Town of Salvage Development Regulations 2021-2031

Prepared for

The Town of Salvage

Prepared by

Baird Planning Associates



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by

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John Baird, MCIP



Urban and Rural Planning Act 2000 Resolution to Adopt

Town of Salvage Development Regulations 2021 - 2031

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

Adopted by the Town Council of Salvage on the 24th day of January 2022.

Signed and sealed this $/\mathcal{O}$ day of 1 @ 2022 Mayor: uce Critchlev Clerk: **Bev King**

(Council Seal)

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*.

John Baird, MCIP





Urban and Rural Planning Act 2000 Resolution to Approve

Town of Salvage Development Regulations 2021 - 2031

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

- (d) Adopted the Salvage Development Regulations on the 24th day of January 2022.
- (e) Gave notice of the adoption of the Salvage Municipal Plan by advertisement:
 - Posted at the Town Hall
 - Posted as a flyer to all mailboxes in Salvage
 - Posted by mail individually to seasonal residents
- (f) Set the 4th day of April 2022 at the Town Hall, Salvage for receipt of objections and other representations for consideration by the Public Hearing Commissioner.

Now under the authority of Section 23 of the *Urban and Rural Planning Act* 2000, the Town Council of Salvage approves the Salvage Development Regulations with the following change.

The following sentence in Section 7.3 of the adopted version is removed: "Where these Regulations are inconsistent with the Provincial Highway Sign Regulations, the more restrictive regulations shall apply."

SIGNED AND SEALED this 8th day of July 2022.	
Mayor: (Suce) Stehrt Bruce Critchley	(Council Sea
Clerk: Bev King	15.2
Development Regulations REGISTERED	
Number <u>4510-2022-000</u>	
Date 22 JULY 2022 Signature Blanchard	



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PART 1: APPLICATION

1.1 Title

These Regulations may be cited as the Salvage Development Regulations.

1.2 Interpretation

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

1.3 Commencement

These Regulations came into effect throughout the Salvage Municipal Planning Area on the date of publication of a notice to that effect in the Newfoundland and Labrador Gazette.

1.4 Municipal Regulations and Codes

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

1.5 Council

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

1.6 Development Regulations under the Urban and Rural Planning Act 2000

The Development Regulations under the Urban and Rural Planning Act 2000 (hereafter referred to as the Province's Development Regulations), enacted under Section 36 of the Urban and Rural Planning Act 2000 (hereafter referred to as the Act), shall apply to development within the Planning Area. Where there is conflict between these and the Salvage Development Regulations, the Province's Development Regulations shall prevail. The Province's Development Regulations are appended as Appendix C.

PART 1 - APPLICATION

1

PART 2: DEFINITIONS

GENERAL NOTE:

A definition marked with one asterisk is also included in the Province's Development Regulations. A definition marked with two asterisks is also included in the *Urban and Rural Planning Act 2000*.

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

*ACCESSORY BUILDING includes:

- (i) A detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory 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, vegetable storage cellars, shelters for domestic pets or livestock, or radio and television antennae.
- (iii) For commercial uses, workshops or garages, and
- (iv) 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, unless the context indicates otherwise, the Urban and Rural Planning Act 2000.

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

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

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

- (a) the clearing, draining, irrigating or cultivation of land for livestock grazing,
- (b) the raising of livestock, including poultry,
- (c) the raising of fur-bearing animals,
- (d) the raising of bees,
- (e) the production of eggs and milk,

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

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

ANIMAL UNIT means any one of the following animals or groups of animals as specified by the Agriculture Lands Section (Department of Fisheries, Forestry and Agriculture):

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

ANTENNA means a building, structure, mast, or antenna used to facilitate the receiving or transmitting of radio, television, telephone, cellular, Internet, or satellite communications.

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

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

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

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

ARTERIAL ROAD means a main traffic artery to and through the Planning Area, which is shown as an arterial street on the zoning maps. Route 310 is the arterial road in Salvage.

*AUTHORITY means the Municipal Council of the Town of Salvage.

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

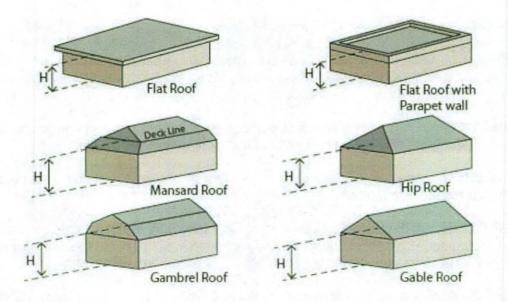
BOARDING HOUSE means a dwelling in which accommodation is provided for two (2) to twelve (12) persons inclusive, and in which kitchen, dining, and bathroom facilities may be used in common by some or all of the occupants.

**BUILDING means:

- (a) a structure, erection, alteration or improvement placed on, over or under land or attached, anchored or moored to land,
- (b) mobile structure, vehicle or marine vessel adapted or constructed for residential, commercial, industrial and other similar uses,
- (c) a part of and fixture on a building referred to in subparagraphs (a) and (b), and
- (d) an excavation of land whether or not that excavation is associated with the intended or actual construction of a building or thing referred to in subparagraphs (a) to (c).

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

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



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

CAMPGROUND means a contiguous parcel of land, managed as a unit, for the accommodation of any combination of five (5) or more recreational vehicles, travel trailers, or tents used on a short term or seasonal basis, and where accessory uses may include an administrative office, clubhouse, snack bar, laundry, convenience store, swimming pool, washroom, and recreational area or facility.

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

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

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

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

COLLECTOR STREET means a street that links local streets with arterial streets or other collector streets. Mountainview Road is the only collector street in Salvage.

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

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

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

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

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

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

CROP AGRICULTURE - See "AGRICULTURE, CROP".

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

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

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

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

and excludes:

- (a) the carrying out of works for the maintenance, improvement or other alteration or any building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building,
- (b) the carrying out by a highway authority of any works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation

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

****DEVELOPMENT REGULATIONS** means regulations made under sections 34 to 38 of the <u>Act</u>.

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

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

DOCK means a recreational wharf extending into a body of water.

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

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

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

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

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

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

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

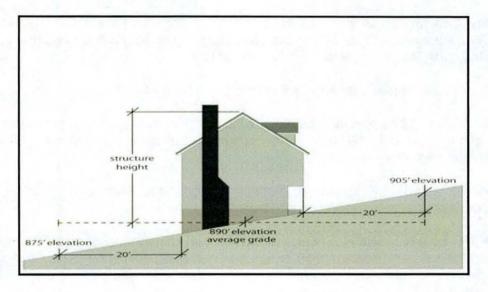
ENERGY GENERATION FACILITY means a small-scale facility for generating electricity.

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

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

*ESTABLISHED GRADE means:

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



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

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

FISHERIES FACILITY means a facility near or abutting coastal water for a purpose related to commercial fishing, aquaculture, or fish processing, and may include wharves, gear sheds, slipways, boat service facilities, etc.

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

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

FRONT LOT LINE - See "LOT LINE, FRONT"

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

FRONTYARD SETBACK - See "SETBACK, FRONTYARD"

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

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

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

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

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

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

GRADE - See "ESTABLISHED GRADE".

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

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

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

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

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

HEIGHT - See "BUILDING HEIGHT".

HERITAGE PROPERTY, DESIGNATED includes: (1) a site, building, or structure that is designated and protected in accordance the *Historic Resources Act* and (2) a site, building, or structure that is designated and protected by the Town of Salvage in accordance with Section 200 of the *Municipalities Act 1999*.

HERITAGE VALUES (refer to Municipal Plan, Section 4.3) mean the historic, cultural, natural, and aesthetic significance that people attach to a place. Salvage's heritage values derive from its centuries-long attachment to the sea, the cod fishery, and traditional outport culture. Intrinsic to these values are its cultural landscape, traditional architecture, seabird life, and coastal scenery.

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

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

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

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

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

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

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

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

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

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

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

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

LIVESTOCK AGRICULTURE - See "AGRICULTURE, LIVESTOCK".

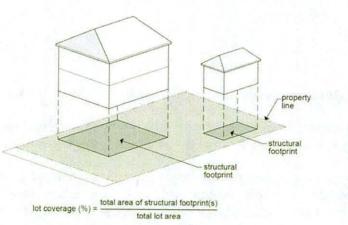
LIVESTOCK FACILITY means a building or confined area used or intended to be used to house or confine livestock, and includes a structure or area used or intended to be used to store manure.

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

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

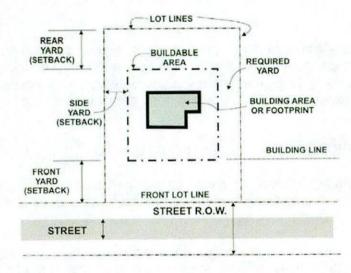
*LOT AREA means the total horizontal area within the boundary lines of the lot.

*LOT COVERAGE means the combined area of all buildings on the 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.

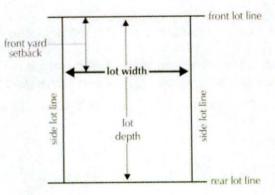


LOT LINE means a common boundary between a lot and an abutting lot or street.

LOT LINE, FRONT (also see STREET LINE) means the edge of a street reservation as defined by the authority having jurisdiction.



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



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

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

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

MARINE FACILITY means a wharf or onshore facility located in the vicinity of coastal waters for a purpose related to marine transportation, boat repair, refuelling, and other marine services.

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

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

MINING means an operation involving the extraction of a mineral for sale and for which a mining lease is required under the provincial *Mineral Act* administered by the Department of Industry, Energy and Technology. "Mineral" for the purpose of interpreting the definition of mining is as defined under the *Mineral Act*. Mining may include, as secondary activities, mineral exploration (development) and mineral working. Note that under the *Mineral Act* dimension stone (i.e., stone used for building facades, gravestones, etc.) is considered a mineral in Newfoundland but a quarry material in Labrador.

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

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

MOBILE VENDING FACILITY means a transient facility or structure such as a van, trailer, hotdog stand, ice cream cart, or tent that is used to display, store, or sell food, beverages, articles or goods to the public.

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

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

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

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

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

OPEN SPACE means land set aside to preserve natural areas or to develop passive recreational uses. Open space may include community gardens, woodlands, fields, walking trails, passive recreational uses, and outdoor interpretation facilities. It may include minor structures such as viewing platforms, boardwalks, picnic shelters, gazebos, outdoor toilets, interpretation panels, small parking areas and other buildings or structures customarily associated with public parks and greenspace.

OUTDOOR ASSEMBLY means land or outdoor facilities used as a gathering place for substantial numbers of people and, without limiting the generality of the foregoing, includes bleachers, outdoor ice rinks, fair grounds, exhibition grounds, and similar gathering places.

OUTDOOR MARKET means land where individual vendors operating from defined areas offer for sale, articles for consumption such as fresh fruit and vegetables, fish and meat, eggs, baked goods, cheese, arts and crafts, antiques, cut flowers, bedding plants, shrubs and trees.

