

Prepared by:



Project ID: NMP-01-2018-001



Town of Port au Port West - Aguathuna - Felix Cove • DEVELOPMENT REGULATIONS (2019-29)

Approved by Council on:

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Urban and Rural Planning Act, 2000

Resolution to Adopt

Town of Port au Port West- Aguathuna- Felix Cove Development Regulations (2019-29)

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Port au Port West- Aguathuna - Felix Cove adopts the Town of Port au Port West- Aguathuna - Felix Cove Development Regulations (2019-29).

Adopted by the Town Council of Port au Port West- Aguathuna- Felix Cove on the 20th day of September, 2019.

Signed and sealed this 6th day of December, 2019.

Mayor: Chalsie Kook-Manche

Clerk: V.A.



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*.

A. Smith

Andrew C. Smith, MCIP





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Resolution to Approve

Town of Port au Port West- Aguathuna- Felix Cove Development Regulations (2019-29)

Under the authority of Section 16, Section 17 and Section 18 of the *Urban and Rural Planning Act, 2000*, the Town Council of Port au Port West- Aguathuna- Felix Cove:

Adopted the Town of Port au Port West - Aguathuna - Felix Cove Development Regulations (2019-29) on the 20th day of September, 2019;

Gave notice of the adoption of the Town of Port au Port West - Aguathuna - Felix Cove Development Regulations (2019-29) by advertisement, inserted on the 20rd day and the 30th day of October, 2019 in the Western Star; and

Set the 7th day of November at 7:00 p.m. at the Town Office, Port au Port West - Aguathuna- Felix Cove, for the holding of a public hearing to consider objections and submissions.

Now under the authority of Section 23 of the *Urban and Rural Planning Act, 2000*, the Town Council of Port au Port West - Aguathuna - Felix Cove approves the Town of Port au Port West - Aguathuna - Felix Cove Development Regulations (2019-29), as adopted.

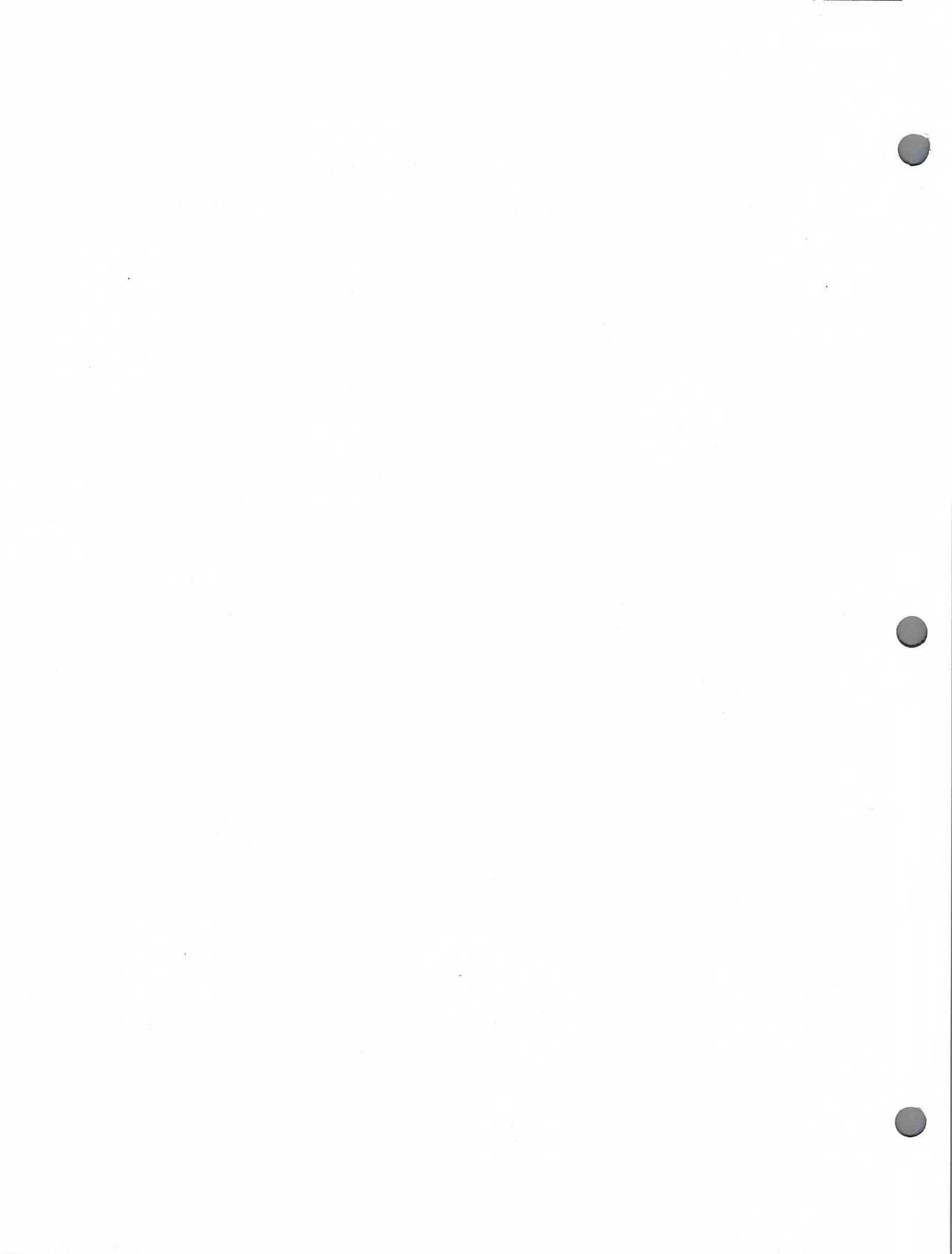
SIGNED AND SEALED this 6th day of December, 20 19

Mayor: Charlie Cook-Manche

Clerk: V. Y.



Development Regulations/Amendment
REGISTERED
Number <u>39411-2020-000</u>
Date <u>JUNE 11, 2020</u>
Signature <u>Mary Oley</u>



Resolution to Approve

Town of Port au Port West- Aguathuna- Felix Cove Development Regulations (2019-29)

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SIGNED AND SEALED this 6th day of December, 2019

Mayor: Charlie Cook-Manche

Clerk: V. J.

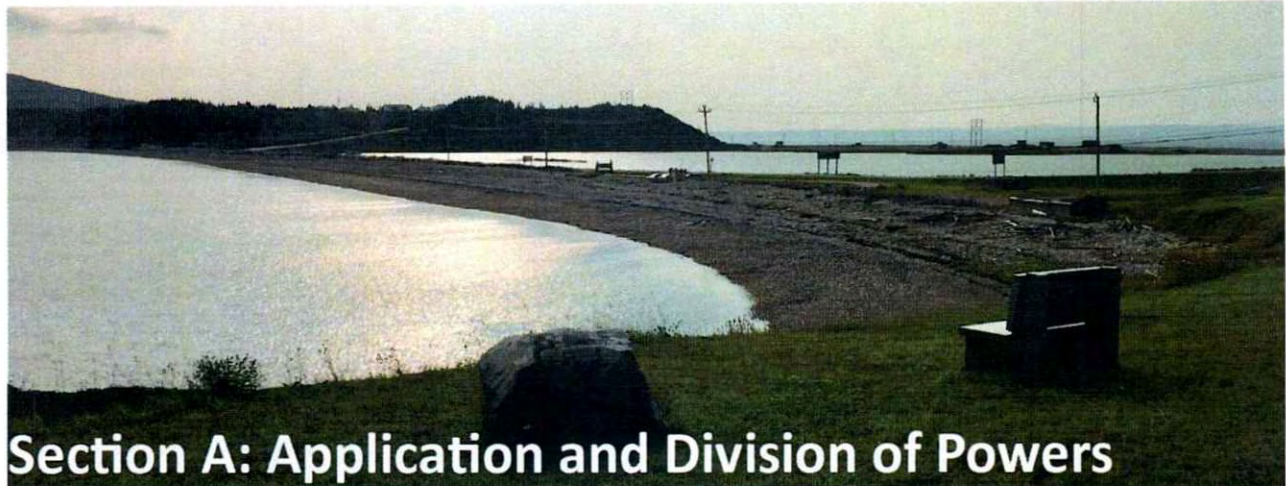


Development Regulations/Amendment
REGISTERED
Number <u>3941-2020-000</u>
Date <u>JUNE 11, 2020</u>
Signature _____



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A.1 APPLICATION


A.1.1 COMMENCEMENT

The 'Town of Port au Port West - Aguathuna - Felix Cove – Development Regulations (2019-29)' (henceforth the *Regulations*) come into effect throughout the Town of Port au Port West - Aguathuna - Felix Cove (henceforth the *Town*) *Municipal Planning Area* (henceforth the *MPA*) on the date of publication of a notice to that effect in the Newfoundland and Labrador Gazette (henceforth the *Gazette*).

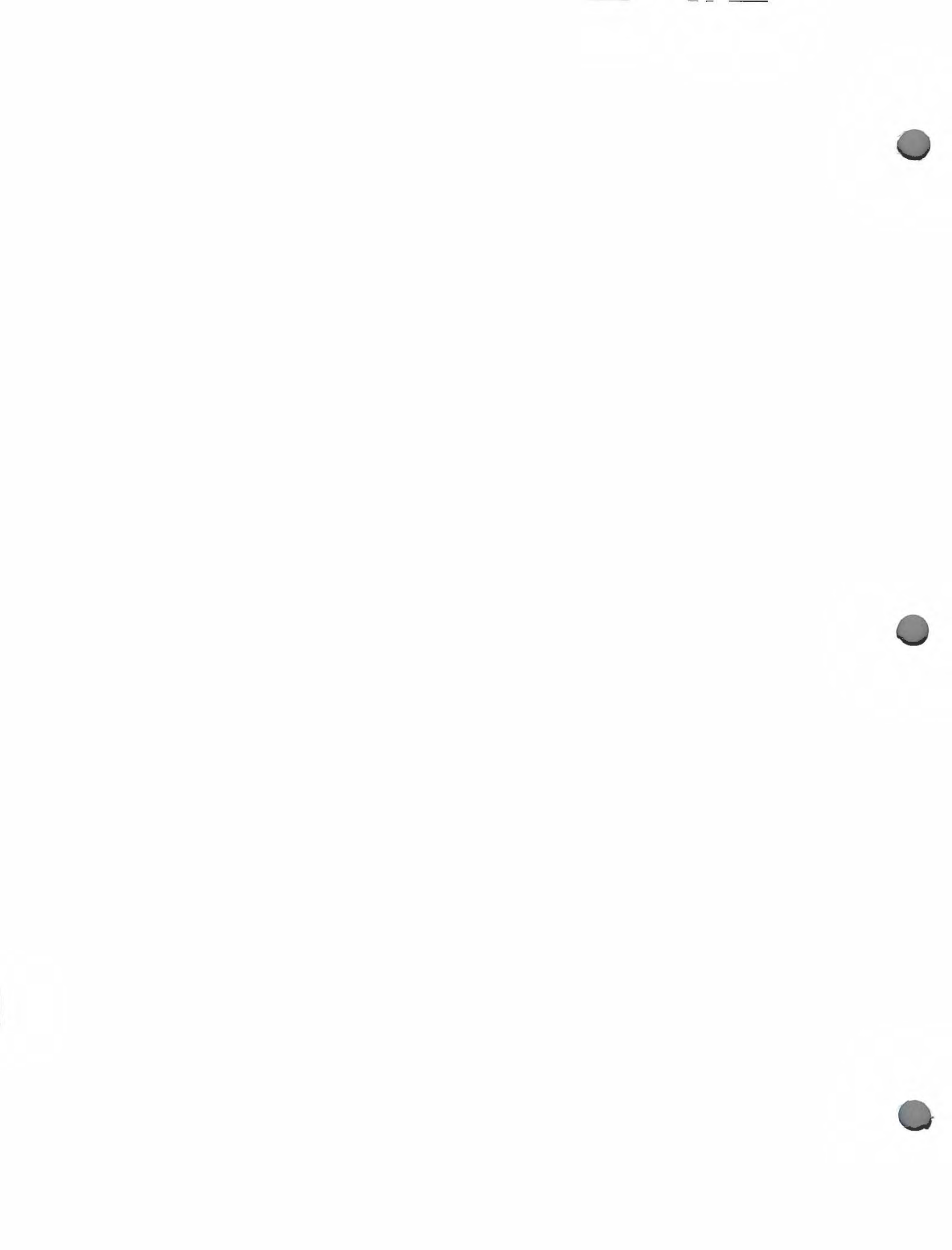
A.1.2 RELATION TO PLAN

The *Regulations* are subsidiary to the 'Town of Port au Port West - Aguathuna - Felix Cove – Municipal Plan (2019-29)' (henceforth the *Plan*). The *Regulations* contain the detailed *development* provisions required to give effect to the overall direction of the *Plan*. The relationship between the *Plan* and *Regulations* is illustrated in subsection 'A.1 Purpose and Contents' of the *Plan*.

A.1.3 MINISTER'S DEVELOPMENT REGULATIONS

Sections labelled with the official provincial logo () are required to be included in the *Regulations* in accordance with subsection 3(1) of the Minister's *Development Regulations*, NLR 3/01 (henceforth the *MDR*). These sections are integrated accordingly to be consistent with the *Regulations*. Explanations or directions in square brackets are for user convenience only and do not form a part of the legal version of the *MDR*.

Please see '[Appendix A: Minister's Development Regulations](#)' for the current version of the *MDR* as of the publication date of the *Plan* and *Regulations* in the *Gazette*. Where there is conflict between the *Regulations* and the legal version of the *MDR* (see www.assembly.nl.ca/legislation), the latter shall prevail.



A.1.4 UNITS OF MEASUREMENT

(a) All numerical requirements in these *Regulations* are provided in metric units of measurement:

Metric Unit	Abbreviation
Distance	
Millimetre	mm
Centimetre	cm
Metre	m
Kilometre	km
Area	
Square Metre	m ²
Hectare	ha

Table 1: Units of Measurement

(b) The mathematical symbols below represent the following:

Symbol	Meaning
–	Between or equal to
=	Equal to
≤	Equal to or less than
<	Less than
≥	Equal to or greater than
>	Greater than

Table 2: Mathematical Symbols

- (c) Imperial units of measurement, where provided, are for user convenience only. Where there is discrepancy between metric and imperial measurements, the former shall prevail.
- (d) All measurements shall be rounded to one (1) decimal place when applying the provisions of these *Regulations*.
- (e) When rounding in accordance with (d), place value equal to or greater than five (5) shall be rounded up to the nearest whole number. Metric place value less than five (5) shall be rounded down to the nearest whole number.
- (f) When measuring a required distance between a *lot line* and a *building* or *structure*, or between two (2) *buildings* or *structures*, the measurement is made at the least distance between the two (2).
- (g) All measurements and distances must be made along horizontal planes and not by following the topography or slope of the land.

A.1.5 MUNICIPAL CODES AND REGULATIONS

The *Building Code* including the *Plumbing Code*, the *Fire Code*, the *Electrical Code*, and any other ancillary code; and any Building Regulations, Waste Disposal Regulation and/or any other municipal regulations regulating or controlling the *development*, conservation and *use* of land in force in the *Town*, shall, under these *Regulations* apply to the entire *MPA*.

A.1.6 GENERAL PROHIBITIONS

- (a) No land, *building* or *structure* may be used or occupied, and no *building* or *structure* may be placed, constructed, erected, moved, sited, altered or enlarged; and no *subdivision* may be approved, except in conformity with these *Regulations*.
- (b) No *building* or *structure* may be placed, constructed, erected, moved, sited, altered or enlarged; and no *subdivision* may be approved, so as to cause any existing *building* or *structure* on the same *lot* to violate the provisions of these *Regulations*.
- (c) No *development*, including—but not limited to—a change in *use* or intensity of *use*, shall occur on a *lot*, except in conformity with these *Regulations*.

A.1.7 DEFINITIONS

Italicized words in these *Regulations* are defined in '[Appendix: B: Definitions](#)'. Please refer to this section for more detailed provisions relating to definitions.

A.1.8 REFERENCES TO NATIONAL AND PROVINCIAL DOCUMENTS

Where these *Regulations* reference a national or provincial code, guideline, policy, regulation or act, the reference shall be as amended, repealed or replaced from time to time.

A.2 DIVISION OF POWERS

A.2.1 ADMINISTRATION AND POWERS OF THE DELEGATED EMPLOYEE

A.2.1.1 General Administration

- (a) *Council* may assign administrative functions to an employee of the *Town*, which are outlined under subsections [A.2.1.2](#), [A.2.1.8](#), and [A.2.1.9](#).
- (b) In accordance with the *Act*, *Council* may designate a *Delegated Employee* to issue orders and render decisions on behalf of *Council* (approve or reject *applications*, to develop land in accordance with the *Plan* and *Regulations*, and may outline the conditions applicable to that *development*). Where authority is delegated, *application* types that may be dealt with by the *Delegated Employee* are outlined under subsections [A.2.1.4](#), [A.2.1.5](#), [A.2.1.6](#), [A.2.1.10](#), [A.2.1.11](#), and [A.2.1.12](#).
- (c) Where a *Delegated Employee* is not designated under (b), *Council* shall assume all powers thereunder.

- (d) An employee of the *Town* assigned administrative functions under (a) may also be a *Delegated Employee* under (b).

A.2.1.2 Intake and Review of Application or Request

Intake

- I. An employee of the *Town* shall:
- (a) Be responsible for the intake of all *applications*, *approval in principle* requests, and *administrative requests*.
 - (b) Upon request, supply a copy of the appropriate *application* form to the *Applicant*, and any other available information or requirements applicable to the *application*. In accordance with subsection 35(1)(f) of the *Act*, this general request for information shall be open and transparent, and shall not require the completion of a form or submission of a fee, despite (f) below.
 - (c) Require that the appropriate number of copies of plans, specifications, and any other materials are submitted to ensure that the *Town* and *Applicant* each hold an exact record of the complete *application* submission.
 - (d) Under (c) and where available, require that any digital formats are also submitted.
 - (e) Where only digital submissions are made, charge the *Applicant* the cost of printing where paper copies are required for review and/or record-keeping.
 - (f) Assess the *application* or request for completeness by verifying that:
 - i. The appropriate form is completed;
 - ii. The appropriate fee is paid in accordance with '[Appendix E: Fees](#)';
 - iii. In accordance with subsection [A.2.1.3](#), any required additional information or study is provided; and
 - iv. The property owner or *authorized designate* signs any required documentation.
 - (g) Upon receipt of a complete *administrative request* in (f), provide the *Applicant* with the requested information.

Review

- II.
- (a) Upon receipt of a complete *application* or *approval in principle* request in I. (f), an employee of the *Town* shall forward said *application* or request to the *Delegated Employee*. (Note: As per subsection [A.2.1.1](#) (d) and depending on appointment and delegation by *Council*, said employee of the *Town* may also be the *Delegated Employee*.)
 - (b) Upon receipt under (a), the *Delegated Employee* shall review the proposal for conformance with the *Plan* and *Regulations*, and any other plan, scheme, or regulation pursuant thereto.
 - (c) In accordance with subsection [A.2.2](#), the *Delegated Employee* will forward the *application* to *Council* if s/he is unable to render a decision, which includes decisions on:

- i. *Discretionary use applications* (subsection [A.2.2.8](#));
- ii. *Variance applications* (subsection [A.2.2.9](#));
- iii. *Non-conforming use application* (subsection [A.2.2.10](#));
- iv. *Plan amendment application* (subsection [A.2.2.11](#) (a) to (h));
- v. *Regulations amendment application* (subsection [A.2.2.11](#) (i) to (n));
- vi. *Development or subdivision development application* with proposed *private access* (subsection [A.2.2.15](#)); or
- vii. *Subdivision development application* requiring the extension or creation of new *public streets* (subsection [A.2.2.16](#)).

A.2.1.3 Requirement for Additional Information or Study

- (a) Additional information or study may be required to evaluate the impact of the proposed *development* on the:
 - i. *Town's* infrastructure including, but not limited to, the required upgrading of *public streets* and *public utilities*;
 - ii. Compatibility with surrounding *land uses*;
 - iii. Established character of the immediate neighbourhood;
 - iv. Health, safety, and general well-being of residents of adjacent properties, the immediate neighbourhood, or the *Town* as a whole; and
 - v. Natural environment, which may include, but is not limited to, *steep slopes*, *watercourses*, water bodies, watersheds, *water supplies*, wetlands, and wildlife habitats.
- (b) Additional information or study may include, but is not limited to:
 - i. *Site plan* in accordance with subsection [B.1](#);
 - ii. Details on the availability of and the demand created for public services, which may be required in the form of a Site Servicing Plan prepared by a *professional* engineer;
 - iii. Details on the *land use*, physical form, and character of adjacent *land uses*, which may be required in the form of a Land Use Compatibility Report prepared by a *professional* planner;
 - iv. Details on *lot* boundaries, site topography, and existing *buildings*, *structures*, or features, which may be required in the form of a Real Property Report prepared by a *professional* surveyor;
 - v. Details on existing site drainage patterns and provisions for storm-water management, which may be required in the form of a Drainage Plan prepared by a *professional* engineer;
 - vi. Details on site contamination, which may be required in the form of an Environmental Site Assessment report prepared by a *professional* engineer or a Certified Engineering Technologist (CET);

- vii. Details on the soil and subsoil characteristics, which may be required in the form of a Geo-Technical report prepared by a *professional* geologist or engineer;
 - viii. Details on the visual quality and the compatibility of the proposed *development* with the form and scale of *buildings* in the community;
 - ix. Details on the nature and availability of on-site potable water, which may be required in the form of a Water Supply Assessment or Hydro-geological Report prepared by a *professional* geologist or engineer;
 - x. Pre- and post-elevation drawing of land where the proposed *development* will significantly alter existing topography;
 - xi. Elevation or perspective drawing of the proposed *development*;
 - xii. Traffic impact study prepared by a *professional* engineer; or
 - xiii. Plan prepared by a *professional* planner.
- (c) Upon request, the *Applicant* shall be supplied with a description of the additional information or study required.

A.2.1.4 Issuance of Development Permit – Delegated Employee

General Prohibitions

- (a) No person shall carry out any *development* within the *MPA*, except where otherwise provided in these *Regulations*, unless a *development permit* has been issued by the *Delegated Employee*.
- (b) No *development permit* shall be issued for a *development* within the *MPA* when, in the opinion of the *Delegated Employee*, it is premature by reason of the site lacking adequate *street access*, power, drainage, sanitary facilities, or domestic water supply or being beyond the natural *development* of the area at the time of *application*, unless the *Applicant* contracts to pay the full cost of construction of the services deemed necessary by the *Delegated Employee* and such cost shall attach to and upon the property in respect of which it is imposed.
- (c) No *development permit* shall be issued for a *development* within the *MPA* unless the *development* conforms to:
 - i. The *Plan* and *Regulations*, and any other plan, scheme, or regulation pursuant thereto;
 - ii. The standards in the *Building Code* and ancillary *Codes*; and
 - iii. Any other governmental by-law, regulation, or statute in legal force and effect regulating or controlling *development* or the conservation and *use* of land and *buildings* in the *MPA*.

General Requirements

- (d) A plan or drawing that has been approved by the *Delegated Employee* and that bears a mark and/or signature indicating such approval together with a *development permit* shall be deemed to be permission to develop land in accordance with these *Regulations*; but such permission shall not relieve the *Applicant* from full responsibility for obtaining permits or approvals under any other regulation or statute prior to commencing the *development*, from having the work

carried out in accordance with these *Regulations* or any other regulations or statutes, and from compliance with all conditions imposed thereunder.

- (e) No person shall erase, alter or modify any drawing or specifications upon which a *development permit* has been issued by the *Delegated Employee*.
- (f) The issuance of a *development permit* shall not prevent the *Delegated Employee* from requiring the correction of errors thereafter.
- (g) There shall be kept available on the premises where any work, matter or thing is being done for which a *development permit* has been issued, a copy of the *development permit* and any plans, drawings, or specifications on which the issue of the *development permit* was based during the whole progress of the work, or the doing of the matter or thing until completion.

Limitations of Development Permit

- (h) Where a *development permit* is issued, such *development permit* may include permission of any single *development*, more than one (1) *development*, or of any or all elements related to any *development*, provided that such are specified by the *development permit*.
- (i) No *development permit* shall pertain to more than one (1) uninterrupted, continuous *lot* under common ownership.
- (j) Despite (i), a *development permit* may be issued for two (2) adjacent *lots* wherein the first *lot* is under private, freehold ownership and the second *lot* is owned by the Crown, but is granted to the *owner* of the first *lot*.
- (k) Any two (2) adjacent *lots* under (j) shall be treated as one (1) uninterrupted *lot* for the purposes of measuring *yards*, *setbacks*, or any other *lot development* requirement under these *Regulations*.
- (l) The *Delegated Employee* may attach conditions to a *development permit* to ensure conformance with the *Plan* and *Regulations* (see subsection [A.2.1.6](#)).

Duration of Development Permit

- (m) A *development permit* is valid for such period not in excess of two (2) years from the date of issuance and expires thereafter.
- (n) Despite (m), a *development permit* may be extended by *Council* in accordance with subsection [A.2.2.4](#).
- (o) Despite (m), a *development permit* for a *resource – earth use* may exceed two (2) years to correspond with the permitting period issued by other governmental authorities such as, but not limited to, the Mineral Lands Division of the *DNR* or the Provincial Archaeology Office of the *DTCII*.
- (p) In accordance with subsection [A.2.1.6](#) and as a condition of approval, the *Delegated Employee* may issue a *development permit* on a temporary basis for a period less than two (2) years.

A.2.1.5 Approval in Principle – Delegated Employee

- (a) The *Delegated Employee* shall accept and review an *approval in principle* request in accordance with subsection [A.2.1.2](#).
- (b) No *approval in principle* shall be given unless, after reviewing materials submitted by the *Applicant*, the *Delegated Employee* is satisfied that the proposed *development* can, upon subsequent submission of a *development application*, conform to:
 - i. The *Plan* and *Regulations*, and any other plan, scheme, or regulation pursuant thereto;
 - ii. The standards in the *Building Code* and ancillary *Codes*; and
 - iii. Any other applicable governmental by-laws, regulations, or statutes in legal force and effect regulating or controlling *development* or the conservation and *use* of land and *buildings* in the *MPA*.
- (c) The *Delegated Employee* shall give an *approval in principle* in writing and shall reference any attached materials that make up the approval.
- (d) No person shall erase, alter or modify any drawing or specifications upon which an *approval in principle* has been given by the *Delegated Employee*.
- (e) An *approval in principle* shall not prevent the *Delegated Employee* from thereafter requiring the correction of errors.
- (f) An *approval in principle* is valid for such period not in excess of two (2) years from the date of approval and expires thereafter.
- (g) An *approval in principle* shall not be extended by the *Delegated Employee*.
- (h) There shall be no required fee or form for an *approval in principle* request, but such request shall be made in writing.
- (i) An *approval in principle* may pertain to one (1) or more *lots*.
- (j) An *approval in principle* shall not represent a *development permit* to proceed with a proposed *development*.

A.2.1.6 Refusal or Conditions – Delegated Employee

- (a) The *Delegated Employee* may refuse a *development permit* or *approval in principle* request from the perspective that there is insufficient information to determine the effects of the proposed *development* on matters outlined in subsection [A.2.1.3](#) (a).
- (b) In refusing or attaching conditions to a *development permit* or *approval in principle*, the *Delegated Employee* shall:
 - i. Give written notice to the *Applicant* stating the reasons; and
 - ii. The notice in i. shall include the *Applicant's* right to *appeal* in accordance with subsection [B.4](#).

A.2.1.7 Right to Forward Application or Approval in Principle Request to Council

Despite the powers of the *Delegated Employee*, s/he reserves the right to forward any *application or approval in principle* request to *Council* for a decision.

A.2.1.8 Statement of Zoning for Property

- (a) An employee of the *Town* shall, upon receipt of a complete *administrative request* under subsection [A.2.1.2](#), issue a written *statement of zoning for property* regarding the *use zone(s)* applied to the *lot* requested.
- (b) If requested by the *Applicant*, an employee of the *Town* shall also comment on whether or not proposed *use(s)* are *permitted, discretionary, or prohibited* within the respective *use zone*.

A.2.1.9 Statement of Compliance for Use and Development

- (a) An employee of the *Town* shall, upon receipt of a complete *administrative request* under subsection [A.2.1.2](#), issue a written *Statement of Compliance for Use and Development* regarding the conformity of the existing *use*, and any associated *development* of the *lot(s)*, with the *Plan* and *Regulations*.
- (b) The *statement of compliance for use and development* may also address potential *non-conforming use* rights in accordance with the *Act* and *MDR*.

A.2.1.10 Orders – Delegated Employee

Right of Entry

- (a) In accordance with section 105 of the *Act*, the *Delegated Employee* may enter upon any public or private land and may at all reasonable times enter any *development* or *building* upon the land for the purpose of making surveys or examinations or obtaining information relative to the carrying out of any *development*, construction, alteration, repair, or any other works whatsoever which *Council* is empowered to regulate.

General Regulations

- (b) Where, contrary to the *Plan* and *Regulations*, or any plan, scheme, or regulation pursuant thereto, a person has undertaken or commenced a *building* or other *development*, the *Delegated Employee*, under subsection 109(3) of the *Act*, may order that the person pull down, remove, stop construction, fill in, or destroy that *building* or *development*, and may order that the person restore the site or area to its original state. [Subsection 102(1) of the *Act*]
- (c) A person ordered to carry out an action under this regulation shall be served with that order and shall comply with the order at the person's own expense.
- (d) The *Delegated Employee* may, in an order made under this subsection, specify a time within which there shall be compliance with the order.

