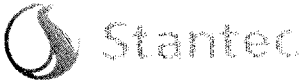


**TOWN OF ST. ALBAN'S
DEVELOPMENT REGULATIONS 2017**



Prepared for:
Town of St. Alban's

Prepared by:
Stantec Consulting Ltd.

June 13, 2017

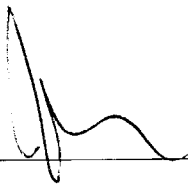
**URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF ST. ALBAN'S DEVELOPMENT REGULATIONS**

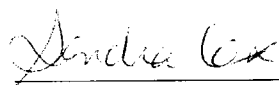
Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of St. Alban's:

- a) adopted the Town of St. Alban's Development Regulations on the 6th day of June, 2017.
- b) gave notice of the adoption of the St. Alban's Development Regulations by advertisement inserted on the 15th day and the 22nd day of June, 2017 in the Advertiser newspaper.
- c) set the 11th day of ~~JULY~~^{11th}, 2017 at 1:00 p.m. at the St. Alban's Fire Hall for the holding of a Public Hearing to consider objections and submissions.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of St. Alban's approves the St. Alban's Development Regulations as adopted.

SIGNED AND SEALED this 4th day of August, 2017.

Mayor: 
Jamie LeRoux

Clerk: 
Sandra Cox

(Council Seal)

4305-2017-001
Sept 8/17
Ednie Joyce

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF ST. ALBAN'S DEVELOPMENT REGULATIONS**

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

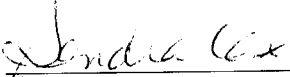
Adopted by the Town Council of St. Alban's on the 6th day of June, 2017.

Signed and sealed this 4th day of August, 2017.

Mayor:  _____

Jamie LeRoux

(Council Seal)

Clerk:  _____

Sandra Cox

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*.

MCIP: _____

(MCIP Seal)

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TOWN OF ST. ALBAN'S DEVELOPMENT REGULATIONS 2017

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APPLICATION

1. SHORT TITLE

These Regulations may be cited as the St. Alban's Development Regulations.

2. INTERPRETATION

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

3. COMMENCEMENT

These Regulations come into effect throughout the St. Alban's Municipal Planning Area, hereinafter referred to as the Planning Area, on the date of publication of a notice to that effect in the Newfoundland Gazette.

4. DEVELOPMENT REGULATIONS UNDER THE URBAN AND RURAL PLANNING ACT 2000 – "MINISTERIAL REGULATIONS"

The Ministerial Regulations enacted under Section 36 of the Act shall apply to development within the Planning Area. Where there is conflict between these and the St. Alban's Development Regulations, the Ministerial Regulations shall prevail. The Ministerial Regulations are included with the St. Alban's Development Regulations.

5. MUNICIPAL CODE AND REGULATIONS

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

6. TOWN

In these Regulations, "Town" means the Council of the Town of St. Alban's.

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PART I – GENERAL REGULATIONS

7. COMPLIANCE WITH REGULATIONS

No development shall be carried out within the planning Area except in accordance with these Regulations.

8. PERMIT REQUIRED

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

9. PERMIT TO BE ISSUED

Subject to Regulations 10 and 11, a permit shall be issued for development within the Planning Area that conforms to the requirements of these regulations.

10. PERMIT NOT TO BE ISSUED IN CERTAIN CASES

Neither a permit nor approval in principle shall be issued for development within the Planning Area when, in the opinion of the Town, it is premature by reason of the site lacking adequate road access, power, drainage, sanitary facilities, or domestic water supply, or being beyond the natural development of the area at the time of application unless the applicant contracts to pay the full cost of construction of the services deemed necessary by the Town and such cost shall attach to and upon the property in respect of which it is imposed.

11. DISCRETIONARY POWERS OF TOWN

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

12. VARIANCES BY TOWN

- (1) See also Ministerial Development Regulations, Section 12.
- (2) Where an approval or a permit cannot be given by the Town because a proposed development does not comply with development standards set out in these Regulations, the Town may, in its discretion, vary the applicable development standards to a maximum of 10 percent, if, in the Town'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.

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- (3) The Town shall not allow a variance from development standards set out in these Regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10 percent variance even though the individual variances are separately not greater than 10 percent.
- (4) The Town shall not permit a variance from the development standards where the proposed development would increase the non-conformity of an existing development.
- (5) Public Notice – When a variance is necessary under this Regulation, the Town shall, at the expense of the applicant, give written notice to the property owners in the immediate vicinity (100-metre [328.1 feet] radius) of the proposed variance.

13. SERVICE LEVY

- (1) The Town may require a developer to pay a service levy where development is made possible or where the density of potential development is increased, or where the value of property is enhanced by the carrying out of public works either on or off the site of the development.
- (2) A service levy shall not exceed the cost, or estimated cost, including finance charges to the Town of constructing or improving the public works referred to in Regulation 13(1) that are necessary for the real property to be developed in accordance with the standards required by the Town and for uses that are permitted on that real property.
- (3) A service levy shall be assessed on the real property based on:
 - (a) The amount of real property benefited by the public works related to all the real property so benefited; and
 - (b) The density of development made capable or increased by the public work.
- (4) The Town may require a service levy to be paid by the owner of the real property:
 - (a) at the time the levy is imposed;
 - (b) at the time development of the real property commences;
 - (c) at the time development of the real property is completed; or
 - (d) at such other time as the Town may decide.

14. FINANCIAL GUARANTEES BY DEVELOPER

- (1) The Town 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 engineering and other consultants' fees, 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 Regulation 14(1) may be made in the form of:
 - (a) a cash deposit from the developer, to be held by the Town;
 - (b) a guarantee by a bank, or other institution acceptable to the Town, for expenditures by the developer;

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- (c) a performance bond provided by an insurance company or a bank; or
- (d) an annual contribution to a sinking fund held by the Town.

15. DEDICATION OF LAND FOR PUBLIC USE

In addition to the requirements for dedication of land under Part III – Subdivisions, the Town may require the dedication of a percentage of the land area of any subdivision or other development for public use, and such land shall be conveyed to the Town in accordance with the provisions of the Act.

16. REINSTATEMENT OF LAND

Where the use of land is discontinued or the intensity of its use is decreased, the Town may order the developer, the occupier of the site, or the owner or all of them to reinstate the site, to remove all or any buildings or erections, to cover or fill all wells or excavations, and to close all or any accesses, or to do any of these things or all of them, as the case may be, and the developer, occupier or owner shall carry out the order of the Town and shall put the site in a clean and sanitary conditions to the satisfaction of the Town.

17. FORM OF APPLICATION

- (1) An application for a development permit or for approval in principle shall be made only by the owner or by a person authorized by the owner to the Town on such form as may be prescribed by the Town, and every application shall include such plans, specifications and drawings as the Town may require, and be accompanied by the permit fee required by the Town.
- (2) The Town shall, on request, supply to every applicant a copy of the application forms referred to in Regulation 17(1) and a description of the plans, specifications and drawings required to be provided with the application.

18. REGISTER OF APPLICATION

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

19. DEFERMENT OF APPLICATION

- (1) The Town may, with the written agreement of the applicant, defer consideration of an application.
- (2) Applications properly submitted in accordance with these Regulations which have not been determined by the Town and on which a decision has not been communicated to the applicant within eight weeks of the receipt thereof by the Town, and on which consideration has not been deferred in accordance with Regulation n19(1), shall be deemed to be refused.

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20. APPROVAL IN PRINCIPLE

- (1) The Town may grant Approval in Principle for a subdivision or any other development if, after considering an application for Approval in Principle made under these Regulations, it is satisfied that the proposed development is, subject to the approval of detailed plans, in compliance with these Regulations.
- (2) Where Approval in Principle is granted under this Regulation, it shall be subject to the subsequent approval by the Town of such details as may be listed in the Approval in Principle, which shall also specify that further application for approval of these details shall be received not later than two years from the grant of Approval in Principle.
- (3) An Approval in Principle or conditions attached thereto is subject to appeal.
- (4) Notwithstanding an Approval in Principle, no work shall commence until a Development Permit is obtained from the Town.

21. DEVELOPMENT PERMIT

- (1) A plan or drawing which has been approved by the Town and which bears a mark and/or signature indicating such approval together with a permit shall be deemed to be permission to develop land in accordance with these Regulations but such permission shall not relieve the applicant from full responsibility for obtaining permits or approvals under any other regulation or statute prior to commencing the development, from having the work carried out in accordance with these Regulations or any other regulations or statutes; and from compliance with all conditions imposed thereunder.
- (2) The Town may attach to a permit or to Approval in Principle such conditions as it deems fit in order to ensure that the proposed development will be in accordance with the purposes and intent of these Regulations.
- (3) Where the Town deems necessary, permits may be issued on a temporary basis for a period not exceeding two years, which may be extended in writing by the Town for further periods not exceeding two years.
- (4) A permit is valid for such period, not in excess of two years, as may be stated therein, and if the development has not commenced, the permit may be renewed for a further period not in excess of one year, but a permit shall not be renewed more than once, except in the case of a permit for an advertisement, which may be renewed in accordance with Regulation 33 of these Regulations.
- (5) The approval of any application and plans or drawings or the issue of a permit shall not prevent the Town from thereafter requiring the correction of errors, or from ordering the cessation, removal of, or remedial work on any development being carried out in the event that the same is in violation of this or any other regulations or statute.
- (6) The Town may revoke a permit for failure by the holder of it to comply with these Regulations or any condition attached to the permit or where the permit was issued in error or was issued on the basis of incorrect information.
- (7) No person shall erase, alter or modify any drawing or specifications upon which a permit to develop has been issued by the Town.

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- (8) There shall be kept available on the premises where any work, matter or thing in being done for which a permit has been issued, a copy of the permit and any plans, drawings or specifications on which the issue of the permit was based during the whole progress of the work, or the doing of the matter or thing until completion.
- (9) A Development Permit or any other permit issued under the Act is subject to appeal.

22. REASONS FOR REFUSING PERMIT

The Town shall, when refusing to issue a permit or attaching conditions to a permit, state the reasons for so doing in writing as per subsection 35(1)(g) of the Act.

23. NOTICE OF APPLICATION

- (1) When a change in nonconforming use is to be considered, when the development proposed is listed as a discretionary use in Schedule C or the development is otherwise described as being at the discretion of the Town under the Regulations, the Town shall, at the expense of the applicant, give notice of an application for a permit or for Approval in Principle, by public advertisement in newspaper circulating in the area or by any other means deemed necessary at least 14 days prior to the public input session.
- (2) When a variance is necessary under Regulation 12 the Town shall, at the expenses of the applicant, given written notice to the property owners in the immediate vicinity (100-metre [328.1-foot] radius) of the proposed variance at least 14 days prior to the public input session.

24. RIGHT OF ENTRY

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

25. RECORD OF VIOLATIONS

Every inspector shall keep a record of any violation of these regulations which comes to his knowledge and report that violation to the Town

26. STOP WORK ORDER AND PROSECUTION

- (1) Where a person begins a development contrary or apparently contrary to these Regulations, the Town may order that person to stop the development or work connected therewith pending final adjudication in any prosecution arising out of the development.
- (2) A person who does not comply with an order made under Regulation 26(1) is guilty of an offence under the provisions of the Act.

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27. APPEALS

- (1) See Ministerial Regulations – Sections 5 to 11.
- (2) Where an appeal lodged under Section 42 of the *Urban and Rural Planning Act 2000* has been successful, the fee paid by the appellant shall be reimbursed by the Town.