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

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

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

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

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

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

PLACE OF WORSHIP means a building dedicated to religious workshop and includes a church, synagogue, temple or assembly hall and may include such accessory uses as a nursery school, a school of religious education, convent, monastery or parish hall.

**PLANNING AREA means a municipal planning area established under section 6 and 11 of the *Act*. For the purpose of these Regulations, the Salvage Planning Area takes in the Salvage municipal boundaries.

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

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

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

*REARYARD DEPTH (also see SETBACK, REARYARD) means the distance between the rear lot line and the rear wall of the main building on the lot.

RECREATIONAL DWELLING means a single dwelling that is used primarily for recreational purposes other than full-time habitation.

RECREATIONAL OPEN SPACE means an outdoor recreational use designed and equipped for the conduct of sports and/or leisure activities, for example, a playground, outdoor skating rink, golf course, sports field, dog park, outdoor theatre, snowmobile/ATV trail and similar outdoor facilities.

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

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

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

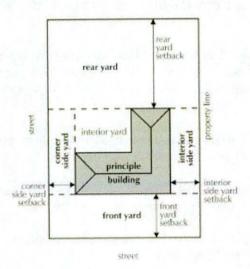
SENSITIVE AREA means an area that is easily disrupted by human activity, and may include steep slopes, cliffs, watercourses, wetlands, riparian areas, springs, coastal features, wet and unstable soils, unstable geology, and vulnerable or threatened flora or fauna.

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

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

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

ILLUSTRATION OF YARDS AND YARD SETBACKS



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

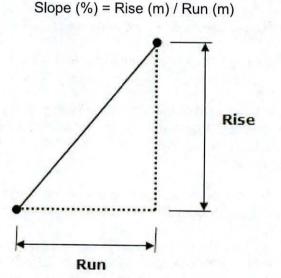
***SIDEYARD DEPTH** (Also see SETBACK, SIDEYARD) means the distance between the side lot line and the nearest sidewall of a building on the lot.

*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.

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

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

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



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

STAGEHEAD means a wooden shed typical of traditional buildings associated with the fishery and may be built on the shore or on a dock or other elevated platform.

***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 FRONTAGE means the portion of a lot that fronts on or abuts a public street.

*STREET LINE (also see LOT LINE, FRONT) means the edge of a street reservation as defined by the authority having jurisdiction.

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

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

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

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

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

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

TOURIST COTTAGE means a single self-contained visitor accommodation unit used for shortterm visitor rentals.

TOURIST COTTAGE ESTABLISHMENT means a contiguous parcel of land, managed as a unit, consisting of self-contained accommodation units used for short-term visitor rentals and where accessory uses could include an administrative office, clubhouse, take-out, convenience store, and recreational facilities.

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

TRANSPORTATION means transportation infrastructure such as highways, streets, bridges, culverts, and sidewalks.

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

*USE ZONE or ZONE means an area of land including buildings and water designated on the Zoning Map to which the uses, standards and conditions of a particular use zone table apply.

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

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

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

VISITOR RENTAL DWELLING means a self-contained dwelling unit used for short-term visitor rentals.

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

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

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

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

ZONE - See "USE ZONE"

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

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3.1 Compliance with Regulations

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

3.2. Permit Required

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

3.3 Permit to be Issued

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

- (a) Part 4 General Development Standards
- (b) Part 5 Specific Use Regulations
- (c) Part 6 Subdivision of Land
- (d) Part 7 Signs
- (e) Part 8 Use Zones
- (f) The use classes, standards, and conditions prescribed in Part 9 Use Zone Tables for the use zone in which the proposed development is located.
- (g) The National Building Code and other ancillary codes, waste disposal regulations, and any other municipal regulation in force in the Planning Area regarding development, conservation, and use of land and buildings.
- (g) Other standards of design and appearance as may be established by Council.

3.4 Permit Not to be Issued in Certain Cases

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

3.5 Discretionary Powers of Council

Council's discretionary authority to approve or refuse a development application is defined by the following:

(a) Other than a development that qualifies as a Permitted Use, Council has discretionary authority to approve only a development that qualifies as a Discretionary Use in the zone in which it is proposed.

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- (b) Council has discretionary authority to approve a variance of no more than 10% of a numerical development standard set out in a use zone table. When considered together with other variances with respect to the same land, building, or structure, this discretionary authority is limited to a cumulative variance of no more than 10%.
- (c) Council's has discretionary authority to approve a change to a non-conforming use only as stipulated under Section 108 of the *Act*.
- (d) Notwithstanding that a proposed development may qualify as a Permitted Use, Council has discretionary authority to refuse or impose conditions on the development if it deems that:
 - (i) The development will negatively affect the general appearance of the area, the amenity of the surroundings, or public safety and convenience.
 - (ii) The development will negatively affect heritage values as defined in Part 2 of these Regulations (also refer to **Policy 4.3** of the Municipal Plan).
 - (iii) The capacity of municipal streets, water, or other infrastructure is insufficient to service the development
 - (iv) The development will have negative effects with regard to other considerations that Council deems material.
- (e) Where Council receives an application for a discretionary use, a variance, or a change to a non-conforming use, it will give public notice in accordance with the relevant provisions of **Regulation 3.21.**
- (f) Where Council receives an application for discretionary approval of an accessory building as per **Regulations 5.2(1)(b)**, **5.2(2)(a)**, **5.2(2)(c)**, and **5.2(2)(d)**, it will give public notice in accordance with **Regulation 3.21 (5)**.
- (g) When approving a discretionary use, Council shall state in writing the basis for its approval.

3.6 Variances (See Province's Development Regulations, Section 12)

- (1) Where an approval or a permit cannot be given by Council because a proposed development does not comply with development standards set out in these Regulations, Council may, in its discretion, vary the applicable numeric development standards to a maximum of 10 percent 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 the public interest.
- (2) Council shall not allow a variance from numerical development standards set out in a use zone table if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10 percent variance even though the individual variances are separately not greater than 10 percent.

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- (3) Council shall not permit a variance from the development standards in a use zone table where the proposed development would increase the non-conformity of an existing development.
- (4) Where Council is to consider a proposed variance from a numerical development standard in a use zone table, in accordance with **Regulation 3.21(3)**, it will give written notice of the proposed variance to all persons whose land, in the opinion of Council, may be affected. At a minimum, this will include all land located within sixty (60) metres of the property that is the subject of the variance. Where it deems necessary, Council may provide the notice to a wider area.

3.7 Non-Conforming Uses

(Refer to Section 108(2) of the Act and Sections 14, 15, and 16 of the Province's Development Regulations)

- (1) Notwithstanding the Municipal Plan, a scheme, or regulations made under the *Act*, Council shall, in accordance with regulations made under the *Act*, allow a development or use of land to continue in a manner that does not conform with a regulation, scheme, or plan that applies to that land provided that the non-conforming use legally existed before the registration under Section 24 of the *Act* of the plan, scheme or regulations made with respect to that kind of development or use.
- (2) Notwithstanding Paragraph (1), a right to resume a discontinued non-conforming use of land shall not exceed one year after the discontinuance occurred. For the purpose of this Regulation, discontinuance of a non-conforming use begins when any one of the following conditions is met:
 - (a) The building or use of land is clearly vacated,
 - (b) The owner or tenant has ceased paying business taxes for that use, and
 - (c) The owner or tenant has stated in writing that the use has ceased.
- (3) A non-conforming building, structure, or development under the *Act*, which is allowed to continue under Paragraph (1):
 - (a) shall not be internally or externally varied, extended or expanded unless otherwise approved by Council,
 - (b) shall not be structurally modified except as required for the safety of the building, structure or development,
 - (c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50 percent or more of the value of that building, structure or development has been destroyed, except as provided for in Paragraph (g),
 - (d) may have the existing use for that building, structure or development varied by Council to a use that is, in Council's opinion, more compatible with the plan and regulations applicable to it,
 - (e) may have the existing building extended where, in Council's opinion that extension is not more than 50 percent of the existing building,
 - (f) where the non-conformance is with respect to the standards in these

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Regulations, shall not be expanded if the expansion would increase the nonconformity, and

- (g) where the building, structure, or development is primarily zoned and used for residential purposes, may, in accordance with the appropriate plan and regulations, be repaired or rebuilt where 50 percent or more of the value of that building or structure is destroyed.
- (4) In accordance with **Regulation 3.21(4)**, when considering an application to vary an existing use of a non-conforming building, structure or development under **Paragraph** (3)(d), Council will, at the applicant's expense, provide public notice of the application and shall consider any representations received in response to that advertisement.

3.8 Service Levy

- (1) In accordance with Section 149(2) of the *Municipalities Act 1999*, where Council carries out a public work that enables a real property to be developed or developed to a higher density, or enhances the value of a property, Council may charge a service levy on the property.
- (2) The amount of a service levy shall be determined by Council, but shall not exceed the cost, including finance charges, to Council of constructing or improving the public works that are necessary for the real property to be developed in accordance with Council's standards by Council and for uses that are permitted on that real property.

(3) A service levy shall be assessed on the real property based on:

- (a) The amount of real property benefitted by the public work related to all the real property so benefitted; and,
- (b) The density of development made capable or increased by the public work.
- (4) Council may require a service levy to be paid by the owner of the property benefitted and may specify the time for payment.

3.9 Financial Guarantees by Developer

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

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3.10 Dedication of Land for Public Use

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

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

3.11 Restoration of Land

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

3.12 Form of Application

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

3.13 Register of Applications

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

3.14 Deferment of Application

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

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3.15 Approval in Principle

- (1) An application for an approval in principle for a subdivision or other form of development will include a description of the site and the proposed development, which:
 - (a) Delineates the limits of land to be used for the proposed development,
 - (b) Shows significant natural features such as wetlands, watercourses, drainage channels, and slopes that exceed 15 percent,
 - (c) Shows existing streets, buildings, and land uses in the vicinity of the site,
 - (d) Shows a conceptual layout of proposed streets, trails, and other major components of the development, and
 - (e) Provides any additional information that may be requested by Council.
- (2) Council will not consider an application for an approval in principle unless it includes a full description of the site and proposed development in accordance with Paragraph (1).
- (3) Council may grant an approval in principle if it determines that the proposed development complies generally with the intent and purposes of the Municipal Plan and these Regulations. Council will attach to the approval in principle such conditions that it deems necessary to ensure the proposed development will be in accordance with the Plan and these Regulations. It will also outline such details that the applicant will be required to address before a final development permit will be granted.
- (4) An approval in principle will be valid for a period of one (1) year and may be extended for one (1) additional year, up to a maximum of two (2) years.
- (5) Where approval in principle is granted, approval of a final development permit will be subject to the subsequent approval by Council of any details and conditions that were outlined in the approval in principle.
- (6) Approval in principle will not constitute permission to commence development. No form of development will commence until Council has issued a proper development permit.
- (7) Council may revoke approval in principle if it determines that the applicant has changed the proposed development in a way that significantly alters the original intent of the application or has not adequately addressed conditions or details stipulated in the approval in principle.
- (8) A decision by Council on an application for an approval in principle can be appealed in accordance with Section 42 of the Act.