Confirmation and Revocation

- (e) An order made under this regulation must be confirmed by *Council* in accordance with subsection [A.2.2.13](#) (d).
- (f) An order made under this regulation continues in force until revoked by *Council* in accordance with subsection [A.2.2.13](#) (e).

Service

- (g) Unless otherwise stated in the *Act*, a notice, order or other document required to be given, delivered or served under this regulation is sufficiently given, delivered or served where delivered personally or sent by registered mail addressed to the person at the latest known address of that person. [Subsection 107(1) of the *Act*]
- (h) Where a person to whom a notice, order or other document is to be given, delivered or served is a corporation, it shall be considered sufficiently given, delivered or served where delivered personally to a director or chief executive officer of that corporation. [Subsection 107(2) of the *Act*]
- (i) Where an order that can be made under this regulation cannot be given, delivered or served under either (g) or (h), that order is considered given, delivered or served if it is posted in a conspicuous place on the property to which the order relates. [Subsection 107(3) of the *Act*]
- (j) An order shall include the property owner's right to *appeal* in accordance with subsection [B.4](#).

A.2.1.11 Subdivision

- (a) In accordance with '[Section D: Subdivision](#)', the *Delegated Employee* may approve a *subdivision development application* for the creation of a new *lot*.
- (b) In accordance with subsection [A.2.2.16](#), the *Delegated Employee* shall forward a *subdivision development application* that involves the extension or creation of new *public streets* to *Council* for review.

A.2.1.12 Development or New Lot with Private Access – Delegated Employee

Development with Private Access

- (a) The *Delegated Employee* may approve any *utility use* (except for *private wind energy system*) that does not front onto and have direct *access* to a *public street*.


New Lot with Private Access

- (b) The *Delegated Employee* may approve a *subdivision development application* for the creation of a new *lot* that does not front onto and have direct *access* to a *public street* for any *utility use* (except for *private wind energy system*).
- (c) A *development* or *subdivision* under (a) or (b) shall achieve *access* through other means deemed satisfactory to the *Delegated Employee*, which may include, but is not limited to, proof of a registered *easement*.

- (d) In accordance with subsection [A.2.2.15](#), any other *development* or *subdivision* not outlined in (a) or (b), which proposes not to front onto and have direct *access* to a *public street*, shall be forwarded to *Council* for review and to render a decision.

A.2.2 POWERS OF COUNCIL

A.2.2.1 Delegation of Powers

- (a) *Council* shall, where designating employees to whom a power is to be delegated under subsection 109(2) of the Act (approve, approve with conditions, or reject *applications*) make that designation in writing.
-  (b) *Council* shall, where designating employees to whom a power is to be delegated under subsection 109(3) of the Act [issuance of an order], make that designation in writing. [MDR section 18]—This designation may be concurrent with a designation made under subsection 404(6) of the *Municipalities Act, 1999*.
- (c) Despite a delegation under subsection [A.2.1](#), *Council* may render a decision on any *application* or *approval in principle* request.

A.2.2.2 Review of Application or Request

Upon receipt of a complete *application* or *approval in principle* request forwarded to *Council* under subsection [A.2.1.2](#) II. (b) or [A.2.1.7](#), *Council* shall:

- (a) Review the proposal for conformance with the *Plan* and *Regulations*, and any other plan, scheme, or regulation pursuant thereto; and
- (b) Consider the potential impacts of the proposed *development* on matters outlined in subsection [A.2.1.3](#) (a).

A.2.2.3 Issuance of Development Permit – Council

Council shall issue a *development permit* in the same manner as the *Delegated Employee* in accordance with subsection [A.2.1.4](#).

A.2.2.4 Extension of Development Permit

- (a) Upon written request by the holder of a *development permit*, and if the proposed *development* specified under the permit has not been completed, *Council* may extend the permit for a period not in excess of one (1) year.
- (b) A *development permit* shall not be extended by *Council* more than twice.

A.2.2.5 Cancellation or Suspension of Development Permit

Council reserves the right to cancel outright or suspend a *development permit* until further notice in the event that:

- (a) The *development permit* was issued in error;
- (b) The *development permit* was issued on the basis of incorrect information; or

- (c) The holder of the *development permit* fails to comply with these *Regulations* or any condition attached to the *development permit*.

A.2.2.6 Approval in Principle – Council

Council shall give an *approval in principle* in the same manner as the *Delegated Employee* in accordance with subsection [A.2.1.5](#).

A.2.2.7 Refusal or Conditions – Council

Discretionary Powers

- (a) Despite conformance of any proposed *development* with the *Regulations*, *Council* may, in its discretion, and as a result of its consideration of the matters outlined in subsection [A.2.1.3](#) (a) in accordance with the *policies* and *proposals* outlined in the *Plan*, refuse or attach conditions to a *development permit* or *approval in principle*.

General Requirements

- (b) *Council* shall refuse or attach conditions to a *development permit* or *approval in principle* in the same manner as the *Delegated Employee* in accordance with subsection [A.2.1.6](#).

A.2.2.8 Discretionary Use Application

Application

- (a) This regulation shall apply to the *uses* under the *discretionary use* row (D) of the *use zone tables* within subsection [E.2](#), and to *developments* otherwise specified under these *Regulations*.
- (b) *Council* shall review a *discretionary use application* in accordance with subsection [A.2.2.2](#).

Notice

- (c) *Council* shall give written notice of the *application* to all owners of land within 50.0m (164.0ft) of the land that is the subject of the *application*, and shall consider any representations or submissions received in response to that notification (see subsection [A.2.2.12](#)).

Rendering a Decision

- (d) Approval of a *discretionary use application* may be in conjunction with the issuance of a *development permit*.
- (e) *Council* shall render a decision on a *discretionary use application* in the same manner as a *development application* in accordance with subsection [A.2.2.7](#).

A.2.2.9 Variance Application

Application

- (a) This regulation shall apply to a *variance application* to seek relief from the *yard*, *area*, *lot coverage*, *setback*, *size*, *height*, *[lot] frontage*, or any other numeric requirement of the applicable *use zone table* under subsection [E.2](#). [*MDR* subsection 4(1)(x), definition of ‘*variance*’]
- (b) *Council* shall review a *variance application* in accordance with subsection [A.2.2.2](#).

General [MDR section 12]

- (c) Where an approval or permit cannot be given by the *Town* because a proposed *development* does not comply with the *development* standards set out in the *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.
- (d) *Council* shall not allow a *variance* from *development* standards set out in the *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%.
- (e) *Council* shall not permit a *variance* from *development* standards where the proposed *development* would increase the non-conformity of an existing *development*.

Notice [MDR section 13]

- (f) Where *Council* is to consider a proposed *variance*, *Council* shall give written notice of the proposed *variance* from *development* standards to all owners of land within 30.0m (98.4ft) of the land that is the subject of the *variance* [and shall consider any representations or submissions received in response to that notification—see subsection [A.2.2.12](#)].

Rendering a Decision

- (g) *Variance* from the *Regulations* shall only be authorized if *Council* is satisfied that the *variance* has not become necessary due to the intentional or negligent conduct of the owner or some other party acting with the owner's knowledge or consent.
- (h) Approval of a *variance application* may be in conjunction with the issuance of a *development permit*.
- (i) *Council* shall render a decision on a *variance application* in the same manner as a *development application* in accordance with subsection [A.2.2.7](#).

A.2.2.10 Non-conforming Use Application

Application

- (a) This regulation shall apply to a *non-conforming use application* to:
 - i. Change a *non-conforming use* associated with a *building*, *structure* or *development* to a use that is more compatible with the *Plan* and *Regulations*; or
 - ii. Internally or externally vary, extend or expand an existing *development* with a *non-conforming use* (an extension to an existing *building* with a *non-conforming use* shall not exceed 50% of the *floor area* of the *building*.)
- (b) *Council* shall review a *non-conforming use application* in accordance with subsection [A.2.2.2](#).
- (c) *Council* shall, in accordance with the *Act*, *Plan* and *Regulations* and any other plan, scheme, or regulation pursuant thereto, allow a *development* or *use* of land to continue in a manner that does not conform with the *Plan* and *Regulations* provided that the *non-conforming use* legally

existed before the registration of the *Plan* and *Regulations* made with respect to that kind of *development* or *use*.

General [Section 108 of the Act]

- (d) A *building, structure* or *development* that does not conform to the *Plan* and *Regulations* that is allowed to continue under (c):
- i. Shall not be structurally modified except as required for the safety of the *building, structure* or *development*;
 - ii. 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; and
 - iii. Despite ii., where said *building, structure* or *development* is within the 'Community Development (CD)' or 'Residential (RES)' *use zone* and is used primarily for residential purposes, may, in accordance with the *Plan* and *Regulations*, be repaired or rebuilt where 50% or more of the value of that *building* or *structure* is destroyed.



Residential Non-conformity [MDR section 14]

- (e) A residential *building* or *structure* referred to in (d) iii. must, where being repaired or rebuilt, be repaired or rebuilt in accordance with the *Plan* and *Regulations*.



Non-conformance with Standards [MDR section 16]

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



Discontinuance of Non-conforming Use [MDR section 17]

- (g) As per *proposal* B.2.2.3 (2) of the *Plan*, a right to resume operation of a discontinued *non-conforming use* of land shall not exceed 18 months.



Notice and Hearing on Change of Use [MDR section 15]

- (h) Where considering a non-conforming *building, structure* or *development* under (a) i., and before making a decision to vary an existing *use* of that non-conforming *building, structure* or *development*, *Council* shall give written notice of the *application* to all owners of land within 100.0m (328.1ft) of the land that is the subject of the *application* to vary the existing *use* of a non-conforming *building, structure* or *development*; and shall consider any representations or submissions received in response to that notification (see subsection [A.2.2.12](#)).

Rendering a Decision

- (i) Approval of a *non-conforming use application* may be in conjunction with the issuance of a *development permit*.
- (j) *Council* shall render a decision on a *non-conforming use application* in the same manner as a *development application* in accordance with subsection [A.2.2.7](#).

A.2.2.11 Amendment to Plan and/or Regulations

Plan Amendment Application

- (a) An *application* to amend the *Plan*, or *Plan and Regulations*, henceforth referred to as *Plan amendment application*, shall be in accordance with section 25 of the *Act*.
- (b) As a part of of the public consultation requirement of section 14 of the *Act*, *Council* shall at minimum give public notice of the *application* in a locally circulated newspaper and shall consider any representations or submissions received in response to that notification (see subsection [A.2.2.12](#)).
- (c) Where the *Applicant* applies to re-designate land as represented on the *Future Land Use Classes Map* and in addition to the newspaper notice under (b), *Council* shall give written notice of the *application* to all owners of land within 200.0m (656.2ft) of the land that is the subject of the *application* and shall consider any representations or submissions received in response to that notification (see subsection [A.2.2.12](#)).
- (d) *Council* shall review the *Plan amendment application* in accordance with subsection [A.2.2.2](#) and shall, in considering adoption under section 16 of the *Act*, take into account:
 - i. Feedback from any and all forms of public consultation;
 - ii. Where applicable, interests of provincial or other governmental departments or agencies; and
 - iii. Potential impacts of the proposed *development* on matters outlined in subsection [A.2.1.3](#) (a).
- (e) *Council* shall give public notice of the adoption and scheduled public hearing in accordance with section 17 of the *Act*.
- (f) In accordance with subsection 13(1) of the *Act*, *Council* shall retain a *professional* planner to review and certify a proposed *Plan* amendment prior to considering the proposal for approval.
- (g) If a public hearing is required under sections 18 to 21 of the *Act*, and in approving the amendment(s) under section 23 of the *Act*, *Council* shall consider the written report and recommendations made by the Commissioner of the public hearing in accordance with section 22 of the *Act*.
- (h) If approved and registered, *Council* shall give public notice of the amendment in a locally circulated newspaper and the *Gazette* in accordance with subsection 24(2) of the *Act*.

Regulations Amendment Application

- (i) An *application* to amend the *Regulations* only, henceforth referred to as *Regulations amendment application*, shall be in accordance with subsection 35(5) of the *Act*.
- (j) In accordance with subsection 35(5) of the *Act*, *Council* shall at minimum give public notice of the *application* in a locally circulated newspaper and shall consider any representations or submissions received in response to that notification (see subsection [A.2.2.12](#)).

- (k) Where the *Applicant* applies to re-zone land represented on the *Zoning Map* and in addition to the newspaper notice under (j), *Council* shall give written notice of the *application* to all owners of land within 100.0m (328.1ft) of the land that is the subject of the *application* and shall consider any representations or submissions received in response to that notification (see subsection [A.2.2.12](#)).
- (l) *Council* may, in response to feedback received from (j) or (k), hold a public meeting to consider objections and representations made by a person or an association of persons in response to the *application*.
- (m) *Council* shall review the *Regulations amendment application* in accordance with subsection [A.2.2.2](#) and shall, in considering adoption, take into account:
 - i. Feedback from any and all forms of public consultation; and
 - ii. Potential impacts of the proposed *development* on matters outlined in subsection [A.2.1.3](#) (a).
- (n) If adopted and registered, *Council* shall give public notice of the amendment in a locally circulated newspaper and the *Gazette* in accordance with subsection 24(2) of the *Act*.

Amendment without Application

- (o) Despite subsections [A.2.2.11](#) (a) to (n), *Council* may initiate an amendment to the *Plan* and/or *Regulations* without *application* or formal consent from the owner(s) of land affected by the amendment.
- (p) In proceeding with an amendment under (o) and as a part of of the public consultation requirement of section 14 of the *Act*, *Council* shall at minimum give public notice of the *Plan* and/or *Regulations* amendment(s) in a locally circulated newspaper and shall consider any representations or submissions received in response to that notification (see subsection [A.2.2.12](#)).

A.2.2.12 Public Notice and Written Comments

- (a) In notifying and providing consultation opportunity to residents in accordance with subsections [A.2.2.8](#) (c), [A.2.2.9](#) (f), [A.2.2.10](#) (h), and [A.2.2.11](#) (b), (c), (j), (k), and (p), the *Town* shall:
 - i. Indicate the person to whom written comments may be sent;
 - ii. State a place where and the hours during which the *application* and associated materials may be inspected by an interested person; and
 - iii. Allow 10 business days from the newspaper publication, mailing, or hand delivery date for accepting written comments relating to the *application*.
- (b) In submitting written comments, residents should include two (2) copies with the following information for consideration by *Council*:
 - i. Name;
 - ii. Signature;

- iii. Date; and
 - iv. Civic address.
- (c) In accordance with Section 20 of the *Act*, two (2) copies of written comments submitted under (b) shall be received and considered by *Council* up to two (2) days before the tentative date of a public hearing for a proposed amendment to the *Plan* under subsection [A.2.2.11](#).
- (d) The following summarizes application types and required notification:

Application Type	Required Notification	Notification Radius
<i>Discretionary Use</i> (A.2.2.8 (c))	Notices to Surrounding Land Owners	50.0m (164.0ft)
<i>Variance</i> (A.2.2.9 (f))	Notices to Surrounding Land Owners	30.0m (98.4ft)
Changing a <i>Non-conforming Use</i> (A.2.2.10 (h))	Notices to Surrounding Land Owners	100.0m (328.1ft)
Re-designating Land – <i>Plan</i> Amendment (A.2.2.11 (b) & (c))	Newspaper Notice; and Notices to Surrounding Land Owners	200.0m (656.2ft)
Re-zoning Land – <i>Regulations</i> Amendment (A.2.2.11 (j) & (k))	Newspaper Notice; and Notices to Surrounding Land Owners	100.0m (328.1ft)

Table 3: Summary of Applications Types and Required Notification

- (e) In accordance with subsection 35 (1)(i) of the *Act*, the cost of public notice shall be borne by the applicant.

A.2.2.13 Orders – Council

General Regulations

- (a) *Council* may issue an order in the same manner as the *Delegated Employee* in accordance with subsections [A.2.1.10](#) (b), (c), and (d).
- (b) *Council* may serve an order issued under this regulation via the *Delegated Employee* in accordance with subsections [A.2.1.10](#) (g) to (j).
- (c) Where a person to whom an order is directed under this regulation does not comply with the order or a part of it, *Council* may take the action that it considers necessary to carry out the order and any costs, expenses or charges incurred by *Council* in carrying out the order are recoverable against the person against whom the order was made as a debt owed to *Council*. [Subsection 102(5) of the *Act*]

Confirmation and Revocation

- (d) An order made by the *Delegated Employee* under subsection [A.2.1.10](#) shall be confirmed by a majority vote of the members of *Council* present at the next meeting of *Council* after the order is made, and if the order is not confirmed in this manner, it shall be considered to be cancelled. [Subsection 109(4) of the *Act*]
- (e) An order issued by *Council* under (a) or by the *Delegated Employee* under subsection [A.2.1.10](#) (b) continues in force until revoked by *Council*. [Subsection 102(3) of the *Act*]

A.2.2.14 Record of Enforcement, Applications and Approval in Principle Requests

- (a) Council shall keep a record of any violations of the *Plan* or *Regulations* including, but not limited to, orders issued under subsections [A.2.1.10](#) and [A.2.2.13](#).
- (b) Council shall keep a public register of all *applications* and *approval in principle* requests, and shall enter therein Council's decision upon each *application* and the result of any appeal from that decision.

A.2.2.15 Development or New Lot with Private Access – Council

Development with Private Access

- (a) Council may approve a *development* that does not front onto and have direct access to a *public street* for the following uses:
 - i. *Agricultural use group* (all);
 - ii. *Commercial/institutional* – (N/A) – *special function tent*;
 - iii. *Commercial* – (N/A) – *vending facility*;
 - iv. *Institutional – education* – *mobile educational/instructional use*;
 - v. *Institutional – posthumous* – *cemetery*;
 - vi. *Open space use group*, all except *interpretive centre*;
 - vii. *Resource use group* (all);
 - viii. *Sign – stand alone*, all except *portable* and *sandwich board sign*;
 - ix. *Transportation use group*, all except *dispatch service*; and
 - x. *Utility* – (N/A) – *private wind energy system*.

Subdivision with Private Access

- (b) Council may approve a *subdivision development application* for the creation of a new *lot* that does not front onto and have direct access to a *public street* for uses under (a), except for mobile and transient uses outlined in ii., iii., and iv.
- (c) A *development* or *subdivision* under (a) or (b) shall achieve access through other means deemed satisfactory to Council, which may include, but is not limited to, proof of a registered *easement*.
- (d) A *development application* or *subdivision development application* under (a) or (b) with a proposed private access shall be considered in the same manner as a *discretionary use* by Council in accordance with subsection [A.2.2.8](#), thereby requiring public notice (see subsection [A.2.2.12](#)).

A.2.2.16 Subdivision with the Extension or Creation of New Public Streets

- (a) Council may approve a *subdivision development application* that involves the extension or creation of new *public streets*.

- (b) This regulation applies to a *subdivision development application* that proposes to extend or build new *public streets*, or where *Council* requires the extension or creation of *new public streets* in order to meet the requirements of the *Plan* and *Regulations*.
- (c) A *subdivision development application* under (a) for the extension or creation of *new public streets* shall be treated in the same manner as a *discretionary use* by *Council* in accordance with subsection [A.2.2.8](#), thereby requiring public notice (see subsection [A.2.2.12](#)).

A.2.2.17 Back Lot Creation

- (a) In accordance with subsection [D.15](#), *Council* may approve a *subdivision development application* for a *back lot development*.
- (b) An *application* for the creation of a *back lot* and associated *development* shall be treated in the same manner as a *discretionary use* by *Council* in accordance with subsection [A.2.2.8](#), thereby requiring public notice (see subsection [A.2.2.12](#)).



Section B: General Provisions

B.1 SITE PLAN REQUIREMENTS

The *Delegated Employee* or *Council* may request a *site plan* to accompany a *development application*, and may require all or some of the following to be represented on the *site plan*:

- (a) An appropriate scale (e.g. 1:100, 1:250, 1:300, 1:400, 1:500);
- (b) Metric units of measurement for all dimensions, in accordance with subsection [A.1.4](#);
- (c) North arrow;
- (d) Shape and dimensions of the *lot(s)* to be used;
- (e) Location of the land within the local or regional context;
- (f) Size, shape, bulk, location, and *use* of existing and proposed *buildings*, equipment, *structures*, and *utilities*;
- (g) Distance from *lot lines* and sizes of *buildings* or *structures* proposed to be constructed, already constructed, or partly constructed, on the *lot(s)*;
- (h) Proposed locations and dimensions of any *parking spaces*, *loading spaces*, *driveway accesses*, and *landscaping*;
- (i) Locations of any *fences*, *signs*, or retaining walls;
- (j) Locations of any natural features including, but not limited to *steep slopes*, existing trees or other vegetation, *watercourses* and wetlands, and the location of any existing or proposed *buildings* or *structures* in relation to natural features;
- (k) Details of *lot* dimensions and related *street lines*, including locational identifiers;
- (l) Locations, dimensions, and sizes including, but not limited to the number of *dwelling units*, *building heights*, and *floor areas* of all proposed *main* and *accessory buildings*;
- (m) Dimensions of all *yards*;
- (n) *Landscaping*, including *screening* and other natural and artificial features, including *easements*, power lines, culverts, drainage infrastructure, ditches, and *utilities*;

- (o) Existing and proposed *streets*, private *accesses*, right-of-ways, or *easements*;
- (p) Where appropriate, provision for post construction drainage of the site;
- (q) Where appropriate, elevation and perspective drawings of any *buildings* or *structures*;
- (r) Where appropriate, pre- and post-elevation drawings of land where the proposed *development* will significantly alter existing topography; and
- (s) Any other information the *Delegated Employee* or *Council* deems necessary to determine whether or not the proposed *development* conforms to the requirements of the *Plan* and *Regulations*.

B.2 SERVICE LEVY AND FINANCIAL GUARANTEES

B.2.1 SERVICE LEVY

- (a) *Council* may require a developer to pay a service levy where *development* is made possible or the density of potential *development* is increased, or where the value of property is enhanced by the carrying out of public works either on or off the site of the *development*.
- (b) A service levy shall not exceed the cost, or estimated cost, including finance charges to *Council* of constructing or improving the public works referred to in (a) that are necessary for the real property to be developed in accordance with the standards required by *Council* and for *main uses* allowed on that real property.
- (c) A service levy shall be assessed on the real property based on:
 - i. The amount of real property benefited by the public works related to all the real property so benefited; and,
 - ii. The density of *development* made capable or increased by the public work.
- (d) *Council* may require a service levy to be paid by the owner of the real property at:
 - i. The time the levy is imposed;
 - ii. The time the *development* of the real property commences;
 - iii. The time the *development* of the real property is completed; or
 - iv. Such other time as *Council* may decide.

B.2.2 FINANCIAL GUARANTEES BY THE DEVELOPER

- (a) *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 *development permit* or licence.
- (b) The financial provisions in (a) may be made in the form of:
 - i. A cash deposit from the developer, to be held by *Council*;

- ii. A guarantee by a bank, or other institution acceptable to the Minister, for expenditures by the developer;
- iii. A performance bond provided by an insurance company or a bank; or
- iv. An annual contribution to a sinking fund held by *Council*.

B.3 DEDICATION OR REINSTATEMENT OF LAND

B.3.1 DEDICATION OF LAND FOR PUBLIC USE

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

B.3.2 REINSTATEMENT OF LAND

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

- (a) The *use* of land is discontinued;
- (b) The intensity of the *use* is decreased;
- (c) A *development permit* has been cancelled or suspended under subsection [A.2.2.5](#); or
- (d) A *development permit* has expired as a condition of issuance.

B.4 APPEALS

B.4.1 GENERAL

Decisions that may be Appealed

- (a) A person or an association of persons aggrieved of a decision that, under the *MDR*, may be appealed, may *appeal* that decision to the appropriate *appeal board* where the decision is with respect to:
 - i. An *application* or request to undertake a *development* including, but not limited to, decisions under subsections [A.2.1.4](#), [A.2.1.5](#), [A.2.2.3](#), [A.2.2.6](#), [A.2.2.8](#), [A.2.2.9](#), or [A.2.2.10](#);
 - ii. A cancellation or suspension of an approval or a *development permit* under subsection [A.2.2.5](#);
 - iii. The issuance of an order under subsections [A.2.1.10](#) or [A.2.2.13](#); and
 - iv. A decision permitted under the *Act* or another provincial *Act* to be appealed to the *appeal board*.

[Subsection 42(1) of the *Act*]
- (b) A decision of *Council* to adopt, approve or proceed with a plan, scheme, *development* regulations and amendments and revisions of them is final and not subject to an *appeal*; this regulation includes *applications* under subsection [A.2.2.11](#). [Subsection 42(2) of the *Act*]

Application for Appeal

- (c) An *appeal* shall be filed with the appropriate *appeal board* not more than 14 days after the person who made the original *application* appealed from has received the decision being appealed. [Subsection 42(4) of the Act]
- (d) An *appeal* shall be made in writing and shall include:
 - i. A summary of the decision appealed from;
 - ii. The grounds for the *appeal*; and
 - iii. The required fee.[Subsection 42(5) of the Act]



B.4.2 NOTICE OF RIGHT TO APPEAL

[MDR section 5]

Where the *Delegated Employee* or *Council* makes a decision that may be appealed under section 42 of the *Act*, the *Delegated Employee* or *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*.



B.4.3 APPEAL REQUIREMENTS

[MDR section 6]

- (a) The secretary of the *appeal board* at the Department of Municipal Affairs, 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 [B.4.1](#) (c) shall be considered to have been filed with the appropriate *appeal board*.
- (b) 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 (a) within the 14 days referred to in subsection 42(4) of the *Act*.
- (c) 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*.
- (d) Where an *appeal* of a decision and the required fee is not received by an *appeal board* in accordance with this regulation and Part VI of the *Act*, the right to *appeal* that decision shall be considered to have been forfeited.



B.4.4 APPEAL REGISTRATION

[MDR section 7]

- (a) 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 [B.4.3](#) (a), shall immediately register the *appeal*.
- (b) 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*.
- (c) Where *Council* has been notified of an *appeal*, *Council* shall forward to the appropriate *appeal 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.
- (d) Upon receipt of the information in (c), the secretary of the *appeal board* shall publish in a newspaper circulated in the *Town* a notice that the *appeal* has been registered.
- (e) A notice published under (d) shall be published not fewer than two (2) weeks before the date upon which the *appeal* is to be heard by the *appeal board*.



B.4.5 DEVELOPMENT PROHIBITED

[MDR section 8]

- (a) 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.
- (b) Sections 102 and 104 of the *Act* apply to *Council* acting under (a).
- (c) 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.



B.4.6 HEARING NOTICE AND MEETINGS

[MDR section 9]

- (a) 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*.
- (b) An *appeal board* may meet as often as is necessary to conduct its work in an expeditious manner.



B.4.7 HEARING OF EVIDENCE

[MDR section 10]

- (a) An *appeal board* shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under subsection [B.4.6](#) (a) or their representative may appear before the *appeal board* and make representations with respect to the matter being appealed.

- (b) An *appeal board* shall hear an *appeal* in accordance with section 43 of the *Act* and these *Regulations*.
- (c) 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*.
- (d) In the conduct of an *appeal* hearing, the *appeal board* is not bound by the rules of evidence.

B.4.8 BOARD DECISION



- (a) A decision of the *appeal board* must comply with the *Plan* and *Regulations*, or any further scheme, plan or regulation pursuant thereto that apply to the matter that has been appealed to that *appeal board*.

[MDR section 11]

- (b) In determining an *appeal*, an *appeal board* may confirm, reverse or vary the decision appealed from and may impose those conditions that the *appeal 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.

[Subsection 42(10) of the *Act*]

- (c) Despite (b), where *Council* may, in its discretion, make a decision, an *appeal board* shall not make another decision that overrules the discretionary decision.

[Subsection 42(11) of the *Act*]

- (d) Where, on *appeal*, a *development permit* is confirmed or ordered to be issued, *Council* shall issue the *development permit* as confirmed or ordered by the *appeal board*.

[Subsection 45(2) of the *Act*]

- (e) Where an *appeal* made is successful, an amount of money equal to the fee paid by the appellant shall be paid to the appellant by *Council*.

[Subsection 44(3) of the *Act*]

B.5 MULTIPLE MAIN BUILDINGS AND ASSOCIATED MAIN USES

- (a) Only one (1) *main building* is allowed per *lot* in any *use zone* for the follow *residential uses*:

- i. *Double unit dwelling*;
- ii. *Micro dwelling*;
- iii. *Mini home dwelling*;
- iv. *Mobile home dwelling*; and
- v. *Single unit dwelling*.

- (b) Where multiple *main uses* are proposed on one (1) *lot*, and despite where said *uses* are listed as *permitted uses* under subsection [E.2](#), the proposed combination of *uses* shall constitute a *discretionary use* under subsection [A.2.2.8](#).
- (c) *Main buildings* shall be separated a minimum of 7.5m (24.6ft) on a *lot*.

B.6 ACCESSORY USES

- (a) Where these *Regulations* provide for any land to be used, or *building* to be erected or used for a purpose, the purpose shall include any *accessory use*.
- (b) *Accessory uses* shall be clearly incidental and complementary to the *use* of the *main building* or *structure* and be contained on the same *lot* as the *main building* or *structure*.

B.7 EXISTING UNDERSIZED LOTS

- (a) Nothing in these *Regulations* shall prevent the *use* of an undersized *lot* in existence on the effective date of these *Regulations*. This provision shall not apply to newly created, undersized *lots* after the initial date in which these *Regulations* take force and effect.
- (b) Despite (a), any proposed *development* shall conform to all other *development* standards in these *Regulations*.