PART II – GENERAL DEVELOPMENT STANDARDS

28. ACCESS RAMPS AND STAIRS, DECKS

- (1) Access Ramps and Stairs – Open or partially covered access ramps and stairs are permitted within the minimum front, rear or side yards provided these do not create a safety hazard or block sight lines.
- (2) Decks – An open or partially enclosed deck attached to the dwelling shall not extend into the minimum permissible building line setback and shall not be closer to the side and rear lot lines than 1 metre (3.3 feet). A deck is not included in the calculation of lot coverage under Schedule C.
- (3) Non Dwelling Decks – Decks attached to non-dwelling buildings shall not extend into the minimum front, side, or rear yards.
- (4) Stairs – Stairs are permitted within the minimum permissible front, rear and side yards.

29. ACCESSES AND SERVICE STREETS

- (1) Access shall be located to the specification of the Town so as to ensure the greatest possible convenience and safety of the street system and the Town may prescribe the construction of service streets to reduce the number of accesses to collector and arterial streets.
- (2) Any access to a Provincial Highway must be approved by the Department of Transportation and Works.
- (3) No vehicular access shall be closer than 10 metres (32.8 feet) to the street line of any street intersection.

30. ACCESSORY BUILDINGS - DWELLINGS

- (1) This Regulation only applies to accessory buildings associated with single dwellings, double dwellings, row dwellings and apartment buildings.
- (2) Accessory buildings shall be clearly incidental and complementary to the use of the principal buildings in character, use and size, and shall be contained on the same lot as the principal building or buildings.
- (3) Building Line – The minimum building line (distance from the front lot line) for an accessory building shall be as that set out in Schedule C Use Zone for principal and other buildings.
- (4) Side Yard – Except for row and double dwellings where an accessory building can be built to the side lot line, provided that the wall adjoining the side lot line is of fire resistant construction, the minimum side yards (distance from the side lot lines) are as follows:

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- (a) minimum side yard for a building up to 6 metres (19.7 feet) in height is 1 metre (3.3 feet); and
 - (b) minimum side yard flanking road (for a corner lot) – the accessory building shall not be closer to a flanking road than that set out for the dwelling under Schedule C.
- (5) Rear Yard
- (a) The minimum rear yard (distance from the rear lot line) of an accessory building shall be 1 metre (3.3 feet) for any building up to 6 metres (19.7 feet) in height.
- (6) Separation Distance from Principal Building – Accessory buildings shall maintain a minimum separation distance of 1 metre (3.3 feet) from a principal building, or the minimum required by the Building Code, whichever is the greater.
- (7) Lot Coverage – The combined lot coverage of accessory buildings together with principal and other buildings on a lot shall not exceed 33 percent.
- (8) Floor Area – No floor area requirements are set out for accessory buildings, however, any accessory building exceeding 70 square metres (753.5 square feet) in floor area may only be approved at the discretion of the Town and after notice of the application has been given in accordance with Regulation 23.
- (9) Height – The maximum height of an accessory building shall not exceed 6 metres (19.7 feet).
- (10) At the discretion of Council, an accessory building may be permitted on a lot across from a principal dwelling provided that:
- (a) An accessory building is tied to a principle use through an agreement with Council;
 - (b) Is located no further than 50 metres (164 feet) from the principle use; and
 - (c) The accessory building must meet the conditions of the principle use including lot area, floor area, frontage, building line setback, side yard width, rear yard depth and lot coverage.

31. ACCESSORY BUILDINGS – NON-DWELLING AND NON-APARTMENT BUILDING USES

- (1) This Regulation sets out the requirements for accessory buildings for non-dwelling uses, that is, uses not included under Regulation 30.
- (2) Accessory buildings shall be clearly incidental and complementary to the use of the principal buildings in character, use and size, and shall be contained on the same lot as the principal building or buildings.
- (3) Building Line – The minimum building line (distance from the front lot line) for an accessory building shall be as that set out in the Schedule C Use Zone for principal and other buildings.

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- (4) Side Yard – Except where an accessory building can be built to the side lot line, provided that the wall adjoining the side lot line is of fire resistant construction, the minimum side yards (distance from the side lot lines) are as follows:
 - (a) minimum side yard for a building up to 6 metres (19.7 feet) in height is 1 metre (3.3 feet); and
 - (b) minimum side yard flanking road (for a corner lot) – the accessory building shall not be closer to a flanking road than that set out for the principal building under Schedule C.
- (5) Rear Yard
 - (a) The minimum rear yard (distance from the rear lot line) of an accessory building shall be 1 metre (3.3 feet) for any building up to 6 metres (19.7 feet) in height.
- (6) Separation Distance from Principal Building – Accessory buildings shall maintain a minimum separation distance of 1 metre (3.3 feet) from a principal building or the minimum required by the Building Code, whichever is the greater.
- (7) Lot Coverage – No lot coverage requirements are set out.
- (8) Floor Area – No floor area requirements are set out.
- (9) Height - The maximum height of an accessory building shall not exceed the height of the principal building.

32. ACCESSORY USES

- (1) See also Schedule A – Definitions.
- (2) Subject to the other requirements of these Regulations, including those of Schedule C, uses accessory to a permitted or discretionary use are allowed. Subject to Schedule C, examples of accessory uses include, but are not limited to:
 - (a) facilities for the serving of food and alcoholic beverages in an arena or other place of assembly, marina, or hotel (commercial – residential) and/or a gift or souvenir shop in a museum, hotel or other establishment;
 - (b) a general garage attached to or forming part of a car-dealership or other major retail-wholesale outlet;
 - (c) an office, convenience store and/or catering establishment in a campground;
 - (d) a marina, dock or wharf in a residential or other zone;
 - (e) a subsidiary apartment;
 - (f) a business carried out in a dwelling or residential accessory building by a resident of the dwelling, a home business – Regulation 54; and
 - (g) a dwelling accessory to a non-residential permitted or discretionary use – for example, a farm dwelling, a church manse, a caretaker's dwelling.
- (3) Accessory uses shall be clearly subsidiary to and controlled so as to be compatible with the primary use and the use of nearby properties.

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33. ADVERTISEMENTS AND SIGNS

- (1) The terms "advertisement" and "sign" are interchangeable.
- (2) Permit Required – Unless specifically exempted, no advertisement shall be erected or displayed in the Planning Area unless a permit for the advertisement is first obtained from the Town, and, where necessary, from the Department of Government Services.
- (3) Form of Application – Application for a permit to erect or display an advertisement shall be made to the Town in accordance with Regulations.
- (4) Advertisements in Street Reservation – No advertisement shall be erected or displayed within, on or over any highway or street reservation unless it is a premises sign (advertisement relating to onsite uses) and where applicable, unless this sign has been approved by the Town and the Department of Government Services and/or the Department of Transportation and Works.
- (5) Permit Valid for Limited Period
 - (a) A permit shall be valid for a period of one year and failure by the applicant to initiate construction before expiration of the first permit year shall require reapplication to the Town.
 - (b) Where, upon expiration of the first permit year a person wants the continued placement of that sign, that person shall apply to the Town for a renewed permit.
 - (c) The Town may issue a renewed permit and that renewed permit shall be valid for a period of three years, and this must subsequently be renewed for further three year periods if the sign is to remain in place.
 - (d) A renewed permit shall not be issued until the Town is satisfied that the sign has been maintained to its satisfaction and conforms to these Regulations and the conditions attached to the permit.
- (6) Removal of Advertisements

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

 - (a) hazardous to road traffic by reason of its siting, colour, illumination, maintenance or structural condition; or
 - (b) detrimental to the amenities of the surrounding area.
- (7) Signs – Non-Conforming Uses – A permit may be used for the erection or display of advertisements on a building or within the courtyard of a building or on a parcel of land, the use of which is a non-conforming use, provided that the advertisement does not exceed the size and type of advertisement which could be permitted if the development was in a Use Zone appropriate to its use, and subject to any other conditions deemed appropriate by the Town.
- (8) Prohibition – A sign shall not be erected, posted or placed:
 - (a) where in the opinion of the Town, that sign would be hazardous to road traffic by reason of its siting, illumination or structural condition;
 - (b) where in the opinion of the Town that sign would be detrimental to the amenities of surrounding areas or length of highway or road;
 - (c) where that sign is not maintained to the satisfaction of the Town;

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- (d) within or over a highway or street intersection unless otherwise approved by the Town for town roads, or by the Department of Transportation and Works for roads under Provincial jurisdiction;
 - (e) with the exception of premises advertisements, within 300 metres (984.3 feet), or a distance specified by the Department of Transportation and Works, or the Town of the intersection of two or more highways and/or for Town roads, or from the crossing of a public road;
 - (f) at a location that is objectionable to residents of the immediate area; and
 - (g) on a sign erected by the Department of Transportation and Works.
- (9) Signs or Advertisements No Specifically Covered – If for some reason an application is received for a sign or advertisement that does not fall into one of the categories set out under these Regulations, then subject to the other applicable requirements of these Regulations the Town may approve, approve with conditions, or refuse to approve the sign or advertisement.

34. ADVERTISEMENTS EXEMPT FROM CONTROL

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

- (a) a posting of a candidate in a federal, provincial or municipal election or a regional school board election;
- (b) a temporary sign relating to federal, provincial or municipal public works;
- (c) a notice required by law to be posted;
- (d) a regulatory, warning, directional, guide or informational sign erected by the Department of Transportation and Works;
- (e) a sign placed by a telephone, telegraph or electric power company to indicate danger;
- (f) a sign, not exceeding 0.5 square metres (5.4 square feet), advertising the sale or rental of a building or lot upon which the sign is located;
- (g) a flag, emblem or insignia of a nation, country or province;
- (h) one temporary sign related to building construction located on a site on which the work is being carried out;
- (i) on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.28 square metres (3.0 square feet) in area;
- (j) on an agricultural holding or farm, a notice board not exceeding 1.5 square metres (16.1 square feet) in area and relating to the operations being conducted on the land;
- (k) on land used for forestry purposes, signs or notices not exceeding 1 square metre (10.8 square feet) in area and relating to forestry operations or the location of logging operations conducted on the land;
- (l) on land used for mining or quarrying operations, a notice board not exceeding 1 square metre (10.8 square feet) in area relating to the operation conducted on the land;

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- (m) On a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.28 square metres (3.0 square feet) in area in connection with the practice of a business carried on in the premises;
- (n) on any site occupied by a church, school, library, art gallery, museum, institution, public building or charitable facility, and/or cemetery, one notice board placed no closer than 3 metres (9.8 feet) from a street line;
- (o) on the principal façade of any commercial, industrial or public building, the name of the building or the name of the occupants of the building, in letters not exceeding one-tenth of the height of that façade or 3 metres (9.8 feet), whichever is the lesser;
- (p) on any parking lot directional signs and one sign not exceeding 1 square metre (10.8 square feet) in size, identifying the parking lot; and
- (q) a sign indicating the location of a municipal or municipal planning area boundary, located beyond the back slope of a highway ditching.

35. ADVERTISEMENTS – TEMPORARY AND/OR PORTABLE SIGNS

A temporary and/or portable sign may be permitted in any zone for a period not exceeding 30 consecutive days, provided the sign:

- (a) does not exceed 4 square meters (43.1 square feet) in area;
- (b) does not create or aggravate a traffic hazard, such as by blocking a sightline;
- (c) does not interfere with other lawful signs, including directional signs;
- (d) is of a location, materials, design and colour in keeping with the character and appearance of the area;
- (e) if necessary, is approved by the Department of Government Services, together with the Town;
- (f) the sign shall be immediately removed upon expiry of the permit; and
- (g) a renewal permit for a temporary and/or portable sign may only be issued thirty days after the expiry of the original permit.