3.16 Development Permit

- (1) An application for a development permit for a subdivision or other form of development will include a description of the site and the proposed development, which:
 - (a) Delineates the limits of land to be used for the proposed development,
 - (b) Shows significant natural features such as wetlands, watercourses, drainage

channels, and slopes that exceed 15 percent,

- (c) Shows existing streets, buildings, and land uses in the vicinity of the site,
- (d) Shows a conceptual layout of proposed streets, trails, and other major components of the development, and
- (e) Provides any additional information that may be requested by Council.
- (2) A written development permit issued by Council will constitute permission to develop in accordance with these Regulations, but such permission shall not relieve the applicant from full responsibility to obtain all other permits or approvals prior to commencement of development and to comply with all other regulations and statutes during development.
- (3) Council may attach conditions to a development permit to ensure compliance with the Municipal Plan and these Regulations, and the permit holder will be responsible for full compliance with these conditions.
- (4) A development permit is valid for a period of one year and may be extended for one (1) additional year if requested by the applicant, up to a maximum of two years.
- (5) The issuance of a development permit does not prevent Council from thereafter requiring the correction of errors or ordering the cessation, removal of, and remedial work on any development being carried out that is in violation of the Municipal Plan or these Regulations.
- (6) Council may revoke a permit:
 - (a) for failure by the holder of the permit to comply with these Regulations or any condition attached to the permit or approval in principle,
 - (b) where Council determines that the permit holder has changed the proposed development in a way that significantly alters the intent of the original application, or
 - (c) where the permit was issued in error or on the basis of incorrect information.
- (7) No person shall change the application for which a development permit was issued unless Council has issued written approval of the change.
- (8) A copy of the development permit, along with plans and specifications, shall be kept on the site until the development is completed.
- (9) A decision by Council on an application for an approval in principle or a development permit may be appealed in accordance with Section 42 of the *Act*.

3.17 Temporary Use Permit

Council may approve a temporary building, structure, or use of land for a maximum to two (2) years subject to such conditions that it deems necessary.

3.18 Permit Fees

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

3.19 Compliance with Legislation

- (1) If Council deems that a proposed development may be affected by a provincial or federal act or regulation, the applicant may be required to provide confirmation that necessary government approvals have been obtained before Council will issue a development permit.
- (2) If Council deems that a proposed development may trigger the requirements of the *Environmental Protection Act*, the proponent will be advised to consult with the Department of Environment and Climate Change before Council will issue a development permit.
- (3) Where these Regulations are more stringent than a provincial or federal act of regulation, these Regulations will apply.

3.20 Reasons for Refusing or Setting Conditions on a Permit

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

- 3.21 Notice of Application (See Province's Development Regulations, Sections 13 & 15)
- (1) Notice of an application to Council shall, at the applicant's expense, be given when:
 - (a) A proposed development must be considered in accordance with **Regulation** 8.5 – Discretionary Uses.
 - (b) A variance is to be considered under Regulation 3.6 Variances.
 - (c) A change in a non-conforming use is to be considered under **Regulation 3.7 Non-Conforming Uses**.
 - (d) Council deems that the public should be notified of a proposed development or building demolition.
- (2) Discretionary Use Application

In accordance with **Regulation 8.5** of these Regulations, notice of an application to develop a discretionary use, or which otherwise requires Council's discretionary approval, will be given directly to persons who are likely to be affected, and in addition will be posted on one or more of the following: Council social media page, the Community Channel, local bulletin boards, or direct mailouts to residents. A minimum of ten (10) days from the posting of the notice will be provided for persons to respond.

(3) Variance Application

In accordance with **Regulation 3.6(4)** of these Regulations and Section 13 of the Province's *Development Regulations*, notice of a variance application will be given directly to persons who are likely to be affected and a minimum of ten (10) days from the posting of the notice will be provided for persons to respond.

(4) Application to Change a Non-Conforming Use

In accordance with **Regulation 3.7(4)** of these Regulations and Section 15 of the Province's *Development Regulations*, notice of an application to change a nonconforming use will be given directly to persons who are likely to be affected, and in addition will be posted on one or more of the following: newspaper circulating in the area, Council social media page, Community Channel, local bulletin boards, or direct mailouts to residents. A minimum of ten (10) days from the posting of the notice will be provided for persons to respond.

(5) Discretionary Approval of an Accessory Building Application

In accordance with **Regulation 5.2 (3)** of these Regulations, notice of an application for discretionary approval of an accessory building as per **Regulations 5.2(1)(b)**, **5.2(2)(a)**, **5.2(2)(c)**, and **5.2(2)(d)** will be given directly to persons who are likely to be affected, and in addition will be posted on one or more of the following: Council's social media page, the Community Channel, local bulletin boards, or direct mailouts to residents. A minimum of ten (10) days from the posting of the notice will be provided for persons to respond.

(6) Other Applications Council Deems the Public Should be Aware Of For any other development that Council deems the public should be made aware, notice of application will be given directly to persons who are likely to be affected, and in addition will be posted on one or more of the following: Council's social media page, the Community Channel, local bulletin boards, or by advertisement in a newspaper circulating in the area. A minimum of ten (10) days from the posting of the notice will be provided for persons to respond.

3.22 Delegation of Powers (Refer to Province's *Development Regulations*, Section 18)

In accordance with Section 109(2) of the Act, Council may, by resolution, delegate its authority to administer these Regulations or part thereof to an employee or other agent of Council. When delegating this authority, Council shall make that designation in writing.

3.23 Right of Entry

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

3.24 Record of Violations

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

3.25 Stop Work Order and Prosecution

- (1) Where a person begins a development contrary or apparently contrary to these Regulations, Council may order that person to stop the development pending final adjudication in any prosecution arising out of the development.
- (2) A person who does not comply with an order made under Paragraph (1) is guilty of an offence under the provisions of the *Act*.

3.26 Notice of Right to Appeal (Refer to Province's *Development Regulations*, Section 5)

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

- (a) Person's right to appeal the decision to the appeal board,
- (b) Time by which an appeal is to be made,
- (c) Right of other interested persons to appeal the decision, and
- (d) Manner of making an appeal and the address for the filing of the appeal.

3.27 Appeals (Refer to Province's Development Regulations, Sections 6-11)

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

3.28 Return of Appeal Fee (Refer to Section 42(3) of the Act)

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

3.29 Monitoring and Enforcement

(1) Council will monitor land uses and development activities throughout the Planning Area to ensure compliance with the Municipal Plan and Development Regulations.

(2) Any land use or development that does not comply with the Municipal Plan and these Development Regulations will be subject to a stop-work order or other such action deemed necessary by Council to require compliance.

PART 4: GENERAL DEVELOPMENT STANDARDS

4.1 Accesses and Service Streets

- (1) Every access to a street shall be located to the specification of Council so as to ensure the safety and efficiency of the street system. Council may require the construction of a service street to reduce the number of accesses to an arterial street.
- (2) No access will be closer than 10 metres to the street line of any street intersection.

4.2 Archaeological Sites

- (1) Archaeological sites are protected under the *Historic Resources Act*. No development, excavation, or other disturbance of land will be permitted inside a buffer of 100 metres of the perimeter of a known site without first notifying the Provincial Archaeology Office so that necessary measures can be taken to ensure that the site is not disturbed or destroyed.
- (2) If an archaeological site or artifact is discovered during development of a property, the development shall stop and Council will consult with the Provincial Archaeology Office. Development shall not proceed until the Provincial Archaeology Office has evaluated the site or authorized the development to proceed.

4.3 Heritage Values

(Refer to Policy 4.3 of the Municipal Plan and Regulation 3.5(d)(ii) of these Regulations)

- (1) Council's review of development and demolition applications will consider if and to what extent the proposal may impact heritage values.
- (2) Except for minor activities, if Council deems that a proposed development or demolition may negatively affect heritage values, it will give public notice of the application and allow no fewer than ten (10) calendar days for receipt of comments or objections.
- (3) A permit will not be granted when in Council's opinion, a proposed development or demolition will significantly undermine heritage values.

4.4 Watercourses and Wetlands

- (1) No development will be permitted within 15 metres of the ordinary high-water mark of a stream, lake, or pond or within 15 metres of the edge of a wetland except for:
 - (a) Reconstruction of a building or structure that was in existence on the date that this Municipal Plan came into effect,
 - (b) A building or structure associated with a public work, for example, a water treatment facility or pump house,

- (c) An open space use such a trail, and
- (d) A transportation use (e.g., road, bridge, culvert), which by necessity must cross a watercourse.
- (2) Council may require a wider buffer where the adjoining land is deemed to be environmentally sensitive, for example, where the shoreline embankment is steep or where the shore area abuts a wetland.
- (3) Notwithstanding paragraphs (1) and (2), if a watercourse or wetland is deemed to be minor (see definitions below), Council may permit a development subject to conditions.

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

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

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

4.5 Building Lines and Setbacks

- (1) Council may establish building lines on an existing or proposed street and may require any new buildings to be located on those building lines, whether or not such building lines conform to the standards set out in **Part 9** of these Regulations.
- (2) A frontyard building line setback is measured from the street line.
- (3) A sideyard setback shall be provided on the exposed sides of every building in order to ensure safe distances between buildings on adjoining lots and provide access for building maintenance. An exception may be made for an access ramp as noted in **Regulation 5.1**.
- (4) Notwithstanding the minimum frontyard requirements set out in the Use Zone Tables in **Part 9**, at its discretion Council may allow development to complement existing building setbacks on adjoining properties.

4.6 Multiple Uses on a Single Lot

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

(1) Where a single lot contains more than one permitted use, each use shall conform to all requirements in these Regulations that are applicable to that use.

(2) A proposed new use on a multiple-use lot may not be permitted where Council deems that the use might be incompatible with existing uses on or adjacent to the lot by reason of safety, amenity, appearance, or nuisance.

4.7 Main Buildings on a Lot

- (1) More than one main building may be permitted on a lot provided that the requirements set out in the Use Zone Tables in Part 9 are satisfied.
- (2) Where more than one main building is developed on a lot, sufficient area shall be reserved to satisfy the yard requirements and other allowances outlined in Part 9 for the Use Zone in which the lot is located. These allowances shall be maintained when the adjacent land is developed.

4.8 Lot Area

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

4.9 Lot Area and Size Exceptions

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

4.10 Street Frontage

Except where exceptions are provided for in **Part 9**, no dwelling or commercial building will be erected on a lot that does not front directly onto a public street.

4.11 Offensive and Dangerous Uses

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

4.12 Screening and Landscaping

- (1) Council may, in the case of existing unsightly development, order the owner or occupier to provide adequate and suitable landscaping or screening; and for this purpose, may require the submission of an application giving details of the landscaping or screening, and these Regulations shall then apply to that application.
- (2) The provision of adequate and suitable landscaping or screening may be made a condition of any development permit where, in the opinion of Council, the landscaping or screening is desirable to protect the environment, character, and appearance of the area.

4.13 Public Services and Utilities

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

In the Open Space-Conservation and Protected Water Supply Area zones, Council will not allow land to be used for public services and utilities if there is a feasible alternative location for these uses outside those zones.

