment Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells.
- b. Proposed sewage treatment system prepared with sufficient level of information to determine if it is feasible to service the Development.
- c. A stormwater management plan.
- d. A maintenance plan for long term care of wells and septic systems or for any communal system not managed by a condominium Corporation pursuant to the *Condominium Act*.
- e. Conservation Space Management Plan for the long-term management of the conservation areas.

## 9.16 Residential Subdivision Area (RSA)

### 1. Purpose

To identify areas for future planned residential development.

### 2. Permitted Uses

- Continuation of Existing Uses

### 3. Discretionary Uses

- Mineral Exploration

### 4. Conditions

Existing Uses shall be permitted to continue. With the exception of rural Uses such as Agriculture and Forestry Uses involving wood harvesting or silviculture, or the use of Land for the growing of crops or for pasture, Existing Uses shall not be permitted to expand, including the expansion of Existing Buildings. Existing Buildings may be replaced provided the replacement does not result in an increase in the size of the Building.

### 5. Subdivision Development Plan

Development of Lands within this Zone are subject to the following requirements:

- a. Submission of a proposed Subdivision development plan prepared in accordance with the policies of the Municipal Plan and Section 6 of these Regulations pertaining to Subdivision of Land; and
- b. Rezoning of the Lands to an appropriate residential Use Zone or Zones.

## 9.17 Planned Mixed Development (Residential) (PMDR) Octagon Pond Development Area

### 1. Purpose

To provide for creation of mixed-use residential neighbourhoods in the Octagon Pond Development Area with a variety of building forms, public spaces and commercial services. The Zone provides for Development in accordance with an approved development plan and subject to terms and conditions set out in a Development Agreement.

### 2. Permitted Uses

Any Land, Building or structure may be used for the following purposes in this Zone in accordance with a development plan approved by Council:

- Residential Use – a mixture of residential form is required
- Office and Commercial Use
- Institutional or Public Use
- Uses permitted in all Use Zones
- Uses set out in the approved development plan

### 3. Discretionary Uses

- Home-Based Business
- Lounge
- Uses set out in the approved development plan

### 4. Zone Standards

Residential Development within a Planned Mixed Development Zone shall:

- a. Consist of a mix of residential Lots, building forms, Uses and tenures. The intent for Development is to create a mix of residential forms that includes Single-detached, Semi-detached, Duplex, Row Dwellings and apartment buildings, with a smaller percentage of Single Dwelling Units, compared to the number of Dwelling Units in Semi-detached, Row Dwellings and apartment buildings.
- b. Residential forms may be varied within Street blocks, or grouped within an overall Development around natural or planned amenity features such as open spaces, natural areas and pedestrian pathways.
- c. Plans for Lands in this Zone may include areas for commercial and residential Uses and building forms along Collector Streets at identified neighbourhood commercial nodes/intersections identified in the approved plan. Commercial Buildings may incorporate multi-unit residential Use above ground-floor commercial space, and housing forms may be designed to include live/work spaces.
- d. Building sites for public and institutional Uses may be incorporated into development proposals where the scale of the Development would create a requirement for public Uses such as schools and recreation facilities.
- e. Parks and open space shall be planned to be centrally located and connected to surrounding residential Uses by Streets, sidewalks and pathways.



## 5. Single, Semi-detached and Row Dwelling Development Standards

The following standards apply within a Planned Residential Mixed Development:

Standard	Single Dwelling	Semi-detached Dwelling	Row Dwelling
Minimum Lot Area (m <sup>2</sup> )	335	164 per d.u.	164 per d.u.
Minimum Lot Frontage (m)	11.0	6 m per d.u.	6 per d.u.
Minimum Building Line (m)	7.6	7.6	7.6
Minimum Rear Yard (m)	8.0	8.0	8.0
Minimum Side Yard (m)	1.2 and 2.4	1.8 . 0.0 common Lot Line	2.4 . 0.0 common Lot Line
Side Yard on a Flanking Street (m)	7.6	7.6	7.6
Maximum Building Height (m)	9.0	9.0	9.0
Maximum Lot Coverage (m)	45%	45%	45%

## 6. Row Dwelling Cluster

Row Dwellings may also be developed in a cluster of several Buildings with grouped vehicular parking and private access. Such Development shall meet the following minimum standards:

Lot Area (min)	554 m <sup>2</sup>
Lot Frontage (min)	18.2 m
Lot Coverage (min)	45%

A Row Dwelling shall not contain more than six (6) Dwelling Units without at least one (1) offset in the wall and roofline to a minimum depth of 0.6 m to a maximum of ten (10) Dwelling Units within the Row Dwelling.