36. ADVERTISEMENTS AND SIGNS NEAR HIGHWAYS

Pursuant to Newfoundland Regulation 85/99 as amended, the Provincial Government has designated "control lines" alongside each provincially maintained route. These lines extend 400 metres (1,312.3 feet) from the highway centre lines, except that the control area is reduced within the Municipal Boundaries and built up areas of incorporated communities to 100 metres (328.1 feet) from the centre line of a provincial highway. Advertisements and signs falling within the designated control lines of any highway must be referred to and approved or exempted by the Government Services office serving the area.

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37. ADVERTISEMENTS RELATING TO ONSITE USES

The conditions that shall apply to the erection or display of an advertisement, including premises signs, on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this Use Zone, shall be as follows:

- (a) the size, shape, illumination and material construction of the advertisement shall meet the requirements of the Town, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area; and
- (b) unless it is a sign affixed to the wall or canopy of a building, the advertisement shall not exceed 5 square metres (53.8 square feet) in area on any side.

38. ADVERTISEMENTS RELATING TO OFFSITE USES

The conditions to be applied to the erection or display of an advertisement on any site, relating to a use permitted in this or another zone, or not relating to a specific land use, shall be as follows:

- (a) which advertisement shall not exceed 3 square metres (32.3 square feet) in area;
- (b) when the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to the premises to which they relate; and
- (c) the location, siting and illumination of each advertisement shall be to the satisfaction of the Town, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

39. AGRICULTURE

- (1) Agricultural uses are regulated by the Town and the Provincial Government, subject to the relevant regulations. Agricultural uses shall be approved by both the Agrifoods Branch of the Department of Natural Resources and the Town, together with other appropriate agencies.
- (2) Except for infill development any residential development within 600 metres (1,968.5 feet) of structure containing more than five animal units must be referred to the Agrifoods Branch for a recommendation. The Town shall not issue a permit contrary to the recommendation.
- (3) Any livestock structure (barn) containing five or more animal units must be located at least 600 metres (1,968.5 feet) from a non-farm dwelling, unless otherwise determined after referral to, and upon recommendation of, the Agrifoods Branch. The structure shall be at least 60 metres (196.9 feet) from the boundary of the property on which it is to be erected and shall be at least 90 metres (295.3 feet) from the centerline of a street. The erection of the structure shall be approved by the Agrifoods Branch before a permit is issued by the Town.

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- (4) Subject to the approval of the Agrifoods Branch, including the principal farm residence, two dwellings can be allowed on a farm provided they are located on the same parcel of land and only the second dwelling is located in such a way as not to prejudice the farm operation.

40. ARCHAEOLOGICAL RESOURCES AND HERITAGE SITES

- (1) If an archaeological site or historical artifacts are discovered during construction, development shall stop and the Provincial Archaeology Office of the Department of Tourism, Culture and Recreation consulted. Development shall not proceed until the Provincial Archaeology Office has evaluated the site.
- (2) Before approval is granted for a major development, such as a subdivision, or a new commercial or public building, the application shall be referred to the Provincial Archaeology Office for investigation.
- (3) After proper notification and consultation, the Town may designate any property or structure a heritage property or building and require that certain conditions pertaining to appearance and upkeep be maintained.

41. BED AND BREAKFAST, BOARDING HOUSE, HOSPITALITY HOME

A Bed and Breakfast, Boarding House or Hospitality Home can only be permitted subject to the following conditions:

- (a) the use does not detract from the residential character of the neighbourhood;
- (b) the use is carried out by a resident of the single dwelling;
- (c) the single dwelling in which the use is carried out is similar in exterior finish, design, and scale, to private residential buildings in the zone;
- (d) one parking space shall be provided for each guest room and the parking area shall be screened by a fence, wall, or hedge not less than 1 metre (3.3 feet) in height;
- (e) the use shall conform to the frontage, building line setback, sideyard, rearyard and height requirements specified for a single dwelling;
- (f) the maximum number of guests shall be six; and
- (g) the establishment is licensed under the Tourist Establishment Regulations.

42. BUFFERS – NON-RESIDENTIAL

Where any non-residential use abuts a residential use or area, the owner of the site of the non-residential development may be required to provide a buffer strip between any non-residential building or activity and the residential use. The buffer shall include the provision of grass strips, hedges, trees or shrubs, or structural barriers as may be required by the Town, and shall be maintained by the owner or occupier to the satisfaction of the Town.

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- (5) Fencing – The Town may require the mineral working site or excavated areas of a pit or quarry working to be enclosed by a fence designed and constructed to its specifications and no less than 1.8 metres (5.9 feet) in height.
- (6) Water Pollution – No mineral working or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any body of water or watercourse. Any access road to a pit or quarry working which crosses a brook or stream shall be bridged or culverted at the crossing in accordance with the regulations of the Department of Municipal Affairs and Environment.
- (7) Water Ponding – No mineral working or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any body of water or watercourse. Any access road to a pit or quarry working which crosses a brook or stream shall be bridged or culverted at the crossing in accordance with the Acts and Regulations of the Department of Municipal Affairs and Environment.
- (8) Erosion Control – No mineral working shall be carried out in a manner so as to cause erosion of erosion of adjacent land.
- (9) Site Maintenance – The mineral working shall be kept clean of refuse, abandoned vehicles, and abandoned equipment and any derelict buildings.
- (10) Access Roads – During extended periods of shutdown, access roads to a mineral working shall be ditched or barred to the satisfaction of the Town.
- (11) Stockpiling Cover Material – All stumps, organic material and topsoil, including the rusty coloured and iron stained layer, shall be stripped and stockpiled at least 5 metres (16.4 feet) from active quarry or stockpile areas. The owner or operator shall ensure that the quality of the topsoil is not affected by dilution with other materials.
- (12) Operating Plan and Associated Processing and Manufacturing
 - (a) The Town may permit processing and manufacturing use associated with mineral workings provided that, in the opinion of the Town, the use does not create a nuisance nor is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of fumes, dust, dirt, objectionable odour, or by reason of unsightly storage of materials.
 - (b) All permanent or temporary buildings, plants and structures associated with processing and manufacturing will be located so as not to interfere with the present or future extraction of aggregate resources.
 - (c) The Town may specify a minimum separation distance between operating plant or associated processing and manufacturing structure or equipment and adjacent developed areas likely to be developed during the life of the mineral working.
 - (d) Where minimum required distance was originally observed when choosing the location of the quarry, quarrying should not be discontinued or impeded where the buffer is reduced to less than the required distance due to encroachment of development towards the quarry.
- (13) Termination and site Rehabilitation – Upon completion of the mineral working, the following work shall be carried out by the operation:
 - (a) all buildings, machinery and equipment shall be removed;

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- (b) all pit and quarry slopes shall be graded to slopes less than 20 degrees or to the slope conforming to that existing prior to the mineral working;
- (c) topsoil and any organic materials shall be re-spread over the entire quarried area;
- (d) the access road to the working shall be ditched or barred to the satisfaction of the Town; and
- (e) if the mineral working contains reserves of material sufficient to support further extraction operations, the Town may require the work described above to be carried out only in areas of the site where extraction has depleted aggregate reserves.

61. NON-CONFORMING USES

- (1) This Regulation is based upon Section 108 (2) of the *Urban and Rural Planning Act 2000*, and Sections 14, 15, and 16 of the Ministerial Development Regulations.
- (2) Notwithstanding a plan, scheme or regulations made under the *Urban and Rural Planning Act 2000*, the Town shall, in accordance with regulations made under this Act, allow a development or use of land to continue in a manner that does not conform with a regulation, scheme, or plan that applies to that land provided that the non-conforming use legally existed before the registration under Section 24 of the Act of the plan, scheme or regulations made with respect to that kind of development or use.
- (3) Notwithstanding Subsection (2), a right to resume a discontinued non-conforming use of land shall not exceed one year. 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 or the building is demolished;
 - (b) the owner or tenant has ceased paying business occupancy taxes for that use; and
 - (c) the owner or tenant has stated in writing that the use has ceased.
- (4) A building, structure or development that does not conform to a scheme, plan or regulations made under this Act that is allowed to continue under Subsection (2):
 - (a) shall not be internally or externally varied, extended or expanded unless otherwise approved by the Town;
 - (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;
 - (d) may have the existing use for that building, structure or development varied by the Town to a use that is, in their opinion more compatible with a plan and regulations applicable to it;
 - (e) may have the existing building extended by the Town where, in its opinion that extension is not more than 50 percent of the existing building;

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- (f) where the non-conformance is with respect to the standards included in the Development Regulations, the building, structure or development shall not be expanded if the expansion would increase the non-conformity – and an expansion must comply with the development standards applicable to that building, structure or development;
 - (g) where the building or structure is primarily zoned and used for residential purposes, may, in accordance with the appropriate plan and regulations, be repaired or rebuilt where 50 percent or more of the value of that building or structure is destroyed; and
 - (h) a residential building or structure referred to in the above paragraph must, where being repaired or rebuilt, be repaired or rebuilt in accordance with the plan and development regulations applicable to that building or structure.
- (5) Notice and hearings on change of use – Where considering a non-conforming building, structure or development under clause (3)(d) of this Regulation and before making a decision to vary an existing use of that non-conforming building, structure or development, the Town, at the applicant's expense, shall publish a notice in a newspaper circulating in the area or by other means give public notice of an application to vary the existing use of a non-conforming building, structure or development and shall consider any representations or submissions received in response to that advertisement.

62. OFFENSIVE AND DANGEROUS USES

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

63. OFFSTREET LOADING AND PARKING REQUIREMENTS

See Schedule D.

64. PARKS AND PLAYGROUNDS AND CONSERVATION AREAS

- (1) Parks and playgrounds can only be allowed in areas which are not hazardous to their use and, they cannot be operated for commercial purposes.
- (2) The provision of adequate parks, trails and/or green space may be made a condition of any development permit where, in the opinion of the Town, a park or green space is desirable to preserve amenity, or protect the environment.
- (3) Nothing in these Regulations shall prevent the designation of conservation areas in any zone.

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65. PUBLIC SERVICES AND PUBLIC UTILITIES

- (1) Within any zone, the Town can permit land to be used in conjunction with the provision of public services and public utilities if the use of that land is necessary to the proper operation of the public service or public utility. Such facilities are subject to the approval of relevant provincial and federal departments and agencies.
- (2) The design and location of such public services and public utilities shall take into consideration their impact on nearby land uses and persons, the environment and archaeological resources within the Town, along with other matters that the Town may deem to be significant.

66. SCREENING AND LANDSCAPING

The provision of adequate and suitable landscaping or screening may be made a condition of any development permit where, in the opinion of the Town, the landscaping or screening is desirable to preserve amenity, or protect the environment.

67. SERVICE STATIONS

The following requirements shall apply to all proposed service stations:

- (1) all gasoline pumps shall be located on pump islands designed for such purpose, and to which automobiles may gain access from either side;
- (2) pump islands shall be set back at least 4 metres (13.1 feet) from the front lot line; and
- (3) accesses shall not be less than 7 metres (23.0 feet) wide and shall be clearly marked, and where a service station is located on a corner lot, the minimum distance between an access and the intersection of street lines at the junction shall be 10 metres (32.8 feet) and the lot line between entrances shall be clearly indicated.