4.14 Land Capability for Development

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

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

4.15 Unserviced Development

Before approving a subdivision or building permit application in a location where municipal water and/or sewer services cannot be provided, Council will ensure that the development complies with all applicable Provincial regulations and requirements for unserviced development including:

- (a) The "Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells" (<u>www.gov.nl.ca/mae/files/waterres-regulations-appforms-unserviced-subdivision-gw-assessment-guidelines-dwh-revisions.pdf</u>)
- (b) The Sanitation Regulations under the *Public Health Protection and Promotion Act* (www.assembly.nl.ca/legislation/sr/regulations/rc960803.htm)

4.16 Street Construction Standards

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

4.17 Development in the Vicinity of a Public Right-of-Way

- (1) Land development and the erection of buildings and structures will not be permitted on any site where it might otherwise be permitted under these Regulations, when in the opinion of Council, the development would impede public passage on a public right-ofway or interfere with any legal right of Council to develop or improve the right-of-way for public access and recreation.
- (2) Council may require a minimum setback or set other terms and conditions to a proposed development in the vicinity of a public right-of-way to ensure the development will not obstruct public passage along the right-of-way.

PART 5: SPECIFIC USE REGULATIONS

5.1 Access Ramps

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

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

5.2 Accessory Buildings

(1) General Requirements

- (a) An accessory building will be clearly incidental and complementary to the main building and located on the same lot.
- (b) Notwithstanding Paragraph (a), at its discretion, Council may permit an accessory building to be located on a different lot than the main building.
- (c) An accessory building will be located no closer than 1.0 metre to a property boundary. If adjacent to the side of the main building, it will not be located within the minimum sideyard setback of the main building.
- (d) No accessory building will be located closer than 2.5 metres to any other building, whether on the same lot or an adjoining lot.
- (e) No accessory building will be erected upon an easement.

(2) Additional Requirements for Residential Lots

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

- (a) No accessory building will be located closer to the street than the front line of the dwelling, except where approved at Council's discretion.
- (b) Maximum Floor Area and Height

Development of a residential accessory building will be in accordance with the following lot sizes:

Lot Size	Maximum Combined Floor Area of Accessory Buildings	Maximum Height	
<1500 m ²	• 70 m ² or 7% of the lot area, whichever is less	5.5 m	
1500-3000 m ²	 100 m² 	5.5 m	
> 3000 m ²	 130 m² 	5.5 m	

- (c) No truck, bus, semi-trailer, freight container, or other vehicle body will be used as an accessory building except at the discretion of Council.
- (d) An accessory building may be used for a home occupation at Council's discretion in conformity with **Regulation 5.10(b)**.
- (e) Except for personal needs, no accessory building will be used for painting, dismantling, or scrapping vehicles or machinery.

(3) Notice of Application

Public notice in accordance with **Regulation 3.21(5)** will be given for an accessory building application that requires discretionary approval of Council.

5.3 Accessory Uses

- (1) Subject to these Regulations, Council may permit an accessory use to a main use in any zone. An accessory use will be clearly subsidiary and complementary to the main use, controlled so as to be compatible with the main use and nearby properties, and subject to special conditions set out in these Regulations or specified on a case-bycase basis by Council.
- (2) Examples of accessory uses include but are not limited to:
 - (a) A facility for the serving of food and alcoholic beverages in a place of assembly, club or lodge, or commercial accommodation establishment,
 - (b) A gift or souvenir shop in a museum or commercial establishment,
 - (c) An office, small store, or small catering establishment in a campground or tourist cottage establishment,
 - (d) A home occupation,
 - (e) A woodworking shop, domestic sawmill, hobby shop, games room, exercise room, or home theatre in a residential accessory building,
 - (f) A satellite dish or similar device attached to a building,
 - (g) A wind generator, solar panel, radio antenna, or similar device.

5.4 Agriculture - Commercial Livestock Facilities

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

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

(1) Bed and Breakfasts

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

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

(2) Visitor Rental Dwellings

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

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

5.6 Campgrounds and Tourist Cottages

- (1) An application for a campground or a tourist cottage establishment will include a development plan with the following information:
 - (a) Location and limits of the development,
 - (b) Layout of accesses and internal roads,
 - (c) Number and location of cottage units and/or campsites,
 - Accessory uses such as comfort stations, laundry and storage facilities, washrooms, convenience store, employee accommodations, and outdoor and indoor recreation facilities,
 - (e) Water supply and wastewater disposal,
 - (f) Landscaping,
 - (g) Buffers and screening between the site and other land uses, and
 - (h) Delineation of the property on a legal survey, and
- (2) All campsites, cottages, and on-site facilities, which form part of the development, will be accessible only via the internal road network of the development.

PART 5 – SPECIFIC USE REGULATIONS

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- (3) Council may require the development to include suitable buffers and screening where the development abuts a residential area.
- (4) The development permit will specify the maximum number of cottage units and/or campsites to be permitted on the site.
- (5) All grounds and buildings shall be kept in a safe and well-maintained condition.
- (6) No expansion or alteration, other than repairs and maintenance, will take place without the approval of Council.
- (7) The operation will comply with all regulations and conditions of Council pertaining to noise, unruly behaviour, and outdoor fires.
- (8) The development must comply with applicable Provincial regulations.
- (9) At Council's discretion, a tourist cottage may be permitted as a secondary use on a residential lot, subject to the zoning provisions and the following:
 - (a) The lot must be no less than 4,000 m² in area,
 - (b) Cottages may require buffering and/or screening to Council's satisfaction from neighbouring dwellings,
 - (c) Total lot coverage of all buildings must not exceed 30% of the lot area, and
 - (d) All other conditions deemed necessary by Council.

5.7 Camping Trailers and Recreational Vehicles

The use of a camping trailer or recreational vehicle for overnight camping will not be permitted except in an approved campground or as a temporary activity on a residential property. Camping trailers and recreational vehicles used temporarily on residential properties must be mobile and have up-to-date license plates.

5.8 Car Wrecks and Scrap Materials

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

5.9 Energy Generation Facilities

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

5.10 Home Occupations

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

- (a) It will be clearly secondary to the residential use of the property,
- (b) It will be located inside the dwelling unit or, at Council's discretion, may be located in an accessory building on the same lot as the dwelling,
- (c) It will employ no less than one person who is a resident of the dwelling and may employ up to two persons who are not residents of the dwelling,
- (d) It will occupy no more than thirty percent (30%) of the floor area of the dwelling,
- (e) It will not include outdoor storage of materials,
- (f) It will not use or keep in storage any hazardous materials,
- (g) It will not use water or generate sewage in excess of what can be accommodated by the existing water supply and on-site sewage disposal system,
- (h) It will not cause noise, odours, fumes, electrical interference, or other nuisances that unreasonably affect neighbouring properties,
- (i) Unless otherwise authorized by Council, sufficient off-street parking space shall be available on the lot for the parking needs of residents, employees, and clients,
- (j) Council may require fencing, screening, and/or a minimum space separation to protect the amenity of adjacent uses,
- (k) It will not create traffic safety or traffic congestion concerns,
- (I) It will adhere to all other conditions that Council deems necessary to protect the amenity of adjacent residential uses and the neighbourhood,
- (m) In reviewing an application for a home occupation, Council will provide notice of the application in accordance with **Regulation 3.21(2)**, and
- (n) No change in the type or extent of a home occupation shall take place except with the approval of Council.

5.11 Mineral Exploration

- (1) Where it is permitted, a mineral exploration use that constitutes a development (in accordance with the definitions in Part 2) will make adequate provision for buffering and other mitigations of impacts on residential, commercial, industrial, institutional, recreational, and environmentally sensitive areas.
- (2) Council will not issue a permit for mineral exploration until all necessary permits and approvals have been obtained from the Departments of Industry, Energy and Technology and Environment and Climate Change and any other relevant government agency.
- (3) Mineral exploration may be subject to conditions to control noise, appearance, road construction, ground disturbance, and other impacts, as well as the duration of exploration activity. The precise nature of these controls will depend upon the location of the exploration in relation to built-up and environmentally sensitive areas such as water supply areas, watercourses, and wetlands.

(4) Mineral exploration that is not classed as a development by virtue of ground disturbance, access roads, or use of equipment other than hand tools may be permitted anywhere in the Planning Area with adequate notification to Council.

5.12 Mineral Working

- (1) No new mineral working use will be developed without a development permit issued by Council. The development, operation, termination, and rehabilitation of a mineral working site will be carried out only in accordance with terms and conditions specified in the development permit. The development permit will be revoked if the operator does not comply with these terms and conditions.
- (2) No development permit will be issued by Council unless the applicant has obtained a quarry license or lease issued by the Mineral Lands Division of the Department of Industry, Energy and Technology.
- (3) An application to Council for the development of a mineral working use will include a site development plan with the following information:
 - (a) The site's biophysical features
 - (b) Delineation of the proposed extraction area
 - (c) The type and location of proposed aggregate processing equipment
 - (d) A site rehabilitation plan (see Paragraph 16)
- (4) Council may permit a mineral working processing plant (e.g., washing and screening plant, crusher) provided that the use will not significantly affect surrounding land uses by reason of noise, vibration, fumes, dust, odour, water drainage, unsightly storage of materials, or general appearance.
- (5) The permit fee for a mineral working use will be determined by Council in an amount sufficient to cover Council's costs associated with:
 - (a) If necessary, a review of the development plan by a professional planner or engineer,
 - (b) Regular inspections of the site to determine compliance with the permit, and
 - (c) Inspections to determine acceptable site rehabilitation in accordance with a rehabilitation plan.
- (6) Except where Council may require a higher buffer, no mineral working extraction or processing plant will be permitted within:
 - (a) 300 metres of a residential dwelling or the boundary of a zone that permits residential development,
 - (b) 200 metres of a commercial or public building or recreational open space use,
 - (c) 50 metres of a watercourse or wetland, and
 - (d) 50 metres of a public street or highway.
- (7) Except where Council may require a higher buffer,
 - (a) No residential dwelling will be permitted within 300 metres of the boundaries of a licensed mineral working extraction site or processing plant, and

- (b) No commercial or public building or recreational open space use will be permitted within 200 metres of the boundaries of a licensed mineral working extraction site or processing plant.
- (8) No blasting or quarrying of hard rock will be permitted within 1,000 metres of a residential, commercial, or public building, a recreational open space use, or a zone that permits residential development.
- (9) An undisturbed buffer strip of at least 20 metres will be maintained between the final perimeter of a pit or quarry and the boundary of the lot on which it is located.
- (10) Notwithstanding Paragraphs (6), (7), (8) and (9), where a required minimum buffer was originally observed when choosing the location of a mineral working, the mineral working shall not be discontinued or impeded where the buffer is reduced to less than the required distance due to encroachment of development or zoning boundaries towards the mineral working.
- (11) Council may require the mineral working site or excavated area to be fully or partially enclosed by a fence designed and constructed to Council's specifications.
- (12) All topsoil and organic material will be securely stockpiled for future rehabilitation of the site. The operator will ensure that the topsoil is not mixed with aggregate materials.
- (13) No mineral working shall create excessive drainage or erosion onto adjacent properties into nearby watercourses.
- (14) No mineral working shall cause the accumulation or ponding of water in any part of the site. Settling ponds will be permitted only with approval from the Department of Environment and Climate Change.
- (15) The mineral working site shall be kept clean of refuse, abandoned vehicles, abandoned equipment and derelict buildings.
- (16) During seasonal or extended shutdowns, the slope of any sand or gravel embankment shall not have a gradient steeper than 60 percent for the full depth thereof, and
- (17) Site Rehabilitation
 - (a) A development application for a new mineral working site will not be approved if it does not include a plan for site rehabilitation acceptable to Council.
 - (b) Council may require the extraction site to be rehabilitated at progressive stages of extraction.
 - (c) Upon abandonment of a mineral working site, the owner will:
 - (i) Remove all buildings, machinery and equipment,
 - (ii) Grade all pit and quarry slopes to a slope of less than 60 percent,
 - (iii) Rehabilitate the entire excavated area in accordance with the rehabilitation plan, and
 - (iv) If required, close and decommission the access road to the site in accordance with Council's wishes.