B.8 FRONTING ONTO A PUBLIC STREET, ACCESSES AND SERVICE STREETS

B.8.1 FRONTING ONTO A PUBLIC STREET AND ACCESS

No person shall erect or use a *building* or *structure* or use any *lot* regulated by these *Regulations* unless the *lot* to be used, or the *lot* upon which the *building* or *structure* is situated or to be situated, abuts or fronts on a *public street* or otherwise achieves satisfactory *access* to a *street* as approved by *Council* under subsection [A.2.2.15](#).

B.8.2 PRIOR APPROVAL AND LOCATION

- (a) No *access* to a *street* may be made without the permission of the *Delegated Employee* or *Council*.
- (b) *Access* shall be located to the specification of the *Delegated Employee* or *Council* so as to ensure the greatest possible convenience and safety of the *street* system.
- (c) Before granting an approval for an *access*, the *Delegated Employee* or *Council* shall have regard to safety and efficiency of the *street* for both *motor vehicles* and pedestrians.
- (d) No vehicular *access* shall be closer than 10m (32.8ft) to the *street line* of any *street* intersection.
- (e) Access to a provincially-owned *public street* shall be subject to the requirements and approval of *DTW*.

B.8.3 SERVICE STREETS

The *Delegated Employee* or *Council* may prescribe the construction of service *streets* to reduce the number of *accesses* to *public streets*.

B.9 ALTERATIONS TO THE NATURAL ENVIRONMENT

- (a) *Development* proposals shall include plans for grading, ditching, and *landscaping*.
- (b) Significant alterations to the natural environment as part of a *development*—such as, but not limited to, changing the drainage pattern or removing vegetation—will be considered during the evaluation of *development* proposals.

B.10 SITE DRAINAGE

- (a) No person shall alter the land levels insofar as this may affect surface drainage, except where the altered land levels provide that the resulting surface drainage shall be retained on the land and/or discharged into an existing ditch capable of carrying such additional water.
- (b) Attention shall be given to proper site surface drainage so that removal of surface water will not adversely affect neighbouring *lot(s)*, *streets*, or other public infrastructure.
- (c) Storm-water shall be removed from all roofs and *paved* areas and carried away in an efficient and approved manner.
- (d) In accordance with subsection [A.2.1.3](#), a *lot drainage and grading plan* prepared by a *professional* engineer may be required depending on the scale of the *development* or the potential for increased surface drainage.

B.11 BUILDING AND STRUCTURE LINE SETBACK

Prohibitions

- (a) No *building*, *structure*, or part thereof shall be permitted within 6.10m (20.0ft) of a *street line*.

Exemptions

- (b) The following *structures* are exempt from (a), but must conform to all other provisions in these *Regulations*:
 - i. *Fences*;
 - ii. *Signs* (see subsection [C.2.4](#) for required *setback*);
 - iii. *Special function tent*; and
 - iv. *Structures* associated with *utilities*.
- (c) A reduced *building line setback* is permitted in the event that:
 - i. Two (2) *buildings* on adjacent *lots* (on the same side of the *street*) are within 30.0m (98.4ft) of the location of the proposed *building*, wherein the average of the two (2) reduced *building lines* of the existing *buildings* is taken; or

- ii. One (1) *building* on an adjacent *lot* (on the same side of the *street*) is within 30.0m (98.4ft) of the location of the proposed *building*, wherein the average of the reduced *building line* of the existing *building* and the required *building line* is taken.

Building and Structure Line Setback from Provincial Streets

- (d) Despite (a) and where there are *public street setbacks* in force through the provincial *Building Near Highways Regulations, 1997, NLR 28/97*, said *setbacks* shall constitute the *building line* and *structure line setbacks* under these *Regulations*.

B.12 EXISTING BUILDINGS AND STRUCTURES

Where a *building* or *structure* has been erected or placed on or before the date that these *Regulations* are published in the *Gazette* and is non-conforming with any *setback* or *yard* requirement, the *building* or *structure* may be enlarged provided that:

- (a) In accordance with subsection 108(3)(f) of the *Act*, the enlargement does not further reduce any *setback* or *yard* requirement that does not conform to these *Regulations*; and
- (b) All other applicable provisions of the *Plan* and *Regulations* are satisfied.

B.13 USES REQUIRING THE DISPOSAL OF SEWAGE

Where a proposed *use* requires the disposal of sewage, no *development permit* shall be issued unless sewage can be managed by on-site sewerage facilities such as, but not limited to, a septic tank and disposal field and be approved by *DSNL*.

B.14 LANDSCAPING

- (a) A minimum percent *landscaping* of total *lot area* and a minimum *landscaping strip* along all *lot lines* shall be required and maintained for a proposed *development* in accordance with the following table, provided that such minimum *landscaping strip* may be interrupted by *accesses*:

Use Group of Proposed Development	Minimum % Landscaping of Total Lot Area	Minimum Width of Landscaping Strip
i. <i>Commercial, institutional, and transportation (dispatch service and marina only)</i>	10%	1.5m (4.9ft); or 3.0m (9.8ft) when abutting an RES use zone boundary or a lot line of a lot containing an existing residential use
ii. <i>Industrial and transportation (transportation hub only)</i>	5%	3.0m (9.8ft); or 10.0m (32.8ft) when abutting an RES use zone boundary or a lot line of a lot containing an existing residential use
iii. <i>Residential (multi-unit dwelling only)</i>	10%	1.5m (4.9ft)

Table 4: Minimum Landscaping Requirements

- (b) *Landscaping* shall be completed no later than two (2) years from the date of issuance of the *development permit*.
- (c) No *buildings* or required *parking* shall be located in any required *landscaping area*.

B.15 SCREENING

General

- (a) In accordance with subsections [A.2.1.6](#) and [A.2.2.7](#), the provision of adequate and suitable *screening* may be made a condition of any *development permit* where, in the opinion of the *Delegated Employee* or *Council*, the *screening* is desirable to preserve amenity or to protect the environment.
- (b) In establishing the *screening* requirement for a proposed *development*, the *Delegated Employee* or *Council* shall give consideration to the following:
 - i. The health, safety, and general well-being of residents of adjacent properties;
 - ii. The established character of the neighbourhood in which the *development* is proposed; and
 - iii. The general public interest.

Materials

- (c) Plant materials characterized by dense growth that will form an effective year-round screen shall be planted, or a *fence* or wall shall be constructed to form the screen.
- (d) *Screening* may consist of both natural and man-made materials.
- (e) Where a *fence* is used as *screening*, the *fence* shall be constructed such that the framework and any supports shall not be visible from the adjacent *lot*.
- (f) To the extent practical, existing trees and vegetation shall be retained and used to satisfy the provisions of this regulation.

Height

- (g) Except within a *daylighting triangle*, *screening* shall be at least 1.5m (4.9ft) in height.
- (h) Plant materials, when planted, may be less than 1m (3.3ft) in height if of a species or variety that shall normally attain the required height and width within three (3) years of planting.
- (i) No garbage shall be stored in any garbage storage area so as to exceed the height of the surrounding *fence* or *screening*.

Maintenance

- (j) All required plant materials shall be maintained in a healthy condition and whenever necessary replaced with new plant materials to ensure continued compliance with *screening* requirements.
- (k) All required *fences* and walls shall be maintained in good repair and presentable appearance and whenever necessary repaired or replaced.

B.16 HEIGHT REGULATIONS

The *building height* and *structure* height provisions of these *Regulations* shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, ventilators, skylights, barns, chimneys, clock towers, windmills, or solar collectors attached to a *main building* or

structure, except where specifically regulated in the *Regulations* or by other federal, provincial, or municipal requirements.

B.17 ARCHAEOLOGICAL ASSESSMENT

Development applications involving major ground disturbance, including works along the coastline or areas of known or suspected historic resources, shall be referred to the Provincial Archaeology Office of DTCII for review and consideration under the *Historic Resources Act*.

B.18 SOIL REMOVAL, DEPOSIT AND SITE GRADING

- (a) Where not part of an approved *development*, land disturbance involving the removal, deposition or grading on a property that results in extensive cut and fill, shall require *application* showing the full extent of disturbance that is intended, for review and approval by the *Delegated Employee* or *Council*.
- (b) *Council* may require a developer to assess geotechnical aspects, visual and environmental impacts, as well as impacts on adjoining properties; and where alterations to the landscape are approved, financial guarantees under subsection [B.2.2](#) may be required to ensure adequate site rehabilitation and/or *landscaping*.

B.19 PARKING

B.19.1 GENERAL REQUIREMENTS

For proposed new *developments* requiring a *development permit*:

Number of Parking Spaces Required

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

Location of Required Parking

- (b) All required *parking spaces* shall be provided on the same *lot* as the proposed *development*.
- (c) Despite (b), off-site *parking* on a *lot* in the vicinity of the proposed *development* may be permitted by the *Delegated Employee* or *Council*, provided that there is a written agreement between both parties that provides sufficient detail regarding the off-site parking arrangement.

General Standards for All Parking

- (d) There shall be adequate provision for *access* to a *street* for each *parking space*.
- (e) Unless otherwise permitted, each *parking space* shall be readily accessible and maintained at all times for the parking and manoeuvring of a *motor vehicle* without the necessity of moving another *motor vehicle*.
- (f) No part of any off-street parking area shall be closer than 1.5m (4.9ft) to the *front lot line*.

B.19.2 DESIGN STANDARDS FOR PARKING LOTS

The following design standards shall only apply to *parking lots* with four (4) or more *parking spaces*:

Minimum Internal Aisle Widths

- (a) The minimum *internal aisle* widths for a proposed *parking lot* shall be in accordance with the following table, whereby the angle is measured from the intersection of the centre line of the *parking spaces* and the centre line of the *internal aisle*:

I. Angle of Parking Spaces	II. Minimum Internal Aisle Width
i. 70° – 90°	6.0m (19.7ft) for one (1) or two (2) directional lanes of travel
ii. ≥50° but <70°	5.5m (18.0ft) for each directional lane of travel
iii. <50°	4.0m (13.1ft) for each directional lane of travel

Table 5: Minimum Internal Aisle Widths

Dimensional Requirements for Standard Parking Spaces

- (b) Required *standard parking spaces* shall be rectangular with minimum and maximum dimensions as per the following table:

I. Access and Orientation	II. Length Requirement	III. Width Requirement
i. Accessed from <i>internal aisle</i> ≤6.0m in width	5.6m (18.4ft) – 6.0m (19.7ft)	2.9m (9.5ft) – 3.2m (10.5ft)
ii. Adjacent and parallel to <i>internal aisle</i>	6.7m (22.0ft) – 7.1m (23.3ft)	2.6m (8.5ft) – 3.2m (10.5ft)
iii. Any <i>access</i> or orientation not outlined under i. or ii.	5.6m (18.4ft) – 6.0m (19.7ft)	2.6m (8.5ft) – 3.2m (10.5ft)

Table 6: Dimensional Requirements for Standard Parking Spaces

- (c) The minimum widths in (b) III. must be increased by 0.3m (1.0ft) for each side of the *standard parking space* that is obstructed by any fixed object such as, but not limited to, a wall, column, bollard, fence, or pipe that is:
- Within 0.3m (1.0ft) of the side of the *standard parking space*, measured at right angles, and
 - More than 1.0m (3.3ft) from the front or rear of the *standard parking space*.

Barrier-free Parking for Persons with Disabilities

- (d) Barrier-free parking standards to accommodate persons with disabilities shall meet the requirement of the provincial *Buildings Accessibility Regulations*, CNLR 1140/96.
- (e) Required *barrier-free parking spaces* shall be rectangular with the same minimum and maximum length requirements of *standard parking spaces* as per (b) II.

General Standards for Parking Lots

- (f) The surface of any *parking lot*, including associated *driveways* and *internal aisles*, shall be adequately drained including the prevention of discharge of sediment to adjacent *lots* and treated to prevent the raising of dust.
- (g) In paved *parking lots*, each *parking space* must be painted, marked, or otherwise delineated.

- (h) If the *parking* area is to be used in the winter, there shall be a designated location on the *lot* for the safe storage of snow, which shall not impede the regular flow of on- and off-site traffic.

B.20 OFF-STREET LOADING

- (a) For every *building, structure, or use* to be erected, enlarged or established requiring the shipping, loading or unloading of goods, wares or merchandise, there shall be provided and maintained for the premises, loading facilities on land that is not part of a *street* comprised of one (1) or more *loading spaces*.
- (b) *Loading spaces* shall be readily accessible and usable at all times.
- (c) All loading and unloading shall occur on-site and not block any *street* or *parking facilities*.

B.21 DRIVE-THRUS AND QUEUING

Number of Queuing Spaces Required

- (a) For every *building, structure, or use* to be erected, enlarged or established requiring a *drive-thru* facility, there shall be provided and maintained a quantity of *queuing spaces* sufficient to ensure that the flow of traffic on adjacent *streets* is not impeded by the queuing of *motor vehicles* associated with that *building, structure, or use*.
- (b) In accordance with subsection [A.2.1.3](#), a queuing/traffic study may be required if the expected number of *drive-thru* trips will exceed 40 *motor vehicles* per hour during peak periods.

Queuing Lanes

- (c) *Queuing lanes* may require *screening* in accordance with subsection [B.15](#).
- (d) *Queuing lanes* shall be located so that queued *motor vehicles* do not block or obstruct general *motor vehicle* circulation throughout the site, *building* entrances, *access* to *loading spaces*, or required *parking facilities*.
- (e) A *queuing lane* shall be separated from any *lot line* abutting a *street* by a minimum of 3.0m (9.8ft).
- (f) At least one (1) *building* entrance shall be located so that pedestrian *access* to that entrance either:
- i. Does not cross a *queuing lane*; or
 - ii. Crosses a *queuing lane* only in a location behind the required *queuing spaces*.
- (g) Any *building* entrance location that requires pedestrians to cross a *queuing lane* shall incorporate *sign(s)* and a change in surface material, height, or use of paint to distinguish the pedestrian crossing from the *queuing lane* surface.

Sound and Light Pollution

- (h) Any outdoor speakers used for a *drive-thru* facility shall be separated from a *lot line* abutting an RES or *use zone* boundary or *lot line* of a *lot* containing an existing *residential use*, at a minimum distance of 20.0m (65.6ft), unless otherwise separated by a *building*.

- (i) Any outdoor lighting for a *drive-thru* facility shall be located and arranged so that no direct rays of light are oriented at an RES *use zone* boundary or *lot line* of a *lot* containing an existing *residential use*.

B.22 PERMITTED ENCROACHMENTS

Despite any provisions in these *Regulations*, encroachments are permitted as follows:

- (a) Enclosed patios, fire escapes, walkways, wheelchair ramps, lifting devices, or steps may be located a maximum of 1.5m (4.9ft) into any *required front* or *rear yard*, and 0.9m (3.0ft) into any minimum *side yard*.
- (b) There may be erected or maintained in any *yard* the usual projections of sill, cornices, eaves, gutters, chimneys, pilasters, canopies, or other architectural features, provided that no such *structure* or feature shall project more than 0.6m (2.0ft) into any *required yard*.
- (c) Window bays and solar collectors may be permitted to project not more than 0.9m (3.0ft) from the *main wall* into a *required front, rear, or side yard*.
- (d) Exterior staircases, steps, balconies, porches, verandas, and sundecks shall be permitted to project a maximum of 2.0m (6.6ft) into any *required front* or *rear yard* and 0.9m (3.0ft) into any *required side yard*, provided that said *structures* do not extend closer than 1.0m (3.3ft) from the nearest *lot line*.
- (e) Pumps and islands for the distribution of automotive fuel shall be allowed to locate within any *required yard* to the satisfaction of the *Delegated Employee* or *Council*.
- (f) *Sign setbacks*, and any permitted encroachments, are specified under subsection [C.2.4](#).

B.23 MAINTENANCE OF REQUIRED SIDE YARDS

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

B.24 ILLUMINATION

- (a) No person shall erect any illuminated *sign* or illuminate an area around or outside any *building* in any *use zone*, unless such illumination is directed away and shielded from adjoining properties and any adjacent *streets* and does not interfere with the effectiveness of any traffic control device.
- (b) Any lighting proposed to illuminate an off-*street* parking area or an *outdoor display court* shall be located and arranged so that all direct rays of light are directed upon the parking area or an *outdoor display court* only and not on any adjoining *lots* or interfere with the effectiveness of any traffic control device.

B.25 WASTE DISPOSAL CONTAINERS

- (a) A waste disposal container shall not displace or be placed in any required *landscaping*, parking, loading, or queueing areas.
- (b) A waste disposal container shall be located a minimum of 5.0m (16.4ft) from an RES *use zone* boundary or *lot line* of a *lot* containing an existing *residential use*; or a minimum of 3.0m (9.8ft) from any other *lot line*.
- (c) In accordance with subsection [B.15](#), the provision of adequate and suitable *screening* may be required where, in the opinion of the *Delegated Employee* or *Council*, the *screening* is desirable to preserve amenity or to protect the environment.

B.26 UNAUTHORIZED DEVELOPMENT ON PUBLIC LAND

- (a) No unauthorized *development* shall be permitted in the right-of-way of a *public street* or other land vested in the *Town*, provincial or federal governments.
- (b) The removal of projections onto the right-of-way of a public street or other land vested in the *Town* shall be in accordance with section 168 of the *Municipalities Act*. This includes, but is not limited to, *buildings*, *fences*, *signs*, or other *structures*.

B.27 DAYLIGHTING TRIANGLE

Except for a column of up to 0.2m (0.7ft) in diameter supporting an upper storey projection, a *fence*, *sign*, hedge, shrub, bush, tree, or any other *structure* or vegetation shall not be erected or permitted to grow to a height of 0.6m (2.0ft) or more in the *daylighting triangle* (note: definition in '[Appendix B: Definitions](#)' contains a diagram).

B.28 DEVELOPMENT PERMIT EXEMPTIONS

- (a) Despite subsection [A.2.1.4](#), the requirement of a *development permit* is waived for the following *developments*:
 - i. *Sign re-facing* as per subsection [C.2.1](#) (b);
 - ii. *Signs* exempted under subsection [C.2.3](#);
 - iii. *Fence*;
 - iv. Flag pole;
 - v. Planter structure for flower, vegetable, or other similar garden for private *use*;
 - vi. *Swimming pool* designed to be temporary and portable;
 - vii. Internal renovation of a *building* with no change in *use* or change in intensity of *use*;
 - viii. Swing set, slide, or other similar children's play structure designed for private *use* associated with a *dwelling*;
 - ix. *Portable garage* or other portable tent or tarp shelter; and

- x. Deck or other exterior platform, including exterior stairs and ramps.
- (b) Despite the *development permit* exemptions under (a) and unless otherwise specified, all other provisions of these *Regulations* apply and are enforceable as per subsections [A.2.1.10](#) and [A.2.2.13](#).

B.29 FIRST NATIONS REFERRALS AND CONSULTATION

The *Town* shall engage and consult First Nations groups, such as the Port au Port Ward of the Qalipu Mi'kmaq First Nation Band, when making discretionary decisions that may impact First Nations history, culture, or traditional land *use* activities. These may include discretionary decisions to amend the *Plan* or *Regulations*, or approve *development applications*.

B.30 WATER RESOURCES MANAGEMENT REFERRALS

In order to determine any provincial permitting requirements of the provincial Water Resources Management Division, the *Town* shall refer to the Division any proposed *development*:

- (a) Unserviced *subdivision development* (for example, a proposed *subdivision* of more than four (4) new *lots* will require a Level I Groundwater Supply Assessment, and a proposed *subdivision* of more than 15 new *lots* will require a Level II Groundwater Supply Assessment, as per the provincial 'Groundwater Supply Assessment and Reporting Guidelines For Subdivisions Served by Individual Private Wells');
- (b) Within a Wellhead Protected Water Supply Area or Public Water Supply Area; or
- (c) Along the coastline.



Section C: Special Uses, Buildings and Structures

C.1 ACCESSORY BUILDINGS

General Standards

- (a) Where the *Regulations* provide that any land may be used or a *building* may be erected, altered or used for any purpose, that purpose shall include *accessory buildings*.
- (b) An *accessory building* shall be clearly incidental and accessory to the *main use* of the *lot*.
- (c) An *accessory building* shall be erected or placed on the same *lot* upon which the *main use* is situated.
- (d) No *accessory building* shall be used for human habitation.

[Note: This regulation is continued on the next page.]

Zone Development Standards

(e) No *accessory building* shall be erected or placed unless in accordance with the following table:

	I. RES use zone	II. CD use zone	III. All other use zones
i. Maximum number of <i>accessory buildings</i> per lot	2	3	No Limit
ii. Maximum footprint of any <i>accessory building</i>	75% of largest <i>main building</i>	No Limit	No Limit
iii. Maximum combined <i>floor area</i> of all <i>accessory buildings</i> per lot, where <i>lot area</i> is $\leq 4047\text{m}^2$ (1.0 acre)	12% of <i>lot area</i> to a maximum of 90.5m^2 (974.1ft^2)	12% of <i>lot area</i>	12% of <i>lot area</i>
iv. Maximum combined <i>floor area</i> of all <i>accessory buildings</i> per lot, where <i>lot area</i> is $> 4047\text{m}^2$ (1.0 acre)	12% of <i>lot area</i> to a maximum of 110.0m^2 (1184.0ft^2)	12% of <i>lot area</i>	12% of <i>lot area</i>
v. Maximum <i>building height</i> of any <i>accessory building</i> per lot	<i>Building height</i> of highest <i>main building</i> on lot	No Limit	No Limit
vi. <i>Setback</i> from all <i>lot lines</i> where <i>accessory building</i> is $\leq 13.4\text{m}^2$ (144.0ft^2) in <i>floor area</i> and $\leq 2.5\text{m}$ (8.2ft) in height	0.9m (3.0ft)	0.9m (3.0ft)	1.5m (4.9ft)
vii. <i>Setback</i> from all <i>lot lines</i> for all other <i>accessory buildings</i>	1.5m (4.9ft) or $\frac{1}{2}$ <i>accessory building height</i> , whichever is the greater	1.5m (4.9ft) or $\frac{1}{2}$ <i>accessory building height</i> , whichever is the greater	3.0m (9.8ft) or $\frac{1}{2}$ <i>accessory building height</i> , whichever is the greater
viii. <i>Setback</i> from any <i>building</i>	1.5m (4.9ft)	1.5m (4.9ft)	1.5m (4.9ft)
ix. Allowed to be erected or placed in the <i>front yard</i>	No, except where a <i>lot</i> has a shoreline or <i>watercourse</i> as one (1) of its boundaries	No, except where a <i>lot</i> has a shoreline or <i>watercourse</i> as one (1) of its boundaries	Yes

Table 7: Use Zone Development Standards for Accessory Buildings

(f) A proposed *accessory building* that does not meet the requirements of subsections (e) i., ii., iii., iv., v., or ix.—and despite the requirements of said subsections—may be considered and approved by *Council* as a *discretionary use* in accordance with subsection [A.2.2.8](#), thereby requiring public notice (see subsection [A.2.2.12](#)).

C.2 SIGNAGE

C.2.1 GENERAL DEVELOPMENT STANDARDS

- (a) Unless specifically exempted in these *Regulations*:
 - i. A *development permit* is required for *sign installation*; and
 - ii. In accordance with subsection [E.1.5](#), the *sign* must be listed as a *permitted* or *discretionary use* under subsection [E.2](#).
- (b) A *development permit* is not required for a *sign re-facing*.
- (c) In accordance with subsection [A.2.1.3](#), the *Delegated Employee* or *Council* may require a stamped drawing prepared by a *professional engineer* for a proposed *sign* where there is concern about structural stability, wiring, or any other issue that may need to be assessed in order to ensure the *sign* is safe and secure.
- (d) Standards in these *Regulations* regarding signage are not intended to be retroactive and incumbent upon existing *signs*.
- (e) Where a *sign* meets multiple definitions under '[Appendix B: Definitions](#)', all applicable provisions of these *Regulations* apply.

C.2.2 USE ZONE DEVELOPMENT STANDARDS

C.2.2.1 Maximum Number of Signs and Areas

- (a) A maximum of one (1) *sign* per *lot* is permitted in the RES *use zone*. The *sign* shall be a *facial wall sign* no greater than 1.1m² (12ft²) in *sign area*.
- (b) A maximum of three (3) *signs* per *lot* is permitted in the CD *use zone*. The main *sign* shall not exceed 1.1m² (12ft²) in *sign area*, where each *sign* thereafter shall not exceed 0.6m² (6ft²).
- (c) In all other *use zones*, any number of *signs* is permitted on a *lot*.

C.2.2.2 Sign Types

- (a) A *billboard sign* shall not exceed 15.0m (49.2ft) in height and 24.0m² (258.3ft²) in *sign area*.
- (b) A *ground sign* shall not exceed 10.0m (32.8ft) in height or 12.0m² (129.2ft²) in *sign area*.
- (c) An *electronic message board sign* shall:
 - i. Despite subsection [C.2.2.1](#), not exceed one (1) per *lot*;
 - ii. Despite subsection [C.2.2.1](#), not exceed 8.0m² (86.1ft²) in *sign area*;
 - iii. Not scroll or flash any portion of any message(s) displayed;
 - iv. Have the instantaneous transition of static messages;
 - v. Have a message duration of not less than 20 seconds;
 - vi. Not be installed within 25.0m (82.0ft) of an RES *use zone* boundary or the *main building* of an existing *residential use*;

- vii. Not exceed a brightness level of 3.23 lux above ambient light conditions measured at a distance determined by the square root of the *sign area* multiplied by 100;
- viii. Use dimming technology that automatically adjusts the brightness of the *sign* in direct correlation with ambient light conditions;
- ix. Be turned off in the case of malfunction;
- x. Be turned off between the hours of 11:00 p.m. and 7:00 a.m.; and
- xi. Pursuant to subsections [A.2.1.6](#) and [A.2.2.7](#), only be approved with the condition that the owner acknowledges and agrees that the *sign* is capable of meeting the required operational provisions outlined in these *Regulations*.

C.2.3 EXEMPTIONS

- (a) Despite subsection [C.2.1](#) (a), and subject to all other provisions in these *Regulations*, *canopy, facial wall, portable, projecting, roof, and sandwich board signs* that do not meet any other *sign* definition under '[Appendix B: Definitions](#)' do not require a *development permit*.
- (b) Despite subsection [C.2.1](#) (a), and subject to all other provisions in these *Regulations*, the following *signs* do not require a *development permit* and are not included in the total number of *signs* or total *sign area* permitted per *lot* as regulated under subsection [C.2.2.1](#):
 - i. A memorial or historical plaque or tablet;
 - ii. A flag of any governmental, religious, charitable, or fraternal organization;
 - iii. A nameplate not exceeding 0.2m² (2.2ft²) in *sign area* on a *dwelling*, or within the courtyard of a *dwelling*;
 - iv. A nameplate not exceeding 0.2m² (2.2ft²) in *sign area* relating to the practice of a professional person carried on in the premises on a *dwelling* or within the courtyard of a *dwelling*;
 - v. A notice board not exceeding 1.0m² (10.1ft²) in *sign area* and relating to a *place of worship, educational use, library, cultural establishment, or cemetery* located on the *lot*;
 - vi. A notice board not exceeding 1.0m² (10.1ft²) in *sign area* relating to a *use* in the *resource extraction or agricultural use groups*;
 - vii. A *sign* that does not exceed 0.4m² (4.3ft²) in *sign area*;
 - viii. Up to two (2) real-estate signs per *lot*, each not exceeding 3.0m² (32.3ft²) in *sign area*;
 - ix. A *sign* that does not exceed 1.1m² (12ft²) in *sign area* and that regulates or denotes the direction or function of various parts of *buildings* or premises including *parking facilities*;
 - x. A warning or caution sign that does not exceed 1.1m² (12ft²) in *sign area* which pertains to site safety;
 - xi. A *sign* that does not exceed 4.6m² (49.5ft²) in *sign area* that is incidental to construction.
 - xii. A *sign* constructed or placed under the direction of a governmental body including *signs* for identification, public information, or regulating traffic control;

- xiii. A sign formed by landscaping design;
 - xiv. An election sign that does not exceed 3.0m² (32.3ft²) in sign area, and any such sign shall be removed within seven (7) days following the date of the election;
 - xv. A maximum of two (2) signs, each not exceeding 28.0m² (301.4ft²) in sign area and 6.1m (20.0ft) in height, installed for promotional purposes on the associated lot for which there is a proposed subdivision or other development;
 - xvi. A temporary sign constructed or placed under the direction of an official employment union, which shall be removed within two (2) months of sign installation; and
 - xvii. A temporary sign to advertise festivals, sporting, special and community events, which shall be removed within seven (7) days after the closing of the event.
- (c) Despite any provision in these Regulations, the development standards and development permit requirements for signs under these Regulations shall not apply where a permit is required from Service NL under the provincial Highway Sign Regulations, 1999, 85/99.¹
- (d) Further to (c), and despite any provision in these Regulations, an electronic message sign, billboard sign, and off-site sign are strictly prohibited within the provincial area of jurisdiction, where the Highway Sign Regulations, 1999, 85/99 remain in force and effect.