## 7. Apartment Buildings

The following standards will apply to multi-unit residential buildings within a Planned Residential Mixed Development

Standard	Apartment Buildings
Minimum Lot Area (m <sup>2</sup> )	554
Minimum Lot Frontage (m)	18.2
Minimum Building Line (m)	4.5
Minimum Rear Yard (m)	8.0
Minimum Side Yard (m)	1.5 for ground level storey and 1.0 per storey above ground level storey
Side Yard on a Flanking Street (m)	7.6
Maximum Building Height (m)	17.0
Maximum Lot Coverage	45%
Maximum Density	60 units per building

## 8. Neighbourhood Commercial Development Design Principles

Neighbourhood Commercial Development within this Zone shall incorporate the following design principles:

- a. They are placed within an overall development plan on or at intersections of Collector Streets.
- b. The design provides convenient and safe accommodation for pedestrians and bicyclists, with vehicle parking areas designed in accordance with the Town's Urban Design Guidelines.
- c. Buildings facing a Street or surrounding a square or plaza must be located so that Building walls that will face the Street, square or plaza will have at least 25% of their primary façade, including at least 40% of the ground storey's primary façade, in transparent windows.
- d. Diversity, not homogeneity, with a variety of Building types, and Land Uses providing for people of all ages and forms of mobility.
- e. Minimum standards for commercial Uses:

Minimum Lot Area	277 m <sup>2</sup>
Minimum Lot Frontage	9 m
Minimum Building Line	6 m
Minimum Rear Yard	4.5 m
Minimum Side Yard	4.5 m
Maximum Lot Coverage	45%
Maximum Building height	9 m

## 9. Design of Streets and Blocks

Streets within a PMDR Zone must:

- a. Provide a highly interconnected network, accommodate existing or anticipated public transit.
- b. Must be designed for speeds that ensure that pedestrian safety is a priority.
- c. The proposed Street network must extend into adjoining areas except where the general infill goal of integration with surrounding Uses is deemed inappropriate for a particular infill site. In such cases, street stubs must be provided to adjoining undeveloped areas to accommodate future Street connectivity.
- d. Streets do not have to form a rectangular grid, they may be curved or bent but must connect to other Streets.
- e. Street networks should respect topography and any environmental resources such as waterbodies, and be designed to avoid damage to such resources.
- f. Sidewalks must be provided on both sides of all Streets.
- g. Cul-de-sacs are not permitted except where physical conditions such as highways, sensitive natural resources, or unusual topography provide no practical connection alternatives.
- h. All Streets must be publicly dedicated. Private Streets and closed off gated Streets are prohibited.
- i. Street cross-sections must be designed in accordance with the Town's Street Design Standards appropriate to the class of Street proposed.

## 10. Parks and Open Spaces

Within a Residential Planned Mixed Development Zone, parks and open spaces may be planned to encompass a natural feature, be integrated with adjacent parks, open spaces, recreation facilities, or, where such features are not available, to be centrally located within the Development. Neighbourhood community space may be in the form of parks containing playgrounds, multi-purpose playing fields, Community Gardens, stormwater management areas, or natural areas worthy of preservation.

Within a Residential Planned Mixed Development Zone, public Amenity Space shall be located in one (1) or more locations such that it is within a 10 minute walk (800m) of all residential units within the development area unless otherwise approved by Council.

## 11. Development Proposals

Council may specify such plans or studies necessary to be included in support of a development proposal which may include, but not limited to, context, site, Building, elevation, landscaping, grading, servicing, storm water and traffic.