- (18) Quarry Materials Produced as a By-Product of Approved Land Developments For approved land developments where the extraction of quarry materials is occurring or may be expected to occur, Council shall send a copy of the development permit to the Mineral Lands Division. Note that quarry materials include aggregate, fill, rock, stone, gravel, sand, clay, borrow material, topsoil, overburden, subsoil, and peat.
- (19) Other such conditions that Council deems as necessary.

5.13 Personal Livestock Use

- (1) At its discretion, Council may permit the keeping of livestock animals for personal use in designated zones after giving public notice and considering comments received.
- (2) Species Permitted Livestock species will be limited to chickens, ducks, geese, quail, rabbits, and turkeys.
- (3) Minimum Lot Size No livestock will be permitted on any lot that is less than 500 m² in area.

(4) Maximum Animals Permitted

The maximum number of small livestock permitted on a single property will be in accordance with the following table.

	Maximum Number of Animals (including offspring until weaning)	
Lot Size	Chickens, Ducks, Geese, Rabbits or Turkeys Quail	
500 - 1,000 m ²	4	12
>1,000 - 1,500 m ²	6	18
>1,500 - 2,000 m ²	8	24
>2,000 - 2,500 m ²	10	30
>2,500 m ²	12	36

If a mix of species are kept, it will be on the basis of one chicken, duck, goose, rabbit or turkey being equivalent to three (3) quail.

(5) Permit Required

No livestock will be kept unless a permit has been issued by Council. The permit shall be visibly displayed on the livestock facility. Every permit will expire on December 31st and must be renewed for the following year.

(6) Standards for Keeping Livestock

- (a) A facility for the keeping of small livestock will include an indoor shelter and an enclosed outdoor containment area subject to the following.
 - No portion of the facility will be located in the frontyard or sideyard of a

residential lot.

- All portions of the facility shall be located at least five (5) metres from the residence and all property lines.
- The indoor shelter and outdoor containment area shall be adequate in size for the permitted maximum number of animals.
- (b) Adequate drainage facilities shall be provided so as to protect adjacent properties from runoff containing animal waste contaminants.
- (c) The livestock facility shall be maintained continually in a clean condition, free of noxious odours, substances, and vermin.
- (d) Animals will be provided with clean drinking water, nesting materials, and an adequate quantity and quality of food to allow for maintenance of a healthy body weight.
- (e) Animal waste will be removed no less than weekly and contained and disposed of in an environmentally acceptable manner.
- (f) No animal will be kept that is exhibiting symptoms of illness that may threaten the health or safety of persons or other animals. Such an animal will be provided veterinary care or destroyed.
- (g) No animals will be slaughtered on a residential property.

5.14 Trails

- (1) Trails designated by Council (*which may or may not be shown on the Land Use Zoning maps*) will be protected from developments and activities that might impede public passage, undermine the amenities or aesthetics of the trail environment, or interfere with any legal right of Council to develop or improve the trails for public access and recreation.
- (2) No building or structure will be permitted on a site where it would otherwise be permitted under these Regulations, when in the opinion of Council, the development would impede passage on a designated public trail.
- (3) Generally, Council will protect a corridor no less than 15 metres wide for all designated trails, although this may be reduced for short distances at Council's discretion.
- (4) A proposal to develop an alternative use within a trail corridor will not be considered except where the applicant provides for the relocation of the trail in a way that causes minimal disruption to the trail's continuity and amenities.

PART 6: SUBDIVISION OF LAND

6.1 Application of Part 6

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

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

6.2 Subdivision Permit Required

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

6.3 Services to be Provided

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

6.4 Payment of Service Levies and Other Charges

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

6.5 Permit Subject to Considerations

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

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

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

- (a) Proposed land uses within the development.
- (b) The location and natural characteristics of the site, including topography, drainage, soils and geology, vegetation, wetlands, watercourses, sensitive areas, prevailing winds, and solar orientation.
- (c) Municipal Plan policies, Development Regulations, and Use Zone affecting the site.
- (d) The capacity of municipal water infrastructure, stormwater infrastructure, and utilities to adequately service the development.
- (e) Proposed sewage treatment and disposal.

PART 6 – SUBDIVISION OF LAND

- (e) Provision for access to adjacent undeveloped areas.
- (f) The land use, physical form and character of adjacent developments.
- (g) The relationship of the project to existing or potential sources of nuisance.
- (h) Visual quality and effect on viewsheds.
- (i) Energy conservation.
- (j) Environmental effects with respect to watercourses, wetlands, steep slopes, drainage patterns, and stormwater generation and discharge.
- (k) Municipal financial costs related to the provision and maintenance of roads, water, other infrastructure, and municipal services.
- (I) Effects on heritage values (refer to Municipal Plan, Section 4.3.1)
- (m) Such other matters that Council deems to be important.

6.6 Building Permits Required

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

6.7 Form of Application

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

6.8 Subdivision Subject to Zoning

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

6.9 Building Lines

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

6.10 Dedication of Land for Public Use

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

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

PART 6 – SUBDIVISION OF LAND

6.11 Structure in Street Reservation

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

6.12 Subdivision Design Standards

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

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

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

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

6.13 Engineer to Design Works and Certify Construction Layout

- (1) Plans and specifications for all streets, paving, sidewalks and all other utilities deemed necessary by Council to service the area proposed to be developed or subdivided shall be designed and prepared by or approved by the Engineer. Such designs and specifications shall, upon approval by Council, be incorporated in the plan of subdivision.
- (2) Upon approval by Council of the proposed subdivision, the Engineer shall certify all work of construction layout preliminary to the construction of the works and thereupon the developer shall proceed to the construction and installation, at his own cost and in accordance with the approved designs and specifications and the construction layout certified by the Engineer, of all such streets and other works deemed necessary by Council to service the said area.

6.14 Developer to Pay Engineer's Fees and Charges

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

6.15 Street Works May Be Deferred

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

6.16 Transfer of Streets and Utilities to Council

- (1) The developer shall, following approval of the subdivision and upon request of Council, transfer to Council, at no cost to Council, and clear of all liens and encumbrances:
 - (a) All lands in the area proposed for development or subdividing, which are approved and designated by Council for public use as streets, or other rights-of-way, or for other public use.
 - (b) All services and public works including streets, water supply and distribution system, sanitary sewer system, storm drainage system, street lighting, and other infrastructure installed in the subdivision that are normally owned and operated by Council.
- (2) Before Council shall accept the transfer of lands, services or public works of any subdivision, the Engineer shall, at cost to the developer, test the streets, services and public works installed in the subdivision and certify his/her satisfaction with their installation.
- (3) Council will not provide maintenance for any street or public work in any subdivision until such time as the street, service or public work has been transferred to Council.

PART 6 – SUBDIVISION OF LAND

6.17 Restriction on Sale of Lots

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

6.18 Grouping of Buildings and Landscaping

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

6.19 Groundwater Assessment

Before approving a subdivision in a location where municipal water services cannot be provided, Council will ensure that the development complies with the Provincial "Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells", which requires a groundwater assessment to be completed and approved by the Water Resources Management Division for a subdivision of more than 5 lots.

PART 7: SIGNS

7.1 Intent

The intent of this section is to authorize signs that:

- (a) Are appropriate in size, number, and location to the type of activity or use to which they pertain.
- (b) Provide reasonable and appropriate means for the public to locate and identify facilities, businesses, and services without difficulty or confusion.
- (c) Are compatible with their surroundings.
- (d) Protect and enhance the scenic qualities of the area.
- (e) Do not create a distraction or safety hazard for pedestrians or motorists.
- (f) Do not detract from the Town's heritage values (refer to Municipal Plan, Section 4.3.1).

7.2 Permit Required

Except where exempted in accordance with **Regulation 7.7**, no sign shall be erected or displayed in the Planning Area unless a permit for the sign is first obtained from the Council.

7.3 Provincial Highway

In addition to a permit from Council, the erection or display of a sign on Provincial Route 310 may require a permit from Digital Government and Service NL.

7.4 Form of Application

Application for a permit to erect or display a sign shall be made to the Council in accordance with **Regulation 3.12**.

7.5 Approval Subject to Conditions

A permit will only be issued for the erection or display of signs that comply with the appropriate conditions and standards set out in these Regulations as well as additional conditions that Council may deem necessary.

7.6 Sign Removal

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

- (a) is hazardous to pedestrian or vehicle traffic by reason of its siting, colour, illumination, or structural condition,
- (b) is unsightly or not maintained to the satisfaction of the Council, or
- (c) is incompatible with the Town's heritage values (refer to Municipal Plan, Section 4.3.1).

PART 7 – SIGNS

7.7 Signs Exempt from Control

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

- (a) On a residential dwelling or within the yard of a dwelling, one nameplate not exceeding 0.2 m² in area.
- (b) On an agricultural, forestry, or quarrying operation, one notice board not exceeding 0.5 m² in area relating to the operations being conducted on the land.
- (c) On a site occupied by an institutional, civic, service or public use (e.g., church, museum, cemetery), one notice board not exceeding 1.0 m² in area.
- (d) On a commercial or industrial building, a notice board not exceeding 1.0 m² in area.
- (e) On any parking lot, directional signs plus one sign only not exceeding 1.0 m² in size to identify the parking lot.
- (f) Real estate sales, leasing, and open house signs not exceeding 1 m².
- (g) Signs placed by candidates at municipal, provincial, or federal elections.
- (h) Signs for temporary local events such as festivals, from one month before the event to no later than one week after its conclusion.
- (i) Temporary signs on construction sites warning of danger and or outlining the nature of the development up to a maximum area of 7.5 m².

7.8 General Sign Standards

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

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

7.9 Open Space-Conservation and Residential Zones

Notwithstanding **Regulation 7.8**, except at the discretion of Council, no sign will be permitted in a Residential or Open Space-Conservation zone that does not meet the standards set out in **Regulation 7.7**.