68. SITE DEVELOPMENT

Before approving any major development, the Town shall take into consideration the adequacy of site grading, drainage and landscaping and the potential of the development to cause erosion onto and pollution of adjacent development and lands and bodies of water receiving drainage from the site, along with other similar matters.

69. SITE DEVELOPMENT QUARRY AND SOIL REMOVAL

- (1) If, as part of another development, quarry material is to be removed and sold or otherwise disposed of, then a separate quarry permit shall be issued once development approval is granted by the Town. A copy of this permit must be forwarded to the Department of Natural Resources, Mineral Lands Division.
- (2) A site development quarry under this Regulation is permitted wherever the use that the quarry is associated with is permitted.
- (3) A quarry permit issued under this Regulation shall only be valid for the term of the site development.
- (4) When the work is completed, the area affected shall be suitably landscaped and drained in accordance with a plan approved by the Town.

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- (5) If the site work is extensive, the Town may require the deposit of a surety in the amount of \$500.00 which shall be returned to the developer upon satisfactory completion of the work.

70. STREET CONSTRUCTION STANDARDS

A new street may not be constructed except in accordance with the design and specifications laid down by the Town.

71. SUBSIDIARY APARTMENTS

Subsidiary apartments shall be permitted in single dwellings only, and for the purposes of calculating lot area and yard requirements, shall be considered part of the self-contained dwelling.

72. UNSERVICED DEVELOPMENT

Development lacking municipal services shall be approved by the Department of Government Services before a permit is issued by the Town.

73. UNSUBDIVIDED LAND

Development is not permitted on unsubdivided land unless sufficient area is reserved to satisfy the yard and other allowances called for in the Use Zone in which it is located and the allowances shall be retained when the adjacent land is developed.

74. WATERWAYS AND WETLANDS

- (1) The minimum width of a buffer along a waterway or wetland shall be 15 metres (49.2 feet) from the highwater mark of the stream, river, pond or other body of water. If the embankment is steep, then the buffer shall be measured from the top of the embankment.
- (2) The only uses that can be permitted in the buffer area of a waterway or wetland are roads, public utilities, trails, trail related accessory uses, and uses requiring direct access to a body of water. These uses are subject to the approval of the Water Resources Management Division of the Department of Municipal Affairs and Environment, Department of Fisheries and Oceans Canada and where applicable, the Government Service Centre of the Department of Government Services for Crown Lands and referrals.
- (3) The Town or the Provincial Government may subject development within the buffer area of a waterway or wetland to an environmental review, and may approve, approve subject to conditions, or refuse such development. The matter of adequate and usable legal public access to the waterway shall be a consideration in the review of an application for a structure within a buffer and/or waterway.
- (4) Any development within a waterway or involving the alteration of a waterway must be approved by or exempted by the following agencies:
 - (a) Department of Municipal Affairs and Environment for Crown Lands and referrals;

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- (b) Coast Guard Canada of Transport Canada – *Navigable Waters Act*;
 - (c) Fish Habitat Division of the Department of Fisheries and Oceans; and
 - (d) Water Resources Management Division, Water Rights and Investigation
Section – *Water Resources Act*.
- (5) If a waterway or wetland is deemed to be minor (intermittent and/or a drainage course and/or no evidence of fish and/or not apparently significant for flood control or water management), such waterways and wetlands shall wherever possible remain undeveloped and protected by a buffer. If a site is to be developed, alternatives to covering over or eliminating such waterways and wetlands shall be explored, including relocation of the waterway or wetland and/or redesign of the development.

PART III – SUBDIVISION OF LAND

75. PERMIT REQUIRED

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

76. SERVICES TO BE PROVIDED

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

77. PAYMENT OF SERVICE LEVIES AND OTHER CHARGES

No permit shall be issued for the development of a subdivision until agreement has been reached for the payment of all fees levied by the Town for connection to services, utilities and streets deemed necessary for the proper development of the subdivision, and all service levies and other charges imposed under Regulations 13 and 14.

78. ISSUE OF PERMIT SUBJECT TO CONSIDERATIONS

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

- (a) the location of the land;
- (b) the availability of and the demand created for schools, services, and utilities;
- (c) the provisions of the Plan and Regulations affecting the site;
- (d) the land use, physical form and character of adjacent developments;
- (e) the transportation network and traffic densities affecting the site;
- (f) the relationship of the project to existing or potential sources of nuisance;
- (g) soil and subsoil characteristics;
- (h) the topography of the site and its drainage;

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- (i) natural features such as lakes, streams, topsoil, trees and shrubs;
- (j) prevailing winds;
- (k) visual quality;
- (l) community facilities;
- (m) parks, trails and public green space;
- (n) energy conservation; and
- (o) such other matters as may affect the proposed development.

79. BUILDING PERMITS REQUIRED

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

80. FORM OF APPLICATION

Application for a permit to develop a subdivision shall be made to the Town in accordance with Regulation 17.

81. SUBDIVISION SUBJECT TO ZONING

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

82. BUILDING LINES

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

83. LAND FOR PUBLIC OPEN SPACE

- (1) Before a development commences, the developer shall, if required, dedicate to the Town, at no cost to the Town, an area of land equivalent to not more than 10 percent of the gross area of the subdivision or 25 square metres (269.1 square feet) for every dwelling until permitted in the subdivision, whichever is the greater, for public open space, provided that:
 - (a) where land is subdivided for any purpose other than residential use, the Town shall determine the percentage of land to be dedicated;
 - (b) if, in the opinion of the Town, no public open space is required, the land may be used for such other public use as the Town may determine;
 - (c) the location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of the Authority but in any case, the Town shall not accept land which, in its opinion is incapable of development for any purpose;

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- (d) the Town may accept from the developer in lieu of such area or areas of land the payment of a sum of money equal to the value of the land which would otherwise be required to be dedicated; or
 - (e) money received by the Town in accordance with Regulation 83(1)(d) above shall be reserved by the Authority for the purpose of the acquisition or development of land for public open space or other public purpose.
- (2) Land dedicated for public use in accordance with this Regulation shall be conveyed to the Town and may be sold or leased by the Town for the purposes of any development that conforms with the requirements of these Regulations, and the proceeds of any sale or other disposition of land shall be applied against the cost of acquisition or development of any other land for the purposes of public open space or other public purposes.
- (3) The Town may require a strip of land to be reserved and remain undeveloped along the banks of any river, brook or pond, and this land may, at the discretion of the Town, constitute the requirement of land for public use under Regulation 83(1).

84. STRUCTURE IN STREET RESERVATION

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

85. 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 standards below:

- (1) the finished grade of streets shall not exceed 10 percent;
- (2) every cul de sac shall be provided with a turning circle of a diameter of not less than 30 metres (98.4 feet);
- (3) the maximum length of any cul de sac shall be:
 - (i) 200 metres (656.2 feet) in areas served by or planned to be served by municipal piped water and sewer services, as shown in the map and letter of agreement signed by the Municipality and the Minister of Municipal and Provincial Affairs in connection with municipal five-year capital works program eligibility.
 - (ii) 300 metres (984.3 feet) in areas not served by or planned to be served by municipal piped water and sewer services.
- (4) emergency vehicle access to a cul de sac shall be not less than 3 metres (9.8 feet) wide and shall connect the head of the cul de sac with an adjacent street;
- (5) no cul de sac shall be located so as to appear to terminate a collector street;
- (6) new subdivisions shall have street connections with an existing street or streets;
- (7) all street intersections shall be constructed with 5 degrees of a right angle and this alignment shall be maintained for 30 metres (98.4 feet) from the intersection;

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- (8) no street intersection shall be closer than 60 metres (196.9 feet) to any other street intersection;
- (9) no more than four streets shall join at any street intersection;
- (10) no residential street block shall be longer than 490 metres (1,607.6 feet) between street intersections; and
- (11) streets in residential subdivisions shall be designed in accordance with the approved standards of the Town, but in the absence of such standards, shall conform to the following minimum standards:

Type of Street	Street Reservation	Pavement Width	Sidewalk Width	Sidewalk Number
Arterial Streets	30 m (98.4 ft)	15 m (49.2 ft)	1.5 m (4.9 ft)	Discretion of Council
Collector Streets	20 m (65.6 ft)	15 m (49.2 ft)	1.5 m (4.9 ft)	2
Local Residential Streets:				
Where more than 50% of the units are single or double dwellings	15 m (49.2 ft)	9 m (29.5 ft)	1.5 m (4.9 ft)	1
Where 50% or more of the units are row houses or apartments	20 m (65.6 ft)	9 m (29.5 ft)	1.5 m (4.9 ft)	2
Service Streets	15 m (49.2 ft)	9 m (29.5 ft)	1.5 m (4.9 ft)	Discretion of Council

- (12) no lot intended for residential purposes shall have a depth exceeding four times the frontage;
- (13) residential lots shall not be permitted which abut a local street at both front and rear lot lines;
- (14) the Town may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed; and
- (15) land shall not be subdivided in such a manner as to prejudice the development of adjoining land.

86. ENGINEER TO DESIGN WORKS AND CERTIFY CONSTRUCTION LAYOUT

- (1) Plans and specifications for all water mains, hydrants, sanitary sewers, storm sewers and all appurtenances thereto and all streets, paving, curbs, gutters and catch basins and all other utilities deemed necessary by the Town 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 the Town, be incorporated in the plan of subdivision.

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- (2) Upon approval by the Town 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 water mains, hydrants, sanitary sewers and all appurtenances and of all such streets and other works deemed necessary by the Town to service the said area.

87. DEVELOPER TO PAY ENGINEER'S FEES AND CHARGES

The developer shall pay to the Town 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 (PEGNL) and in effect at the time the work is carried out.

88. STREET WORKS MAY BE DEFERRED

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

89. TRANSFER OF STREETS AND UTILITIES TO TOWN

- (1) The developer shall, following the approval of the subdivision of land and upon request of the Town, transfer to the Town, at no cost to the Town, and clear of all liens and encumbrances:
 - (a) all lands in the area proposed to be developed or subdivided which are approved and designated by the Town for public uses as streets, or other rights-of-way, or for other public use; and
 - (b) all services or public works including streets, water supply and distribution and sanitary and storm drainage systems installed in the subdivision that are normally owned and operated by the Town.

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- (2) Before the Town shall accept the transfer of lands, services or public works of any subdivision, the Engineer shall, at the cost to the developer, test the streets, services and public works installed in the subdivision and certify his satisfaction with their installation.
- (3) The Town shall not provide maintenance for any street, service or public work in any subdivision until such time as such street, service or public work has been transferred to and accepted by the Town.

90. 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 the Town is satisfied that:

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

91. 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 the Town, shall not be changed without written application to and subsequent approval of the Town.

PART IV – USE ZONES

92. 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 Regulation 92(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 Schedule C of these Regulations.
- (3) Where standards, requirements and conditions applicable in a Use Zone are not set out in the Use Zone Tables in Schedule C, the Town may in its discretion, determine the standards, requirements and conditions which shall apply.

93. USE CLASSES

The specific uses to be included in each Use Class set out in the Use Zone Tables in Schedule C shall be determined by the Town in accordance with the classification and examples set out in Schedule B

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94. PERMITTED USES

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

95. DISCRETIONARY USES

Refer to Schedule A (Definitions) for the definition of "discretionary use". Also see Regulation 96 for the discretionary use decision process.