C.2.4 PROHIBITIONS

Despite any other provision in these Regulations, no sign shall:

- (a) Except for facial wall signs and exempted signs under subsections C.2.3 (b) (ii), (ix), (x), (xii), and (xiii), be installed closer than 1.5m (4.9ft) from any lot line and in accordance with the street line setback as provided for in the following Illustration:

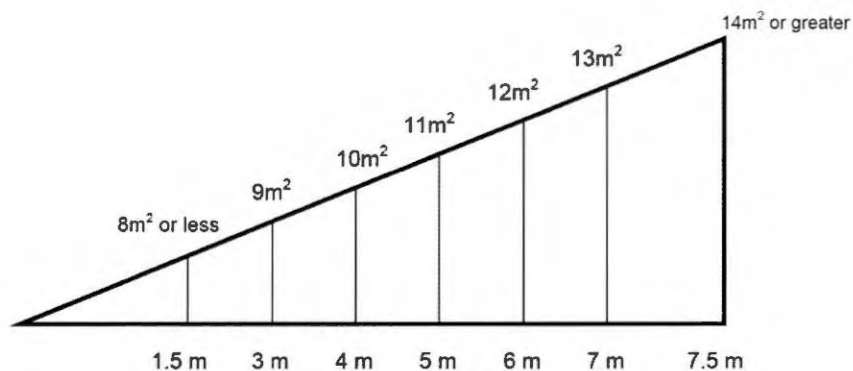


Illustration 1: Street Line Setback for Signs

- (b) Exceed 24m² (258ft²) in sign area;

¹ If an exclusion is obtained from the Minister in accordance with proposal B.2.13.3 (5) of the Plan, Council must amend the Plan and Regulations in order to apply the Town's signage provisions to the current area of provincial jurisdiction as outlined in the Highway Sign Regulations, 1999.

- (c) Be installed in a *daylighting triangle*;
- (d) Be located or kept on a *lot* unless such *sign* is properly maintained including, but not limited to the *sign's* face, supports, electrical system, or anchorage;
- (e) Be mounted on a *vehicle* which is placed for the purpose of advertising;
- (f) Be attached to any publicly owned *structure, utility pole, hydrant, traffic control device, bridge, fence, barrier, or any other surface on public property, excepting signs* under direction of a governmental body;
- (g) Be part of a series of two (2) or more *signs* in sequence, each carrying a part of a single advertising message;
- (h) Project over *lot lines*;
- (i) Obstruct pedestrian traffic along any publicly owned land such as a sidewalk or *street, fire lane, or queueing space*;
- (j) Create a hazard to public safety or health;
- (k) Obstruct the vision of a driver leaving a roadway or driveway, or detract from the visibility or effectiveness of any traffic *sign* or control device on a *street*;
- (l) Displace required amenity areas including *parking facilities and loading spaces* as provided for in these *Regulations*;
- (m) Obstruct free ingress or egress from a fire escape, window, door, or other required exit;
- (n) Except a traffic control *sign* installed by a governmental body, use words such as 'stop', 'look', 'danger', 'one way', 'yield', or any other similar words, phrases, symbols, lights, or characters used in a manner that may mislead, confuse, or otherwise interfere with traffic;
- (o) Incorporate a searchlight;
- (p) Emit sound; or
- (q) Be painted on or attached to a tree, stone, cliff or other natural object.

C.3 HOME BUSINESSES AND INDUSTRIES

General

- (a) A *home business or home industry* shall be subordinate and incidental to a *main residential use* and shall not alter the residential character of the *lot*.
- (b) No more than one (1) *home business or home industry* is allowed per *lot*.
- (c) No structural alterations shall be made to the *dwelling unit* conducting a *home business or home industry* that would jeopardize future use of the *building* exclusively as a *dwelling*.
- (d) Traffic generated by a *home business or home industry* shall be consistent with the residential character of the neighbourhood.
- (e) No goods or services other than those directly pertaining to a *home business or home industry* shall be supplied or sold therein or therefrom.

- (f) A *home business* or *home industry* shall not generate off-site electrical interference, dust, noise, or smoke.
- (g) Any additional parking required for a *home business* or *home industry* must be accommodated on the *lot* upon which the enterprise is being conducted.
- (h) Any *signs* shall be erected in conformance with subsection [C.2](#) and the *use zone tables* under subsection [E.2](#).

Home Businesses

- (i) A *home business* may be conducted within a *dwelling unit*, *accessory buildings*, or combination thereof.
- (j) The *floor area* of the *building(s)* in which a *home business* is conducted shall not exceed 40% of the *floor area* of the associated *dwelling unit*.
- (k) Despite (j), a proposed *home business* that exceeds 40% of the *floor area* of the associated *dwelling unit* may be considered and approved by *Council* similar to a *discretionary use* under subsection [A.2.2.8](#), thereby requiring public notice (see subsection [A.2.2.12](#)).
- (l) There shall be no external or outside storage of materials or containers associated with a *home business* to indicate that any part of the *lot* is being used for any other *use* than *residential use*.
- (m) A maximum of one (1) *commercial vehicle*, not in excess of one (1) ton capacity, is allowed to park on the *lot* upon which the *home business* is being conducted.
- (n) A *home business* is limited to the following *uses*:
 - i. *Bed and breakfast / tourist home*;
 - ii. *Catering service*;
 - iii. *Family child care service*;
 - iv. *Instructional use*;
 - v. *Office*;
 - vi. *Personal service shop – apparel*;
 - vii. *Personal service shop – appearance*;
 - viii. *Pet care services*;
 - ix. *Craft workshop*;
 - x. *Printing centre*; and
 - xi. *Retail store*.

Home Industries

- (o) Except for an *office* in association with the enterprise, a *home industry* shall be conducted within *accessory buildings*, an attached garage, or combination thereof.
- (p) A *home industry* is limited to the following *uses*:
 - i. *Automotive service establishment – small*;

- ii. *Equipment sales and rental – light;*
- iii. *Service and repair – household;*
- iv. *Service and repair – small engine repair; and*
- v. *Equipment storage (warehouse / indoor storage and outdoor storage) and servicing related to fishing and forestry uses.*

C.4 OUTDOOR FURNACES

Buffers

- (a) In addition to all other required *yards and setbacks* in these *Regulations*, an *outdoor furnace* shall not be located closer than 15.0m (49.2ft) to any *lot line* or *main building* of a *residential use*.
- (b) An *outdoor furnace* shall not be located closer than 3.0m (9.8ft) to any tree or non-habitable *structure*.

Construction Requirements

- (c) An *outdoor furnace* shall be supported by a non-combustible base or foundation to adequately support the weight of the appliance.
- (d) Despite the manufacturer's installation instructions, the base or foundation shall extend a minimum of 0.3m (1.0ft) beyond the appliance on all sides.
- (e) The top of the chimney for an *outdoor furnace* shall have a minimum height of 5.0m (16.4ft) and shall be equipped with a spark arrestor and a rain cap.

C.5 PRIVATE WIND ENERGY SYSTEMS

- (a) Where permitted, a *private wind energy system* is subject to the following:
 - i. Minimum *lot area* of 4000m² (1 acre);
 - ii. Maximum tower height of 45.0m (147.6ft);
 - iii. Maximum of one (1) turbine generator per *lot*;
 - iv. *Setback* of one and a half (1.5) times the height of the wind turbine generator, including the topmost reach of the rotor, from all *lot lines*;
 - v. Any climbing apparatus shall be a minimum height of 3.0m (9.8ft);
 - vi. The rotor clearance shall be a minimum of 4.5m (14.8ft) from *finished grade*;
 - vii. Except for an *accessory building, cottage, row house single dwelling, row house double dwelling, or any dwelling with two (2) or less DUs*, a system under 6m (19.7ft) may be mounted on or attached to another *building or structure* subject to the requirements of the *Building Code*;
 - viii. Anchor points for guy-wires shall be located on the *lot* upon which the system is located; and

- ix. The *setback* for a guy-wire anchor is 3.0m (9.8ft) from any *lot line*.
- (b) In addition to the requirement of a *site plan*, the *Delegated Employee* or *Council* may require the following in accordance with subsection [A.2.1.3](#):
 - i. Manufacturer's information regarding the type of turbine, height, rotor diameter, rated output, and Canadian Standards Association (CSA) certification; and
 - ii. Authorization documents from Transport Canada or Nav Canada where applicable.

C.6 VEHICLE BODIES

Except for a *mobile home dwelling*, no *vehicle* shall:

- (a) Constitute a *dwelling unit*; or
- (b) Be used for storage in the RES and CD *use zones*.

C.7 PRIVATE GARAGES AND CARPORTS

Where a garage or carport is attached to or incorporated in a *dwelling*, it becomes part of the *building* for the purposes of applying minimum *lot coverage*, *yard*, and *setback* requirements, or any other requirement in these *Regulations* that may apply to a *building* addition.

C.8 SWIMMING POOLS

A *swimming pool* is a *permitted use* in all *use zones*, but shall not be located:

- (a) In the *front yard* of a *lot* in the RES *use zone*; or
- (b) Under any electrical service wires.

C.9 COMMERCIAL VEHICLES IN RESIDENTIAL ZONES

In the RES *use zone*, only one (1) *commercial motor vehicle* may be parked on a *lot* appropriated for the *dwelling* wherein the operator of the *vehicle* resides, provided the *vehicle* does not contain cargo including hazardous or flammable materials and has a current and valid licence plate attached thereto.

C.10 SIDE YARDS FOR ROW HOUSE DWELLINGS

In any *use zone* where a *row house single dwelling* or *row house double dwelling* is allowed, and despite the *side yard* requirement of the respective *use zone*, a *side yard* of 0.0m is permitted for the party wall dividing *dwelling units* and associated ownership.

C.11 OFFENSIVE AND DANGEROUS USES

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

C.12 TEMPORARY REAL ESTATE OFFICES

Temporary real estate *offices* may be set up in new display homes within new *subdivisions* for a period of not more than 24 months.

C.13 TEMPORARY CONSTRUCTION USES

Nothing in these *Regulations* shall prevent the *use* of land or the *use* or erection of a temporary *building* or *structure*, or the temporary storage of materials and equipment, which is accessory to construction in progress provided that all other permits required by federal, provincial, or municipal authorities are attained and that the above-noted is removed within 14 days of completion of the work.

C.14 USES REQUIRING ACCESS TO THE OCEAN

- (a) Despite any *setback* or *yard* requirement from a *lot line* that follows the edge of an adjacent cliff of the ocean shoreline, *buildings* and *structures* associated with *uses* requiring access to the ocean can be erected or placed up to said *lot line*.
- (b) *Uses* requiring access to the ocean include:
 - i. *Fishing*
 - ii. *Marina*;
 - iii. *Public utilities*;
 - iv. *Research and development*; and
 - v. *Transportation hub* (dock and port).
- (c) Any *development* adjacent to and requiring access to the ocean must meet all other governmental requirements, which include attaining any required permits and conforming to the provincial *DMAE* guideline 'Chapter 14 Environmental Guidelines for Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses' or changes thereto.

C.15 PARKING AND STORAGE OF CAMPERS AND BOATS

Campers

- (a) No *camper* shall be used, leased or rented as a *dwelling unit*.
- (b) No *camper* shall be used for *seasonal residence*, unless it is within a designated *campground*.
- (c) The long-term parking or placement of a *camper* for a continual period of ten (10) days or more is *prohibited* in all *use zones*, except in association with the following:
 - i. A *lot* with two (2) or less *DUs*, wherein one (1) *camper* is permitted per *DU*;
 - ii. *Automotive establishment, service – large and small*;
 - iii. *Automotive establishment, dealership – seasonal*; and
 - iv. Commercial, seasonal *outdoor storage*.

Boats

- (d) The long-term placement of a *boat* for a continual period of ten (10) days or more is prohibited in all *use zones*, except in association with the following:
 - i. A *lot* with two (2) or less *DUs*, wherein one (1) *boat* is permitted per *DU*;
 - ii. *Automotive establishment, service – large and small*;
 - iii. *Automotive establishment, dealership – seasonal*;
 - iv. *Marina*;
 - v. *Fishing*;
 - vi. *Shipyards*; and
 - vii. Commercial, seasonal *outdoor storage*.

C.16 EARTH EXPLORATION

- (a) A *development permit* is required for *uses* in the *earth exploration use division* which constitute *development* under the *Act*, including, but not limited to, borehole drilling, trenching, and the clearing of associated *access* trails.

(Note: Exploration activities that do not constitute *development* under the *Act* cannot be regulated under the Town’s *Plan* and *Regulations*. These activities fall outside of the scope of *mineral exploration* and *petroleum exploration* as defined in these *Regulations*, and include, but are not limited to, prospecting, ground-based geophysical surveys, and geochemical sampling surveys.)
- (b) Additional governmental permits may be required for the various *uses* in the *earth exploration use division* including, but not limited to, *mineral exploration* (Mines Branch of the *DNR*) and *archaeological/historical research exploration* (Provincial Archaeology Office of the *DTCII*).

C.17 MINERAL WORKINGS

- (a) The *Applicant* of a *mineral working* shall submit a *site plan* in accordance with subsection B.1, which should adhere to the following *setbacks*.

Feature	Required Minimum Setback
i. CD or RES <i>use zone</i> boundary	300m (984ft)
ii. <i>Lot line</i> of a <i>lot</i> containing an existing <i>residential use</i> or <i>educational use</i> (primary or elementary school only)	300m (984ft)
iii. <i>Public street</i>	30.0m (98.74ft)
iv. <i>Watercourse</i> or ocean	50m (164ft)

Table 8: Required Setbacks for Mineral Workings

- (b) Where the setbacks in Table 8 cannot be achieved, the *mineral working* may be considered and approved by *Council* in the same manners as a *discretionary use* under subsection [A.2.2.8](#), thereby requiring public notice (see subsection [A.2.2.12](#)).
- (c) A proposed *residential use* or *educational use* (primary and elementary school only) within 300m (984ft) of an existing *mineral working* or MQ *use zone* boundary may be considered and approved in the same manner as a *discretionary use* under subsection [A.2.2.8](#), thereby requiring public notice (see subsection [A.2.2.12](#)).
- (d) In considering discretionary approval under subsections (b) or (c), or in allowing a reduced *setback*, *Council* shall consider the potential for adverse affects of the *mineral working development* on adjacent *uses* and/or natural features. Where satisfied that potential adverse effects will be mitigated, *Council* may approve the *development*.
- (e) In accordance with subsections [A.2.1.6](#) and [A.2.2.7](#), the *Delegated Employee* or *Council* may require the site to be screened (see subsection [B.15](#)) or fenced with controlled access for safety and security purposes.
- (f) Further to subsection (e) and in considering the imposition of *screening* and/or fencing as a condition, the *Delegated Employee* or *Council* shall take into consideration existing site conditions such as previously established *mineral working* activity and proposed work areas (i.e. *screening* and/or fencing may be applied to a portion of the site where work is proposed as opposed to the entire *mineral working lot*).
- (g) A *mineral working* shall not serve as a storage place or dump for toxic materials, scrap iron, domestic wastes, construction residues, or any other material likely to be harmful to the environment.
- (h) Despite subsection [A.2.1.4](#) (m), a *development permit* for a *mineral working* shall be active for a period no longer than:
 - i. One (1) year where a quarry permit has been issued by the Mineral Lands Division of the *DNR*; or
 - ii. Five (5) years where a quarry lease has been issued by the Mineral Lands Division.
- (i) Following the expiration of a *development permit* for a *mineral working* under (h), and if not renewed by the *Delegated Employee* or *Council*, the land shall be restored as follows:
 - i. The plant, equipment, *buildings*, or *structures* installed on the site for excavation purposes shall be removed;
 - ii. All stockpiles, earth, sand, gravel, or other material shall be placed back in the excavation, spread out on the site, or removed from the site;
 - iii. The site must be levelled or sloped in such a manner that would allow less than 0.61m (2.0ft) of accumulated water;
 - iv. All debris shall be removed from the site; and
 - v. Any additional site rehabilitation requirements stipulated by the Mineral Lands Division.

- (j) For any *development permit* issued under subsections [A.2.1.4](#) or [A.2.2.3](#), and where the extraction of *quarry materials* is occurring or may be expected to occur, the *Delegated Employee* or *Council* shall send a copy of said *development permit* to the Mineral Lands Division. (Note: *Quarry materials* include, but are not limited to, aggregate, fill, rock, stone, gravel, sand, clay, borrow material, topsoil, overburden, subsoil, and peat.)

C.18 LIVESTOCK AND BACKYARD POULTRY COOPS

General Livestock Regulations

- (a) No new *development* for the housing of more than five (5) *livestock animal units* shall be within 610m (2001ft) of an *RES use zone* boundary or a *lot line* of a *lot* containing an existing *residential use*. This includes the erection or placement of new *buildings* or *structures* or the re-use or re-purposing of existing *buildings* or *structures*.
- (b) Any proposed *residential use* shall have a *setback* of 610m (2001ft) from an existing *development* housing more than five (5) *animal units*, or a *large scale agricultural use*.
- (c) The *setbacks* in (a) and (b) shall not apply to *residential uses* that are *accessory uses* to *agricultural uses* (e.g. farm houses, see [C.19](#)).
- (d) Any new *building* or *structure* for the housing of more than five (5) *animal units* shall have a *setback* of 45.0m (147.6ft) from any *lot line*.
- (e) Any new *development* for the housing of more than five (5) *animal units* shall be referred to Service NL and the Agrifoods Development Branch of the Forestry and Agrifoods Agency for review.

Backyard Poultry Coops

- (f) As defined in '[Appendix B: Definitions](#)', a *backyard poultry coop* means the keeping of up to four (4) hens or ducks in a *coop structure* as an *accessory use* to a *residential building(s)* on the same *lot*.
- (g) A *backyard poultry coop* shall have a *setback* of 10.0m (32.8ft) from any *lot line*.
- (h) Male chickens (roosters) are prohibited.
- (i) The on-site slaughter of animals is prohibited.

C.19 FARM HOUSES

- (a) A maximum of one (1) *accessory use, dwelling* may be developed on the same *lot* containing any of the following *main agricultural uses*:
- Abattoir*;
 - Commercial*;
 - Feed mill*; or
 - Research farm*.
- (b) The *accessory use, dwelling* under (a) shall be one (1) of the following *residential uses*:
- Micro*;

- ii. *Mini home;*
- iii. *Mobile home; or*
- iv. *Single unit.*



Section D: Subdivision

D.1 DEVELOPMENT PERMIT

Development Permit Required

- (a) No land in the MPA shall be subdivided unless a *development permit* is first obtained from the *Delegated Employee* or *Council*.

Form of Application and Issue of Development Permit Subject to Considerations

- (b) The *Delegated Employee* or *Council* shall review a *development permit application* to subdivide land in accordance with subsections [A.2.1.2](#) and [A.2.2.2](#) and shall, in considering approval of the *subdivision*, take into account potential impacts of the proposed *development* on matters outlined in subsection [A.2.1.3](#) (a).
- (c) The *Delegated Employee* or *Council* may require any or all of the *site plan* requirements outlined under subsection [B.1](#) to be included on a tentative plan of *subdivision*.

Forwarding Subdivision Development Applications to Council

- (d) In accordance with subsection [A.2.2.15](#), the *Delegated Employee* shall forward a *subdivision development application* for the creation of a new *lot* that does not directly access or front onto a *public street*.
- (e) In accordance with subsection [A.2.2.16](#), the *Delegated Employee* shall forward a *subdivision development application* requiring the extension or creation of new *public streets* to *Council* for a decision.
- (f) In accordance with subsection [A.2.1.7](#), the *Delegated Employee* may forward any *subdivision development application* to *Council* for a decision.

D.2 COMPREHENSIVE OR COMPLEX SUBDIVISION DEVELOPMENTS

Proposals for the *subdivision* of land for comprehensive or complex *developments* including, but not limited to, *commercial*, *industrial*, *institutional*, *residential*, or *transportation uses* shall be required to provide information on:

- (a) The physical features of the site including *development* opportunities and constraints;
- (b) The layout of proposed *lots*, blocks, and other parcels;
- (c) The layout of existing and future *streets* and any proposed connections to and therefrom;
- (d) The proposed overall time frame and phases of the *subdivision development*;
- (e) Existing *accesses* or right-of-ways;
- (f) Existing *public utility* infrastructure and *easements*;
- (g) Provisions for *utilities* required for the *subdivision development*;
- (h) Proposed servicing including water, sanitary, and storm-water management;
- (i) The compatibility between the *subdivision* and surrounding *land uses*, both existing and future; and
- (j) Opportunities for *active transportation* connections to public spaces, *parks*, and trails to and from the proposed *subdivision development*.

D.3 SERVICES TO BE PROVIDED

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

D.4 PAYMENT OF SERVICE LEVIES AND OTHER CHARGES

No *development permit* shall be issued for the *development* of a *subdivision* until agreement has been reached for the payment of all fees levied by the *Town* for connection to services, *public utilities*, and *streets* deemed necessary for the proper *development* of the *subdivision*; and all service levies and other charges imposed under subsection B.2.

D.5 DEVELOPMENT AGREEMENT

- a) As a condition of approval for new *developments* and in accordance with subsections A.2.1.6 and A.2.2.7, the *Delegated Employee* or *Council* may require a developer to enter into an agreement with the *Town*.
- b) Such agreements shall be negotiated between the developer and the *Delegated Employee* or *Council* for financing and *development* of services provided to the site.
- c) The agreement shall include specifications for water and sewer infrastructure, storm-water drainage, *streets*, sidewalks, *open space uses*, as well as school bus stops, and neighbourhood mailboxes, where required.

D.6 NEW LOTS, FRONTING ONTO A PUBLIC STREET AND ACCESS

- (a) Any *lot* created within the *MPA* must front onto and have direct *access* to a *public street*.

- (b) Despite (a), *Council* may approve a *subdivision development application* for the creation of a new *lot* that does not front onto and have direct access to a *public street* in accordance with subsections [A.2.2.15](#).

D.7 LOT CREATION STANDARDS

The creation of a new *lot* shall be in accordance with the following table:

New Lot for Use Requiring Services	(a) Minimum Lot Area	(b) Minimum [Lot] Frontage	(c) Minimum Lot Streetage	(d) Minimum Lot Depth
I. Municipal water and on-site septic	i. 1400m ² (0.35 acres)	i. 8.0m (26.2ft)— <i>back lot</i> (see A.2.2.17 and D.15) ii. 12.0m (39.4ft)— on turnaround of cul-de-sac iii. 23.0m (75.5ft)— All other	i. 8.0m (26.2ft)— <i>back lot</i> (see A.2.2.17 and D.15) ii. 14.0m (45.9ft)— on turnaround of cul-de-sac iii. 15.0m (49.2ft)— All other	i. 30m (98.4ft)
II. Well water and on-site septic	i. 1860m ² (0.46 acres)	i. 8.0m (26.2ft)— <i>back lot</i> (see A.2.2.17 and D.15) ii. 13.0m (42.7ft)— on turnaround of cul-de-sac iii. 30.0m (98.4ft)— All other	i. 8.0m (26.2ft)— <i>back lot</i> (see A.2.2.17 and D.15) ii. 15.0m (49.2ft)— on turnaround of cul-de-sac iii. 18.0m (59.1ft)— All other	i. 35m (114.8ft)
III. No municipal or on-site services required for use	No minimum (see D.9.1 (a))			

Table 9: Lot Creation Standards

D.8 LAND FOR PUBLIC OPEN SPACE

- (a) Before a *development* commences, the developer shall, if required, dedicate to the *Town* (at no cost to the *Town*) an area of land equivalent to not more than 10% of the gross area of the *subdivision* for public open space, provided that:
- i. Where land is subdivided for any purpose other than *residential use*, the *Delegated Employee* or *Council* shall determine the percentage of land to be dedicated;
 - ii. If, in the opinion of the *Delegated Employee* or *Council*, no public open space is required, the land may be used for such other public use as the authority may determine;
 - iii. The location and suitability of any land dedicated under the provisions of this regulation shall be subject to the approval of the *Delegated Employee* or *Council*, but in any case, the authority shall not accept land which, in its opinion, is incapable of *development* for any purpose;

- iv. The *Delegated Employee* or *Council* may accept from the developer, in lieu of such area or areas of land, the payment of a sum of money equal to the value of the land which would otherwise be required to be dedicated; and
 - v. Money received by the authority under iv. shall be reserved by the *Town* for the purpose of the acquisition or *development* of land for public open space or other public purpose.
- (b) Land dedicated for public *open space use* in accordance with this regulation shall be conveyed to the *Town* and may be sold or leased by the *Town* for the purposes of any *development* that conforms with the requirements of these *Regulations*; and the proceeds of any sale or other disposition of land shall be applied against the cost of acquisition or *development* of any other land for the purposes of public *open space use* or other public purposes.
- (c) The *Delegated Employee* or *Council* may require a strip of land to be reserved and remain undeveloped adjacent to a *waterway* or along an ocean shoreline; and this land may constitute the requirement of land for public *open space use* under (a).

D.9 SUBDIVISION DESIGN STANDARDS

D.9.1 GENERAL STANDARDS

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

- (a) Land shall not be subdivided in such a manner as to prejudice the *development* of adjoining land.
- (b) *Council* may require any existing natural, historical, or architectural feature or part thereof to be retained when a *subdivision* is developed.
- (c) The finished grade of *streets* shall not exceed 10%.
- (d) New *subdivisions* shall have *street* connections with an existing *public street* or *streets*.
- (e) All *street* intersections shall be constructed within five (5) degrees of a right angle, and this alignment shall be maintained for 30.0m (98.4ft) from the intersection.
- (f) No *street* intersection shall be closer than 60.0m (196.9ft) to any other *street* intersection.
- (g) No more than four (4) *streets* shall join at any *street* intersection.
- (h) No residential *street* block shall be longer than 490m (1608ft) in between *street* intersections.

[Note: This regulation is continued on the next page.]

- (i) *Streets in subdivisions with mainly residential uses* shall be designed in accordance with the approved standards of *Council*; but in the absence of such standards, shall conform to the following minimum standards:

Type of Street	Street Reservation	Pavement Surface Width	Sidewalk Width	Number of Sidewalks
<i>Collector</i>	20.0m (65.6ft)	15.0m (49.2ft)	1.5m (4.9ft)	Discretion of <i>Council</i>
<i>Local</i>	12.2m (40.0ft)	9.0m (29.5ft)		Discretion of <i>Council</i>

Table 10: Minimum Standards for Streets in Subdivisions with Mainly Residential Uses

D.9.2 CUL-DE-SACS

- (a) In accordance with policy B.2.4.2 (8) of the *Plan*, cul-de-sacs are discouraged by *Council*.
- (b) Where permitted by *Council*, the following design standards apply to cul-de-sacs:
- i. The maximum length of a cul-de-sac shall be 200m (656ft).
 - ii. The end of a cul-de-sac shall be provided with a turning circle with a minimum diameter of 30.0m (98.4ft).
 - iii. Where the head of a cul-de-sac is within 125m (410ft) of an existing *public street*, an emergency *vehicle* access with a minimum clear width of 6.0m (19.7ft) shall connect the head of the cul-de-sac with the nearest adjacent *public street*.
 - iv. No cul-de-sac shall be located so as to appear to terminate an *arterial* or *collector street*.

D.10 ENGINEER TO DESIGN WORKS AND CERTIFY CONSTRUCTION LAYOUT

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

D.11 STREET WORKS MAY BE DEFERRED

- (a) The construction and installation of all curbs and gutters, catch basins, sidewalks and paving specified by *Council* may be deferred until a later stage of the work on the *development*.

- (b) Prior to approval, the developer shall deposit with *Council* an amount estimated by the *professional engineer* as sufficient to cover construction and installation costs.
- (c) In the later stage of the work of *development*, *Council* shall call for tenders for construction and installation of the works, and the amount so deposited by the developer under (b) shall be applied towards payment of the contract cost.
- (d) If the contract cost under (c) exceeds the deposit under (b), the developer shall pay to *Council* the amount of the excess.
- (e) If the contract cost under (c) is less than the deposit under (b), *Council* shall refund the amount by which the deposit exceeds the contract price.
- (f) Any amount so deposited with *Council* by the developer shall be placed in a separate savings account in a bank and all interest earned shall be credited to the developer.

D.12 TRANSFER OF STREETS AND UTILITIES TO THE TOWN

- (a) Where required by the terms of a *development* agreement, the developer shall, following the approval of the *subdivision* of land and upon request of *Council*, transfer to the *Town*, at no cost to the *Town*, and clear of all liens and encumbrances:
 - i. All lands in the area proposed to be developed or subdivided which are approved and designated by *Council* for public uses as *streets*, or rights-of-way, or for other public use; and
 - ii. All services or public works including *streets*, water supply and distribution, sanitary and storm drainage systems installed in the *subdivision* that are normally owned and operated by *Council*.
- (b) Before *Council* shall accept the transfer of lands, services, or public works of any *subdivision*, the *professional engineer* shall, at the cost to the developer, test the *streets*, services, and public works installed in the *subdivision* and certify his or her satisfaction with their installation.
- (c) *Council* shall not provide maintenance for any *street*, service, or public work in any *subdivision* until such time as such *street*, service, or public work has been transferred to and accepted by *Council*.

D.13 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 *development 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 *public street* is provided for the *lots*.

D.14 SUBDIVISION LOT AREA AND NON-CONFORMANCE

- (a) No *lot* shall be reduced in *lot area*, either by the conveyance or alienation of any portion thereof or otherwise, so that any *building* or *structure* on such *lot* shall have a *lot coverage* that exceeds,

or a *front yard, rear yard, side yard, [lot] frontage, lot streetage, or lot area* that is less than that permitted by these *Regulations* for the *use zone* in which such *lot* is located.

- (b) 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 *lot area* thereof available for *building* purposes.
- (c) The *Delegated Employee* or *Council* may issue a *development permit* for the increase in *lot area* of any undersized *lot*, despite that it may still have less than the minimum *[lot] frontage, lot streetage, depth, or area* required by these *Regulations*, provided that this increase does not further reduce an adjacent *lot* which may be below the standard set out in these *Regulations*.