PART 8: USE ZONES

8.1 Use Zones

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

8.2 Map Interpretation

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

8.3 Use Classes

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

8.4 Permitted Uses

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

8.5 Discretionary Uses

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone Table in Part 9 may be permitted in that Use Zone if Council is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, any further scheme or plan or regulation pursuant thereto, or to the public interest, and only if Council has given notice of the application in accordance with **Regulation 3.21(2)** - **Notice of Application** and has considered any objections or representations that may have been received on the matter.

PART 8 – USE ZONES

8.6 Prohibited Uses

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

PART 8 - USE ZONES

PART 9: USE ZONE TABLES

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

- Part 2: Definitions
- Part 3: General Regulations
- Part 4: General Development Standards
- Part 5: Specific Use Regulations
- Part 6: Subdivision of Land
- Part 7: Signs
- Part 8: Use Zones
- Appendix A: Classification of Uses of Land and Buildings
- Appendix B: Off-Street Parking Requirements
- Appendix C: Province's Development Regulations
- Appendix D: Land Use Zoning Maps

Part 9 contains Use Zone Tables for the following Zones:

	USE ZONE	ABBREVIATION
9.1	Open Space-Conservation	OSC
9.2	Protected Water Supply Area	PW
9.3	Coastal	С
9.4	Residential	RES
9.5	Harbourside	HS
9.6	Rural	RU

9.1 Open Space-Conservation (OSC) Zone

Intent

The Open Space-Conservation zone has two main purposes. First is to protect environmentally sensitive areas such as shorelines, wetlands, steep slopes, and high barrens. Second it is to preserve heritage values and protect, enhance, and sensitively develop open space and heritage assets. The zone preserves natural areas and scenic viewsheds, accommodates passive recreational uses such as trails and community gardens, and protects historic sites, buildings and cemeteries. The zone also creates a spatial buffer between built-up areas of the Town and potential rural resource activities such as wood cutting and mineral working.

PERMITTED USE CLASSES	DISCRETIONARY USE CLASSES
(See Regulation 8.4)	(See Regulations 3.21 and 8.5)
Conservation	Accessory building (See Condition 3)
Open space (See Condition 4)	Antenna
	Cemetery
	Community garden
	Dock (See Condition 5)
	Mineral exploration (See Regulation 5.11)
	Slipway (See Condition 5)
	Utility (See Condition 7)

CONDITIONS

1. Discretionary Use Classes

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

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

2. Protection of Heritage Values

- (1) No existing building or structure in the OSC zone will be demolished or altered in exterior appearance except with a permit from Council.
- (2) Council may impose special conditions or restrictions on proposed developments in proximity of a designated heritage property to ensure that heritage values will not be seriously compromised.
- (3) In accordance with Regulation 3.21(1)(d) and Regulation 3.21(6), Council may give public notice and invite comments on any proposed development or demolition that it deems may potentially negatively affect heritage values.

(4) Council may refuse to approve a demolition, new building, building extension, structure, or site development that in its opinion would negatively affect heritage values.

3. Accessory Buildings

Council will not consider an application to develop a new accessory building in the OSC zone except under the following circumstances:

- (a) The lot on which the accessory building is proposed was in existence on the registration date of these Development Regulations,
- (b) A residential dwelling already exists on the same lot, and
- (c) The construction of the accessory building, as well as related clearing of vegetation and landscaping, meets all terms and conditions set by Council aimed at mitigating potential environmental and aesthetic impacts.

4. Buildings and Structures Associated with Open Space

Buildings and structures customarily associated with open space uses (e.g., viewing platforms, gazebos, public toilets, picnic shelters) will be permitted.

5. Docks and Slipways

Approval of a dock or slipway may be subject to conditions set by Council related to location, size, and appearance in order to ensure a proposed development is environmentally and aesthetically acceptable and compatible with its surroundings.

6. Excavation and Infilling in Shorefront Areas

In shorefront areas, no excavation or infilling of land will be permitted above or below the water line except where it is relates to an approved dock, slipway, public work, fisheries, or marine facility that has been approved by Council and received necessary approvals from the Department of Environment and Climate Change and the Department of Fisheries and Oceans.

7. Utilities

A building or structure associated with a public utility, for example, a water or sewage treatment plant, sewage outfall, or communications tower may be permitted at Council's discretion.

8. Environmental Control

Approved developments must be designed and developed to a high environmental and aesthetic standard as approved by Council.

9.2 Protected Water Supply Area (PW) Zone

Intent

The Protected Water Supply Area zone is created to protect water quality in the Salvage water supply. The zone corresponds to the Wild Cove Pond Water Supply Area (Regulation 732/96 under the *Water Resources Act*). The zone boundaries extend to the topographical height of lands surrounding Wild Cove Pond. Built-up uses are severely restricted in the zone and may include only necessary utilities and transportation infrastructure. Open space uses such as trails may be considered at Council's discretion and subject to such conditions that Council deems necessary.

PERMITTED USE CLASSES	DISCRETIONARY USE CLASSES
(See Regulation 8.4)	(See Regulations 3.21 and 8.5)
Conservation	Antenna
Water utility (See Condition 3)	Open space
	Transportation (See Condition 3) Utility (See Condition 3)

CONDITIONS

1. Discretionary Use Classes

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

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

2. Referral to the Water Resources Division

All proposals for development within the Wild Cove Pond Water Supply Area will be referred to the Water Resources Management Division of the Department of Environment and Climate Change. No development will be permitted until the required permit(s) for the development has been issued by the Division.

3. Transportation and Utilities

Provincial Highway 310, which passes through the PW zone, is permitted to continue.

Existing water facilities are permitted to continue. New water utilities, including buildings such as a pumphouse or treatment plant, are permitted subject to required permit(s) from the Water Resources Management Division

Other existing utilities within the PW zone including electricity and communications transmission lines are permitted to continue.

At Council's discretion, new transportation, utility, and antenna uses may be permitted subject to required permit(s) from the Water Resources Management Division.

9.3 Coastal (C) Zone

Intent

The Coastal zone abuts the saltwater shoreline from Wild Cove Park to Backside Beach. The intent of this zone is to protect sensitive coastal features and scenery and accommodate commercial fishing, recreational and marine activities that have bona fide need for shoreline access. Permitted uses include conservation, open space and small-scale marine facilities such as recreational docks and stages. More substantial marine and fisheries facilities will be considered on a discretionary basis. Residential development applications may be considered for existing lots where there is no opportunity on the lot to build outside of the Coastal zone. No residential application will be considered for any lot that is created after the date that these Development Regulations came legally into effect.

PERMITTED USE CLASSES	DISCRETIONARY USE CLASSES
(See Regulation 8.4)	(See Regulations 3.21 and 8.5)
Conservation Dock (See Condition 4) Open space Slipway (See Condition 4) Stage (See Condition 4) Stagehead (See Condition 4) Utility	Fisheries facility (See Condition 3) Marina (See Condition 3) Marine facility (See Condition 3) Single dwelling (See Condition 5)

CONDITIONS

1. Discretionary Use Classes

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

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

2. Protection of Heritage Values

- (1) No existing building or structure in the Coastal zone will be demolished or altered in exterior appearance except with a permit from Council.
- (2) Council may impose special conditions or restrictions on proposed developments in proximity of a designated heritage property to ensure that heritage values will not be seriously compromised.
- (3) In accordance with **Regulation 3.21(1)(d)** and **Regulation 3.21(6)**, Council may give public notice and invite comments on any proposed development or demolition that it deems may potentially negatively affect heritage values.

(4) Council may refuse to approve a demolition, new building, building extension, structure, or site development that in its opinion would negatively affect the heritage values of the area.

3. Fisheries, Marine, and Marina Developments

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

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

Any infilling, dredging, or other works in a body of water associated with these structures will require approval under the *Water Resources Act* before Council issues a development permit.

4. Docks, Slipways, Stages and Stageheads

Approval of a dock, slipway, stage, or stagehead may be subject to conditions set by Council related to location, size, and appearance in order to ensure a proposed development is environmentally and aesthetically acceptable and compatible with its surroundings.

5. Single Dwellings

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

- (a) The lot on which the dwelling is proposed was in existence on the date that these Development Regulations came into effect,
- (b) There is no opportunity on the lot to erect the dwelling outside the Coastal zone,
- (c) The dwelling and associated structures will not obstruct public access to or along the shoreline,
- (d) The lot meets all requirements in these Regulations for street frontage and access,
- (e) The development meets all terms and conditions set by Council and the Government Service Centre for sewage treatment and disposal.

Where a single dwelling is approved in accordance with this condition, all development standards, conditions, and accessory uses that apply to single dwellings in the Mixed Development zone shall be applicable in the Coastal zone.

6. Excavation and Infilling in Shorefront Areas

In shorefront areas, no excavation or infilling of land will be permitted above or below the water line except where it is relates to an approved dock, slipway, public work, fisheries, or marine facility that has been approved by Council and received necessary approvals from the Department of Environment and Climate Change and the Department of Fisheries and Oceans.

9.4 Residential (RES) Zone

Intent

The Residential zone is located along portions of Route 310 entering Salvage and on various side streets leading off of Mountainview Road. The intent of the Residential zone is primarily to preserve the amenity of residential neighbourhoods and accommodate new housing needs. While single dwellings will continue to predominate, it is Council's objective to ensure housing remains affordable for all income groups and to take advantage of possible market opportunities for higher density housing such as double and row dwellings. Commercial uses such as home occupations, tourist cottages, and visitor rental dwellings may be permitted if Council deems that they are compatible with existing residential uses.

PERMITTED USE CLASSES	DISCRETIONARY USE CLASSES	
(See Regulation 8.4)	(See Regulations 8.5 and 3.21)	
Accessory building (See Regulation 5.2) Conservation Open space Single dwelling Subsidiary apartment (See Condition 6) Utility	Arts and crafts studio Bed and breakfast (See Regulation 5.5) Boarding house Campground (See Regulation 5.6) Double dwelling Energy generation facility (See Regulation 5.9) Home occupation (See Regulation 5.10) Kennel Mineral exploration (See Regulation 5.11) Personal livestock use (See Regulation 5.13) Recreational open space Row dwelling Tourist cottage (See Regulation 5.6) Tourist cottage establishment (See Regulation 5.6) Transportation Visitor rental dwelling (See Regulation 5.5)	

PART 9 - USE ZONE TABLES

DEVE	LOPMENT STAND		
STANDARD	Single Dwelling	Double Dwelling (per unit)	Row Dwelling (per unit)
Semi Serviced A	reas (serviced by	municipal water)	
Minimum lot area	350 m ² or as required by the Government	300 m ² or as required by the Government	300 m ² or as required by the Government
	Service Centre	Service Centre	Service Centre
Minimum lot frontage	Discretion of Council	Discretion of Council	Discretion of Council
Unserviced Area	s (not serviced by	municipal water)	
Minimum lot area	1860 m ² or as required by the Government Service Centre	1860 m ² or as required by the Government Service Centre	Not Permitted
Minimum lot frontage	30.0 m	30.0 m	
	All Areas		
Minimum floor area (excl. basement)	46.0 m ²	46.0 m²	46.0 m ²
Minimum frontyard setback	Consistent with nearby lots but not less than 3m	Consistent with nearby lots but not less than 3m	Consistent with nearby lots but not less than 3m
Minimum sideyard setback	1.5 m	1.5 m	1.5 m
Minimum rearyard setback	5.0 m	5.0 m	5.0 m
Minimum distance from another building	3.0 m	3.0 m	3.0 m
Maximum lot coverage – all bldgs	40%	40%	40%

CONDITIONS

1. Discretionary Use Classes

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

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

2. Protection of Heritage Values

(1) No existing building or structure in the Residential zone will be demolished or altered in exterior appearance except with a permit from Council.