96. DECISIONS – DISCRETIONARY USES

Upon receipt of a complete application for permit for a discretionary use or development, Council shall:

- (1) Cause to be mailed a Notice of Proposed Development to all assessed property owners within 100 metres of the proposed development at least 14 days prior to the public input session. Council may increase the radius for property owner notification.
- (2) Publish a Notice of Proposed Development at least once in a newspaper circulating in the Town prior to the public input session, stating where the application may be examined, and stating the time and place of the public input session.
- (3) Council shall ensure that the Notice of Proposed Development is available for public examination and includes:
 - (a) the location of the proposed use of the building or site;
 - (b) a general description of the proposed use or development;
 - (c) a map showing the proposed development in relation to the lot, the street and the abutting properties;
 - (d) the date on which the public input session to Council will be held; and
 - (e) the name, address, and contact phone number of the applicant and Town Staff member where further information can be obtained.
- (4) Council shall hold a public hearing to receive written or verbal submissions regarding the proposed development.
- (5) Council, having received and considered any verbal or written submissions received at the public input session and having considered any other concerned public officials, shall determine the issuance of the Development Permit.

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- (6) Council may approve, deny, or approve with conditions applications for development permits for discretionary uses.
- (7) Council may add such conditions to ensure compliance with these regulations, the Municipal Plan, the *Urban and Rural Planning Act 2000* and to address concerns raised by the public.

97. USE NOT PERMITTED – PROHIBITED USES

Uses that do not fall within the Permitted Use Classes or Discretionary Use Classes set out in the appropriate Use zone Tables in Schedule C, shall not be permitted in that Use Zone and are deemed to be prohibited uses.

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SCHEDULE A - DEFINITIONS

A definition marked with an asterisk (*) is also included in the *Urban and Rural Planning Act* and/or in the Ministerial Development Regulations. Where there is a conflict, the Act or Ministerial Development Regulations prevail.

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

ACCESSORY BUILDING* includes:

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

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

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

ADVERTISEMENT means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction; excluding such things employed wholly as a memorial, or functional advertisement of Councils, or other local authorities, public utilities and public transport undertakers, and including any boarding or similar structure used or adapted for use for the display of advertisements.

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

AMUSEMENT USE means the use of land or building equipped for the playing of electronic, mechanical, or other games and amusements including electronic games, pinball games and slot machines arcades and billiard pool halls.

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ANIMAL UNIT means any one of the following animals or groups of animals (in reference to agriculture in rural areas and not adjacent to residential):

- (i) 1 bull;
- (ii) 1,000 broiler chickens or roosters (1.8-2.3 kg each)
- (iii) 1 cow (including calf);
- (iv) 100 female mink (including associated males and kits);
- (v) 4 goats;
- (vi) X hogs (based on 453.6 kg = 1 unit)
- (vii) 1 horse (including foal);
- (viii) 125 laying hens;
- (ix) 4 sheep (including lambs);
- (x) 1 sow or breed sow (including weaners and grower based on 453.6 kg = 1 unit); or
- (xi) X turkey, ducks, geese (based on 2268 kg = 1 unit)

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

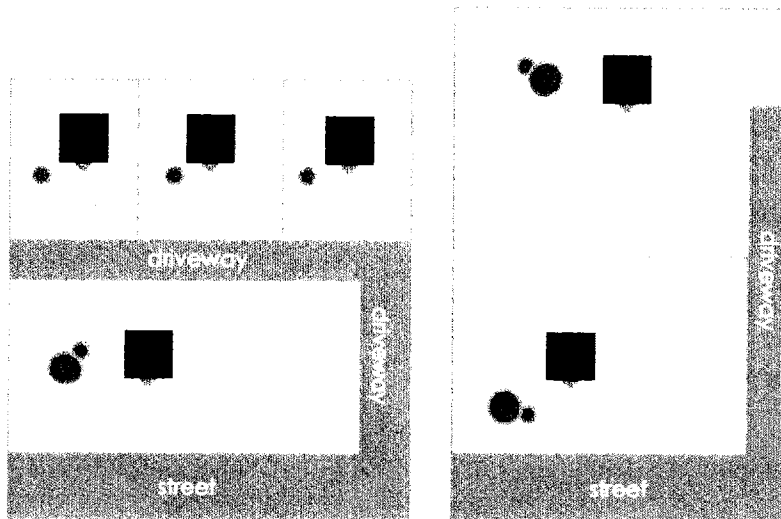
APPEAL BOARD means the appropriate Appeal Board established under the Act.

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

ARTERIAL STREET means the street in the Planning Area constituting the main traffic arteries of the area and defined as arterial streets or highways in the Municipal Plan or on the Zoning Map.

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

BACKLOT means a lot located behind another lot. The backlot contains two parts: the lot which the location of the building site and the driveway (required to meet Town standards) which connects the lot to the street.



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BED AND BREAKFAST means an owner-occupied or owner-managed establishment for paid temporary accommodation for up to sixteen (16) overnight guests that may include a dining room for the use of overnight guests and their invitees. The establishment must be registered with and receive a rating from Canada Select and also must be approved by the Provincial Department of Tourism, Culture and Recreation as a Bed and Breakfast operation.

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

BUILDING* means

- (i) a structure, erection, alteration or improvement placed on, over or under land or attached, anchored or moored to land;
- (ii) mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other similar uses;
- (iii) a part of and fixtures on buildings referred to in subparagraphs (a) and (b); and
- (iv) 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 subparagraph (a) and (b).

BUILDING HEIGHT* means the vertical distance, measures 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* means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that building may be placed.

CAMPGROUND means the use of land for the accommodation of travel trailers, recreational vehicles, and/or tents.

COLLECTOR STREETS means a street that is designed to link local streets with arterial streets and which is designated as a collector street in the Municipal Plan, or on the Zoning Map.

DAYCARE CENTRE, DAY NURSERY, or CHILD CARE FACILITY means a building or part of a building in which services and care are regularly provided to children, but does not include a school as defined by the *Schools Act*.

DECK means a raised structure that has a walking surface within one storey of the established grade at the ground level of that face of the building, that may or may not be attached to a main or principal building, and does not have a permanent roof.

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 premise and without limiting the generality of the foregoing, shall specifically include:

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- (i) the making of an access onto a highway, road or way;
- (ii) the erection of an advertisement or sign; or
- (iii) 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 accommodations.

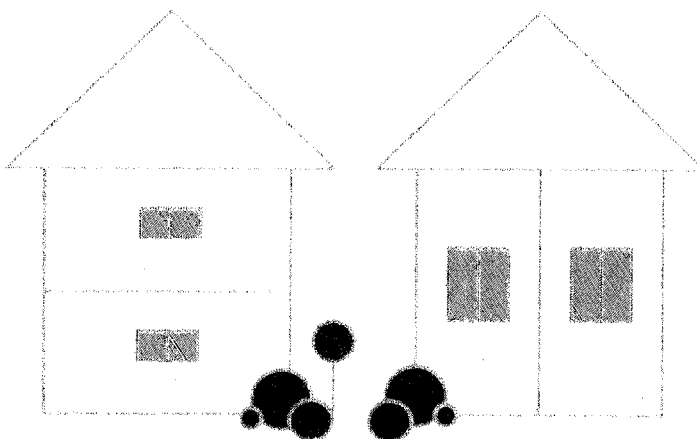
And shall exclude:

- (iv) 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;
- (v) 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 reservations;
- (vi) 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; and
- (vii) 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 these regulations and regulations and bylaws respecting development that have been enacted by the relevant authority.

DISCRETIONARY USE* means a use that is listed within the discretionary use classes established in the zone tables of an authority's development regulations. Refer to Regulation 96 for the discretionary use decision process.

DOUBLE DWELLING means a building containing two dwelling units, placed one above the other, or side by side, but does not include a self-contained dwelling containing a subsidiary apartment.



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

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ENGINEER means a professional engineer employed or retained by the Town.

ESTABLISHED GRADE* means:

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

FAMILY AND GROUP CARE CENTRE means a dwelling accommodating up to but no more than six (6) persons exclusive of staff in a home-like setting. Subject to the size limitation, this definition includes, but is not limited to, the facilities called "Group Home", "Halfway House", and "Foster Home".

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

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

FRONT YARD DEPTH means the distance between the front lot line of a lot and front wall of the main building on the lot.

GARAGE means the use of land or buildings for the purpose of storing, assembling, altering, repairing, manufacturing, fabricating, packing, canning, preparing, breaking up, demolishing, or treating any article, commodity or substance. "Industry" shall be construed accordingly.

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

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.

HOME BUSINESS means a secondary use of a dwelling and/or its accessory building by at least one of the residents of the dwelling to conduct a gainful occupation or business activity.

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

INSTITUTION means a building or part thereof occupied or used by persons who:

- (i) are involuntarily detained, or detained for penal or correctional purpose, or whose liberty is restricted; or
- (ii) require special care or treatment because of age, mental or physical limitations or medical condition.

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.

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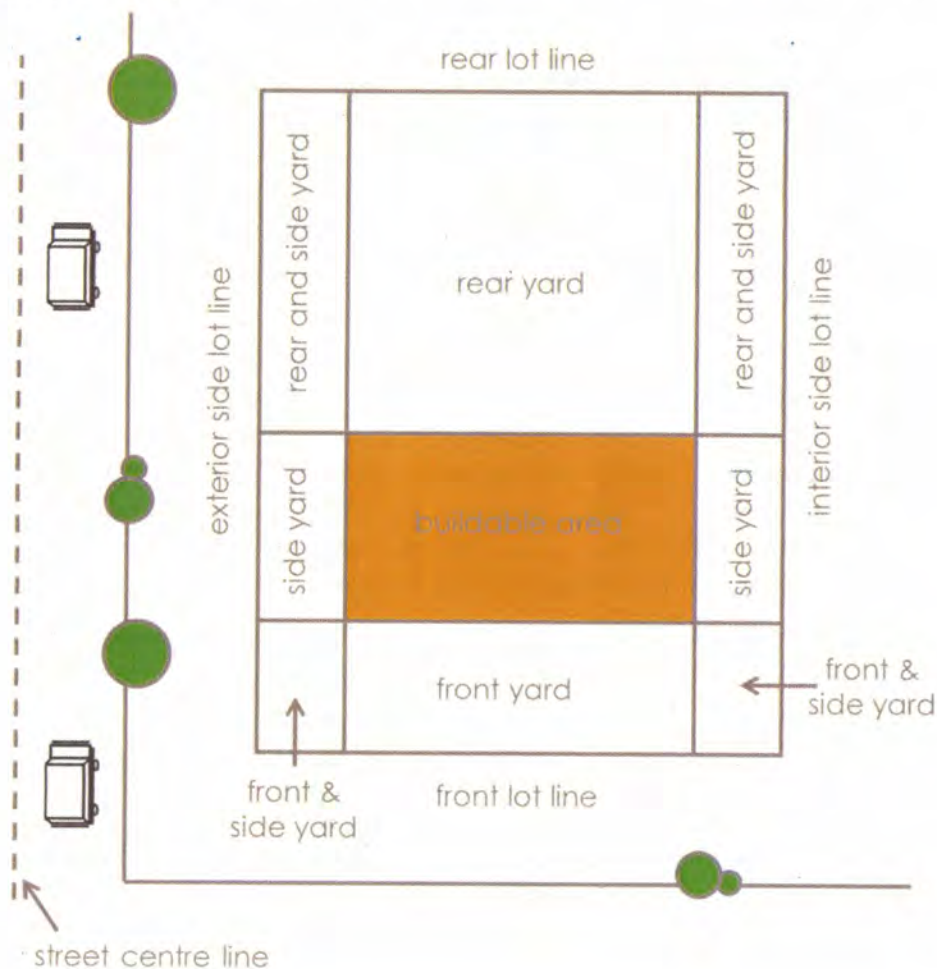
LIGHT INDUSTRY means the use of any land or buildings for any general industrial use that can be carried out without hazard or intrusion and without detriment to the amenity of the surrounding area by reason of noise, vibration, smell, fumes, smoke, grit, soot, ash, dust, glare or appearance.