D.15 BACK LOT CREATION STANDARDS

- (a) An *application* for the creation of a *back lot* and associated *development* shall be treated in the same manner as a *discretionary use* by *Council* in accordance with subsections [A.2.2.8](#) and [A.2.2.17](#), thereby requiring public notice (see subsection [A.2.2.12](#)).
- (b) No *back lot* shall be created for *development* purposes unless the following provisions are met:
 - i. Despite the minimum *lot area* requirements under subsection [D.7'](#) the minimum *lot area* requirements shall apply to the developable area of the *lot*, in addition to any *lot area* required for the *access strip*;
 - ii. The *back lot* shall have a minimum *[lot] frontage* and *lot streetage* of 8.0m (26.2ft);
 - iii. The *back lot* shall not be created adjacent to an existing *back lot*; and
 - iv. The *back lot* shall have permanent and direct access to a *public street*.
- (c) In issuing a *development permit* for the creation of a *back lot* for a proposed *development*, the following provisions shall apply:
 - i. No *buildings* or *structures* shall be erected or placed on the *access strip*;
 - ii. A minimum of 6.0m (19.7ft) clear *driveway* width must be maintained along the *access strip*;
 - iii. The *driveway* must be designed to support the expected loads imposed by firefighting equipment and be surfaced with concrete, asphalt, or other material designed to permit accessibility under all climatic conditions;
 - iv. A minimum of 5.0m (16.4ft) overhead clearance must be maintained along the *access strip*, which includes, but is not limited to, the regular maintenance and cutting back of vegetation; and
 - v. The regular parking of *vehicles* shall occur on the developable portion of the *back lot* as not to impede the *access strip*.
- (d) *Council* may, in accordance with subsection [A.2.2.7](#), add the following as conditions to a *development permit* for the creation of a *back lot*:

- i. Screening (see subsection [B.15](#)) along one (1) or two (2) sides of the *access strip* to ensure privacy between adjacent *lots*;
- ii. Additional provisions for site drainage due to an increase in impermeable surface; and/or
- iii. Any other conditions required to minimize the impact of the proposed *development* on matters outlined in subsection [A.2.1.3](#) (a).

(e) The *access strip* shall be established in accordance with the following table:

Access Strip	Requirement
i. Minimum length	25.0m (82.0ft)
ii. Maximum length	90.0m (295ft)
iii. Minimum width throughout entire length	8.0m (26.2ft)
iv. Minimum width where <i>screening</i> is required on one (1) side (see (d))	9.0m (29.5ft)
v. Minimum width where <i>screening</i> is required on two (2) sides (see (d))	10.0m (32.8ft)
vi. Maximum slope	12% grade

Table 11: Access Strip Requirements for Back Lots

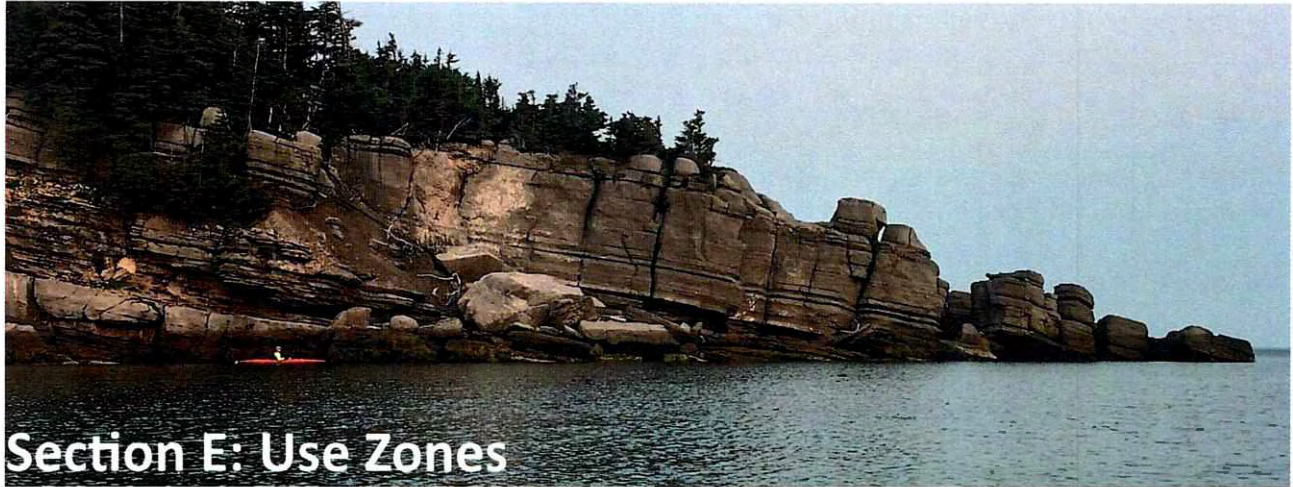
D.16 SUBDIVISION ALONG PARTY WALL OF ROW HOUSE DWELLING

The *Delegated Employee* or *Council* may approve the *subdivision* of property along the party wall(s) of a *row house single dwelling* or *row house double dwelling* in accordance with the following:

- (a) Each *lot* shall have individual services including, but not limited to, *public utilities*, municipal water, on-site well and septic;
- (b) Each *lot* shall have individual *accesses* to a *public street*; and
- (c) Except for the minimum *side yard* requirement, as exempted under subsection [C.10](#), all other *lot creation* and *lot development standards* are met under subsections [D.7](#) and [E.1.7](#), respectively.

D.17 UNSERVICED SUBDIVISION DEVELOPMENT

The *Delegated Employee* or *Council* shall forward any proposal for an unserviced *subdivision development* on a new *street* to the provincial Water Resources Management Division for review.



E.1 INTERPRETATION OF USE ZONES

E.1.1 ZONING MAP

The *Zoning Map* ('Schedule A: Land Use Zones Map') divides the *Town* into *use zones* for which the regulatory provisions of this section apply.

E.1.2 USE ZONES NOT ON MAP

- (a) The *Zoning Map* may be amended to utilize any *use zone* in these *Regulations*, regardless of whether or not such *use zone* has previously appeared on the *Zoning Map*.
- (b) An amendment under (a) must be carried out in accordance subsection [A.2.2.11](#).

E.1.3 USE ZONE BOUNDARIES

Where on the *Zoning Map* the boundary of a *use zone* is uncertain, the boundary shall follow the *Municipal Planning Area*, *street line*, *easement*, *right-of-way*, *trail*, *walkway*, nearest cliff edge adjacent to a *watercourse* or ocean shoreline, or outermost reach of a *watercourse* where no discernible cliff edge is present.

E.1.4 MULTIPLE USE ZONES ON ONE LOT

Where a *lot* falls within two (2) or more *use zones*, the provisions of each *use zone* shall apply to each applicable portion of the *lot* as if each zoned portion is a separate *lot*.

E.1.5 PERMITTED, DISCRETIONARY, AND PROHIBITED USES

- (a) Subject to these *Regulations*, *uses* that fall within the *permitted use* row (P) of the respective *use zone table* of subsection [E.2](#) shall be permitted in the respective *use zone*;
- (b) Subject to these *Regulations* (see subsection [A.2.2.8](#)) and at the discretion of *Council*, *uses* that fall within the *discretionary use* row (D) of the respective *use zone table* of subsection [E.2](#) may be permitted in the respective *use zone*; and

(c) *Uses that fall within the prohibited use row (X) of the respective use zone table of subsection E.2 shall be explicitly prohibited in the respective use zone.*

E.1.6 MULTIPLE USES ON ONE LOT

Where a *lot* contains more than one (1) *main use*, each *use* shall conform to the applicable provisions of the *Plan* and *Regulation*.

E.1.7 LOT DEVELOPMENT STANDARDS

No *main building* or *structure* may be placed, erected, or altered to become one (1) of the *main uses* on a *lot*, except in accordance with the criteria set out in the table under the 'Lot Development Standards' heading for each respective *use zone*.

E.2 USE ZONE REGULATIONS

E.2.1 COMMUNITY DEVELOPMENT (CD) USE ZONE

E.2.1.1 Use Zone Table (CD)

		I. Use Group	II. Use Division	III. Use
(a) Agricultural	(P)	(N/A)	(N/A)	i. Community garden ii. Hobby garden
	(D)	i. Any agricultural use not outlined in (P) or (X) is a discretionary use.	(N/A)	(N/A)
	(X)	(N/A)	(N/A)	(N/A)
(b) Commercial	(P)	i. A permitted commercial use under II. or III. shall be within a building with footprint of $\leq 500\text{m}^2$, otherwise said commercial use shall be considered in the same manner as a discretionary use as if listed under (D), thereby requiring public notice (see subsection A.2.2.12). ii. Regulation i. does not apply to non-building uses or the re-use of an existing building.	i. Indoor accommodation	i. Bar/pub/night club ii. Catering service iii. Commercial lot – parking iv. Communication use v. Craft workshop vi. Dry cleaning / laundry store vii. Entertainment use – indoor viii. Farmers' market ix. Home business (see C.3) x. Office xi. Personal service shop – apparel xii. Personal service shop – appearance xiii. Printing centre xiv. Restaurant (without drive-thru) xv. Retail store xvi. Service and repair – household xvii. Service centre xviii. Special function tent xix. Warehouse / indoor storage
	(D)	i. Any commercial use not outlined in (P) or (X) is a discretionary use.	(N/A)	(N/A)
	(X)	(N/A)	i. Adult establishment	(N/A)
(c) Industrial	(P)	(N/A)	(N/A)	(N/A)
	(D)	(N/A)	(N/A)	i. Contractor's shop ii. Contractor's yard iii. Distribution use iv. Dry cleaning plant

				<ul style="list-style-type: none"> v. Food and beverage processing facility vi. Manufacturing – light vii. Micro-brewery viii. Mini storage warehouse ix. Publishing facility x. Recycling depot xi. Service and repair – small engine repair
	(X)	i. Any industrial use not outlined in (P) or (X) is a prohibited use.	(N/A)	(N/A)
(d) Institutional	(P)	<ul style="list-style-type: none"> i. A permitted institutional use under II. or III. shall be within a building with footprint $\leq 500m^2$, otherwise said institutional use shall be considered in the same manner as a discretionary use as if listed under (D), thereby requiring public notice (see subsection A.2.2.12). ii. Regulation i. does not apply to non-building uses or the re-use of an existing building. 	(N/A)	<ul style="list-style-type: none"> i. Assembly hall ii. Child care service – centre based iii. Child care service – family iv. Community centre v. Communication use vi. Cultural establishment vii. Educational use viii. Governmental use ix. Hospital x. Instructional use xi. Laboratory xii. Library xiii. Medical clinic xiv. Mobile education / instructional use xv. Personal care home – institutional xvi. Pet care services xvii. Philanthropic use xviii. Place of worship xix. Research and development xx. Safety emergency services xxi. Service centre xxii. Social organization xxiii. Special function tent
	(D)	i. Any institutional use not outlined in (P) or (X) is a discretionary use.	(N/A)	(N/A)
	(X)	(N/A)	(N/A)	(N/A)
(e) Open Space	(P)	i. All open spaces uses are permitted uses.	(N/A)	(N/A)
	(D)	(N/A)	(N/A)	(N/A)
	(X)	(N/A)	(N/A)	(N/A)

(f) Residential	(P)	(N/A)	(N/A)	<ul style="list-style-type: none"> i. Single unit dwelling ii. Double unit dwelling iii. Micro dwelling iv. Mini home dwelling v. Mobile home dwelling vi. Multi-unit dwelling (3 – 4 DUs) vii. Personal care home – residential viii. Row house double dwelling (≤4DUs for entire building; 2DUs per lot) ix. Row house single dwelling (≤4DUs for entire building; 1DU per lot)
	(D)	i. Any residential use not outlined in (P) or (X) is a discretionary use.	(N/A)	(N/A)
	(X)	(N/A)	(N/A)	i. Cottage – private cluster
(g) Resource	(P)	(N/A)	i. Earth Exploration	<ul style="list-style-type: none"> i. Fishing ii. Hunting/trapping
	(D)	(N/A)	(N/A)	<ul style="list-style-type: none"> i. Forestry ii. Mineral Working
	(X)	i. Any resource use not outlined in (P) or (D) is a prohibited use.	(N/A)	(N/A)
(h) Sign (see C.2)	(P)	i. Any sign use not outlined in (D) or (X) is a permitted use.	(N/A)	(N/A)
	(D)	(N/A)	(N/A)	<ul style="list-style-type: none"> i. Billboard sign (see C.2.2.2) ii. Electronic message board sign (see C.2.2.2)
	(X)	(N/A)	(N/A)	(N/A)
(i) Transportation	(P)	(N/A)	(N/A)	i. Transportation hub (small craft dock or slipway only)
	(D)	i. Any transportation use not outlined in (P) or (X) is a discretionary use.	(N/A)	(N/A)
	(X)	(N/A)	(N/A)	(N/A)

(j) Utility	(P)	(N/A)	(N/A)	i. Access ii. Public utilities iii. Street
	(D)	(N/A)	(N/A)	i. Private wind energy system (see C.5)
	(X)	(N/A)	(N/A)	(N/A)

E.2.1.2 Lot Development Standards (CD)

The *development of a lot* in the CD use zone shall be in accordance with the following table:

(i) Minimum Main Building/Structure	
i. Side yard	3.0m (9.8ft)
ii. Rear yard	6.0m (19.7ft)
iii. Setback from street line	See B.11
iv. Setback from any other lot line not outlined above	3.0m (9.8ft)
(ii) Maximum Main Building/Structure	
i. Height	12.5m (41.0ft); anything higher shall be considered similar to a <i>discretionary use</i> under subsection A.2.2.8 , thereby requiring public notice (see subsection A.2.2.12)
ii. Lot coverage (also includes accessory buildings)	30%

E.2.2 RURAL (RU) USE ZONE

E.2.2.1 Use Zone Table (RU)

		I. Use Group	II. Use Division	III. Use
(a) Agricultural	(P)	(N/A)	i. Large scale (see C.18 and C.19) ii. Small Scale	(N/A)
	(D)	(N/A)	(N/A)	(N/A)
	(X)	(N/A)	(N/A)	(N/A)
b) Commercial	(P)	(N/A)	(N/A)	i. Special function tent ii. Vending facility
	(D)	(N/A)	(N/A)	i. Campground ii. Cottage – resort cluster iii. Entertainment use – outdoor iv. Equestrian facility v. Golf course vi. Public exhibition grounds vii. Race track viii. Recycling depot ix. Warehouse/indoor storag
	(X)	i. Any commercial use not outlined in (P) or (D) is a prohibited use	(N/A)	(N/A)
(c) Industrial	(P)	(N/A)	(N/A)	(N/A)
	(D)	i. All industrial uses are discretionary uses.	(N/A)	(N/A)
	(X)	(N/A)	(N/A)	(N/A)
(d) Institutional	(P)	(N/A)	(N/A)	i. Mobile education / instructional use ii. Safety emergency services iii. Special function tent
	(D)	(N/A)	i. Posthumous	i. Animal shelter ii. Equestrian facility iii. Government use iv. Kennel v. Public exhibition grounds vi. Research and development vii. Research farm viii. Zoo
	(X)	i. Any institutional use not outlined in (P) and (D) is a prohibited use.	(N/A)	(N/A)

(e) Open Space	(P)	i. All open spaces uses are permitted uses.	(N/A)	(N/A)
	(D)	(N/A)	(N/A)	(N/A)
	(X)	(N/A)	(N/A)	(N/A)
(f) Residential	(P)	(N/A)	(N/A)	(N/A)
	(D)	(N/A)	(N/A)	(N/A)
	(X)	i. All residential uses are prohibited uses.	(N/A)	(N/A)
(g) Resource	(P)	i. All resource uses are permitted uses.	(N/A)	(N/A)
	(D)	(N/A)	(N/A)	(N/A)
	(X)	(N/A)	(N/A)	(N/A)
(h) Sign (see C.2)	(P)	i. Any sign use not outlined in (D) and (X) is a permitted use.	(N/A)	(N/A)
	(D)	(N/A)	(N/A)	i. Billboard sign (see C.2.2.2) ii. Electronic message board sign (see C.2.2.2)
	(X)	(N/A)	(N/A)	(N/A)
(i) Transportation	(P)	(N/A)	(N/A)	i. Transportation hub (small craft dock or slipway only)
	(D)	i. Any transportation use not outlined in (P) or (X) is a discretionary use.	(N/A)	(N/A)
	(X)	(N/A)	(N/A)	i. Dispatch service
(j) Utility	(P)	i. All utility uses are permitted uses.	(N/A)	(N/A)
	(D)	(N/A)	(N/A)	(N/A)
	(X)	(N/A)	(N/A)	(N/A)

E.2.2.2 Lot Development Standards (RU)

The *development of a lot* in the RU use zone shall be in accordance with the following table:

(a) Minimum Main Building/Structure	
i. <i>Side yard</i>	6.0m (19.7ft)
ii. <i>Rear yard</i>	6.0m (19.7ft)
iii. <i>Setback from street line</i>	See B.11
iv. <i>Setback from any other lot line not outlined above</i>	6.0m (19.7ft)
(b) Maximum Main Building/Structure	
i. <i>Height</i>	(N/A)
ii. <i>Lot coverage (also includes accessory buildings)</i>	30%

E.2.3 RESIDENTIAL (RES) USE ZONE

E.2.3.1 Use Zone Table (RES)

		I. Use Group	II. Use Division	III. Use
(a) Agricultural	(P)	(N/A)	(N/A)	i. Community garden ii. Hobby garden
	(D)	(N/A)	(N/A)	i. Backyard poultry coop
	(X)	i. Any agricultural use not outlined in (P) or (D) is a prohibited use.	(N/A)	(N/A)
b) Commercial	(P)	(N/A)	(N/A)	i. Home business (see <u>C.3</u>)
	(D)	(N/A)	(N/A)	i. Home industry (see <u>C.3</u>) ii. Special function tent iii. Vending facility
	(X)	i. Any commercial use not outlined in (P) or (D) is a prohibited use.	(N/A)	(N/A)
(c) Industrial	(P)	(N/A)	(N/A)	(N/A)
	(D)	(N/A)	(N/A)	(N/A)
	(X)	i. All industrial uses are prohibited uses.	(N/A)	(N/A)
(d) Institutional	(P)	(N/A)	(N/A)	(N/A)
	(D)	(N/A)	(N/A)	i. Child care service – family ii. Mobile educational / instructional use iii. Philanthropic use iv. Place of worship v. Special function tent
	(X)	i. Any institutional use not outlined in (P) or (D) is a prohibited use.	(N/A)	(N/A)
(e) Open Space	(P)	i. Any open space use not outlined in (D) or (X) is a permitted use.	(N/A)	(N/A)
	(D)	(N/A)	(N/A)	(N/A)
	(X)	(N/A)	(N/A)	i. Interpretive centre

(f) Residential	(P)	(N/A)	(N/A)	i. Single unit dwelling ii. Double unit dwelling iii. Row house double dwelling iv. Row house single dwelling
	(D)	(N/A)	(N/A)	(N/A)
	(X)	i. Any residential use not outlined in (P) or (D) is a prohibited use.	(N/A)	(N/A)
(g) Resource	(P)	(N/A)	(N/A)	(N/A)
	(D)	(N/A)	(N/A)	(N/A)
	(X)	i. All resource uses are prohibited uses.	(N/A)	(N/A)
(h) Sign (see C.2)	(P)	(N/A)	(N/A)	i. One (1) facial wall sign in conjunction with a home business or home industry.
	(D)	(N/A)	(N/A)	(N/A)
	(X)	i. Any sign use not outlined in (P) or (D) is a prohibited use.	(N/A)	(N/A)
(i) Transportation	(P)	(N/A)	(N/A)	(N/A)
	(D)	(N/A)	(N/A)	i. Transportation hub (small craft dock or slipway only)
	(X)	i. Any transportation use not outlined in (P) or (D) is a prohibited use.	(N/A)	(N/A)
(j) Utility	(P)	(N/A)	(N/A)	i. Access ii. Public utilities iii. Street
	(D)	(N/A)	(N/A)	i. Private wind energy system (see C.5)
	(X)	(N/A)	(N/A)	(N/A)

E.2.3.2 Lot Development Standards (RES)

The *development* of a *lot* in the RES use zone shall be in accordance with the following table:

(a) Minimum Main Building/Structure	
i. <i>Side yard</i>	3.0m (9.8ft)
ii. <i>Rear yard</i>	6.0m (19.7ft)
iii. <i>Setback from street line</i>	See B.11
iv. <i>Setback from any other lot line not outlined above</i>	3.0m (9.8ft)
(b) Maximum Main Building/Structure	
i. <i>Height</i>	12.5m (41.0ft); anything higher shall be considered similar to a <i>discretionary use</i> under subsection A.2.2.8 , thereby requiring public notice (see subsection A.2.2.12)
ii. <i>Lot coverage (also includes accessory buildings)</i>	20%

E.2.4 CONSERVATION (C) USE ZONE

E.2.4.1 Use Zone Table (C)

		I. Use Group	II. Use Division	III. Use
(a) Agricultural	(P)	(N/A)	(N/A)	(N/A)
	(D)	(N/A)	(N/A)	i. Community garden ii. Hobby garden
	(X)	i. Any agricultural use not outlined in (P) or (D) is a prohibited use.	(N/A)	(N/A)
(b) Commercial	(P)	(N/A)	(N/A)	(N/A)
	(D)	(N/A)	(N/A)	i. Special function tent ii. Vending facility
	(X)	i. Any commercial use not outlined in (P) or (D) is a prohibited use.	(N/A)	(N/A)
(c) Industrial	(P)	(N/A)	(N/A)	(N/A)
	(D)	(N/A)	(N/A)	(N/A)
	(X)	i. All industrial uses are prohibited uses.	(N/A)	(N/A)
(d) Institutional	(P)	(N/A)	(N/A)	(N/A)
	(D)	(N/A)	(N/A)	i. Mobile educational / instructional use ii. Special function tent
	(X)	i. Any institutional use not outlined in (P) or (D) is a prohibited use.	(N/A)	(N/A)
(e) Open Space	(P)	(N/A)	(N/A)	i. Water Supply ii. Area of natural, historic, or scientific interested iii. Passive park (public or private)
	(D)	(N/A)	(N/A)	i. Interpretive centre ii. Active park (public or private)
	(X)	(N/A)	(N/A)	(N/A)
(f) Residential	(P)	(N/A)	(N/A)	(N/A)
	(D)	(N/A)	(N/A)	(N/A)
	(X)	i. All residential uses are prohibited uses.	(N/A)	(N/A)

(g) Resource	(P)	(N/A)	i. Earth Exploration	(N/A)
	(D)	(N/A)	(N/A)	(N/A)
	(X)	i. Any resource use not outlined in (P) or (D) is a prohibited use.	(N/A)	(N/A)
(h) Sign (see C.2)	(P)	i. Any sign use not outlined in (D) or (X) is a permitted use.	(N/A)	(N/A)
	(D)	(N/A)	(N/A)	i. Electronic message board sign
	(X)	(N/A)	(N/A)	i. Billboard
(i) Transportation	(P)	(N/A)	(N/A)	(N/A)
	(D)	(N/A)	(N/A)	i. Transportation hub (small craft dock only)
	(X)	i. Any transportation use not outlined in (P) or (D) is a prohibited use.	(N/A)	(N/A)
(j) Utility	(P)	(N/A)	(N/A)	i. Access ii. Public utilities iii. Street
	(D)	(N/A)	(N/A)	(N/A)
	(X)	(N/A)	(N/A)	i. Private wind energy system

E.2.4.2 Lot Development Standards (C)

The development of a lot in the C use zone shall be in accordance with the following table:

(a) Minimum Main Building/Structure	
i. Side yard	3.0m (9.8ft)
ii. Rear yard	N/A
iii. Setback from street line	See B.11
iv. Setback from any other lot line not outlined above	3.0m (9.8ft)
(b) Maximum Main Building/Structure	
i. Height	(N/A)
ii. Lot coverage (also includes accessory buildings)	(N/A)

E.2.5 MINING AND QUARRYING (MQ) USE ZONE

E.2.5.1 Use Zone Table (MQ)

		I. Use Group	II. Use Division	III. Use
(a) Agricultural	(P)	(N/A)	(N/A)	(N/A)
	(D)	(N/A)	(N/A)	(N/A)
	(X)	i. All agricultural uses are prohibited uses.	(N/A)	(N/A)
(b) Commercial	(P)	(N/A)	(N/A)	(N/A)
	(D)	(N/A)	(N/A)	(N/A)
	(X)	i. All commercial uses are prohibited uses.	(N/A)	(N/A)
(c) Industrial	(P)	(N/A)	(N/A)	i. Asphalt/Aggregate/ Concrete Plant
	(D)	(N/A)	(N/A)	(N/A)
	(X)	i. Any industrial use not outlined in (P) or (D) is a prohibited use.	(N/A)	(N/A)
(d) Institutional	(P)	(N/A)	(N/A)	(N/A)
	(D)	(N/A)	(N/A)	(N/A)
	(X)	i. All institutional uses are prohibited uses.	(N/A)	(N/A)
(e) Open Space	(P)	(N/A)	(N/A)	i. Passive park (public or private)
	(D)	(N/A)	(N/A)	(N/A)
	(X)	i. Any open space use not outlined in (P) or (D) is a prohibited use.	(N/A)	(N/A)
(f) Residential	(P)	(N/A)	(N/A)	(N/A)
	(D)	(N/A)	(N/A)	(N/A)
	(X)	i. All residential uses are prohibited uses.	(N/A)	(N/A)
(g) Resource	(P)	(N/A)	i. Earth Exploration ii. Earth Extraction	(N/A)
	(D)	(N/A)	(N/A)	(N/A)
	(X)	i. Any resource use not outlined in (P) or (D) is a prohibited use.	(N/A)	(N/A)

(h) Sign (see C.2)	(P)	i. Any sign use not outlined in (D) or (X) is a permitted use	(N/A)	(N/A)
	(D)	(N/A)	(N/A)	(N/A)
	(X)	(N/A)	(N/A)	i. Billboard ii. Electronic message board sign
(i) Transportation	(P)	(N/A)	(N/A)	i. Transportation hub
	(D)	(N/A)	(N/A)	(N/A)
	(X)	i. Any transportation use not outlined in (P) or (D) is a prohibited use.	(N/A)	(N/A)
(j) Utility	(P)	i. All utility uses are permitted uses.	(N/A)	(N/A)
	(D)	(N/A)	(N/A)	(N/A)
	(X)	(N/A)	(N/A)	(N/A)

E.2.5.2 Lot Development Standards (MQ)

Note: See [C.17](#) for additional requirements for *mineral workings*.

The *development* of a lot in the MQ use zone shall be in accordance with the following table:

(a) Minimum Main Building/Structure	
i. Side yard	6.0m (19.7ft)
ii. Rear yard	6.0m (19.7ft)
iii. Setback from street line	See B.11
iv. Setback from any other lot line not outlined above	6.0m (19.7ft)
(b) Maximum Main Building/Structure	
i. Height	(N/A)
ii. Lot coverage (also includes accessory buildings)	(N/A)

Appendix A: Minister's Development Regulations

Newfoundland Regulation 2001

NEWFOUNDLAND REGULATION 3/01

Development Regulations
under the
Urban and Rural Planning Act, 2000

(Filed January 2, 2001)

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

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

Joan Marie Aylward
Minister of Municipal and Provincial Affairs

REGULATIONS

Analysis

1. Short title
2. Definitions
3. Application
4. Interpretation
5. Notice of right to appeal
6. Appeal requirements
7. Appeal registration
8. Development prohibited
9. Hearing notice and meetings
10. Hearing of evidence
11. Board decision
12. Variances
13. Notice of variance
14. Residential non conformity
15. Notice and hearings on change of use

16. Non-conformance with standards
17. Discontinuance of non-conforming use
18. Delegation of powers
19. Commencement

Short title

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

Definitions

2. In these regulations,

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

Application

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

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

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

Interpretation

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

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

greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television antennae,

(iii) for commercial uses, workshops or garages, and

(iv) for industrial uses, garages, offices, raised ramps and docks;

(c) "accessory use" means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use;

(d) "building height" means the vertical distance, measured in metres from the established grade to the

(i) highest point of the roof surface of a flat roof,

(ii) deck line of a mansard roof, and

(iii) mean height level between the eave and the ridge of a gable, hip or gambrel roof,

and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof;

(e) "building line" means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed;

(f) "discretionary use" means a use that is listed within the discretionary use classes established in the use zone tables of an authority's development regulations;

(g) "established grade" means,

(i) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or

(ii) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment;

(h) "floor area" means the total area of all floors in a building measured to the outside face of exterior walls;

(i) "frontage" means the horizontal distance between side lot lines measured at the building line;

(j) "lot" means a plot, tract or parcel of land which can be considered as a unit of land for a particular use or building;

(k) "lot area" means the total horizontal area within the lines of the lot;

- (l) "lot coverage" means the combined area of all building on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot;
 - (m) "non-conforming use" means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone;
 - (n) "owner" means a person or an organization of persons owning or having the legal right to use the land under consideration;
 - (o) "permitted use" means a use that is listed within the permitted use classes set out in the use zone tables of an authority's development regulations;
 - (p) "prohibited use" means a use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that an authority specifies as not permitted within a use zone;
 - (q) "sign" means a word, letter, model, placard, board, device or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement or direction and excludes those things employed wholly as a memorial, advertisements of local government, utilities and boarding or similar structures used for the display of advertisements;
 - (r) "rear yard depth" means the distance between the rear lot line and the rear wall of the main building on a lot;
 - (s) "side yard depth" means the distance between the side lot line and the nearest side wall of a building on the lot;
 - (t) "street" means a street, road, highway or other way designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles;
 - (u) "street line" means the edge of a street reservation as defined by the authority having jurisdiction;
 - (v) "use" means a building or activity situated on a lot or a development permitted on a lot;
 - (w) "use zone" or "zone" means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply;
 - (x) "variance" means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the authority's regulations; and
 - (y) "zoning map" means the map or maps attached to and forming a part of the authority's regulations.
- (2) An authority may, in its discretion, determine the uses that may or may not be developed

in a use zone and those uses shall be listed in the authority's regulations as discretionary, permitted or prohibited uses for that area.