## 12. Approval Process

- a. Development shall be in accordance with a plan, approved by Council.
- b. Changes to an approved development plan may be considered that include:
  - i. A change in the proposed building forms within the area included in the development plan.
  - ii. The location of commercial and open space sites within a Development.
  - iii. The size and shape of Buildings on Lots, provided the minimum development standards set out in this Zone continue to be met.
- c. Where a Development has commenced and a change is proposed that would affect developed residential properties within the development area, Council will require a public notice and consideration of public input prior to approving the proposed change.
- d. Changes to a development plan shall not reduce the overall mix of dwelling types within the area included in the approved development plan.

## 9.18 Residential Mixed (RM)

### 1. Purpose

To recognize areas along Topsail and Paradise Roads where there is a mix of residential and commercial Uses.

### 2. Permitted Uses

- Duplex Dwelling
- Family Child Care
- Home Office
- Semi-detached Dwelling
- Single-detached Dwelling
- Subsidiary Apartment
- Urban Agriculture

### 3. Discretionary Uses

- Apartment Building
- Assisted Living Residential Complex
- Boarding House
- Commercial Agriculture
- Commercial Greenhouse
- Convenience Store
- Daycare Centre
- Home-Based Business
- Light and General Industry (limited to Existing Uses)
- Office
- Personal, Professional and Medical Service
- Place of Worship
- Restaurant
- Retail Store
- Row Dwelling
- Take-Out Food Service
- Taxi Stand
- Telecommunications Towers

### 4. Prohibited Uses

- Lounge

### 5. Zone Standards

Standard	Single Dwelling	Semi-detached Dwelling	Row Dwelling	Apartment Building
Minimum Lot Area (m <sup>2</sup> )	450	270 per d.u.	180 per d.u.	140 per d u.
Minimum Frontage (m)	15.25	9.0 per d.u.	6.0 per d.u.	25
Minimum Building Line Setback (m)	7.6	7.6	7.6	7.6
Maximum Building Line Setback (m)	15.0	15.0	15.0	15.0
Minimum Side Yard (m)	1.2/2.4	2.4	3.0	3
Minimum Flanking Road Side Yard (m)	7.6			
Minimum Rear Yard (m)	9.0			
Maximum Lot Coverage	33%			
Maximum Height (m)	9.0			

**6. Standards for Non-Residential Uses**

For non-residential Uses, the standards of the Commercial Neighbourhood Use Zone shall apply.

## 9.19 Residential Mini Home (RMH)

### 1. Purpose

To recognize the existing mobile home parks in Paradise and provide for change as buildings are converted or replaced with new construction or Mini Homes.

### 2. Permitted Uses

- Family Child Care
- Home Office
- Single-detached Dwelling
- Mini Home (Single Dwelling)

### 3. Discretionary Uses

- Home-Based Business
- Telecommunications Towers
- Two-Unit Dwellings

### 4. Prohibited Uses

- Subsidiary Apartment

### 5. Zone Standards

Standard	Single Dwelling
Minimum Lot Area (m <sup>2</sup> )	336
Minimum Frontage (m)	12.0
Minimum Building Line Set Back (m)	3.65
Maximum Building Line Set Back (m)	15.0
Minimum Side Yard (m)	1.2/3.65
Minimum Flanking Road Side Yard (m)	7.6
Minimum Rear Yard (m)	3.65
Maximum Lot Coverage	33%
Maximum Height (m)	8.0

### 6. Two-unit Dwellings

Not more than 10% of the Mobile Home units in the Elizabeth Park residential Subdivision shall be two Dwelling Unit mobile homes.

## 9.20 Planned Mixed Development (Commercial) (PMDC)

### 1. Purpose

To implement policies of the Municipal Plan by providing opportunities for creative urban designs for commercial mixed Development.

### 2. Permitted Uses

Any Land, Building or structure may be used for the following purposes in this Zone in accordance with a development plan approved by Council:

- Office or Commercial Use
- Public Use Residential Use
- Uses set out in the approved development plan

### 3. Discretionary Uses

- Uses set out in the approved development plan

### 4. Land Use Mix

Development within a Planned Commercial Mixed Development Zone shall:

- a. Consist of a mix of Lots, building forms, Uses and tenures.
- b. The mix of Use may occur:
  - i. As a range of compatible Uses co-located within a Building with retail Uses at ground level, residential and office Uses above ground level floor. Ground level floors may accommodate residential and office Uses, but Buildings shall be designed to facilitate conversion to commercial Use at ground level;
  - ii. Within an overall development plan consisting of stand-alone multi-unit residential Buildings and grouped commercial and office Buildings;
  - iii. As a combination of i and ii.
- c. The Land Use mix shall be predominantly for commercial, office and retail Uses.
- d. Public Uses, in the form of cultural and civic Buildings and spaces, may also be included in the Land Use mix.
- e. The Land Use mix shall include sufficient Amenity Space to support the commercial and residential components of the overall Development and meet the requirements for public open space specified in Section 6.8 of these Regulations.