LIVESTOCK means poultry, cattle, hogs, horses, mink, rabbits, sheep, goats or any other domestic animal used for consumption.

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.

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

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



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

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

MARINA means a dock or basin together with associated facilities where ships, moorings, supplies, repairs and other services that are typically available for boats and other watercraft, including storage, sales and rentals, with or without a club house and catering facilities. It can also include a fishing stage or shed associated with a dock or wharf.

MINERAL EXPLORATION means the activity of searching for mineral or mineral occurrences, wherein, for the purpose of these Regulations it takes the form of development – that is visible and appreciable disturbance to soil.

MINERAL WORKING means land or buildings used for the working or extraction of construction aggregates.

MINING means land or buildings used for the extraction of ores, salts, oil and/or natural gas.

PRE-MANUFACTURED MODULAR/MINI HOME means a single dwelling unit that is pre-manufactured in a facility and transported to a building site on a lot, which complies with space standards substantially equal to those laid down in the current edition of the National Building Code of Canada and is in accordance with the construction standards laid down and all other application Provincial and Municipal Codes. Pre-manufactured modular/mini homes are required to be placed on a foundation (permanent or fixed) and has been manufactured within the last five years.

MOBILE HOME PARK means a mobile home development under single or joint ownership, cared for and controlled by a mobile home park operator where individual mobile home lots are rented or leased with or without mobile home units placed on them and where ownership and responsibility for the maintenance and development of site facilities including underground services, access roads, communal areas, snow clearing and garbage collection, or any of them, are the responsibility of the mobile home park management, and where the mobile home development is classified as a mobile home park by the Town.

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.

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

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

PIT AND QUARRY WORKING carries the meaning as Mineral Working.

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PRINCIPAL BUILDING(S) means the building or buildings in which the primary use of the lot on which the building is located is conducted. This term is interchangeable with the term Main Building.

PROHIBITED USE* means a use that is not listed within the permitted use classes set out in the use zone tables of an authority's development regulations.

PORTABLE SAWMILL means small wood sawing equipment and designed to be easily transported from site to site.

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

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

ROW DWELLING means a dwelling containing three or more dwelling units at ground level in one building, each unit separated vertically from the others.

SEASONAL RESIDENCE means a dwelling which is designed or intended for seasonal or recreational use, and is not intended for use as permanent living quarters.

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

SERVICE STREET means a street constructed parallel to or close to another street for the purpose of limited direct access to the street.

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

SHOPPING CENTRE means a group of shops and complementary uses with integrated parking and which is planned, developed and designed as a unit containing a minimum of 5 retail establishments.

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

SIDE YARD DEPTH* means the distance between the side lot line and the nearest side wall of a building on the lot. See also Building Line and Yards.

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.

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

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

SUBDIVISION* means the dividing of any 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.

TAKE-OUT FOOD SERVICE means a building in which the primary purpose is the preparation and sale of meals or refreshments for consumption off the premises.

TAVERN includes a nightclub and means a building licensed or licensable on the *Liquor Control Act* wherein entertainment may be provided.

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 in Schedule C of the Regulations relate.

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 the authority's regulations.

WETLAND means an area which is saturated by surface or ground water sufficient to support, and which under normal circumstances supports a prevalence of vegetation typically adapted for life in the saturated soil conditions, and includes swamps, marshes, bogs, fens and similar areas.

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

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

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SCHEDULE B – CLASSIFICATION OF USES OF LAND AND BUILDINGS

Group	Class	Examples
Assembly uses	Theatre	Motion Picture Theatres, TV Studios admitting an audience
	Cultural and Civic	Libraries, Museums, Art Galleries, Court Rooms, Meeting Rooms, Council Chambers
	Protection	Police and Fire Stations
	General Assembly	Community Halls, Lodge Halls, Dance Halls, Gymnasias, Auditoria, Bowling Alleys
	Educational	Schools, Colleges (non-residential)
	Place of Worship	Churches and similar places of worship, Church Halls
	Passenger Assembly	Passenger Terminals
	Club and Lodge	Private Clubs and Lodges (non-residential)
	Catering	Restaurants, Bars, Lounges
	Funeral Home	Funeral Homes and Chapels
	Child Care	Day Care Centres
	Amusement	Electronic Games Arcades, Pinball Parlours, Poolrooms
	Indoor Assembly	Arenas, Armouries, Ice Rinks, Indoor Swimming Pools
Outdoor Assembly	Bleachers, Grandstands, Outdoor Ice Rinks and Swimming Pools, Campgrounds, Amusement Parks and Fair-grounds, Exhibition Grounds, Drive-in Theatres	
Institutional Uses	Penal and Correctional Detention	Jails, Penitentiaries, Police Stations (with detention quarters), Prisons, Psychiatric, Hospitals (with detention quarters), Reformatories
	Medical Treatment and Special Care	Children's Homes, Convalescent Homes, Homes for Aged, Hospitals, Infirmaries
Residential Uses	Single Dwelling	Single Detached Dwellings, Family and Group Homes
	Double Dwelling	Semi-detached Dwelling, Duplex Dwellings, Family and Group Homes
	Row Dwelling	Row Houses, Town Houses, Family and Group Homes
	Apartment Building	Apartments, Family and Group Homes

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Group	Class	Examples
Residential Uses	Collective Residential	Residential Colleges and Schools, University and College Halls of Residence, Convents and Monasteries, Nurses and Hospital Residences
	Boarding House Residential and/or Bed and Breakfast	Boarding Houses, Lodging Houses, Bed and Breakfast
	Commercial Residential	Hotels and Motels, Hostels Residential Clubs
	Seasonal Residential	Summer Homes and Cabins, Hunting and Fishing Cabins
	Pre-manufactured Modular/Mini Home	Pre-manufactured Modular/Mini Home
Business and Personal Service	Office	Offices (including Government Offices), Banks
	Medical and Professional	Medical Offices and Consulting Rooms, Dental Offices and Surgeries, Legal Offices and Similar Professional Offices
	Personal Service	Barbers, Hairdressers, Beauty Parlours, Small Appliance Repairs
	General Service	Self-service Laundries, Dry Cleaners (not using flammable or explosive substances), Small Tool and Appliance Rentals, Travel Agents
	Communications	Radio Stations, Telephone Exchanges
	Police Station	Police Station without detention quarters
	Taxi Stand	Taxi Stands
	Take-out Food Service	Take-out Food Service
	Veterinary	Veterinary Surgeries
Mercantile	Shopping Centre	Shopping Centres
	Shop	Retail Shops and Stores and Showrooms, Department Stores
	Indoor Market	Market Halls, Auction Halls
	Outdoor Market	Market Grounds, Animal Markets, Produce and Fruit Stands Fish Stalls
	Convenience Store	Confectionary Stores, Corner Stores, Gift Shops, Specially Shops

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Group	Class	Examples
Industrial	Hazardous Industry	Bulk Storage of hazardous liquids and substances, Chemical Plants, Distilleries, Feed Mills, Lacquer, Mattress, Paint, Varnish, Rubber Factories, Spray Painting
	General Industry	Factories, Cold Storage Plants, Freight Depots, General Garages, Warehouses, Workshops, Laboratories, Laundries, Planing Mills, Printing Plants, Contractors' Yards
	Service Station	Gasoline Service Stations, Gas Bar, Car Wash
	Light Industry	Light Industry, Parking Garages, Indoor Storage, Warehouses, Workshops
Non-building	Agriculture	Commercial Farms, Hobby Farms, Market Gardens and Nurseries
	Forestry	Tree Nurseries, Silviculture
	Mineral Exploration	Miner Exploration
	Mineral Working	Quarries, Pits
	Mining	Mining
	Recreational Open Space	Playing Field, Sports Grounds, Parks, Playgrounds, Recreational Trails
	Conservation	Watersheds, Buffer Strips, Flood Plains, Architectural, Historical and Scenic Sites, Steep Slopes, Wildlife Sanctuaries
	Cemetery	Cemeteries, Graveyards
	Scrap Yard	Car Wrecking Yards, Junk Yards, Scrap Dealers
	Solid Waste	Solid Waste Disposal, Sanitary Land Fill, Incinerators
	Animal	Animal Pounds, Kennels, Zoos
	Antenna	TV, Radio and Communications, Transmitting and Receiving, Mats and Antennae
	Utilities	Wind Mills, Wind Turbines, Wind Farms and related facilities
	Transportation	Airfield, Docks and Harbours, Marina, Yacht Club, Boating Club, Boat House, Fishing Stage

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SCHEDULE C – USE ZONE TABLES

This schedule contains tables showing the use classes which may be permitted or which may be treated as discretionary use classes for the purpose of these Regulations. The tables also indicate the required standards of development and may also include conditions affecting some or all of the use classes. Together with Schedule C, the requirements under the headings of: Application; Parts I, II, III and IV; and the Schedules A, B and D must be considered, along with other relevant matters, before a permit is issued by the Town.

The schedule contains tables for the following Use Zones:

- Mixed Development (MD)
- Commercial (COM)
- General Industrial (GI)
- Public Buildings (PB)
- Rural (RUR)
- Conservation (C)
- Protected Public Water Supply Area – A (PPWS – A)
- Protected Public Water Supply Area – B (PPWS – B)
- Protected Public Water Supply Area – C (PPWS – C)

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USE ZONE TABLE

MIXED DEVELOPMENT (MD) ZONE

ZONE TITLE: Mixed Development (MD)
PERMITTED USE CLASSES: (see Regulation 94) Conservation, Office, Recreational Open Space, Single Dwelling, and Pre-manufactured Home Modular/Mini Home
DISCRETIONARY USE CLASSES: (see Regulations 95 and 96) Agriculture, Amusement, Antenna, Apartment Building, Bed and Breakfast, Boarding House and Hospitality Home, Catering, Child Care, Club and Lodge, Commercial Residential, Communications, Convenience Store, Cultural and Civic, Double Dwelling, Educational, Funeral Home, General Assembly, General Industry, General Service, Indoor Assembly, Indoor Market, Light Industry, Medical and Professional, Medical Treatment and Special Care, Outdoor Assembly, Outdoor Market, Passenger Assembly, Personal Service, Place of Worship, Police Station, Row Dwelling, Service Station, Shop, Shopping Centre, Take-out Food Service, Taxi Stand, Theatre, Transportation and Veterinary

Conditions for the Mixed Development Zone

1. Development Standards – Non-Residential
 - (1) Lot Area and Lot Frontage – as determined by the Department of Government Services for unserviced and semi (partially) services development (See Residential Zone)
 - (2) Minimum Building Line Setback 3 metres (9.8 feet)
 - (3) Minimum Sideyards Width 3 metres (9.8 feet)
 - (4) Minimum Rearyard Depth 1.5 metres (4.9 feet)
 - (5) Maximum Height 15 metres (49.2 feet)

2. Non-Residential Uses Location
 - (1) The Town will consult with and consider legitimate concerns surrounding residents and property owners before granting approval for any development in the Mixed Development Zone. If a proposed development is considered to be unacceptable, a permit may be refused. If measures such as buffering, screening, landscaping and/or property maintenance can render negative effects innocuous they will be required, at the developers cost. Conversely, if someone wishes to build a residence or undertake some other development next or near to a pre-existing but potentially conflicting use, Council may refuse the application or require the applicant to provide mitigation measures.
 - (2) Major commercial, including service stations, light industrial and public uses may only be located along Main Street or within the Commercial Use zone. General Industry and Transportation may only be allowed along the coastline in appropriate and approved locations.