Notice of right to appeal

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

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

Appeal requirements

6. (1) The secretary of the board at the Department of Municipal and Provincial Affairs, Main Floor, Confederation Building (West Block), P.O. Box 8700, St. John's, Nfld., A1B 4J6 is the secretary to all boards in the province and an appeal filed with that secretary within the time period referred to in subsection 42(4) of the Act shall be considered to have been filed with the appropriate board.

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

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

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

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

Appeal registration

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

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

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

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

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

Development prohibited

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

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

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

Hearing notice and meetings

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

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

Hearing of evidence

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

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

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

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

Board decision

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

Variations

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

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

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

Notice of variance

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

Residential non conformity

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

Notice and hearings on change of use

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

Non-conformance with standards

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

Discontinuance of non-conforming use

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

Delegation of powers

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

Commencement

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


Appendix B: Definitions

APP. B.1 UNDEFINED TERMS

Where a term used is undefined, please refer to the following in order of precedence:

- 1) The Act;
- 2) Other Newfoundland and Labrador Act or Regulation most relevant to the term in question;
- 3) Black's Law Dictionary (current edition); or
- 4) Canadian Oxford Dictionary (current edition).

APP. B.2 TERMS IN THE MINISTER'S DEVELOPMENT REGULATIONS

Terms labelled with the official provincial logo () are required to be included in the *Regulations* pursuant to subsection 4. (1) of the Minister's *Development Regulations*, NLR 3/01 (the *MDR*). Explanations or directions in square brackets are for user convenience only and do not form a part of these definitions. Where there is conflict between the *Plan* and *Regulations*, and the *MDR*, the latter shall prevail.

APP. B.3 DEFINED TERMS


APP. B.3.1 ILLUSTRATIONS

Diagrams are for illustrative purposes only. Where there is conflict between a diagram and an associated text definition, the latter shall prevail.

APP. B.3.2 ITALICS

For user convenience, the following definitions in [App. B.3.3](#) are italicized throughout this *Plan*. The associated definition may still apply if said definition is not italicized.

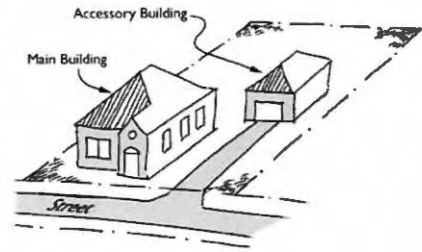
APP. B.3.3 DEFINITIONS

 **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*.

ACCESS STRIP means the narrow portion of a *back lot* which provides *access* to the developable portion of the *lot*. Where a *back lot* is shaped like a flag, this would represent the narrow pole portion of the *lot*.

ACCESSORY BUILDING includes:

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



ACCESSORY USE means a *use* that is subsidiary to a *permitted* or *discretionary use* and that is customarily expected to occur with the *permitted* or *discretionary use*.

ACT means the *Urban and Rural Planning Act, 2000*, SNL 2000, c U-8.

ACTIVE TRANSPORTATION refers to all human powered forms of transportation, in particular walking and cycling. It includes the use of mobility aids such as wheelchairs, and can also encompass other active transport variations such as in-line skating, skateboarding, cross-country skiing, and kayaking.

ADMINISTRATIVE REQUEST means a request for information wherein a decision is not rendered by the *Delegated Employee* or *Council*. See also *application*.

ADULT ESTABLISHMENT means any premises or part thereof where goods, entertainment, or services are designed to appeal to erotic or sexual appetites. *Adult establishment* is a *use division* under the *commercial use group* (see '[Appendix C: Use Category Table](#)').

ADULT ESTABLISHMENT, **CABARET** means a nightclub, bar, *restaurant*, or similar establishment that features live performances that are characterized by the exposure of *specified anatomical areas* or by *specified sexual activities*.

ADULT ESTABLISHMENT, **ESCORT SERVICE** means an establishment where escorts are provided for *specified sexual activities*.

ADULT ESTABLISHMENT, **MESSAGE PARLOUR** means an establishment where massage is administered to the human body for sexual pleasure and is characterized by the exposure of *specified anatomical areas* or by *specified sexual activities*.

ADULT ESTABLISHMENT, **RETAIL OUTLET** means a *building* or part thereof with the principal purpose to offer for sale or rent, either of the following:

- a) Books, magazines, or other printed matter; or photographs, films, or motion pictures displaying *specified anatomical areas* or *specified sexual activities*; or
- b) Instruments, devices, or paraphernalia that are designed for use in connection with *specified sexual activities*.

ADULT ESTABLISHMENT, **STUDIO** means an establishment where visual presentations are produced or processed that are characterized by an emphasis on the depiction or description of *specified anatomical areas* or *specified sexual activities*, which may include, but is not limited to, pictures, slides, audio and video recordings.

ADULT ESTABLISHMENT, **THEATRE** means a commercial establishment where films, motion pictures, or other photographic reproductions are shown which are characterized by an emphasis on the depiction of *specified anatomical areas* or *specified sexual activities*.

AGRICULTURAL USE means a *use* where land is used for raising field or *forestry* crops and/or grazing livestock and includes any agricultural *buildings* required for operation, maintenance, or storage; and may include the sale of produce grown on site. An *agricultural use* may also contain a *dwelling* as an *accessory use* in accordance with subsection [C.19](#). *Agricultural uses* are listed in the 'Agricultural' *use group*—and where applicable, in subsidiary *use divisions*—in '[Appendix C: Use Category Table](#)'.

AGRICULTURAL, **ABATTOIR** means a *use* where animals are slaughtered and may include packing, treating, storing, and sale of the product on the premises.

AGRICULTURAL, **BACKYARD POULTRY COOP** means the keeping of up to four (4) hens or ducks in a *coop structure* as an *accessory use* to a residential *building(s)* on the same *lot*. See subsection [C.18](#).

AGRICULTURAL, **COMMERCIAL** means any concentrated form of *agricultural use* including, but is not limited to, such operations as poultry and hog farms, rabbit and fur farms, greenhouses, tree nurseries, and similar specialty *uses*.

AGRICULTURAL, **COMMUNITY GARDEN** means a piece of land, not exploited for *commercial uses*, that is cultivated by a group of people rather than a single family or individual.

AGRICULTURAL, **FEED MILL** means a *building* for the processing, blending, grinding, and mixing of grains, seeds, and concentrates for animals.

AGRICULTURAL, **HOBBY GARDEN** means a small garden 1000m² (0.25 acres) or less operated for pleasure or supplemental income rather than for primary income. This *use* is limited to the raising of field or *forestry* crops and excludes the raising of livestock.

AGRICULTURAL, PERSONAL means any *agricultural use* for personal benefit or gain, which includes, but is not limited to the keeping of livestock or raising of field or forestry crops. A *personal agricultural use* may be an *accessory use* to a *main residential use* on a lot. *Commercial agricultural use* is a separate use.

AGRICULTURAL, RESEARCH FARM means a use where scientific research, investigation, testing, or experimentation takes place inside or outside of *buildings* by a level of government in the field of agriculture and farming. This use may include a variety of *accessory uses* relating to the operation including professional and legal services; *laboratories*; food services; *printing centre*; meeting, conference, and training boardrooms; and other similar facilities.

ANIMAL SHELTER means a use that provides for the care and veterinary service of lost, abandoned, or neglected animals.

ANIMAL UNIT is an agricultural livestock measurement outlined in the 'The Environmental Farm Practices Guidelines for Livestock and Poultry Producers,' which is a policy guideline issued by the provincial Agrifoods Development Branch of the Forestry and Agrifoods Agency. *Animal unit* equivalents are outlined in '[Appendix D: Animal Unit Equivalents](#)'. Where there is conflict between the *Plan* and *Regulations*, and the Guidelines, the latter shall prevail.

APPEAL means a request made by a person or persons aggrieved of a decision made by the *Delegated Employee* or *Council* to overturn said decision. An *appeal* is heard by an *appeal board* given statutory authority under Part VI of the Act.

APPEAL BOARD means the applicable regional appeal board as established under the *Regional Appeal Boards Establishment Order*, CNLR 997/96.

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

APPLICATION means a formal request wherein an approval decision is sought from the *Delegated Employee* or *Council*. See also *approval in principle* and *administrative request*.

APPLICATION, DEVELOPMENT means an *application* seeking the approval/issuance of a *development permit* from the *Delegated Employee* or *Council*. A *development application* may occur in conjunction with other *applications*. See subsections [A.2.1.4](#) and [A.2.2.3](#).

APPLICATION, DISCRETIONARY USE means an *application* seeking *discretionary use* approval from *Council*. See subsection [A.2.2.8](#).

APPLICATION, **NON-CONFORMING USE** means an *application* seeking an approval from *Council* relating to an existing, legal *non-conforming use*. See subsection [A.2.2.10](#).

APPLICATION, **PLAN AMENDMENT** means an *application* seeking approval from *Council* to amend the *Plan*, or *Plan* and *Regulations*. See subsection [A.2.2.11](#).

APPLICATION, **REGULATIONS AMENDMENT** means an *application* seeking approval from *Council* to amend the *Regulations* only, without a proposed amendment to the *Plan*. See subsection [A.2.2.11](#).

APPLICATION, **VARIANCE** means an *application* for *variance* relief from the *Regulations*, wherein an approval is sought from *Council*. See subsection [A.2.2.9](#).

APPROVAL IN PRINCIPLE means an interim approval indicating the intent of the *Delegated Employee* or *Council* to approve, if submitted by the applicant, a formal *application* further to the original submission. See also *application* and *administrative request*.

AREA OF NATURAL, SCIENTIFIC, OR HISTORIC INTEREST means areas or features of land and/or water representing a significant geological, biological, and/or historical interest.

ASPHALT/AGGREGATE/CONCRETE PLANT means a *use* where the production of asphalt, aggregate, or concrete products take place and may include the stockpiling and storage of bulk materials and the storage and sale of finished products manufactured on the premises.

ASSEMBLY HALL means a *building* or part thereof used for the gathering of persons for civic, educational, political, religious, recreational, cultural, social, or other similar purposes. *Adult establishment uses* are separate *uses*.

ASSISTED LIVING FACILITY means a facility that provides supervision and medical assistance to residents and offers the coordination of services by outside healthcare providers and may include such *accessory uses* as medical *offices* or clinics, *personal service shops*, or a *retail store* and similar *uses* not exceeding 50.0m² (538.2ft²) each. *Personal care home uses* are separate *uses*.

AUCTION FACILITY means a *use* that provides for the auctioning and related temporary storage of large equipment, livestock, and *motor vehicles*.

AUCTION HOUSE means a *use* conducted entirely indoors that provides for the auctioning and related temporary storage of goods, except large equipment, livestock, and *motor vehicles*.

AUTHORIZED DESIGNATE means an individual who is given written permission from the property *owner* to act on his or her behalf in submitting an *application* or *approval in principle* request to the *Town*.

AUTOMOTIVE ESTABLISHMENT means any premises or part thereof that is designed for the sale, rental, services, maintenance, or storage of *vehicles*. *Automotive establishment* is a *use division* under the 'Commercial' *use group* (see '[Appendix C: Use Category Table](#)').

AUTOMOTIVE ESTABLISHMENT, **BODY AND PAINT** means a *use* where *motor vehicle* bodies and frames are repaired or painted.

AUTOMOTIVE ESTABLISHMENT, **DEALERSHIP – LARGE** means a *use* where *motor vehicles* exceeding 1.5 ton capacity are sold, rented, serviced, or repaired and may include the dispensing of fuel and the ancillary sale of *vehicle* parts or accessories.

AUTOMOTIVE ESTABLISHMENT, **DEALERSHIP – SEASONAL** means a *use* where recreational or seasonal *vehicles* such as motorcycles, snowmobiles, ATVs, *boats*, and/or *campers* are sold or leased to the public and may include the servicing, repair, and ancillary sale of *vehicle* parts or accessories.

AUTOMOTIVE ESTABLISHMENT, **DEALERSHIP – SMALL** means a *use* where *motor vehicles* not exceeding 1.5 tons capacity are sold or leased to the public and may include the servicing, repair, or cleaning of *vehicles* and dispensing of fuel.

AUTOMOTIVE ESTABLISHMENT, **DISPATCH SERVICE** means a *use* where *vehicles* are dispatched to provide transport services to people or items and may include the maintenance or repair of fleet *vehicles* and administrative functions relating to the service(s) provided. Typical *uses* include taxi, limousine, and courier services.

AUTOMOTIVE ESTABLISHMENT, **GAS STATION** means an establishment where *motor vehicle* fuel and products necessary for the operation of a *motor vehicle* are sold to the general public.

AUTOMOTIVE ESTABLISHMENT, **RENTAL** means a *use* where *motor vehicles* not exceeding 1.5 tons capacity are rented to the public and may include the servicing, repair, or cleaning of *vehicles*, and dispensing of fuel.

AUTOMOTIVE ESTABLISHMENT, **SERVICE – LARGE** means a *use* where *motor vehicles* are serviced or repaired; three (3) or more service bays are permitted. *Body and paint automotive establishment* is a separate *use*.

AUTOMOTIVE ESTABLISHMENT, **SERVICE – SMALL** means a *use* where *motor vehicles* are serviced or repaired; two (2) or less service bays are permitted. *Body and paint automotive establishment* is a separate *use*.

AUTOMOTIVE ESTABLISHMENT, **STORAGE** means a *use* where *motor vehicles* are stored and does not include the servicing, repair, or cleaning of *vehicles* or storage of derelict or dilapidated

vehicles or sale of vehicle parts, but may include a *building* for administrative functions associated with the *use*.

AUTOMOTIVE ESTABLISHMENT, **TOWING SERVICE** means a *use* where trucks are dispatched to transport disabled *vehicles* and includes the secure *outdoor storage* of towed *vehicles*.

AUTOMOTIVE ESTABLISHMENT, **WASH** means the *use* of a *lot* on which *motor vehicles* are washed for commercial gain. This *use* may also include pet wash services.

BACKGROUND REPORT means the 'Municipal Plan Background Report (2018)' prepared by SCP for the consideration of *Council* prior to the development of the *Plan* and *Regulations*.

BAR/PUB/NIGHT CLUB means a *commercial use* where alcoholic beverages are sold and consumed on the premises. To operate legally, this *use* must hold a license under the *Liquor Control Act*, RSNL 1990. A *bar/pub/night club* may serve food and provide entertainment as *accessory uses*.

BED AND BREAKFAST/TOURIST HOME means a *use* where temporary accommodation within a *single unit dwelling* is provided to visitors and travellers for remuneration, and contains no more than five (5) rooms for guests.

BOARDING HOUSE means a *dwelling* in which at least two (2) rooms are regularly rented to persons other than the immediate family of the *owner* or tenant.

BOAT means a motorized vessel propelled on water.

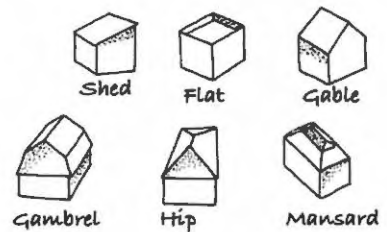
BUILDING means a roofed *structure* used or built for the shelter, accommodation, or enclosure of persons, animals, materials, or equipment. The construction standards for a *building* are outlined in the *Building Code*.



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

- highest point of the roof surface of a flat [or shed] roof,
- deck line of a mansard roof, and
- mean height level between the eave and the ridge of a gable, hip or gambrel roof,

and in any case, a *building height* shall not include mechanical *structure*, smokestacks, steeples and purely ornamental *structures* above a roof.



BUILDING LINE means a line established by an authority that runs parallel to a *street line* and is set at the closest point to a *street* that a *building* may be placed. [See also *structure line setback* and subsection [B.11.](#)]

BUILDING PERMIT means a combined *development/building permit* or a *building permit* as issued by the *Town* pursuant to section 194 of the *Municipalities Act, 1999*, SNL 1999, c M-24.

BULK FUEL STATION means a facility for the storage and distribution of petroleum or propane products in bulk quantities, but does not include the retail sales or processing and may include tanker *vehicle* storage and key-lock pumps.

CAMPERS includes *vehicles*, or components that are designed to mount and dismount from *vehicles*, which are designed for *seasonal residence*. *Campers* include, but are not limited to, *travel trailers*, *motor homes*, and *truck-mounted campers*. *Mobile homes* and tents are separate *uses*.

CAMPGROUND means any area of land upon which tents, *motor home vehicles*, *truck-mounted camper vehicles*, *travel trailer vehicles*, or similar shelters may be placed to provide sleeping accommodation. A *campground* may include supplementary bathroom, laundry, recreation, or *retail store* facilities. A *campground* is open to the travelling public and offers per-night rental of individual sites or pads for the placement of the above-noted *vehicles* and/or temporary *structures*.

CATERING SERVICE means a *use* where food and beverages are prepared in a facility for consumption off-site.

CHILD CARE SERVICE means a facility or *dwelling* in which child care services are provided. This *use* is regulated under the *Child Care Services Regulations*, NLR 89/05 of the *Child Care Act*, SNL 2014, c C-11.01.

CHILD CARE SERVICE, **CENTRE BASED** means an independent facility in which child care services are provided. This *use* is regulated as 'centre based child care' under the *Child Care Services Regulations*, NLR 89/05.

CHILD CARE SERVICE, **FAMILY** means a *dwelling* in which child care services are provided. This *use* is regulated as 'family child care' under the *Child Care Services Regulations*, NLR 89/05.

CODE means a Canadian, national construction code (see '[Canadian Code Centre](#)') developed by the National Research Council of Canada (NRCC) and includes, but is not limited to, the following:

CODE, **BUILDING** means the most recent version of the National Building Code of Canada (NBCC).

CODE, **ENERGY CODE** means the most recent version of the National Energy Code of Canada for Buildings (NECCB).

CODE, **FIRE** means the most recent version of the National Fire Code of Canada (NFCC).

CODE, **PLUMBING** means the most recent version of the National Plumbing Code of Canada (NPCC).

COLUMBARIUM means a *building* or part thereof used for the storage of funeral urns.

COMMERCIAL USE means an occupation, employment, or enterprise that is carried on for profit. *Commercial uses* are listed in the 'Commercial' *use group*—and where applicable, in subsidiary *use divisions*—in '[Appendix C: Use Category Table](#)'.

COMMUNICATION USE means the *use* of land, *buildings*, or *structures* for the production, storage, and dissemination of information and information products including, but is not limited to, broadcast studio/television services, telecommunication services, and call centres. *Adult establishment uses* are *separate uses*.

COMMUNITY CENTRE means a *use* that provides for non-profit recreational, educational, social, and cultural activities and events.

CONFERENCE AND EVENT FACILITY means a *use* that provides permanent facilities for conventions, seminars, workshops, fairs, or other similar activities.

CONTRACTOR'S SHOP means a *use* where construction or *building* trades conduct their business or operation for work off the premises.

CONTRACTOR'S YARD means a yard of a general contractor, *landscaping* contractor, or builder where equipment and materials are stored or where a contractor performs shop or assembly work, but does not include another *yard* or establishment otherwise defined in these *Regulations*.

COTTAGE means a *building* used for *seasonal residence* which includes provisions for sleeping, and kitchen or sanitary facilities. A *cottage* may be used privately or operated commercially on a remunerative basis. A *cottage* is typically used for hunting, trapping, fishing, and/or general outdoor leisure activities. Although a *cottage* shall not be used as a *dwelling* for permanent, year-round residence, a *cottage* is limited to the *building* forms of a *single unit dwelling*, *mini home dwelling*, and *mobile home dwelling*.

COTTAGE – RESORT CLUSTER means a combination of *cottages* situated on one (1) *lot*, which may include additional mixed *use buildings*. A *cottage – resort cluster* is a commercial establishment that is

advertised and open to the public on a *seasonal residence* or per-night rental basis similar to a *hotel/motel/inn* or *bed and breakfast/tourist home*.

COTTAGE – PRIVATE CLUSTER means a combination of *cottages* situated on one (1) *lot*. A *cottage – private cluster* is not a *commercial use* and may be owned and operated by a group or club on a non-remunerative basis.

COUNCIL means the Town Council of Port au Port West- Aguathuna- Felix Cove.

CULTURAL ESTABLISHMENT means a *use* that provides display, storage, restoration, or events related to art, literature, music, history, performance, or science and includes, but is not limited to, *uses* such as art galleries, theatres, *libraries*, auditoriums, museums, archives, performing arts, and *interpretive centres*.

CRAFT WORKSHOP means a *building* or part thereof used for the manufacture of craft articles such as, but is not limited to, leather work, pottery, woodwork, painting and similar activities. This *use* may include the retail sales of such products.

CREMATORIUM means a *building* or part thereof used for the cremation of human or animal remains. A *crematorium* may also include a columbarium as an *accessory use*.

DAYLIGHTING TRIANGLE means the triangular-shaped area of land formed by measuring from the point of intersection of *street lines* on a *corner lot*. The *daylighting triangle* 'Required Yard Setback', represented as A) in the adjacent diagram, is 4.6m (15.1ft).



DELEGATED EMPLOYEE means an employee appointed by *Council* pursuant to section 109 of the *Act*.

DEVELOPMENT [definition from the *Act*] 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:

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

and excludes the:

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

DEVELOPMENT PERMIT means a combined *building/development permit* or a *development permit* as issued by the *Town* pursuant to subsection 35(1)(e) of the *Act*.

DHCS means the Newfoundland and Labrador Department of Health and Community Services or department(s) subsequent thereto.

DJPS means the Newfoundland and Labrador Department of Justice and Public Safety or department(s) subsequent thereto.

DMAE means the Newfoundland and Labrador Department of Municipal Affairs and Environment or department(s) subsequent thereto.



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

DISPLAY COURT means an area of land where goods are displayed for sale from a retail outlet located on the same *lot*. *Model home display court* is a separate *use*.

DISPLAY COURT – MODEL HOME means a *use* where model and show homes are displayed for sales purposes and construction off-site. A *model home display court* may also include an on-site *office* associated with the sale of the model and show homes.

DISTRIBUTION USE means a *use* carried out primarily in a *building* used for the storage, wholesaling, and distribution of goods and materials.

DNR means the Newfoundland and Labrador Department of Natural Resources or department(s) subsequent thereto.

DORMITORY/RESIDENCE means a *building* containing sleeping units which are provided and/or rented for occupancy by students and/or staff members affiliated with a *hospital, educational use, religious order, rest or nursing home, assisted living facility, personal care home uses, or similar institution, and which is regulated by such institution. A dormitory/residence may contain communal dining facilities, but shall exclude the preparation of meals within the sleeping units.*

DRIVE-THRU means an establishment that is designed to provide services or products to customers while in their passenger *motor vehicle*.

DRY CLEANING PLANT means a facility designed for the large-scale cleaning of fabrics, rugs, and clothes using solvents.

DRY CLEANING / LAUNDRY STORE means a facility for the cleaning or laundering of garments, principally for individuals. Employees may or may not work on site.

DSNL means the Department of Services Newfoundland and Labrador or department(s) subsequent thereto.

DTCII means the Government of Newfoundland and Labrador Department of Tourism, Culture, Industry and Innovation and department(s) subsequent thereto.

DTW means the Newfoundland and Labrador Department of Transportation and Works or department(s) subsequent thereto.

DU means *dwelling unit*.

DWELLING means a *building* or part thereof occupied or capable of being occupied as a home or residence by one or more persons.

DWELLING, MICRO means a detached *building* containing only one (1) *dwelling unit* with a maximum footprint of 50.0m² (538.20ft²). *Single unit, mobile, and mini home dwellings are separate uses.*

DWELLING, MINI HOME means any *dwelling* other than a *mobile home dwelling* that is manufactured and designed to be transported as one (1) integral unit. A *mini home dwelling* has a width of 4.27m (14.0ft) to 5.0m (16.4ft) (excluding eaves), a maximum length of 21.9m (71.9ft), and a maximum *building height* of 4.4m (14.4ft).

DWELLING, MOBILE HOME means a *dwelling unit* that:

- a) Is manufactured to be towed on its own chassis and must be registered as a *trailer vehicle*, pursuant to the *Highway Traffic Act*, RSNL 1990, c H-3, to be transported on a *highway street* within Newfoundland and Labrador;
- b) Is intended to be moved to a site in which power is connected, and may also be connected to water and/or sanitary services;
- c) May consist of one (1) or more parts that can be folded, collapsed, and/or telescoped for towing or to be expanded for additional capacity or joined into one (1) integral unit;
- d) Has a minimum *floor area* of 45.0m² (484.4ft²);
- e) Has a width between 3.7m (12.1ft) and 4.3m (14.1ft); and
- f) Excludes a *travel trailer vehicle*.

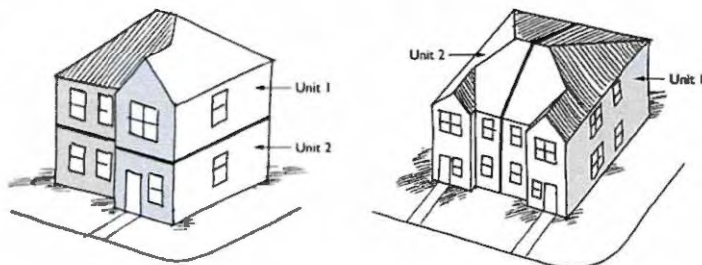
DWELLING, **MULTI-UNIT** means a *building* containing three (3) or more *dwelling units* on one (1) *lot*.

DWELLING, **ROW HOUSE DOUBLE** means a *building* separated vertically by common walls extending from the foundation to the roof into two (2) or more attached *dwelling units*. A minimum of one (1) and a maximum of two (2) *dwelling units* shall be situated on separate *lots*. Where two (2) *dwelling units* are situated on one (1) *lot*, units shall be separated horizontally. Each *dwelling unit* must have access to an outdoor entrance that accesses the *lot* upon which it is situated. See subsections [C.10](#) and [D.16](#).

DWELLING, **ROW HOUSE SINGLE** means a *building* separated vertically by common walls extending from the foundation to the roof into two (2) or more attached *dwelling units*. *Dwelling units* shall be aligned side-by-side and situated on *separate lots*. A maximum of one (1) *dwelling unit* shall be located per *lot*, each having its own separate outdoor entrance. See subsections [C.10](#) and [D.16](#).

DWELLING, **SINGLE UNIT** means a detached *building* containing only one (1) *dwelling unit* with any *main wall* having a minimum length of 6.1m (20.0ft). *Micro, mini home, and mobile home dwellings* are separate *uses*.

DWELLING, **DOUBLE UNIT** means a *building* containing only two (2) *dwelling units* on one (1) *lot*. The *dwelling units* may be separated horizontally or vertically, as shown in the adjacent diagram. A *row house single dwelling* is a separate *use*.



DWELLING UNIT means one (1) or more habitable rooms designed, occupied, or intended for the exclusive *use* by one (1) or more persons as an independent and separate housekeeping unit in which a kitchen, sleeping, and sanitary facilities are provided.

EASEMENT means a right to use land, most commonly for access to a *lot* or as a right-of-way for *utilities*.

EDUCATIONAL USE means a college, university, vocational or trade school, public or private school, and includes supportive amenities, facilities, and residential *buildings* for staff and students, if the *buildings* are on the same *lot* as the place of instruction. An *educational use* may also include *active* and *passive park* facilities such as, but is not limited to, sports fields, courts, walking and running tracks.

EQUESTRIAN FACILITY means a *use* where land, *building*, and *structures* are provided for the boarding and training of horses and their riders and for the staging of equestrian events.

ENTERTAINMENT USE – INDOOR means a *commercial use* in a *building* which involves entertainment, amusement, or relaxation including, but is not limited to, a theatre, arcade, indoor paintball, amusement centre, pool or billiard hall. This *use* does not include *adult establishment uses*.

ENTERTAINMENT USE – OUTDOOR means a *commercial use* outside a *building* which involves entertainment, amusement, or relaxation including, but is not limited to, go-karts, outdoor paintball, bumper boats, drive-in theatres. This *use* does not include *adult establishment uses*.

ENVIRONMENTAL INDUSTRY USE means the processing or remediation of contaminated materials within a fully enclosed *building* including, but is not limited to, services related to environmental management and clean-up.

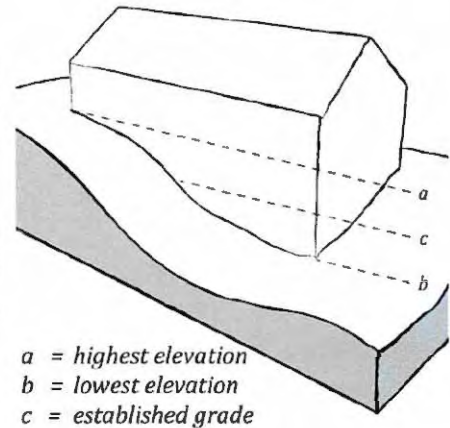
EQUIPMENT SALES AND RENTAL – HEAVY means a *use* where large construction or industrial equipment and *vehicles* are rented and/or sold to the public, which may include terra forming *vehicles* such as excavators, backhoes, and bulldozers, *agricultural use*, and *forestry* equipment and other apparatus of similar size and function and includes maintenance activities.