### 5. Design Principles

Proposals for Development in the Commercial Planned Mixed Development Zone shall demonstrate:

- a. Connectivity to surrounding Land Uses through Street connections, sidewalks, pathways.
- b. A high level of interconnected pathways, internal to the Development, that provides convenient routes for pedestrians and cyclists.
- c. High-quality public spaces, with the principle facade of Buildings including main entrances and windows, face the Street, plaza, square or park.
- d. Diversity, not homogeneity, with a variety of Building types, Street types, open spaces and Land Uses providing for people of all ages and forms of mobility.
- e. A high quality of Landscaping throughout the Development, designed to enhance the visual quality of Streets, squares, parks and plazas, and is used to effectively separate and screen above-ground parking areas.
- f. Designs should consider and identify areas for snow storage within the Development.

## 6. Design of Streets and Blocks

Streets proposed within a Commercial PMD Zone must:

- a. Provide a highly interconnected network, accommodate existing or anticipated public transit.
- b. Must be designed for speeds that ensure that pedestrian safety is a priority.
- c. The proposed Street network must extend into adjoining areas except where the general infill goal of integration with surrounding Uses is deemed inappropriate for a particular infill site. In such cases, street stubs must be provided to adjoining undeveloped areas to accommodate future Street connectivity.
- d. Streets do not have to form a rectangular grid, they may be curved or bent but must connect to other Streets.
- e. Street networks should respect topography and any environmental resources such as waterbodies, and be designed to avoid damage to such resources.
- f. Dead-end Streets are not permitted except where physical conditions such as highways, sensitive natural resources, or unusual topography provide no practical connection alternatives.
- g. Show Street cross-sections designed in accordance with the Town's Urban Design Guidelines appropriate to the class of Street proposed.

## 7. Off-Street Parking

Mixed-use Developments must provide off-street parking, proximity to existing or future public transit, sidewalks on all Streets, and a mix of compatible Land Uses that can share parking spaces. A reduction in the number of parking spaces required in Section 8.2 may be considered in accordance with Section 8.5 and a development plan approved by Council.

## 8. Location of Off-Street Parking

To the extent that is possible and practicable, off-street parking spaces shall be sited to reduce the visibility of parking areas from public Streets through a combination of placement within a Development, Landscaping and shared parking space. Parking areas shall be planned so that they are located within Buildings or behind Buildings. Proposals for Development in a Commercial Planned Mixed Development Zone shall generally avoid parking located in the street Yard in front of a Building.

## 9. Civic Spaces

Civic spaces within a Commercial Planned Mixed Development Zone shall be planned so as to provide separation from adjoining Land Uses. Such areas may include playgrounds, Community Gardens, stormwater management areas, or natural areas worthy of preservation.

Buildings surrounding a square or plaza must be located so that Building walls that will face the square or plaza will have at least 25% of their primary façade, including at least 40% of the ground storey's primary façade, in transparent windows. Civic Space Lots must be designed, landscaped and furnished to facilitate and encourage public Use. Unless otherwise approved by Council, Buildings with false ground floor window designs facing Streets, squares, plazas or park shall not be permitted.



## 10. Development Proposals

Council may specify such plans or studies necessary to be included in support of a development proposal which may include, but not limited to, context, site, Building, elevation, landscaping, grading, servicing, storm water and traffic.