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3. General Development Standards – Residential Serviced Development

Standards	Where Permitted						
	Single Dwelling	Double Dwelling	Row Dwelling	Apartment Building			
				1 Bed Apt.	2 Bed Apt	3 Bed Apt.	4 Bed Apt.
Lot Area (minimum)	450 m ² (4843.8 ft ²)	390 m ^{2*} (4197.9 ft ²)	360 m ^{2*} (3875.0 ft ²) (average)	200 m ^{2*} (2152.8 ft ²)	250 m ^{2*} (2691.0 ft ²)	280 m ^{2*} (3013.9 ft ²)	300 m ^{2*} (3229.2 ft ²)
Floor Area (minimum)	80 m ² (861.1 ft ²)	80 m ^{2*} (861.1 ft ²)	65 m ^{2*} (699.7 ft ²)	40 m ^{2*} (430.6 ft ²)	50 m ^{2*} (538.2 ft ²)	60 m ^{2*} (645.8 ft ²)	70 m ^{2*} (753.5 ft ²)
Frontage (minimum)	15 m (49.2 ft)	26 m (85.3 ft)	12 m* (39.4 ft) (average)	36 m (118.1 ft)			
Building Line Setback (minimum)	6 m (19.7 ft)	6 m (19.7 ft)	6 m (19.7 ft)	10 m (32.8 ft)			
Side Yard Width (minimum)	1 m (3.3 ft)	1 m (3.3 ft)	1 m (3.3 ft)	5 m (16.4 ft)			
Side yard Width, Flanking Road (minimum)	3 m** (9.8 ft)	3 m** (9.8 ft)	3 m** (9.8 ft)	8 m (26.2 ft)			
Rear Yard Depth (minimum)	6 m (19.7 ft)	6 m (19.7 ft)	6 m (19.7 ft)	14 m (45.9 ft)			
Lot Coverage All Buildings (maximum)	33%	33%	33%	33%			
Height	10 m (32.8 ft)	10 m (32.8 ft)	10 m (32.8 ft)	10 m (32.8 ft)			
* per dwelling unit ** minimum 3 metres (9.8 feet) side yard width flanking a road is permitted, should the dwelling does not affect site lines and safety							

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4. General Development Standards – Unserviced and Semi-Serviced Residential Development and Infilling Variances

(1) Unserviced Development

- (a) Where the single or double dwelling development lacks municipal water and sewer services (unserviced) the minimum lot size is as determined by the Department of Government Services or 1,860 square metre (20,020.9 square feet) per dwelling unit, whichever is greater.
- (b) The minimum lot frontage for a single or double dwelling shall be as determined by the Department of Government Services or 30 metres (98.4 feet) per dwelling unit minimum, whichever is greater.
- (c) Other development, the minimum lot area and frontage is as determined by the Department of Government Services.

(2) Semi-Serviced Development

- (a) For semi-serviced building lots (lots where water or sewage disposal services will be provided off-site), a minimum lot size of 1,400 square metres (15,069.5 square feet) is required per dwelling unit of a single or double dwelling. A minimum frontage of 23 metres (75.5 feet) per dwelling unit of a single or double dwelling is required throughout the entire area in which the absorption field (distribution box to end of absorption trenches) is to be installed. The area must be sufficient to accommodate the septic system while maintaining separation distances and have sufficient space for the installation of a replacement system.
- (b) Other development, the minimum lot area shall be as determined by the Department of Government Services.

(3) Infilling Variance

Where unserviced or semi-serviced land is surrounded by development which prohibits expansion and where approval cannot be awarded because the proposed lot size does not comply with the minimum lot size and width requirements, the requirements to literal conformity may be varied if:

- (a) the variance amounts to no more than 10 percent reduction in the requirements;
- (b) the variance is not contrary to the general intent and purpose of the policy and procedure as set out in the Private Sewage Disposal and Water Supply Standards;
- (c) the application of the variance would not interfere with the maintenance of required distance separations and sewage system dimensions;

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- (d) the application of the variance would not undermine the quality of adjacent property or pose a hazard to human health;
- (e) the application of the variance is related to the specific property and is not general to land within the area; and
- (f) the particular difficulties for the owner or developer are distinguishable from a mere inconvenience or desire to acquire monetary gain.

5. Access

The number of accesses to the street shall be limited and designed to the satisfaction of the Town, having regard to the safety and efficiency of the street for both vehicles and pedestrians.

6. Accessory Buildings

See Regulations 30 and 31.

7. Advertisements

See Regulations 33 to 38.

8. Backlot Development

(1) Backlot development application will be assessed to ensure that the proposed lot:

- (a) be for single dwelling residential purposes;
- (b) dwelling be located no further than 152 metres (500 feet) from a publically maintained road, in order to ensure emergency vehicle access and fire protection;
- (c) not be an extension to an existing Town road;
- (d) be adjacent to a property in which there is connection to property owners and concurrence from existing owners;
- (e) boundary of lot has to be as physically close as possible to a publically maintained road as approved by Council;
- (f) be an efficient use of land; and
- (g) where required by the Department of Government Services or Environment and Conservation be integrated with the Town's water and sewer lines unless it is financially or physically impractical to do so, in which case private onsite servicing must be installed. The cost of connecting with the Town's services or provision of private services shall be borne by the developer.

(2) The driveway must:

- (a) be at least 3 metres (9.8 feet) in width with a driving width 2.5 metres (8.2 feet);
- (b) be no greater than 152 metres (500 feet) in length; and
- (c) have a slope of no more than 12 percent;
- (d) consider stormwater management so that stormwater does not negatively affect adjacent properties;

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- (e) properly maintained to a standard maintained by the Town; and
- (f) be approved by the Town.

9. Bed and Breakfast, Boarding House, Hospitality Home

See Regulation 41.

10. Convenience Stores

Convenience stores will only be permitted as a discretionary use under the following conditions:

- (1) the store building shall conform to the building lot standards for residential development;
- (2) the retail use shall be subsidiary to the residential character of the area, and shall not negatively affect residential amenities of adjoining properties; and
- (3) landscaping and adequate off-street parking with well defines access point are provided.

11. Discretionary Use Classes

See Regulations 49, 95 and 96.

12. Livestock

The keeping of livestock as a secondary use to a residential dwelling shall be permitted in the Mixed Use Development Zone subject to the following requirements:

- (1) a chicken coop structure shall be fully enclosed on the sides and top as to keep such animals from leaving the premises and as to prevent predators from getting in. Any openings or vents shall be covered with predator and bird resistant wiring having openings no greater than 2.5 centimetres;
- (2) the number of animals shall be limited to a maximum of four;
- (3) no person shall keep-livestock within 30 metres (100 feet) of any adjacent neighbouring property line;
- (4) if the owner of the livestock is able to obtain the written consent of the owner and occupant of a dwelling, the 30 metres (100 feet) requirements may be waived as to that dwelling, so long as the owner/occupant of said dwelling continues to consent to said waiver;
- (5) all manure and spilled feed grain shall be removed from the premises to eliminate odour and/or rodent attraction, as often as necessary or at least once a week; and
- (6) the owner shall keep the livestock for strictly personal use and not sell eggs, manure, meat, or other products derived from livestock.

13. Medical and Professional, Office, and Personal Service Uses (Home Business)

See Regulations 32 (Accessory Uses) and 54 (Home Business).

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14. Pre-manufactured Modular/Mini Home

- (1) No person shall place a pre-manufactured modular/mini home on a lot unless the structure is certified by a Standards Council of Canada accredited testing agency in accordance with CSA Standard CAN-Z-240. See Schedule A for definition.
- (2) The configuration and character of the Pre-manufactured Modular/Mini Home would represent the character of area and be approved by Council.
- (3) All structures will be placed parallel to road unless otherwise approved by Council.

15. Outdoor Market

An outdoor market may, at the discretion of the Town, include a used car lot, provided due consideration is given to the size and scale of the development relative to surrounding development and to the site itself. Due consideration shall also be given to buffering where appropriate, off-street parking, and to the implications of traffic movement and/or congestion as well as safe access.

16. Protection of Residential Use

Adverse effects of any proposed development on an adjacent to existing residential use shall be prevented or minimized through proper site planning and the provision of buffering by the developer to the satisfaction of the Town. See also Condition 2.

17. Protection of Water Resources and Environment

See Regulation 74.

18. Subdivision Development

- (4) See also Part II – Subdivision of Land
- (5) With regard to residential subdivision design and in addition to the requirements of Part III of these Regulations, the Town may require that:
 - (a) street layout and placement of building lots conform to natural features and topography as much as possible and grid pattern be avoided;
 - (b) at least two accesses from the subdivision to a collector or arterial street be provided;
 - (c) waterbodies and watercourses be not altered and, if possible integrated with open space and park areas;
 - (d) original trees and plant growth be left on building lots and open space areas;
 - (e) open space area be landscaped and free of garbage and refuse; and
 - (f) utility pole be placed at the backs of building lots.

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USE ZONE TABLE

GENERAL INDUSTRIAL (GI) ZONE

ZONE TITLE: General Industrial (GI)
PERMITTED USE CLASSES: (see Regulation 94) Conservation, General Industry, Light Industry, and Transportation
DISCRETIONARY USE CLASSES: (see Regulations 95 and 96) Antenna, Communications, General Service, Office, Personal Service, Portable Sawmills and Shop

Conditions for the General Industrial Zone

1. Development Standards

(1) Minimum Building Line Setback	3 metres (9.8 feet)
(2) Minimum Sideyard Width	5 metres (16.4 feet)
(3) Minimum Rearyard Depth	1.5 metres (4.9 feet)
(4) Maximum Height	15 metres (49.2 feet)

2. Access

The number of accesses to the street shall be limited and designed to the satisfaction of the Town, having regard to the safety and efficiency of the street for both vehicles and pedestrians.

3. Accessory Buildings

See Regulations 30 and 31.

4. Advertisements

See Regulations 33 to 38.

5. Buffer Strips

See Regulation 42, and where the industrial development permitted in this zone abuts a residential area, or is separated from it by a road only, the developer shall provide a buffer strip not less than 10 metres (32.8 feet) wide between any residential use and the industrial area.

6. Discretionary Use Classes

See Regulations 49, 95 and 96, and in the case of a shop, the discretionary use shall be ancillary to a use permitted in this zone.

7. Outdoor Storage

Outdoor storage shall be located on the rearyard of the lot and screened by trees, plant

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growth or fencing so as to have minimum visual impact from the street or other surrounding development.

8. Protection of water Resources and Environment

See Regulation 74.

9. Services

No industrial development shall be permitted where adequate services and fire fighting capability designed to meet the needs of the particular industrial uses permitted, are not available.