- (2) Council may impose special conditions or restrictions on proposed developments in proximity of a designated heritage property to ensure that heritage values will not be seriously compromised.
- (3) In accordance with Regulation 3.21(1)(d) and Regulation 3.21(6), Council may give public notice and invite comments on any proposed development or demolition that it deems may potentially negatively affect heritage values.
- (4) Council may refuse to approve a demolition, new building, building extension, structure, or site development that in its opinion would negatively affect the heritage values of the area.

3. Onsite Sewage Services

In accordance with **Regulation 4.15**, no proposed development that will generate sewage will be issued a development permit unless it has an onsite sewage treatment or holding system that has been approved by the Government Service Centre.

4. Onsite Water Services

In accordance with **Regulation 4.15** and **Regulation 6.19**, in locations where municipal water services cannot be provided, Council will not issue a permit for any development of five (5) or more lots unless the development complies with the Provincial "Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells" and has been approved by the Water Resources Management Division.

5. Development Standards for Non-Residential Development

Where a non-residential use is permitted in the HS zone:

- (a) It will meet the minimum development standards required by Council and the Government Service Centre.
- (b) It will meet such other conditions that are deemed necessary by Council.
- (c) No change in the type, scale, or exterior appearance of the use will be permitted except in accordance with a development permit and conditions set by Council.

6. Subsidiary Apartments

- (1) One subsidiary apartment only may be permitted in a single dwelling. Subsidiary apartments will not be permitted in double dwellings, row dwellings, or accessory buildings.
- (2) Approval of a subsidiary apartment will be subject to the following conditions:
 - (a) The apartment will be completely self-contained, with facilities for cooking, sleeping, and bathing.
 - (b) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

7. Cemetery Protection

No development in the Residential zone will be permitted to encroach closer than 8.0 metres to an existing gravesite or individual grave.

8. Kennels

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

9.5 Harbourside (HS) Zone

Intent

The Harbourside zone abuts the Bishop's Harbour and Salvage Harbour shorelines within the Town's built-up area. Existing land uses include scattered single dwellings, fishing docks and stages, a longliner dock, a recreational marina, the Salvage Museum, a tourist facility in the former fishplant, a pub and eatery in the former Orange Hall, the Town Office, and St. Stephen's Anglican Church and church hall.

The intent of the zone is to maintain and enhance the functional mix of uses that has evolved over time and facilitate economic opportunities related to the fishery, recreational boating, visitor services, cultural events, arts and crafts, food services, and other sectors.

Council will carefully manage new development in this zone to preserve and enhance the existing character of the harbour front and encourage its economic revitalization by promoting and facilitating compatible redevelopment and reuse of vacant and underused buildings and properties that have suffered from the decline of the fishery.

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.21 and 8.5)
Accessory building (See Regulation	Boarding house
5.2)	Catering
Arts and crafts studio	Club and lodge
Bed and breakfast (See Regulation 5.5)	Commercial accommodation
Conservation	Cultural and civic
Dock (See Condition 7)	Double dwelling
Office	Drinking establishment
Open space	Emergency service
Personal service	Energy generation facility (See Regulation 5.9)
Single dwelling	Entertainment
Slipway (See Condition 7)	Fisheries facility (See Condition 8)
Stage (See Condition 7)	General assembly
Stagehead (See Condition 7)	General garage
Subsidiary apartment (See Condition 6)	General service
Visitor rental dwelling (See Regulation	Home occupation (See Regulation 5.10)
5.5)	Indoor assembly
Utility	Indoor market
	Light industry
	Marina (See Condition 8)
	Marine facility (See Condition 8)
	Mobile vending facility
	Outdoor assembly
	Outdoor market

PART 9 - USE ZONE TABLES

Personal livestock use (See Regulation 5.13) Place of worship Recreational open space Row dwelling Shop Take-out food service
Tourist cottage (See Regulation 5.6) Tourist cottage establishment (See Regulation 5.6) Transportation

D	EVELOPMENT STA	NDARDS	1. 113 M 2 10 10
STANDARD	Single Dwelling	Double Dwelling (per unit)	Row Dwelling (per unit)
Semi Service	ed Areas (serviced	by municipal water)	
	350 m ² or as	300 m ² or as	300 m ² or as
Minimum lot area	required by the	required by the	required by the
Minimum lot area	Government	Government	Government
	Service Centre	Service Centre	Service Centre
Minimum laterialth (frantage)	Discretion of	Discretion of	Discretion of
Minimum lot width (frontage)	Council	Council	Council
Unserviced /	Areas (not serviced	by municipal water)
	1860 m ² or as	1860 m ² or as	
	required by the	required by the	
Minimum lot area	Government	Government	Not Permitted
	Service Centre	Service Centre	1.19 X 3.2
Minimum lot width (frontage)	30.0 m	30.0 m	
	All Areas		
Minimum floor area (excl. basement)	46.0 m ²	46.0 m²	46.0 m ²
Minimum frontyard setback	Consistent with	Consistent with	Consistent with
	nearby lots but	nearby lots but	nearby lots but
A STATE AND A STAT	not less than 3m	not less than 3m	not less than 3m
Minimum sideyard	1.5m	1.5 m	1.5 m
Minimum rearyard	5.0 m	5.0 m	5.0 m
Minimum distance from another building	3.0 m	3.0 m	3.0 m
Maximum lot coverage – all buildings	40%	40%	40%

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CONDITIONS

1. Discretionary Use Classes

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

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

2. Protection of Heritage Values

- (1) No existing building or structure in the HS zone will be demolished or altered in exterior appearance except with a permit from Council.
- (2) Council may impose special conditions or restrictions on proposed developments in proximity of a designated heritage property to ensure that heritage values will not be seriously compromised.
- (3) In accordance with **Regulation 3.21(1)(d)** and **Regulation 3.21(6)**, Council may give public notice and invite comments on any proposed development or demolition that it deems may potentially negatively affect heritage values.
- (4) Council may refuse to approve a demolition, new building, building extension, structure, or site development that in its opinion would negatively affect the heritage values of the area.

3. Development Standards for Non-Residential Development

Where a non-residential use is permitted in the HS zone:

- (a) It will meet the minimum development standards required by Council and the Government Service Centre.
- (b) It will meet such other conditions that are deemed necessary by Council.
- (c) No change in the type, scale, or exterior appearance of the use will be permitted except in accordance with a development permit and conditions set by Council.

4. Onsite Sewage Services

Proposed developments that generate sewage will not be approved unless it has an onsite sewage treatment or holding system that has been approved by the Government Service Centre.

5. Mixing of Residential and Non-Residential Land Uses

(1) Non-Residential Development

A proposed non-residential development in the HS zone may be subject to conditions set by Council to ensure it will be compatible with neighbouring residential uses.

(2) Residential Development

A proposed residential development in the HS zone may be subject to conditions set by Council to ensure it will be compatible with neighbouring non-residential uses.

6. Subsidiary Apartments

- (1) One subsidiary apartment only may be permitted in a single dwelling or a commercial building. A subsidiary apartment will not be permitted in a double or row dwelling.
- (2) Approval of a subsidiary apartment will be subject to the following conditions:
 - (a) The apartment will be completely self-contained, with facilities for cooking, sleeping, and bathing.
 - (b) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

7. Docks, Slipways, Stages and Stageheads

Approval of a dock, slipway, stage, or stagehead may be subject to conditions set by Council related to location, size, and appearance in order to ensure a proposed development is environmentally and aesthetically acceptable and compatible with its surroundings.

8. Fisheries, Marine, and Marina Developments

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

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

Any infilling, dredging, or other works in a body of water associated with these structures will require approval under the *Water Resources Act* before Council issues a development permit.

9. Hazardous and Noxious Uses

At its discretion, Council may restrict the development or location of any use or activity that might release or emit a hazardous, noxious, or polluting substance that might affect neighbouring properties.

10. Protection of Cemeteries

No development in the HS zone will be permitted to encroach closer than 8.0 metres from an existing gravesite or individual grave.

11. Excavation and Infilling in Shorefront Areas

In shorefront areas, no excavation or infilling of land will be permitted above or below the water line except where it is relates to an approved dock, slipway, fisheries or marine facility, or public work that has been approved by Council and received necessary approvals from the Department of Environment and Climate Change and the Department of Fisheries and Oceans.

9.6 Rural (RU) Zone

Intent

The Rural zone includes lands lying outside of the Town's built-up area and surroundings. These lands include upland barrens, some wetlands, scattered stands of forest, and more remote and inaccessible coastal areas. Most areas in this zone will remain undeveloped although there may be opportunity for certain resource uses including forest harvesting, onshore fishing and marine facilities, some agriculture, mineral working (i.e., pits and quarries), and related commercial activity. Council may consider proposals for tourist cottages, campgrounds, and recreational dwellings in appropriate areas.

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.21 and 8.5)
Antenna	Campground (See Regulation 5.6)
Conservation	Construction yard
Crop agriculture	Dock
Energy generation facility (See Regulation	Fisheries facility (See Condition 2)
5.9)	Garden centre
Forestry	General industrial (See Condition 3)
Mineral exploration (See Regulation 5.11)	Light industrial (See Condition 3)
Open space	Livestock agriculture (See Regulation 5.4)
Transportation	Marina (See Condition 2)
Utility	Marine facility (See Condition 2)
	Mineral working (See Regulation 5.12)
	Mining
	Mobile vending facility
	Outdoor market (See Condition 5)
	Recreational dwelling (See Condition 6)
	Recreational open space
	Shop (See Condition 5)
	Slipway
	Stage
	Stagehead
	Tourist cottage (See Regulation 5.6 and Condition 6)
	Tourist cottage establishment (See Regulation
	5.6 and Condition 6)

CONDITIONS

1. Discretionary Use Classes

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

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

2. Fisheries and Marine Developments

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

3. General and Light Industrial Uses

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

- (a) The use is unsuitable for a built-up area by reason of appearance, noise, vibration, smell, fumes, smoke, grit, soot, ash, dust, or glare.
- (b) The use requires large outdoor areas for open storage and handling of materials, goods, and equipment.
- (c) The use can be screened from public streets and built-up areas.
- (d) The use will have no deleterious effects on the environment.
- (e) The use will be subject to such other terms and conditions as deemed appropriate by Council.