## 11. Approval Process

- a. Proposals for Development within a Commercial Planned Mixed Development Zone or portion thereof, shall be subject to a rezoning of the area and incorporation of the approved development plan as part of these Regulations.
- b. Standards for Development shall be in accordance with the approved plan.
- c. Changes to an approved development plan may be considered that include:
  - i. A change in the proposed building forms within the area included in the development plan;
  - ii. The location of commercial, residential and open space sites within the approved Development; and
  - iii. The size and shape of Buildings on Lots, provided the minimum development standards, approved for the Development in the Zone continue to be met;
- d. Where a Development has commenced and a change is proposed that would affect developed residential properties within the development area, Council will require a public notice and consideration of public input prior to approving the proposed change.
- e. Changes to a development plan that reduce the overall mix of Buildings and Uses that are not consistent with the intent of the Municipal Plan or the Planned Mixed Development (Commercial) Zone, within the area included in the approved development plan shall not be approved.

## 9.21 Commercial General (CG)

### 1. Purpose

To recognize existing commercial sites and facilitate the Development of new commercial and retail services.

### 2. Permitted Uses

- Civic and Cultural
- Convenience Store
- Funeral Home
- General Assembly
- General Services
- Health and Fitness Facility
- Hotels
- Indoor Assembly
- Indoor Market
- Multi-Unit Residential (above first floor Commercial)
- Office
- Personal, Professional, Medical Service
- Place of Worship
- Restaurant
- Retail Store
- Shopping Centre
- Take-Out Food Service
- Theatre
- Veterinary Clinic

### 3. Discretionary Uses

- Automotive Sales and Service
- General Garages
- Light Industry
- Lounge
- Outdoor Market
- Service Station
- Taxi Stand
- Telecommunications Towers

### 4. Zone Standards

Standard	All Uses
Minimum Building Line Setback (m)	10.0
Minimum Side Yard (m)	5.0 and 2.4
Minimum Rear Yard (m)	10.0
Minimum Flanking Road Side Yard (m)	10.0
Maximum Height (m)	17.0 Greater than 17.0 at the discretion of Council

## 9.22 Commercial Main Street (CM)

### 1. Purpose

To identify sections along Topsail Road where there is a concentration of commercial, light industrial, office, retail and service Uses as a focus for main street improvement and redevelopment.

### 2. Permitted Uses

- Child Care
- Convenience Store
- Cultural and Civic
- Educational
- Funeral Home
- General Service
- Health and Fitness Facility
- Indoor Assembly
- Indoor Market
- Medical, Professional and Personal Service
- Multi-Unit residential (above main floor Commercial)
- Office
- Places of Worship
- Restaurant (no Drive-Through)
- Retail Store
- Service Station
- Single-detached Dwelling (Existing)
- Take-Out Food Service (no Drive-Through)
- Veterinary Clinic

### 3. Discretionary Uses

- Apartment Building
- Automotive Sales
- Boarding House
- General Assembly
- General Garages
- Home-Based Business
- Hotel
- Light Industry
- Lounge
- Outdoor Market
- Recreational Open Space (Commercial)
- Restaurant (Drive-Through)
- Take-out (Drive-Through)
- Taxi Stand
- Telecommunications Towers
- Theatre

### 4. Zone Standards

Standard	All Uses
Minimum Building Line Setback (m)	6.0
Minimum Side Yard (m)	5.0 and 3.0
Minimum Rear Yard (m)	10.0
Minimum Flanking Road Side Yard (m)	10.0
Maximum Height (m)	17.0

**5. Apartment Buildings and Single-detached Dwellings**

Development standards for apartment buildings shall be the same as those set out in the Residential High Density Use Zone. Development standards for Single-detached Dwellings (existing) shall be the same as those set out in the Residential Medium Density Use Zone.

**6. Topsail Road Access**

Access to Development from Topsail Road shall be limited. Where possible, new Development will contribute to a reduction or consolidation of Accesses.

## 9.23 Commercial Neighbourhood (CN)

### 1. Purpose

To identify sites for commercial services close to residential neighbourhoods that cater to local needs.