EQUIPMENT SALES AND RENTAL – LIGHT means a *use* where light residential, commercial, and industrial equipment is rented and/or sold to the public and includes portable and/or mobile tools and machines such as power tools, construction, trades, lawn and garden equipment, and other goods of similar size and function. The *use* includes maintenance activities and all activities associated with the *use* taking place within a *building*.

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ESTABLISHED GRADE means,

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



FARMERS' MARKET means an establishment or premises where foods, wines, health and wellness products, arts and crafts are sold by local vendors within *buildings* or from uncovered or open air areas designated for individual retailers.

FENCE means a barrier, railing, or other upright *structure*, typically of wood or wire, enclosing an area of ground to prevent or control access or escape, or to delineate property ownership.

FINISHED GRADE means the *lot* grade elevation of the finished ground surface immediately adjacent to the foundation of a *building*, *structure*, or other site *development* feature.

FISHING means a *use* associated with the harvesting of flora or fauna from a *watercourse* or the ocean, but does not include the *manufacturing* or processing of such products. This *use* may include *outdoor storage* and/or *warehouse/indoor storage uses*.

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

FOOD AND BEVERAGE PROCESSING FACILITY means a *use* where raw or partially processed ingredients are transformed into other forms for consumption by humans or animals not on site including, but not limited to, breweries and distilleries and may include the sale of products produced on site.

FORESTRY means a *use* where timber resources are managed, developed, or cultivated for the production of wood and wood products, but does not include *manufacturing* or processing of such products.

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FRONTAGE means the horizontal distance between *side lot lines* measured at the *building line*.

FUNERAL HOME means a *building* designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for interment or cremation.

FUTURE LAND USE CLASS means an area of land designated on the *Future Land Use Classes Map* in which the provisions of the *Plan* apply.

FUTURE LAND USE CLASSES MAP means 'Schedule A: Future Land Use Classes Map' of the *Plan*.

GAZETTE means the Newfoundland and Labrador Gazette. The Newfoundland and Labrador Gazette is published weekly from the Office of the Queen's Printer.

GOLF COURSE means a *use* where a public or private area is operated for the purpose of playing golf and may include accessory *office, pro shop retail store, restaurant, banquet facilities, and driving range*, but does not include mini-golf.

GOVERNMENTAL USE means a municipal, provincial or federal *governmental use*. This *use* may include, but is not limited to, *service centres, offices, penal and correctional facilities*.

GRAVEYARD means land primarily used for the interment of human or animal remains.

HOME BUSINESS means a *commercial use* that is an *accessory use* to a *main residential use* on a *lot*. A *home business* is primarily carried out on the *lot* upon which it is located. See subsection [C.3](#).

HOME INDUSTRY means a *commercial use* that is an *accessory use* to a *main residential use* on a *lot*. A *home industry* is typically for the purposes of performing work at off-site locations, but may also include other enterprises for the sale, storage, or maintenance of *vehicles, machinery or equipment*. See subsection [C.3](#).

HOSPITAL means a facility that provides long- and short-term medical and healthcare including overnight stays, surgery, *laboratory*, and diagnostic services for treating human illness, disease, and injury.

HOSTEL means a *use* where temporary accommodation is provided primarily to transients or individual travellers for remuneration, and typically includes shared or *dormitory/residence* style rooms.

HOTEL/MOTEL/INN means a *commercial use building* providing temporary accommodations for travellers or transients on a year-round basis, and may have a public dining room and convention room.

HUNTING/TRAPPING means a *use* associated with the hunting or trapping of fauna, but does not include the *manufacturing* or processing of such products. This *use* typically includes *outdoor storage* and/or *warehouse/indoor storage uses*.

INDOOR RECREATIONAL FACILITY means a *use* within a *building* designed for athletic activities including facilities such as aquatic centres, gymnasiums, skating rinks, and other similar *uses*. A *recreational facility – indoor* may also include *accessory uses* such as a *medical office*, *food service*, *personal service shop*, and *childcare service* within the *building*. *Active* and *passive parks* may also be *accessory uses* to an *indoor recreational facility*.

INDUSTRIAL USE means the *use* of *land*, *buildings*, or *structures* for the *manufacturing*, *processing*, *fabricating*, or *assembly* of raw materials or goods, *warehousing*, or *bulk storage* of goods. *Industrial uses* are listed in the ‘*Industrial*’ *use group*—and where applicable, in *subsidiary use divisions*—in ‘[Appendix C: Use Category Table](#)’.

INFILL DEVELOPMENT means the *use* of vacant property within a built-up area for further construction or *development*.

INSTITUTIONAL USE means the *use* of *land*, *buildings*, or *structures* for religious, charitable, educational, health, or welfare purposes. *Institutional uses* are listed in the ‘*Institutional*’ *use group*—and where applicable, in *subsidiary use divisions*—in ‘[Appendix C: Use Category Table](#)’.

INSTRUCTIONAL USE means a *use* where instruction or training in a specific skill or recreational activity, art, or hobby is provided including dance, music, arts, crafts, and martial arts.

INTERPRETIVE CENTRE means an establishment to communicate the significance or meaning of an area, feature, site, or settlement and its social, natural, cultural, or industrial heritage.

KENNEL means a *building* or *structure* used for the enclosure of more than four (4) dogs which are kept for the purposes of commercial breeding or for commercial boarding.


LABORATORY means a *use* where goods, items, equipment, or substances are tested or analyzed.


LANDSCAPE MATERIAL SUPPLY means a *use* conducted primarily outdoors where precast concrete products, pavers, stone, gravel, and other aggregates are stored and sold and may include the ancillary sale or rental of related goods.

LANDSCAPING means lawn or ornamental shrubs, and may include paths, patios, walkways, fountains, reflecting pools, art work, screens, walls, *fences*, benches and existing natural rock or treed areas, but does not include *driveways*, *vehicle ramps*, *lanes*, *parking facilities*, or space beneath, within or on top of a *building*.

LIBRARY means a *use* where a collection of materials are kept for reference or borrowing and may provide computer use, instructional facilities, meeting rooms, and study areas.


LOADING SPACE means an area of land which is used for the temporary parking of a *commercial vehicle* while merchandise or materials are being loaded or unloaded from the *vehicles*. A *loading space* is a rectangular prism with a minimum length of 12.2m (40.0ft), width of 3.7m (12.1ft), and height (vertical clearance) of 4.3m (14.1ft).

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

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

LOT, BACK means a *lot*, typically shaped like a flag, which has a narrow *access strip* of land that provides *public street access* to the bulk of the property. The bulk of a *back lot*, or the developable area, typically lies to the rear of adjacent *lot(s)*. See subsections [A.2.2.17](#) and [D.15](#).

LOT, CORNER means a *lot* situated at the intersection of, and abutting on, two (2) or more *streets*.

 **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*.

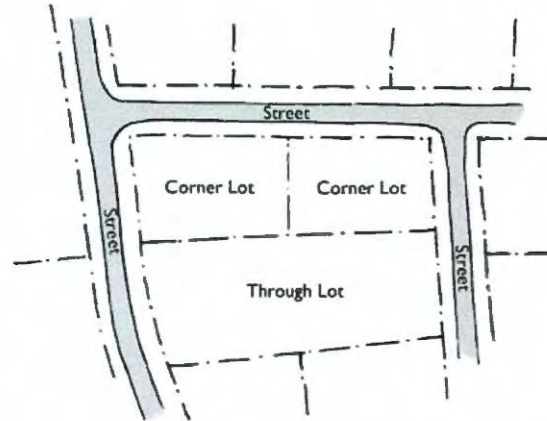
LOT, DEPTH means the horizontal distance between the *front* and *rear lot lines*. Where these *lot lines* are not parallel, the *lot depth* shall be the length of a line joining the mid-points of the *front* and *rear lot lines*.

LOT, INTERIOR means a *lot* other than a *corner lot*.

 **LOT, FRONTAGE** see *frontage*.

LOT, THROUGH means a *lot* bounded on two (2) opposite sides by *streets* provided that if any *lot* qualifies as being both a *corner lot* and a *through lot* as herein before defined, such *lot* shall be deemed to be a *corner lot* for the purpose these *Plan* and *Regulations*.

LOT, STREETAGE means the horizontal distance between the *side lot lines* as measured along the *front lot line*. In the case of a *corner lot* with a *daylighting triangle*, the *front* and *side lot lines*



shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating *lot streetage*.

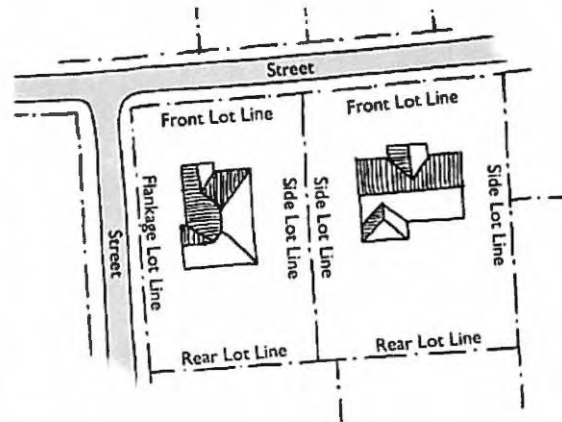
LOT, **WIDTH** means the horizontal distance between the *side lot lines*. Where these *lot lines* are not parallel, the *lot width* shall be the length of a line joining the mid-points of the *side lot lines*.

LOT LINE means the boundary or exterior line of a *lot*.

LOT LINE, **FLANKAGE** means, in the case of a *corner lot*, the *lot line* abutting the *street* that is not the *front lot line*.

LOT LINE, **FRONT** means:

- a) In the case of an *interior lot*, the *lot line* dividing the *lot* from the *street*.
- b) In the case of a *corner lot*, the *lot line* abutting the *street* upon which the *building* or *structure* erected or to be erected has its principal entrance or feature shall be deemed the *front lot line*. In the case of no principal entrance or feature, the shorter *lot line* abutting the *street* shall be deemed the *front lot line*.
- c) In the case of a *through lot*, the *lot line* abutting the *street* upon which the *main building* or *structure* erected or to be erected has its principal entrance or feature shall be deemed the *front lot line*.
- d) In the case of a *lot* that has a shoreline of a lake or ocean or the bank of a river as one (1) of its boundaries, the *lot line* facing the *access* shall be deemed the *front lot line*.
- e) In the case of a *lot* on a *private access* that does not abut any *street*, the *lot line* facing the principal entrance or feature of the existing, or to be erected, *building* or *structure* shall be deemed the *front lot line*.



LOT LINE, **SIDE** means a *lot line* other than a *front* or *rear lot line*.

LOT LINE, **REAR** means the *lot line* farthest from or opposite to the *front lot line*.

LOT DRAINAGE AND GRADING PLAN means a drainage plan, stamped by a *professional* engineer or by another *professional* qualified to do such work, providing for drainage and surface water management which will not negatively impact drainage onto surrounding *lot(s)*.

MAIN BUILDING means the *building* designed or used for the principal *use* on the *lot*.

MAIN WALL means the exterior front, side, or rear wall of a *building*.

MANUFACTURING – LIGHT means a *use* engaged in the manufacturing of a finished product, predominantly from previously prepared materials and may include associated *warehouse/indoor storage*, packaging, and sales.

MANUFACTURING – HEAVY means a *use* engaged in the basic processing and manufacturing of materials or products, predominantly from extracted or raw materials or manufacturing processes that potentially involve an obnoxious emission of odour, smoke, dust, soot, dirt, noise, gas fumes, vibration, water-carried waste, or other obnoxious emissions or refuse and may include associated *warehouse/indoor storage*, packaging, and sales.

MARIJUANA PRODUCTION FACILITY means a premises used for the growing, producing, testing, destroying, storing, or distribution of marijuana for medical or recreational purposes. This *use* may also include an on-site *retail store* as an *accessory use*.

MARINA means a dock or basin together with associated facilities where slips, moorings, supplies, repairs, and other services that are typically available for *boats* and other watercraft, including *warehouse/indoor storage*, sales, and rentals, together with a club house and *catering services*.

MDR means the Minister's *Development Regulations*, NLR 3/01.

MEDICAL CLINIC means a *use* where human health services are provided through diagnostic, therapeutic, preventative, or rehabilitative treatment without overnight stays for patients. This *use* includes dental, physiotherapy, chiropractic, or other similar *uses*.

MICRO-BREWERY means a *use* where the production and packaging of beverages of low alcoholic content takes place and may include distribution, retail or wholesale, on or off the premises, with a capacity of not more than 8000 hectolitres per year.

MINE means *mine* under the *Mining Act*, SNL 1999, c M-15.1. *Mineral working* and *petroleum extraction* are separate *uses*.

MINERAL means *mineral* under the *Mineral Act*, RSNL 1990, c M-12.

MINERAL EXPLORATION means *development* activities associated with the search of *minerals* or *quarry materials*. Activities may include, but are not limited to, borehole drilling, trenching, and the construction of trails. *Petroleum exploration* is a separate *use*. See subsection [C.16](#).

MINERAL WORKING means land or *buildings* used for the working or extraction of *quarry materials*. Working activities include, but are not limited to, quarrying, the manufacturing or recycling of concrete or asphalt, or soil treatment. This *use* includes *asphalt/aggregate/concrete plant*, but *mine* and *petroleum extraction* are separate *uses*.

MINI AND/OR MOBILE HOME PARK means an area of land used for the *development* of *mini* or *mobile home dwellings*. *Dwellings* are situated on individual pads on one (1) *lot*.

MINI STORAGE WAREHOUSE means a *building* containing at least three (3) self-storage units divided from the floor to the ceiling, or roof, by a wall with an independent entrance to each unit.

MOBILE EDUCATIONAL/INSTRUCTIONAL USE means an *educational* or *instructional use* that is mobile and temporary in nature, which may include, but is not limited to, fire safety and first aid training.

MUNICIPAL BOUNDARY means the boundaries of the *Town*, or *Town limits*, as established or altered under subsection 3(1) of the *Municipalities Act*, 1999, SNL 1999, c M-24. See also *Municipal Planning Area*.

MUNICIPAL PLANNING AREA means the area of the *Town*, as established or altered under section 11 of the *Act*, in which the *Plan* and *Regulations* apply. See also *Municipal Boundary*.

MPA means *Municipal Planning Area*.



NON-CONFORMING USE means a legally existing *use* that is not listed as a *permitted* or *discretionary use* for the *use zone* in which it is located or which does not meet the *development* standards for that *use zone*.

OFFICE means a room or group of rooms used for conducting the affairs of a business, profession, service, industry, or *government use* including, but not limited to, data processing and storage operations.

OPEN SPACE USE means a *use* dedicated for natural environmental features, *water supply*, *park uses*, or *interpretation uses*. *Open space uses* are listed in the 'Open Space' *use group*—and where applicable, in subsidiary *use divisions*—in '[Appendix C: Use Category Table](#)'.

OUTDOOR FURNACE means an outdoor solid-fuel-combustion appliance used as a heating source for a *building* or a series of *buildings*.

OUTDOOR STORAGE means the storage of merchandise, goods, inventory, materials, or equipment or other items outside a *building* on the same *lot*, but does not include a *display court use*.



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

PARK – ACTIVE means an area for recreation that typically has skateboard parks, tennis courts, playing fields, mini-golf, golf driving range and practice facility, or other equipment associated with it. This *use* includes *park – passive*.

PARK – PASSIVE means areas of natural open space used for low intensity recreational activities such as walking, cycling, nature study and interpretation.

PARK – PUBLIC means an *active* or *passive park* specifically set aside for *recreational uses* by the general public.

PARKING FACILITY means any *building, structure, landscaping feature, or any other feature* integral to the parking of *vehicles*. Parking requirements are outlined in subsection [B.19](#).

PARKING FACILITY, **BARRIER FREE SPACE** means a rectangular space measuring no less than 2.6m (8.5ft) by 5.8m (19.0ft) with an adjacent access aisle measuring no less than 2.0m (6.6ft) in width, used for the parking of one (1) *motor vehicle* for persons with physical or sensory disabilities.

PARKING FACILITY, **COMMERCIAL LOT** means a surface *parking lot* where *parking spaces* are rented or leased, but does not include *parking lots* as accessory to a *main use*.

PARKING FACILITY, **DRIVEWAY** means that portion of a *lot* designed or intended to provide vehicular access to the *lot*.

PARKING FACILITY, **DRIVEWAY AISLE** means the area within a *parking lot* designed or intended for internal vehicular circulation providing direct access to a *parking aisle*, but does not provide direct access to a *parking space*.

PARKING FACILITY, **GARAGE** means a *building* containing parking of *motor vehicles*.

PARKING FACILITY, **INTERNAL AISLE** means the area within a *parking lot* designed or intended for internal vehicular circulation providing direct access to one (1) or more *parking spaces*, but does

not include a portion of a *driveway aisle*. An *internal aisle* may contain one (1) or two (2) directional lanes of travel.

PARKING FACILITY, LOT means an area of land for surface parking of *motor vehicles*.

PARKING FACILITY, SPACE means a *barrier free space parking facility* or a *standard space parking facility*. This definition is also referred to as *parking space* throughout the *Plan* and *Regulations*.

PARKING FACILITY, STANDARD SPACE means a rectangular space measuring no less than 2.8m (9.2ft) by 5.8m (19.0ft) used for the parking of one (1) *motor vehicle*. This definition is also referred to as *standard parking space* throughout the *Plan* and *Regulations*.

PARTY WALL means a partition erected on a property boundary, partly on the land of one *owner* and partly on the land of another, to provide common support to the *building* on both sides of the boundary.

PAVED means the hardening or smoothing of a surface through the use of tar and gravel, asphaltic or Portland cement, concrete or other similar substance, including bituminous penetration, but does not include the use of clay, dirt, or slag.



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

PERSONAL CARE HOME – INSTITUTIONAL means a 'personal care home' as defined under the *Personal Care Home Regulations*, NLR 15/01 and regulated by the *Health and Community Services Act*, SNL 1995, c. P-37.1, but contains 11 or more beds for residents. This definition excludes *assisted living facility*, any public or private *hospital*, sanatorium, jail, prison, reformatory, or *hostel*.

PERSONAL CARE HOME – RESIDENTIAL means a 'personal care home' as defined under the *Personal Care Home Regulations*, NLR 15/01 and regulated by the *Health and Community Services Act*, SNL 1995, c. P-37.1, but contains a maximum of 10 beds for residents. This definition excludes *assisted living facility*, any public or private *hospital*, sanatorium, jail, prison, reformatory, or *hostel*.

PERSONAL SERVICE SHOP – APPAREL means a *use* where clothes, footwear, or personal effects are cleaned, altered, or repaired and may include the ancillary sale of products relating to the service provided.

PERSONAL SERVICE SHOP – APPEARANCE means a *use* where services are provided to alter the appearance of hair, skin, or nails as well as for relaxation, massage, aromatherapy, and other similar non-medical therapies and may include the ancillary sale of products related to the service provided.

PET CARE SERVICES means a *use* where domestic animals are washed and groomed and may include the ancillary sale of products related to the service provided, excluding exterior enclosures. *Kennel* is a separate *use*.

PETROLEUM means *petroleum* as defined under the *Petroleum and Natural Gas Act*, RSN 1970, c 294.

PETROLEUM EXPLORATION means *development* activities associated with the search of *petroleum*. Activities may include, but are not limited to, borehole drilling, trenching, and the construction of trails. *Mineral exploration* is a separate *use*. See subsection [C.16](#).

PETROLEUM EXTRACTION means land or *buildings* used for the extraction of *petroleum*. *Mining* and *mineral working* are separate *uses*.

PHILANTHROPIC USE means the *use* of land, *buildings*, or *structures* for the purpose of promoting charitable, benevolent, or educational objectives, but does not include a *commercial use*.

PLACE OF WORSHIP means a *use* where people gather for religious or spiritual purposes and may include rooms for childcare, social, administrative, or food preparation functions. A *place of worship* may also include a *graveyard* as an *accessory use*.

PLAN means the 'Town of Port au Port West- Aguathuna- Felix Cove – Municipal Plan (2019- 29).'

POLICY means a general statement of intent of *Council*.

PORTABLE GARAGE means a collapsible *structure* covered with plastic or fabric used for the purpose of temporarily storing *vehicles* and/or the covering of *driveways*.

PRINTING CENTRE means a *use* where copies are made of graphic or printed material or where film and digital images are processed and may include the ancillary sale of products related to the service provided.

PRIVATE ACCESS means a road right-of-way that provides access to a *lot* and has not been vested in the *Town* or *DTW*.

PRIVATE WIND ENERGY SYSTEM means a small-scale wind turbine generator that is subordinate and incidental to the *main use* on the *lot* and does not produce any net revenue from its operation. See subsection [C.5](#).

PROCESSING PLANT means the *use* of *buildings* or lands that accommodates a series of operations, usually a continuous and regular action or succession of actions taking place or carried on in a definite manner. *Processing plant* does not include *uses* specifically listed elsewhere in these *Regulations*.

PROFESSIONAL means an individual who is a member of a professional association and is licensed, registered, or otherwise certified to practice in the Province of Newfoundland and Labrador.



PROHIBITED USE means a *use* that is not listed in a *use zone* within the *permitted use* classes or *discretionary use* classes or a *use* that an authority specifies as not permitted within a *use zone*.

PROPOSAL means a statement of *Council* outlining specific and tangible measures to satisfy or implement a *policy*.

PUBLIC EXHIBITION GROUNDS means the *use* of land or *building* on a seasonal or temporary basis for entertainment, display, performance, market, auction, fairs, horse racing, or other similar community events.

PUBLIC UTILITIES mean *uses* where energy and electricity, water, storm-water or sanitary sewage systems, or cable, telephone and telecommunication services are provided for public consumption, benefit, or *use*. This *use* need not be provided directly by a governmental organization. *Private wind energy system* is a separate *use*.

PUBLISHING FACILITY means a *use* where copies of graphic, digital, or printed materials are made and bound and includes area for storage of supplies, packaging, and shipping. This *use* includes large-scale facilities such a newspaper, magazine, and book publishing operations. *Printing centre* is a separate use.

QUARRY MATERIAL means *quarry material* defined under the *Quarry Materials Act*, 1998, SNL 1998, c Q-1.1.

QUEUEING LANE means a lane used for a *drive-thru* facility and is entirely contained on the *lot* in which services are provided. A *queueing lane* has a minimum width of 3.0m and accommodates *motor vehicles* for travel and *queueing spaces*.

QUEUEING SPACE means a rectangular space with a minimum length of 6.0m and is used for the queueing of *motor vehicles* at *drive-thru* facilities.

RACE TRACK means a *use* where animals and non-motorized *vehicles* are in competition against each other or against time and includes seating for spectators.



REAR YARD DEPTH means the distance between the *rear lot line* and the rear wall of the *main building* on a *lot*.

RECYCLING DEPOT means a *use* where bottles, cans, or other drink containers are taken for reimbursement of the containers deposit and/or where other recyclable materials are taken for salvage or processing off-site. Activities associated with this *use* primarily take place inside the *building* with

some external drop-off, storage, and shipping activity. This *use* may also include automated recycling drop-off centres in which workers may not be regularly on-site.

RECYCLING FACILITY means a *use* where discarded items are received, sorted, and broken down into components for removal from the site.

REGULATIONS means the 'Town of Port au Port West - Aguathuna - Felix Cove – Development Regulations (2019- 29).'

RESEARCH AND DEVELOPMENT means the *use* of land, *buildings*, or *structures* for research, invention, design, engineering, the testing of products, processes, software or a combination of them, and *manufacturing* or processing related to the *use*.

RESIDENTIAL USE means a *use* for permanent residence, or *seasonal residence*, which typically encompasses *dwelling units*. *Residential uses* are listed in the 'Residential' *use group*—and where applicable, in subsidiary *use divisions*—in '[Appendix C: Use Category Table](#)'.

RESOURCE USE means a *use* directly related to the extraction or harvesting of a renewable or non-renewable resource. This *use group* may also include exploratory *development* activities such as, but not limited to, the search for *minerals*, *quarry materials*, or archaeological/historical resources. *Resource uses* are listed in the 'Resource' *use group*—and where applicable, in subsidiary *use divisions*—in '[Appendix C: Use Category Table](#)'.

RESTAURANT means a *use* where food is prepared and sold for consumption on the premises and may include ancillary entertainment and the sale of food for consumption off the premises. This *use* may hold a liquor license under the *Liquor Control Act*, RSNL 1990, c L-18. *Bar/pub/night club* is a separate *use*.

RETAIL STORE means a *building* or part thereof in which goods, wares, merchandise, substances, articles, or things are offered for sale directly to the public, and may include minor food processing and packaging in connection with the sale of food products. *Automotive establishment uses*, *adult establishment uses*, *landscape material supply*, *retail warehouse*, *restaurant*, and *nursery* are separate *uses*.

RETAIL WAREHOUSE means a *use* where a limited range of large bulky goods requiring a large *floor area* for direct display are sold to the public and include such items as furniture, major appliances, *building materials*, and floor coverings.

SAFETY EMERGENCY SERVICES means a *use* where police, fire, medical, or any other emergency service is provided.

SCRAP YARD means the *use* of land, *buildings*, or *structures* for the storing, wrecking, dismantling, refurbishing or handling of goods, machinery and *vehicles*, and their retail sale, and may include a *recycling depot* or *outdoor storage*.

SCREENING means the total or partial concealment of a *building*, equipment, *structure*, or activity by a berm, *fence*, vegetation, or wall.

SEASONAL RESIDENCE means discontinuous habitation whereby a *vehicle*, *building* or portion thereof is primarily used for recreational purposes by users. *Seasonal residence* implies that said users occupy a *dwelling* separate from the place of *seasonal residence*. In the case of *cottage uses*, *seasonal residence* may also entail per-night rental of individual units.

SERVICE AND REPAIR – HOUSEHOLD means a *use* where household items such as furniture, electronic equipment, or appliances are repaired or serviced and may include the ancillary sale of products associated with the service provided.

SERVICE AND REPAIR – INDUSTRIAL means a *use* where industrial equipment, machines, or goods, not including *motor vehicles*, are repaired and serviced or maintained either indoors or outdoors and may include the ancillary sale of products associated with the service provided.

SERVICE AND REPAIR – SMALL ENGINE means a *use* that involves the maintenance and repair of low-power internal combustion engines (gasoline/petrol) or electric engines. Equipment repaired includes, but is not limited to, chainsaws, trimmers, leaf blowers, snowblowers, lawnmowers, wood chippers, snowmobiles, All Terrain Vehicles (ATVs), motorcycles and scooters. *Automotive establishment, service – small* and *large* are separate *uses*.

SERVICE CENTRE means a *use* where services or information is provided to the public without an appointment, typically over-counter on a first-come-first-serve basis.

SETBACK means the minimum required horizontal distance between two (2) features, which may include, but is not limited to, *lot lines*, *structures*, *buildings*, and natural features. In the case of a *setback* from a *building*, and unless otherwise specified in the *Plan* or *Regulations*, the nearest point is taken from the foundation or exterior wall, whichever is the lesser. In the case of a *setback* from an existing *use*, the nearest point is taken from the nearest *lot line* of the property containing the existing, *main use*.

SHIPPING TERMINAL means land primarily used for the transshipment of cargo containers.

SHIPYARD means land primarily used for the service and repair of *boats* and ships.

SIDE YARD DEPTH means the distance between the *side lot line* and the nearest side wall of a *building* on the *lot*.

SIGN means a word, letter, model, placard, board, device or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement or direction and excludes those things employed wholly as a memorial, advertisements of local government, utilities and boarding or similar *structures* used for the display of advertisements. [See subsection C.2. *Sign uses* are listed in the 'Sign' *use group*—and where applicable, in subsidiary *use divisions*—in 'Appendix C: Use Category Table'.]

SIGN, AREA means the area of message display on the *sign* face, but does not include any structural elements lying outside the limits of the *sign* that do not form an integral part of the message display of the *sign*. In the case of a double- or multi-sided *sign*, *sign area* is taken from one (1) face only.

SIGN, BILLBOARD means any *sign* supported independently of a *building* and permanently fixed to the ground with a *sign area* greater than 12m² (129ft²). *Ground sign* is a separate use.

SIGN, CANOPY means a *sign* that is part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

SIGN, ELECTRONIC MESSAGE BOARD means any *sign* that uses changing lights or electronic media to form a *sign* message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic process.

SIGN, FACIAL WALL means a *sign* that is attached directly to or painted upon a *building* wall, and does not extend therefrom nor extend above the roof line.

SIGN, GROUND means any *sign* supported independently of a *building* and permanently fixed to the ground with a *sign area* of not more than 12m² (129ft²). *Billboard sign* is a separate use.



SIGN, INSTALLATION means to construct, erect, or place a *sign* that did not previously exist in the location of the proposed *development*; or the significant alteration of an existing *sign* including, but is not limited to, changes to structural features, wiring, or illumination.

SIGN, PORTABLE means any *sign* that is specifically designed or intended to be readily moved from one (1) location to another and which does not rely on a *building* or fixed foundation for its structural support. This definition includes *sandwich board sign*.

SIGN, PROJECTING WALL means a *sign* that is wholly or partially dependent upon a *building* for support and which projects more than 0.3m (1.0ft) beyond said *building*.

SIGN, RE-FACING excludes *sign installation* and relates to the changing or updating of messages displayed on an existing *sign* face.