4. Hazardous and Noxious Uses

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

5. Outdoor Markets and Shops

At its discretion, Council may permit an outdoor market or shop that is clearly accessory to a bonafide farm, campground, tourist cottage establishment, or recreational open space use.

6. Recreational Dwellings and Tourist Cottages

A proposed recreational dwelling or tourist cottage will be approved only if it has received the necessary Provincial approvals.

7. Onsite Sewage and Water Services

- (a) In accordance with **Regulation 4.15**, Council will not approve a permit for any development that will generate sewage unless it includes an onsite sewage treatment or holding system that has been approved by the Government Service Centre
- (b) In accordance with Regulation 4.15 and Regulation 6.19, Council will not issue a permit for any recreational cottage or tourist cottage development of five (5) or more lots or building units unless the development complies with the Provincial "Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells" and has been approved by the Water Resources Management Division.

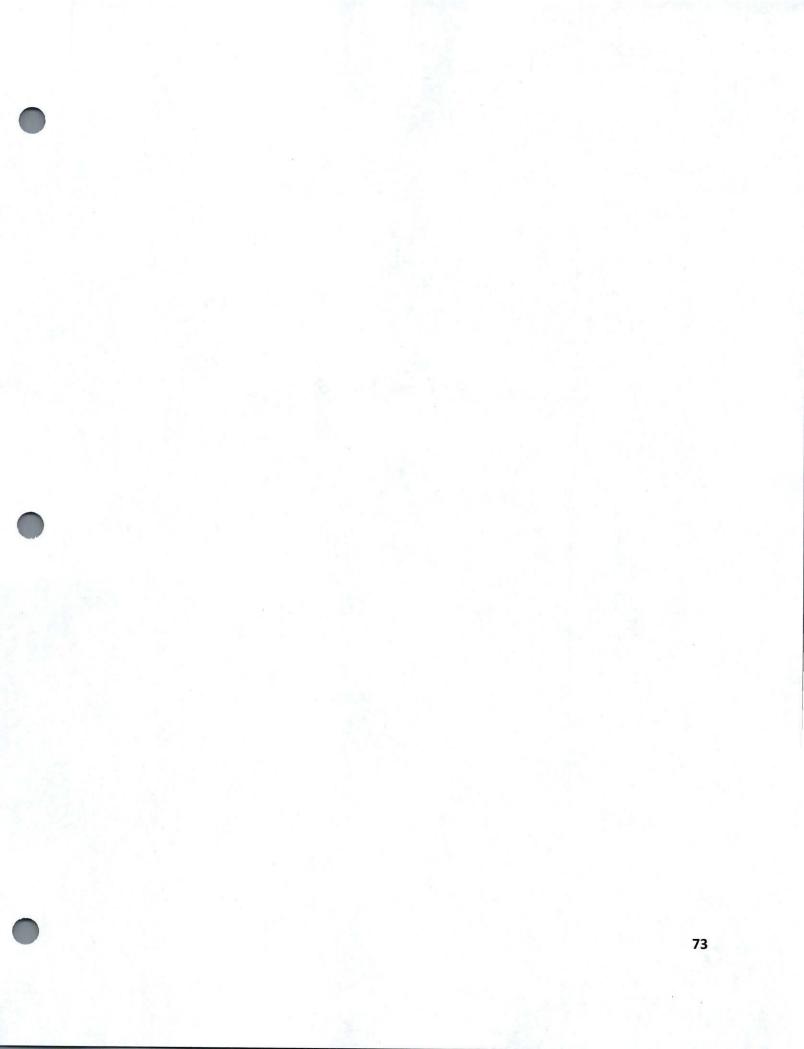


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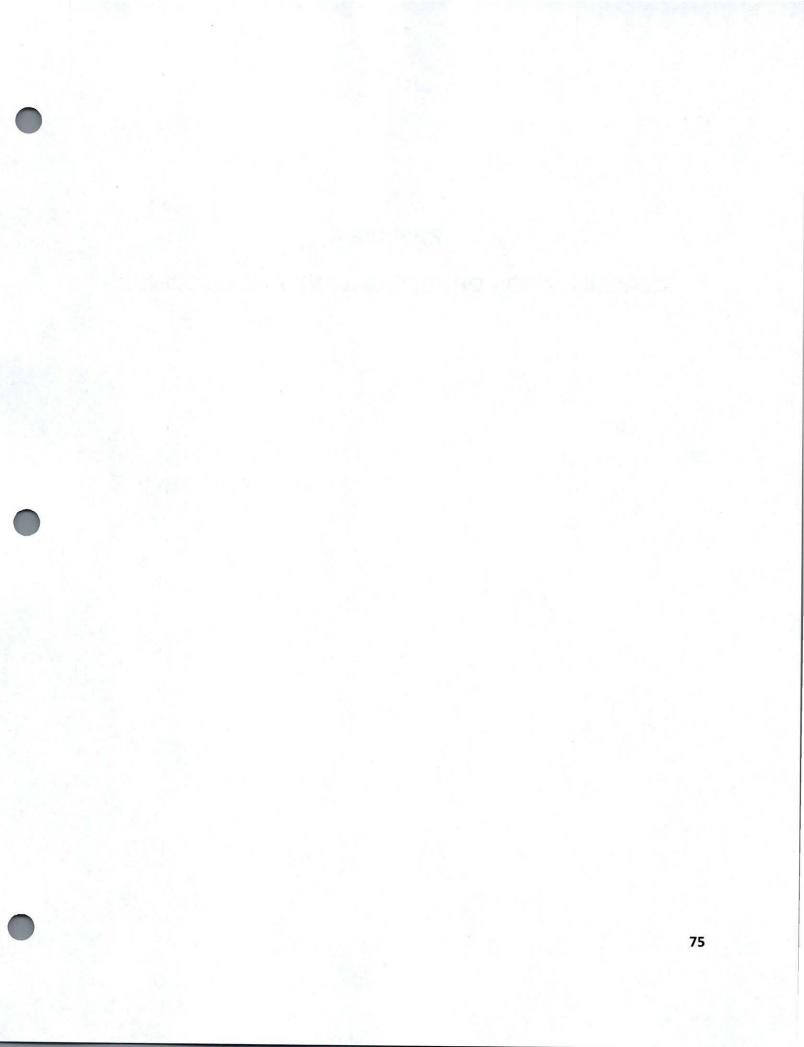
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8. Exemption from Street Frontage Requirement

Except where land is located within the building control lines of a Provincial protected road or other public street, lots in this zone may be exempted from **Regulation 4.10**, which does not permit a building to be erected on a lot that does not front onto a public street.



APPENDICES



APPENDIX A

CLASSIFICATION OF USES OF LAND AND BUILDINGS

APPENDIX A - CLASSIFICATION OF USES OF LAND AND BUILDINGS

This Classification is intended to assist in the interpretation of types of uses within the use classes listed in the Use Zone Tables in Part 9 of these Regulations. Examples included in the following tables are not exhaustive. They are used to illustrate typical types of developments within a use class.

GROUP	CLASS	EXAMPLES
RESIDENTIAL USES	Single Dwelling	Single detached dwellings
RESIDENTIAL USES	Double Dwelling	Semi-detached dwellings, duplex dwellings
	Row Dwelling	Townhouses, row dwellings
	Apartment Building	Apartment buildings
	Mini-home	Mini-homes
	Subsidiary Apartment	Basement apartments, in-law suites
	Boarding House	Boarding houses
	Bed and Breakfast	Bed and breakfast
	Visitor Rental Dwelling	Visitor rental dwelling
	Recreational Dwelling	Cabins, cottages
	Home Occupation	Home occupations
	Accessory Building	Sheds, garages, greenhouses, root cellars, personal livestock shelters

GROUP	CLASS	EXAMPLES
COMMERCIAL	Arts and crafts studios	Arts studio, art gallery, craft shop, photography studio, hobby shop
USES	Campground	Campgrounds, trailer parks, RV parks
	Catering	Restaurants, coffee shops, bake shops
	Commercial Accommodation	Hotels, motels, inns
	Drinking Establishment	Bars, pubs, nightclubs, lounges
	Entertainment	Games arcades, poolrooms, bowling alleys, youth centres, movie theatres, theatres
	Garden Centre	Greenhouses, nurseries
	General Garage	Repairs and services for vehicles and equipment
	General Service	Car washes, laundromats, tools and appliances.
	Indoor Market	Farmer markets, exhibition halls, flea markets
	Kennel	Kennels
	Mobile vending facility	Mobile canteen, chip wagon, food vending tables, ice cream carts, hot dog stands
	Office	Professional offices, law offices, business offices, banks, government offices
	Outdoor Market	Fish markets, market grounds, flea markets, produce stands, outdoor farmer markets
	Personal Service	Beauty parlours, pet grooming, gyms, computer services, hobby shops, photo studios, taxi stands.
	Shop	Retail shops, showrooms, supermarkets, convenience stores, gift shops, specialty shops
	Take-out Food Service	Take-out restaurant, food stand, mobile canteen
	Tourist Cottage	Tourist cottages and cabins
	Tourist Cottage Establishment	Tourist cottages establishments

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

GROUP	CLASS	EXAMPLES
CONSERVATION AND OPEN SPACE USES Open Space Recreational Open Space Target Shooting Range	Community Garden	Community gardens
	Conservation	Buffer strips, watersheds, protected sensitive areas (e.g., steep slopes, wetlands, wildlife habitat)
	Open Space	Parks, trails, boardwalks, protected green areas, picnic areas
	- A second and the second s	Sports fields, running tracks, playgrounds, outdoor skating rinks, golf courses, dog parks
	Target Shooting Range	Target shooting ranges

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

GROUP	CLASS	EXAMPLES
INDUSTRIAL USES	Construction Yard	Contractor's yard, construction materials storage, truck and heavy equipment storage and repairs
	Fisheries Facility	Wharves, stages, slipways, fishplants, aquaculture facilities, ice-making facilities
	General Industry	Factories, cold storage plants, bulk storage facility, freight depots, planing mills, construction yards
	Light Industry	Workshops, light industry, indoor storage centres, warehouses, greenhouses, recycling depots, workshops, general garages
	Marine Facility	Wharves, loading docks, shipyards, slipways, refuelling services, marine repair services

GROUP	CLASS	EXAMPLES
TRANSPORTATION AND UTILITY USES	Antenna	Communications towers, transmitting and receiving masts and antenna
	Transportation	Roads, bridges, marine structures, airfields
	Marina	Marinas, docks, moorings, slips, boat refuelling and repair services
	Marine Facility	Wharves, loading docks, shipyards, slipways, refuelling services, marine repair services
	Communications	Communications towers, telephone exchanges, transmitting and receiving masts and antenna
	Dock	Recreational docks, slipways, and stages
	Energy Generation Facility	Wind generators, solar generators, small hydro generators, heating plants
	Slipway	Small-scale slipways, recreational slipways
	Stage and stagehead	Stages, stageheads
	Utility	Hydro plants, electrical transmission lines, electrical power substations, sewage treatment facility, sewage outfalls
	Water Utility	Water intakes, wells, water treatment facilities, pumphouses, pipelines