### 2. Permitted Uses

- Child Care
- Convenience Store
- Medical, Professional and Personal Service
- Office
- Public Buildings
- Restaurant (no Drive-Through)
- Retail Store
- Take-Out Food Service (no Drive-Through)

### 3. Discretionary Uses

- General Service
- Health and Fitness Facility
- Lounge
- Outdoor Market
- Place of Worship
- Residential (above main floor Commercial)
- Restaurant (Drive-Through)
- Service Station
- Take-Out Food Service (Drive-Through)
- Taxi Stand
- Telecommunications Towers

### 4. Zone Standards

Standard	All Uses
Minimum Building Line Setback (m)	8.0
Minimum Side Yard (m)	5.0 and 2.4
Minimum Rear Yard (m)	8.0
Maximum Height (m)	9.0

Access	1-2, From a Collector Street only
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**9.24 Commercial Light Industrial (C/LI)**

**1. Purpose**

To provide Lands for a mix of commercial and light industrial Buildings and Uses.

**2. Permitted Uses**

- Communications
- Convenience Store
- General Assembly
- General Service
- Indoor Assembly
- Indoor Market
- Light Industry
- Medical and Professional Service
- Office
- Personal Service
- Public Buildings
- Restaurants
- Retail Store
- Service Station
- Shopping Centre
- Take-Out Food Service
- Taxi Stand
- Veterinary Clinic

**3. Discretionary Uses**

- Automotive Sales
- Lounge
- Daycare Centre
- Club and Lodge
- Cultural and Civic
- Educational
- Funeral Home
- General Industry
- Health and Fitness Facility
- Hotel
- Outdoor Market
- Passenger Assembly
- Place of Worship
- Theatre
- Telecommunications Towers

**4. Zone Standards**

Standard	All Uses
Minimum Building Line Setback (m)	8.0
Minimum Side Yard (m)	5.0
Minimum Rear Yard (m)	10.0

Maximum Height (m)	17.0 Office Buildings subject to Condition 5 Greater than 17m subject to LUAR and conditions.
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### 5. Office Buildings

Office Buildings or mixed-use office complexes, where proposed at heights that exceed 17 m, may be permitted in accordance with the following conditions:

- a. That the Development can be serviced from the existing municipal water system to ensure adequate fire flows.
- b. That there is adequate capacity in the municipal sewer system to accommodate the proposed office Use.
- c. That the Building Height will not negatively affect adjoining properties and Uses, including a residential property, neighbourhood, or Use Zone as a result of shading/shadowing. Increased Building Setbacks or alterations to Building design may be required where the height above 14m to address identified impacts; and
- d. A traffic impact assessment is undertaken to ensure adequate capacity in the existing road network to handle anticipated traffic volumes and identify any upgrades or improvements that are needed to accommodate the predicted traffic volume.

### 6. Business Parks

Business parks in the form of corporate office complexes shall meet the following conditions:

- a. Submission and approval of a comprehensive site plan.
- b. That the Development demonstrate a high standard of urban design in Buildings, Landscaping, parking areas and structures, and their relationship to each other. In this regard, where multiple Buildings are proposed on a parcel that are part of an approved site development plan, the Yard requirements for each Building shall be in accordance to the approved site development plan.
- c. Site design minimizes environmental impacts and incorporates natural features and topography into overall site design.
- d. Stormwater within the Development is managed in accordance with an approved stormwater management plan; and
- e. A traffic impact assessment is carried out to determine the impact anticipated traffic volumes from the Development on the existing road

network to upgrades or improvements that are needed to accommodate predicted traffic volumes.

## 9.25 Industrial General (IG)

### 1. Purpose

Lands designated Industrial are intended to accommodate industrial Uses, including Light and General Industry.

### 2. Permitted Uses

- General Industry
- Light Industry
- Office
- Service Station
- Transportation

### 3. Discretionary Uses

- Commercial Greenhouse and Hydroponics
- Convenience Store
- General Assembly
- Hazardous Industry
- Outdoor Market
- Scrap Yard
- Retail Store
- Take-Out Food Service
- Health and Fitness Facility
- Telecommunications Towers

### 4. Zone Standards

Standard	All Uses
Minimum Building Line Setback (m)	8.0
Minimum Side Yard (m)	3.0
Minimum Rear Yard (m)	10.0
Maximum Height (m)	24.0

### 5. Open Storage

Open storage of goods and machinery shall be located in the Rear Yard, and



screened from the Street and adjoining properties by a fence, no less than 2.0 m in height, constructed to Council's specifications.

## 9.26 Public Use (PU)

### 1. Purpose

To accommodate the need for institutional Lands for municipal Buildings and facilities, places of worship and schools.