SIGN, ROOF means any *sign* erected upon, against, or directly above a roof, or on top of, or above the parapet of a *building*.

SIGN, SANDWICH BOARD means a two-sided A-frame style self-supporting *sign* which is not permanently affixed to the ground and designed to be movable.

SITE PLAN means a drawing submitted by an applicant showing proposed changes to lands, which typically focuses on a *development* proposal. The *site plan* illustrates existing features and proposed changes to lands. A *Delegated Employee* assesses a *site plan*, and edits thereto, to ensure that any proposed changes to lands are in conformity with the *Plan* and *Regulations*. See subsection [B.1](#).

SOCIAL ORGANIZATION means a *use* where members of a club, group, or organization meet to participate in recreational, educational, social, political, or cultural activities and may include the preparation of food, seating areas, and meeting rooms. *Adult establishment uses* and *entertainment uses* are separate *uses*.

SPECIAL FUNCTION TENT means a *use* where a temporary collapsible shelter is erected on a *lot* for a social, cultural, recreational, educational, or entertainment event for a maximum of 14 days and may include the sale and consumption of food and alcohol on the premises.

SPECIFIED ANATOMICAL AREAS means any of the following:

- a) Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breasts below a point immediately above the top of the areola; or
- b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES means any lawful sexual activities including:

- a) Causing human genitals to be in a state of sexual stimulation or arousal; or
- b) Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.

STATEMENT OF COMPLIANCE FOR USE AND DEVELOPMENT means a written letter indicating the (non)conformity of the existing *use*, and any associated *development* of the *lot*, with the *Plan* and *Regulations*. See subsection [A.2.1.9](#).

STATEMENT OF ZONING FOR PROPERTY means a written letter indicating the zoning of a *lot*. If requested by the *Applicant*, the letter may also include details on whether or not a proposed *use* is *permitted*, *discretionary*, or *prohibited*. See subsection [A.2.1.8](#).

STEEP SLOPES means lands in their natural state that have a slope angle of 20% or greater for a minimum horizontal distance of 10.0m (32.8ft).

STOREY means the portion of a *building* which is situated between the top of a floor and the top of the next floor above it, and if there is no floor above it, the portion between the top of such floor and the ceiling above it.



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 a *public street* designed for high traffic volumes and serves to move traffic across *Town* and/or between *highway streets*.

STREET, COLLECTOR means a *public street* designed for low-to-moderate traffic volumes and serves to move traffic between *local streets* and *arterial streets*.

STREET, HIGHWAY means *public streets* vested in *DTW*, which traverses through the *Town* and are limited to the following: the Front Road/Felix Cove Road (Route #460), Main Road (Route #460-13), and Father Joy's Road (Route #460-14).



STREET, LINE means the edge of a *street reservation* as defined by the authority having jurisdiction.

STREET, LOCAL means a *public street* designed for low traffic volumes and serves to facilitate traffic flow around local neighbourhoods.

STREET, PUBLIC means a *street* vested in the *Town* or *DTW*.

STREET, RESERVATION means the whole and entire right-of-way or road allowance of a *public street*.

STRUCTURE means anything that is erected, built, or constructed of parts joined together.

STRUCTURE LINE SETBACK means a line established by *Council* that runs parallel to a *street line* and is set at the closest point to a *street* that a *structure* may be placed. See also *building line setback* and subsection [B.11](#).

SUBDIVISION means the alteration of legal property boundaries and includes, but is not limited to, the realignment of existing boundaries, consolidation of existing *lots*, or the creation of new *lots*. See '[Section D: Subdivision](#)' in the *Regulations*.

SWIMMING POOL means a tank or body of water which is intended to be used for swimming and which has a possible maximum depth greater than 1.0m (3.3ft), but does not include a *watercourse*.

TOWN means the Town of Port au Port West- Aguathuna- Felix Cove.

TRANSPORTATION USE means a *use* of land, *buildings*, or *structures* to support transportation services and infrastructure. *Transportation uses* are listed in the '*Transportation*' *use group*—and where applicable, in subsidiary *use divisions*—in '[Appendix C: Use Category Table](#)'.

TRANSPORTATION HUB means a *use* of land, *buildings*, or *structures* as a primarily point of arrival and departure for travellers including, but not limited to, docks, ports, airports, train or bus terminals. *Dispatch service* is a separate *uses*.



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



USE, ACCESSORY see *accessory use*.



USE, DISCRETIONARY see *discretionary use*.

USE, **MAIN** means a *permitted or discretionary use*. A *main use* is the primary purpose for which a *lot, building, or dwelling* is used.

 USE, **NON-CONFORMING** see *non-conforming use*.


 USE, **PERMITTED** see *permitted use*.

 USE, **PROHIBITED** see *prohibited use*.

USE CATEGORY TABLE means the table outlined in '[Appendix C: Use Category Table](#)'.


USE DIVISION is a category of *uses* which includes more specific *uses*, but must be a part of a *use group*. Please refer to '[Appendix C: Use Category Table](#)' for the detailed organization of *uses*.

USE GROUP is the broadest category of *uses* which includes more specific *uses* and may include *use divisions*. Please refer to '[Appendix C: Use Category Table](#)' for the detailed organization of *uses*.

 **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.

USE ZONE TABLE means the table in each *use zone* under subsection '[E.2 Use Zone Regulations](#)' in the *Regulations*. The *use zone table* includes specific *permitted, discretionary, and prohibited uses*. These *uses* may be indirectly referenced through *use groups* and *divisions*.

UTILITY USE means the *use* of land, *buildings, or structures* for private or public services relating to, but not limited to, the provision of power, water, waste, communications, *access* and *street* infrastructure. *Utility uses* are listed in the 'Utility' *use group group*—and where applicable, in subsidiary *use divisions*—in '[Appendix C: Use Category Table](#)'.

 **VARIANCE** means a departure, to a maximum of 10% from the *yard, area, lot coverage, setback, size, height, frontage* or any other numeric requirement of the applicable *use zone table* of the authority's regulations.

VEHICLE means a *vehicle* as defined under the *Highway Traffic Act*, RSNL 1990, c H-3.

VEHICLE, **COMMERCIAL MOTOR** means a *commercial motor vehicle* defined under the *Highway Traffic Act*, RSNL 1990, c H-3.

VEHICLE, **MOTOR** means a *motor vehicle* as defined under the *Highway Traffic Act*, RSNL 1990, c H-3.

VEHICLE, **MOTOR HOME** means a *motor vehicle* intended for *seasonal residence*, which includes provisions for sleeping, and kitchen or sanitary facilities. A *motor home vehicle* and can be regularly transported and must be registered under the *Highway Traffic Act*, RSNL 1990, c H-3 as a 'passenger vehicle' in order to operate on a highway within Newfoundland and Labrador.

VEHICLE, **SALVAGE** means a *salvage vehicle* defined under the *Highway Traffic Act*, RSNL 1990, c H-3.

VEHICLE, **TRAILER** means a trailer as defined in the *Highway Traffic Act*, RSNL 1990, c H-3.

VEHICLE, **TRAVEL TRAILER** means a *trailer vehicle* intended for *seasonal residence*, which includes provisions for sleeping, and kitchen or sanitary facilities. A *travel trailer* can be regularly transported, but must be towed either by a *motor vehicle* or a *truck tractor* (fifth wheel). A *travel trailer* must be registered pursuant to the *Highway Traffic Act*, RSNL 1990, c H-3 as a *trailer vehicle* in order to operate on a highway within Newfoundland and Labrador. A *travel trailer* has a maximum width of 2.6m (8.53ft) and a maximum length of 8.5m (27.9ft). *Mobile home dwelling* is a separate use.

VEHICLE, **TRUCK** means *truck* defined under the *Highway Traffic Act*, RSNL 1990, c H-3.

VEHICLE, **TRUCK TRACTOR** means a *truck tractor* defined under the *Highway Traffic Act*, RSNL 1990, c H-3.

VEHICLE, **TRUCK-MOUNTED CAMPER** means a component that is designed to mount on the storage compartment of a pickup truck, is intended for *seasonal residence*, can be regularly transported, and includes provisions for sleeping, and kitchen or sanitary facilities. The component may be dismounted from the pickup truck and used for temporary accommodations and living. A *truck-mounted camper* need not be independently registered pursuant to the *Highway Traffic Act*, RSNL 1990, c H-3 as a *vehicle* in order to be transported on a highway within Newfoundland and Labrador.

VENDING FACILITY means a readily movable *building, structure, or vehicle* where produce or goods are offered or kept for sale, primarily on a temporary or seasonal basis, including, but is not limited to, food or retail booths. A *vending facility* includes a 'mobile preparation premises' under the *Food Premises Regulations*, CNLR 1022/96.

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

WAREHOUSE/INDOOR STORAGE means a *building* used primarily for the storage of goods and materials.

WASTE DISPOSAL FACILITY means a *use* where garbage and waste is collected, stored, and/or treated permanently in open or covered pits or temporarily indoors or outdoors for further processing or treatment off-site and may include administrative functions associated with the *use*.

WASTEWATER TREATMENT FACILITY means a *use* where wastewater is collected, treated, and disposed of.

WATER SUPPLY means a designated area containing surface water or groundwater that was previously, is currently, or will be a source for potable water in the *Town*.


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

WHOLESALE STORE means *buildings* or *structures* in which commodities are offered for sale in bulk, primarily for resale or business *use*.


YARD means an open, uncovered space on a *lot* appurtenant to a *building*, except a court bounded on two (2) or more sides by *buildings*. *Yards* are represented as rounded solid lines in the adjacent diagram.

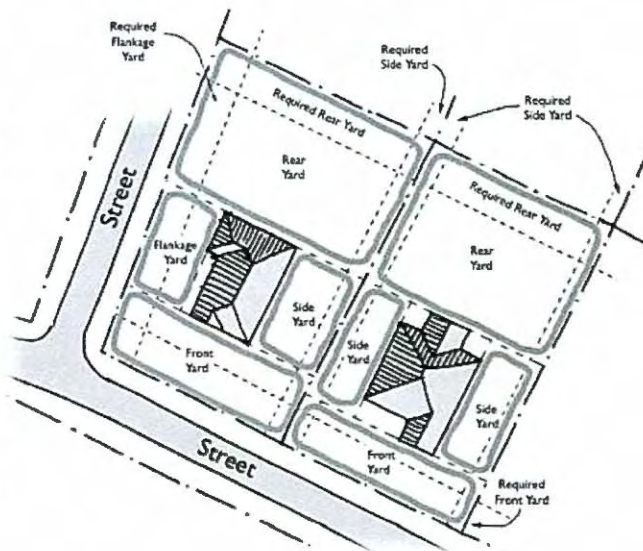
YARD, DAYLIGHTING means the area within the 'Required Yard Setback', represented as A in the *daylighting triangle* definition diagram.

YARD, FRONT means a *yard* extending across the full width of a *lot* between the *front lot line* and the nearest *main wall* of the *main building* on a *lot*.

 **YARD, REAR** see *rear yard depth*.

YARD, REQUIRED means the minimum permissible breadth of any *yard* determined in extent from the applicable *lot line* to a line specified within the given zone requirements. *Required yards* are represented as dotted lines in the adjacent diagram.

 **YARD, SIDE** see *side yard depth*.



ZONE see *use zone*.



ZONING MAP means the map or maps attached to and forming a part of the authority's regulations.
[See 'Schedule A: Land Use Zones Map'.]

Appendix C: Use Category Table

The following *use category table* categorizes individual *uses* into broad *use groups* and, where applicable, associated *use divisions*. Due to the nature of certain *uses*, some fall into multiple categories. Please refer to '[Appendix B: Definitions](#)' for terms in the 'Uses (Defined)' category. The 'Examples (Undefined)' category is for user convenience only. Where there is conflict between the examples, and *uses* and their respective definitions, the latter shall prevail.

Use Group	Use Division	Uses (Defined)	Examples (Undefined)
Agricultural	Large Scale	Abattoir	Slaughterhouse
Agricultural	Large Scale	Commercial	Poultry and Hog Farms, Rabbit and Fur Farms, Greenhouses, Tree Nurseries
Agricultural	Large Scale	Feed Mill	(N/A)
Agricultural	Large Scale	Research Farm	(N/A)
Agricultural	Small Scale	Backyard Poultry Coop	(N/A)
Agricultural	Small Scale	Community Garden	(N/A)
Agricultural	Small Scale	Hobby Garden	Backyard Vegetable Garden, Backyard Flower Garden
Agricultural	Small Scale	Personal	(N/A)
Commercial	(N/A)	Communication Use	Radio Station, TV Station, Call Centre, Telecommunications Establishment
Commercial	(N/A)	Drive-Thru	Restaurant Drive-Thru, Bank Drive-Thru
Commercial	(N/A)	Home Business	(N/A)
Commercial	(N/A)	Home Industry	(N/A)
Commercial	(N/A)	Manufacturing – Light	Coffee Roasting, Furniture Manufacturing, Electronics Assembly
Commercial	(N/A)	Mini Storage Warehouse	(N/A)
Commercial	(N/A)	Office	Government Offices, Business Offices
Commercial	(N/A)	Recycling Depot	(N/A)
Commercial	(N/A)	Special Function Tent	(N/A)
Commercial	(N/A)	Vending Facility	Food or Retail Booth or Vehicle
Commercial	(N/A)	Warehouse/Indoor Storage	Warehouse, Shed, Detached Garage, Baby Barn
Commercial	Adult Establishment	Cabaret	(N/A)
Commercial	Adult Establishment	Escort Service	(N/A)
Commercial	Adult Establishment	Massage Parlour	(N/A)
Commercial	Adult Establishment	Retail Outlet	(N/A)
Commercial	Adult Establishment	Studio	(N/A)
Commercial	Adult Establishment	Theatre	(N/A)
Commercial	Automotive Establishment	Body and Paint	(N/A)
Commercial	Automotive Establishment	Dealership – Large	Tractor Trailer Dealership, Farm Vehicle Dealership

Commercial	Automotive Establishment	Dealership – Seasonal	RV Dealership, Snowmobile and ATV Dealership
Commercial	Automotive Establishment	Dealership – Small	Car and Truck Dealership
Commercial	Automotive Establishment	Gas Station	(N/A)
Commercial	Automotive Establishment	Rental	(N/A)
Commercial	Automotive Establishment	Service – Large	Safety Check / Oil Change Service Garage (≥3 Bays)
Commercial	Automotive Establishment	Service – Small	Safety Check / Oil Change Service Garage (≤2 Bays)
Commercial	Automotive Establishment	Storage	(N/A)
Commercial	Automotive Establishment	Towing Service	(N/A)
Commercial	Automotive Establishment	Wash	Automated Vehicle Wash, Manual Vehicle Wash Bays
Commercial	Food and Beverage	Bar/Pub/Night Club	(N/A)
Commercial	Food and Beverage	Catering Service	(N/A)
Commercial	Food and Beverage	Micro-Brewery	(N/A)
Commercial	Food and Beverage	Restaurant	Diner, Fast Food Restaurant, Take-Away Restaurant
Commercial	Indoor Accommodation	Bed and Breakfast / Tourist Home	(N/A)
Commercial	Indoor Accommodation	Hostel	(N/A)
Commercial	Indoor Accommodation	Hotel/Motel/Inn	(N/A)
Commercial	Indoor Recreation	Entertainment Use – Indoor	Theatre, Arcade, Pool or Billiard Hall
Commercial	Indoor Recreation	Recreational Facility – Indoor	Aquatic Centre, Gymnasium, Skating Rink
Commercial	Indoor Retail	Auction House	(N/A)
Commercial	Indoor Retail	Equipment Sales and Rental – Light	Hardware Store, Gardening Store
Commercial	Indoor Retail	Retail Store	Grocery Store, Convenience Store, Clothing Store
Commercial	Indoor Retail	Wholesale Store	Wholesale Grocery Store
Commercial	Outdoor Accommodation	Campground	(N/A)
Commercial	Outdoor Accommodation	Cottage	(N/A)
Commercial	Outdoor Accommodation	Cottage – Resort Cluster	(N/A)
Commercial	Outdoor Recreation	Entertainment Use – Outdoor	Go-karts, Outdoor Paintball, Bumper Boats, Drive-in Theatre
Commercial	Outdoor Recreation	Equestrian Facility	(N/A)



Commercial	Outdoor Recreation	Golf Course	9- or 18-Hole Golf Courses
Commercial	Outdoor Recreation	Public Exhibition Grounds	Amusement Park, Fair Grounds
Commercial	Outdoor Recreation	Race Track	(N/A)
Commercial	Outdoor Retail	Auction Facility	Vehicle Auction, Livestock Auction
Commercial	Outdoor Retail	Display Court	Garden Centre, Outdoor Vehicle Display, Outdoor Equipment Display
Commercial	Outdoor Retail	Display Court – Model Home	(N/A)
Commercial	Outdoor Retail	Farmers' Market	(N/A)
Commercial	Outdoor Retail	Retail Warehouse	Furniture and Appliance Store, Flooring Store
Commercial	Parking	Commercial Lot	(N/A)
Commercial	Parking	Garage	(N/A)
Commercial	Service	Craft Workshop	Craft Workshop, Pottery Workshop, Woodworking Workshop
Commercial	Service	Dispatch Service	Taxi Service, Limousine Service, Courier Service
Commercial	Service	Dry Cleaning / Laundry Store	(N/A)
Commercial	Service	Personal Service Shop – Apparel	Shoe Repair Shop, Tailor Shop, Seamstress Shop
Commercial	Service	Personal Service Shop – Appearance	Nail Shop, Hair Salon, Barber Shop, Tattoo Parlour, Piercing Shop
Commercial	Service	Printing Centre	(N/A)
Commercial	Service	Service and Repair – Household	TV and Stereo Repair Store, Furniture Repair Store
Commercial	Service	Service and Repair – Small Engine Repair	(N/A)
Commercial	Service	Service Centre	Commercial Tourism Info Centre
Commercial	Service	Towing Service	(N/A)
Industrial	(N/A)	Warehouse/Indoor Storage	Warehouse, Storage Bays
Industrial	Manufacturing or Processing	Abattoir	Slaughterhouse
Industrial	Manufacturing or Processing	Asphalt/Aggregate/Concrete Plant	(N/A)
Industrial	Manufacturing or Processing	Contractor's Shop	(N/A)
Industrial	Manufacturing or Processing	Dry Cleaning Plant	(N/A)
Industrial	Manufacturing or Processing	Environmental Industry Use	(N/A)
Industrial	Manufacturing or Processing	Feed Mill	(N/A)
Industrial	Manufacturing or Processing	Food and Beverage Processing Facility	Breweries, Distilleries, Food Production Plant
Industrial	Manufacturing or Processing	Manufacturing – Heavy	Vehicle Assembly Plant, Retail Manufacturing Plant

Industrial	Manufacturing or Processing	Manufacturing – Light	Coffee Roasting, Furniture Manufacturing, Electronics Assembly
Industrial	Manufacturing or Processing	Marijuana Production Facility	(N/A)
Industrial	Manufacturing or Processing	Micro-Brewery	(N/A)
Industrial	Manufacturing or Processing	Processing Plant	Oil Refinery, Smelter, Pulp and Paper Mill
Industrial	Manufacturing or Processing	Publishing Facility	Newspaper Publisher, Magazine Publisher
Industrial	Service	Service and Repair – Industrial	(N/A)
Industrial	Service	Service and Repair – Small Engine Repair	(N/A)
Industrial	Service	Shipyard	Dry Dock
Industrial	Storage, Retail and Rental	Bulk Fuel Station	(N/A)
Industrial	Storage, Retail and Rental	Contractor’s Yard	(N/A)
Industrial	Storage, Retail and Rental	Distribution Use	(N/A)
Industrial	Storage, Retail and Rental	Equipment Sales and Rental – Heavy	(N/A)
Industrial	Storage, Retail and Rental	Landscape Material Supply	(N/A)
Industrial	Storage, Retail and Rental	Mini Storage Warehouse	Self-Storage Warehouses
Industrial	Storage, Retail and Rental	Scrap Yard	(N/A)
Industrial	Storage, Retail and Rental	Shipping Terminal	Marine Terminal, Inland Terminal
Industrial	Waste Management	Recycling Depot	(N/A)
Industrial	Waste Management	Recycling Facility	(N/A)
Industrial	Waste Management	Waste Disposal Facility	Landfill, Dump-site
Industrial	Waste Management	Waste Water Treatment Facility	(N/A)
Institutional	(N/A)	Communication Use	Radio Station, TV Station, Telecommunications Establishment
Institutional	(N/A)	Governmental Use	Service Centre, Office
Institutional	(N/A)	Recreational Facility – Indoor	Aquatic Centre, Gymnasium, Skating Rink
Institutional	(N/A)	Special Function Tent	(N/A)
Institutional	Assembly	Assembly Hall	(N/A)
Institutional	Assembly	Community Centre	(N/A)
Institutional	Assembly	Conference and Event Facility	(N/A)
Institutional	Assembly	Cultural Establishment	Art Gallery, Archives, Museum
Institutional	Assembly	Library	(N/A)

Institutional	Assembly	Philanthropic Use	Non-profit Headquarters, Womens' Shelter, Food Bank, Homeless Shelter
Institutional	Assembly	Place of Worship	Church, Mosque, Synagogue
Institutional	Assembly	Social Organization	Seniors Organization, Political Headquarters, Video Gaming Club
Institutional	Care	Assisted Living Facility	(N/A)
Institutional	Care	Child Care Service – Centre Based	(N/A)
Institutional	Care	Child Care Service – Family	(N/A)
Institutional	Care	Hospital	(N/A)
Institutional	Care	Medical Clinic	Home Doctor Clinic, Dental Clinic, Eye Doctor Clinic, Audiology Clinic
Institutional	Care	Personal Care Home – Institutional	(N/A)
Institutional	Education	Educational Use	School, College, University, Training Centre
Institutional	Education	Instructional Use	Dance Studio, Music Studio, Martial Arts Facility
Institutional	Education	Mobile Educational/Instructional Use	First Aid Training, Fire Safety and Rescue Training
Institutional	Outdoor Recreation	Equestrian Facility	(N/A)
Institutional	Outdoor Recreation	Public Exhibition Grounds	(N/A)
Institutional	Pets and Animal Control	Animal Shelter	(N/A)
Institutional	Pets and Animal Control	Kennel	(N/A)
Institutional	Pets and Animal Control	Pet Care Services	Pet Grooming Establishment
Institutional	Pets and Animal Control	Veterinary Clinic	(N/A)
Institutional	Pets and Animal Control	Zoo	(N/A)
Institutional	Posthumous	Columbarium	(N/A)
Institutional	Posthumous	Crematorium	(N/A)
Institutional	Posthumous	Funeral Home	(N/A)
Institutional	Posthumous	Graveyard	(N/A)
Institutional	Research	Laboratory	(N/A)
Institutional	Research	Research and Development	Technology Testing Facility, Product Development Facility
Institutional	Research	Research Farm	(N/A)
Institutional	Service	Safety Emergency Services	Police Station, Fire Station, Ambulance Station
Institutional	Service	Service Centre	Public Tourism Info Centre
Open Space	(N/A)	Water Supply	Pond/Lake Supply, Groundwater Aquifer Supply, Public Spring

Open Space	Interpretation	Area of Natural, Historic, or Scientific Interest	War Memorial, Historical Site, Fossil Site, Archaeological Site
Open Space	Interpretation	Interpretive Centre	Museum, Science Centre, History Centre
Open Space	Park	Active	Baseball, Soccer, or Football Field; Tennis Court; Skateboard Park
Open Space	Park	Passive	Hiking Trail, Multi-use Trail, Rest Stop
Open Space	Park	Public	(N/A)
Residential	Double	Double Unit Dwelling	Duplex, House with Basement Apartment
Residential	Double	Row House Single Dwelling (2 DUs only)	Duplex (Property subdivided along party wall of each DU)
Residential	Multiple	Mini and/or Mobile Home Park	(N/A)
Residential	Multiple	Multi-unit Dwelling	Apartment Building, Condominium Building
Residential	Multiple	Row House Single Dwelling (3 or more DUs)	Town Houses (Properties subdivided along party walls of each DU)
Residential	Multiple	Row House Double Dwelling (4DUs only)	Duplex (Each with a basement apartment, property subdivided along party wall of DUs; two DUs per side)
Residential	Multiple	Row Double Dwelling (6 or more DUs)	Town Houses (Each with a basement apartment, properties subdivided along party walls; two DUs per property)
Residential	Seasonal	Cottage	(N/A)
Residential	Seasonal	Cottage – Private Cluster	(N/A)
Residential	Shared Facilities	Boarding House	(N/A)
Residential	Shared Facilities	Dormitory/Residence	University or College Residence, Convent or Monastery, Nurse or Hospital Residence
Residential	Shared Facilities	Personal Care Home – Residential	(N/A)
Residential	Single	Micro Dwelling	Tiny Home
Residential	Single	Mini Home Dwelling	(N/A)
Residential	Single	Mobile Home Dwelling	Trailer Park Home
Residential	Single	Single Unit Dwelling	(N/A)
Resource	(N/A)	Fishing	Indoor or Outdoor Storage of Equipment, Boathouse
Resource	(N/A)	Forestry	Cutting, Harvesting, Silviculture
Resource	(N/A)	Hunting/Trapping	Indoor or Outdoor Storage of Equipment
Resource	Earth Exploration	Archaeological/ Historical Research Exploration	Trails, Excavation Pits
Resource	Earth Exploration	Mineral Exploration	Borehole Drilling, Trenching, Trails
Resource	Earth Exploration	Petroleum Exploration	Borehole Drilling, Trenching, Trails
Resource	Earth Extraction	Mineral Working	Quarry, Pit, Asphalt/Concrete Manufacturing or Recycling, Soil Treatment
Resource	Earth Extraction	Mining	(N/A)
Resource	Earth Extraction	Petroleum Extraction	Oil or Natural Gas Well

Sign	Building Mounted	Canopy	(N/A)
Sign	Building Mounted	Electronic Message Board	(N/A)
Sign	Building Mounted	Facial Wall	(N/A)
Sign	Building Mounted	Projecting Wall	(N/A)
Sign	Building Mounted	Roof	(N/A)
Sign	Stand Alone	Billboard	(N/A)
Sign	Stand Alone	Electronic Message Board	(N/A)
Sign	Stand Alone	Ground	(N/A)
Sign	Stand Alone	Portable	(N/A)
Sign	Stand Alone	Sandwich Board	(N/A)
Transportation	(N/A)	Dispatch Service	Taxi Service, Limousine Service, Courier Service
Transportation	(N/A)	Marina	Sailing, Yachting, Paddling, or Rowing Club
Transportation	(N/A)	Transportation Hub	Dock, Port, Airport, Train or Bus Terminal
Utility	(N/A)	Access	(N/A)
Utility	(N/A)	Private Wind Energy System	Residential Wind Turbine
Utility	(N/A)	Public Utilities	Commercial Wind Farm; Telecommunications; Television; Power; Public Water, Sewer, and Storm-water
Utility	(N/A)	Street	(N/A)

Appendix D: Animal Unit Equivalents

*'Table C.1 Animal Unit Equivalents (A.U.)' taken from the 'Environmental Farm Practices Guidelines for Livestock and Poultry Producers,' Publication SLM045, September, 2002

Type of Livestock	Av. Weight Per Animal (kg)	Number of Livestock = 1 AU	Number of A.U. per Livestock
Dairy Cows	545.0-640.0	1	1.20-1.41
Heifers	300.0	2	1.30 (0.66 each)
Veal	91.0	5	1(0.20 each)
Bulls	545.0	1	1.20
Beef Cattle	360.0	2	1.60 (0.79 each)
Sows (F to F)	454.0	1	1
Sows	150.0	3	1 (0.33 each)
Hogs	75.0	6	1 (0.165 each)
Boars	150.0	3	1 (0.33 each)
Sheep (Ewe)	54.0	8	1 (0.119 each)
Sheep (Lamb)	27.0	16	1 (0.059)
Goats	64.0	7	1 (0.141 each)
Foxes (w/Litter)	11.35	40	1 (0.025 each)
Mink	3.0	150	1 (0.007 each)
Rabbits	2.27	200	1 (0.005 each)

Note: One animal unit is equivalent to 454 kg (1,000 lb) live weight).

Source: Newfoundland and Labrador Department of Forest Resources and Agrifoods.

Appendix E: Fees

APP. E.1 APPLICATION FEES

Type	Description	Fee
(a) Development Permit	i. Residential use ≤ 2 DUs (one (1) main use and main building only), and accessory uses, buildings and structures; signs; or fee amount per subdivided lot created for any of the preceding uses	\$20.00
	ii. Residential use 3 – 24DUs; or commercial or industrial use building $\leq 1500\text{m}^2$ (4921ft ²) in floor area; or fee amount per subdivided lot created for any of the preceding uses	\$40.00
	iii. Residential use ≥ 25 DUs; or commercial or industrial use building $> 1500\text{m}^2$ (4921ft ²) in floor area; or fee amount per subdivided lot created for any of the preceding uses	\$60.00
(b) Planning Approval	i. Discretionary Use (see A.2.2.5)	\$150.00
	ii. Variance (see A.2.2.6)	\$150.00
	iii. Non-conforming Use (see A.2.2.7)	\$150.00
(c) Amendment (see A.2.2.8)	i. Regulations	\$500.00
	ii. Plan and Regulations	\$750.00

Table 12: Application Fees

APP. E.2 ADMINISTRATIVE REQUEST FEES

Type	Fee
(a) Statement of Zoning for Property (see A.2.1.8)	\$50.00
(b) Statement of Compliance for Use and Development (see A.2.1.9)	\$150.00

Table 13: Administrative Request Fees