### 2. Permitted Uses

- Collective Residential
- Cultural and Civic
- Educational
- General Assembly
- Medical treatment and Special Care
- Place of Worship
- 

### 3. Discretionary Uses

- Cemetery
- Daycare Centre (Accessory Use only)
- Club and Lodge (Accessory Use only)
- Indoor Assembly
- Telecommunications Towers

### 4. Zone Standards

Standard	All Uses
Minimum Building Line Setback (m)	8.0
Minimum Side Yard (m)	5.0 & 2.4
Minimum Rear Yard (m)	10.0
Minimum Flanking Road Side Yard (m)	10.0

Maximum Height (m)	17.0
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**9.27 Open Space/Recreation (OSR)**

**1. Purpose**

To identify Lands for parks and recreation.

**2. Permitted Uses**

- Arenas
- Conservation
- Cultural and Civic
- Parks
- Playing Fields

**3. Discretionary Uses**

- Catering (Accessory Use only)
- Child Care (Accessory Use only)
- General Assembly
- Indoor Assembly
- Outdoor Assembly
- Telecommunications Towers

**4. Zone Standards**

Standard	All Uses
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As determined by Council.	
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## 9.28 Open Space/Buffer (OSB)

### 1. Purpose

To separate conflicting Land Uses and provide natural buffers for amenity value along the T'Railway.

### 2. Permitted Uses

- Conservation
- Continuation of Existing Uses

### 3. Discretionary Uses

- Recreational Open Space
- Temporary parking/storage – Non-Building Uses (See Condition 5)
- Telecommunications Towers

### 4. Zone Standards

Standard	All Uses
As determined by Council.	

### 5. Non-Building Uses

Lands within the Open Space Buffer around the City Sand and Gravel quarry, may be used for non-building purposes subject to the following conditions:

- a. The Uses may include the temporary parking or storage of goods and materials associated with commercial Uses fronting on Topsail Road.
- b. The Use does not occupy an area any greater than 1 ha, and be no closer than 200 m from the quarry face.
- c. The area associated with the temporary Use may be required to be moved/removed to ensure compliance with Subsection (b).

- d. The Town shall not be held liable for any damage to property parked or stored in the Open Space Buffer.

## 9.29 Conservation (CON)

### 1. Purpose

To provide a natural buffer around streams, ponds, Wetlands and areas of known hazard.

### 2. Permitted Uses

- Conservation
- Home Office (existing dwellings)
- Maintenance and operation of existing uses

### 3. Discretionary Uses

- Boathouses
- Docks and Wharves
- Residential Accessory Buildings
- Recreation Open Space Uses (walking trails)
- Telecommunications Towers

### 4. Zone Standards

Standard	All Uses
As determined by Council.	

### 5. East Coast Trail

The East Coast Trail Association are developing a world class hiking trail along the coastline of Conception Bay as part of a larger coastal trail system. Council

shall ensure that an undisturbed natural buffer is maintained along the trail to protect the natural landscape and views from the trail, and to ensure that future Development does not negatively impact the trail.

### 9.30 Rural (RUR)

#### 1. Purpose

To identify and retain Lands not required for urban Use and Development. To control access to major arterial road ROWs and highway interchanges.

#### 2. Permitted Uses

- Agriculture
- Conservation
- General Industry (Accessory Uses Only)
- Light Industry (Accessory Uses Only)
- Mineral Exploration

#### 3. Discretionary Uses

- Animal
- Forestry
- Mineral Working
- Telecommunications Towers

#### 4. Zone Standards

Standard	All Uses
As determined by Council.	

#### 5. Provincial Highway Right-of-Way

Only those Uses necessary for the functioning of the highways shall be permitted within the right-of-way of the Trans Canada Highway, Outer Ring Road subject to Section 4.25.

#### 6. Landscaping and Screening

Open storage of goods and machinery shall be limited to Rear Yards, and screened from the Street and adjoining properties by a fence, no less than 2.0 m in height, constructed to Council's specifications.

#### 7. Mineral Workings

Mineral Working activities shall be subject to the terms and conditions for Development, operation and rehabilitation included in permits and approvals issued by provincial government agencies, including a quarry permit or quarry lease issued under the *Quarry Materials Act, 1998*.

#### 8. Industrial Uses

Uses that are accessory to an approved Industrial Use, shall meet the following requirements:

- a. The Land forms part of, or is adjacent a property containing an approved industrial Use.
- b. The approved industrial Use is located in a Zone appropriate to that Use.
- c. The Accessory Use is limited to activities such as outdoor storage and

parking.

### 9.31 Quarry (Q)

#### 1. Purpose

To identify existing City Sand and Gravel quarry operations.

#### 2. Permitted Uses

- Quarry

#### 3. Discretionary Uses

- General Industry
- Light Industry
- Telecommunications Towers

#### 4. Zone Standard

Standard	All Uses
As determined by Council.	

#### 5. Quarry Licences and Permits

- a. Quarries shall be operated in accordance the terms and conditions of a licence issued under the *Quarry Materials Act and Regulations*.

#### 6. Blasting

- a. All blasting activity shall be carried out in accordance with Provincial *Occupational Health and Safety Act* and Regulations.
- b. Maximum Particle Velocity resulting from any blasting, measured below grade or less than 1m above grade in any part of the nearest structure not located on the property where blasting occurs, shall be within the limits set as follows:

Frequency of Ground Vibration in Hertz	Maximum Allowable Peak Particle Velocity in millimetres per second
15 or less	12.5
16 to 20	19.0
21 to 25	23.0
26 to 30	30.5
31 to 35	33.0

- c. Maximum Air Blast - No blasting shall be carried out that results in an Air Blast which exceeds one hundred and twenty-eight (128) decibels within 7 m of the nearest structure not on the property where the blasting operations occur, as measured on the linear scale.
- d. The operator shall provide to the Town information on scheduled blasting no less than five (5) days prior to the commencement of the blast.
- e. Structures that are related to quarry operations shall be sited so that they are located no closer than 300 m from the nearest non-resource related

structure.

## 9.32 Comprehensive Development Area (CDA)

### 1. Permitted Uses

- Continuation of Existing Uses

### 2. Discretionary Uses

- Mineral Exploration
- Telecommunications Towers

### 3. Picco Ridge Comprehensive Development Area

Lands within the Picco Ridge CDA shall be developed in accordance with the Municipal Plan Policies 3.2.3 and 8.11(1), and the Concept Plan prepared for the area and approved by Council. Portions of the area may be developed subject to a rezoning and approval of subdivision plans consistent with the Concept Development Plan.

In considering proposals for Development within the Picco Ridge CDA, Council may require appropriate studies to be undertaken to determine the adequacy of municipal infrastructure, including Streets, to accommodate the Development. Council may refuse Development where it has been found that adequate servicing is not available, unless such infrastructure as may be necessary is provided by the developer.

### 4. Kenmount Road Extension Comprehensive Development Area

Lands within the Kenmount Road Extension Area may only be developed in accordance with a Comprehensive Development Area Plan, a rezoning of the area consistent with Municipal Plan Policy 8.11(2), and approval of subdivision plans in accordance with Section 6 of these Regulations.

In considering proposals for Development within the Kenmount Road CDA, Council may require appropriate studies to be undertaken to determine the adequacy of municipal infrastructure, including Streets, to accommodate the Development. Council may refuse Development where it has been found that adequate servicing is not available, unless such infrastructure as may be necessary is provided by the developer.

### 5. East St. Thomas Line Comprehensive Development Area

Lands Zoned Comprehensive Development located east of St. Thomas Line to the Town boundary may only be developed in accordance with a Comprehensive Development Area Plan prepared for the entire area, rezoning of the area consistent with Municipal Plan Policy 8.11(3), and approval of subdivision plans in accordance with Section 6 of these Regulations.

### 6. Development Above 160m Elevation

In accordance with the recommendations of the Paradise Water System Master Plan, 2016:

- Lands located above the 160 m elevation in the Picco Ridge and Kenmount Road CDAs, shall only be developed where infrastructure required to provide adequate water supply and pressure is provided, at the developer's expense.
- Development will be limited in these areas to no higher than the 180 m contour elevation.





# **APPENDIX A: Land Use Zoning Map**