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USE ZONE TABLE
PUBLIC BUILDINGS (PB) ZONE

ZONE TITLE: Public Buildings (PB)
PERMITTED USE CLASSES: (see Regulation 94) Child Care, Communications, Conservation, Cultural and Civic, Educational, General Assembly, Indoor Assembly, Medical and Professional, Medical Treatment and Special Care, Office, Place of Worship, Police and Recreational Open Space
DISCRETIONARY USE CLASSES: (see Regulations 95 and 96) Antenna and Outdoor Assembly

CONDITIONS FOR THE PUBLIC BUILDINGS ZONE

1. Development Standards

(1)	Minimum Building Line Setback	10 metres (32.8 feet)
(2)	Minimum Sideyard Width	5 metres (16.4 feet)
(3)	Minimum Rearyard Depth	10 metres (32.8 feet)
(4)	Maximum Height	15 metres (49.2 feet)

2. Access

The number of accesses to the street shall be limited and designed to the satisfaction of the Town, having regard to the safety and efficiency of the street for both vehicles and pedestrians.

3. Accessory Buildings

See Regulations 30 and 31.

4. Advertisements

See Regulations 33 to 38.

5. Discretionary Use Classes

See Regulations 49, 95 and 96.

6. Protection of Water Resources and Environment

See Regulation 74.

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USE ZONE TABLE

RURAL (RU) ZONE

ZONE TITLE: RURAL (RU)
PERMITTED USE CLASSES: (see Regulation 94) Agriculture, Cemetery, Conservation, and Forestry
DISCRETIONARY USE CLASSES: (see Regulations 95 and 96) Animal, Antenna, General Industry, Hazardous Industry, Light Industry, Mineral Exploration, Mineral Working, Outdoor Assembly, Outdoor Market, Portable Sawmills, Recreational Open Space, Scrapyard, Service Station, Single Dwelling, Solid Waste Disposal and Transportation

CONDITIONS FOR THE RURAL ZONE

1. General Development Standards
The minimum lot area, frontage and front, rear and side yards shall be as determined by the Town, subject to the approvals of the appropriate agencies, including, where applicable, the Departments of Government Services, Natural Resources and Environment and Conservation.
2. Access
The number of accesses to the street shall be limited and designed to the satisfaction of the Town, having regard to the safety and efficiency of the street for both vehicles and pedestrians.
3. Accessory Buildings
See Regulations 30 and 31.
4. Advertisements
See Regulations 33 to 38.
5. Agriculture
See Regulation 39.
6. Discretionary Use Classes
See Regulations 49, 95 and 96.
7. Mineral Exploration and Mineral Working
See Regulations 59 and 60.
8. Protection of Water Resources and Environment
See Regulation 74.

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9. Recreational Open Space Uses

- (1) Sufficient parking must be available on site.
- (2) No development of this kind shall be approved if it will have noticeable off-site effects from pollution, noise, visual impact or traffic which cannot be considered acceptable, or which cannot be ameliorated to be made acceptable, within the context of the surrounding area.
- (3) A site plan must be included with proposals for recreational open space uses having more than two on-site activities, or for extensions or additional activity at the site of existing development of this kind. The site plan must clearly depict in proper scale and proportion the layout of all existing and proposed features of the site including activities, buildings and parking areas as well as other items that the town may require.
- (4) Buffers of existing plant growth must be retained around the site, including the parking area and any part fronting along a public road for a depth of at least 3 metres (10 feet). Landscaping of buffers, parking areas, accesses and of the entire development in general is required and must be to the satisfaction of the Town.
- (5) All buildings on site and otherwise associated with this development must have properly finished exteriors and be maintained to the satisfaction of the Town.

10. Single Dwelling

A single dwelling may be permitted only as accessory to a permitted or discretionary use after two years of operation. A dwelling is subject to the approval of the Department of Natural Resources and the Department of Government Services before a permit is issued by the Town.

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USE ZONE TABLE

CONSERVATION (C) ZONE

ZONE TITLE: CONSERVATION (C)
PERMITTED USE CLASSES: (see Regulation 94) Conservation
DISCRETIONARY USE CLASSES: (see Regulations 95 and 96) Antenna, Forestry and Recreational Open Space

CONDITIONS FOR THE CONSERVATION ZONE

1. General Conditions
All development is subject to the approval of the Department of Municipal Affairs and Environment and where applicable, the Department of Natural Resources before a permit is issued by the Town.
2. Advertisements
See Regulations 33 to 38.
3. Discretionary Use Classes
 - (1) See Regulations 49, 95 and 96.
 - (2) Discretionary uses will only be permitted if the Department of Municipal Affairs and Environment has determined that they will not cause pollution of any area of land or waterbody or cause erosion of land to take place.
4. Protection of Water Resources and Environment
See Regulation 74.

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USE ZONE TABLE

PROTECTED PUBLIC WATER SUPPLY AREA – A (PPWS – A) ZONE

ZONE TITLE: PROTECTED PUBLIC WATER SUPPLY AREA – A (PPWS-A)
PERMITTED USE CLASSES: (see Regulation 94) Conservation and Public Utilities

CONDITIONS FOR THE PROTECTED PUBLIC WATER SUPPLY AREA – A ZONE

1. Tree Removal and Excavation

No tree removal or excavation shall be permitted in the Protected Public Water Supply Area – A Zone because of the potential impact on the quality and quantity of domestic well water and possible damage to the recharge area surrounding the wells.

2. Buildings

No buildings shall be permitted in the Protected Public Water supply Area – A Zone unless it is a public utility or road necessary for the provision of water.

3. Other Conditions

(1) Any development except renovations to an existing structure, fences and minor landscaping shall be referred to the Department of Municipal Affairs and Environment for approval before a permit is issued by the Town.

(2) The following chemicals/activities are prohibited unless it has been proven to the satisfaction of the Minister of Environment and Conservation that such uses will not cause deterioration of the quality of the water supply over the long term and that measures satisfactory to the Minister have been undertaken to prevent leaks or contamination from tanks and other storage facilities into the aquifer of the well or wells:

- (a) petroleum fuels in excess of 25 L;
- (b) petroleum solvents in excess of 10 L;
- (c) chlorinated solvents in excess of 10 L;
- (d) pesticides and preservatives in excess of 10 L;
- (e) new sewerage systems;
- (f) manure storage;
- (g) manure application;
- (h) mining and aggregate removal;
- (i) inorganic fertilizers (no bulk storage);
- (j) forestry (salvage cutting permitted);
- (k) sawmill operations;
- (l) groundwater extraction (non-private wells);

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- (m) groundwater heat pumps;
- (n) road salt (no bulk storage); and
- (o) waste disposal.

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USE ZONE TABLE

PROTECTED PUBLIC WATER SUPPLY AREA – B (PPWS – B) ZONE

ZONE TITLE: PROTECTED PUBLIC WATER SUPPLY AREA – B (PPWS – B)
PERMITTED USE CLASSES: (see Regulation 94) Conservation and Public Utilities
DISCRETIONARY USE CLASSES: (see Regulations 95 and 96) Antenna and Recreational Open Space

CONDITIONS FOR THE PROTECTED PUBLIC WATER SUPPLY AREA – B ZONE

1. Any development except renovations to an existing structure, fences and minor landscaping shall be referred to the Department of Municipal Affairs and Environment for approval before a permit is issued by the Town.
2. The following chemicals/activities are prohibited unless it is for an existing property or development and where it is for an existing property or development that it has been proven to the satisfaction of the Minister of Environment and Conservation that such uses will not cause deterioration of the quality of the water supply over the long term and that measures satisfactory to the Minister have been undertaken to prevent leaks or contamination from tanks and other storage facilities into the aquifer of the well or wells:
 - (a) petroleum fuels in excess of 25 L;
 - (b) petroleum solvents in excess of 10 L;
 - (c) chlorinated solvents in excess of 10 L;
 - (d) pesticides and preservatives in excess of 10 L;
 - (e) new sewerage systems;
 - (f) manure storage;
 - (g) manure application;
 - (h) mining and aggregate removal;
 - (i) inorganic fertilizers (no bulk storage);
 - (j) forestry (salvage cutting permitted);
 - (k) sawmill operations;
 - (l) groundwater extraction (non-private wells);
 - (m) groundwater heat pumps;
 - (n) road salt (no bulk storage); and
 - (o) waste disposal.

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3. Tanks and other material containment facilities shall be inspected at least once a year to ensure their soundness in accordance with the standards established by the Minister of Environment and Conservation.

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USE ZONE TABLE

PROTECTED PUBLIC WATER SUPPLY AREA – C (PPWS – C) ZONE

ZONE TITLE: PROTECTED PUBLIC WATER SUPPLY AREA – C (PPWS-C)
PERMITTED USE CLASSES: (see Regulation 94) Conservation and Public Utilities
DISCRETIONARY USE CLASSES: (see Regulations 95 and 96) Subject to the Use Zone which this Zone overlays, the following use classes may be permitted as Discretionary Uses: (a) Permitted and Discretionary Use Classes – Mixed Development Zone, except for Service Station; (b) Permitted and Discretionary Use Classes – Public buildings Zone; (c) Permitted and Discretionary Use Classes – General Industrial Zone except for uses related to the repair and maintenance of heavy equipment; or (d) Permitted and Discretionary Use Classes – Rural Zone, except for Cemetery, Hazardous Industry, Mineral Working and Scrapyard.

CONDITIONS FOR THE PROTECTED PUBLIC WATER SUPPLY AREA – C ZONE

1. This Zone overlays other zones.
2. Any development except renovations to an existing structure, fences and minor landscaping shall be referred to the Department of Municipal Affairs and Environment for approval before a permit is issued by the Town.
3. The following chemicals/activities are prohibited unless it has been proven to the satisfaction of the Minister of Environment and Conservation that such uses will not cause deterioration of the quality of the water supply over the long term and that measures satisfactory to the Minister have been undertaken to prevent leaks or contamination from tanks and other storage facilities into the aquifer of the well or wells:
 - (a) petroleum fuels in excess of 25 L;
 - (b) petroleum solvents in excess of 10 L;
 - (c) chlorinated solvents in excess of 10 L;
 - (d) pesticides and preservatives in excess of 10 L;
 - (e) new sewerage systems;
 - (f) manure storage;

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- (g) manure application;
 - (h) mining and aggregate removal;
 - (i) inorganic fertilizers (no bulk storage);
 - (j) forestry (salvage cutting permitted);
 - (k) sawmill operations;
 - (l) groundwater extraction (non-private wells);
 - (m) groundwater heat pumps;
 - (n) road salt (no bulk storage); and
 - (o) waste disposal.
4. Tanks and other material containment facilities shall be inspected at least once a year to ensure their soundness in accordance with the standards established by the Minister of Environment and Conservation.

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SCHEDULE D – PARKING AND OFFSTREET LOADING REQUIREMENTS

1. General

- (1) For every building, structure or use to be erected, enlarged or established, there shall be provided and maintained a quantity of off-street parking spaces sufficient to ensure that the flow of traffic on adjacent streets is not impeded by the on-street parking of vehicles associated with that building, structure or use.
- (2) The number of parking spaces to be provided for any building, structure, use or occupancy shall conform to the standards set out in this Schedule.
- (3) Each parking space, except in the case of single or double-family dwellings, shall be made accessible by means of a hard surfaced right-of-way at least 3 metres (9.8 feet) in width. Parking required in a residential zone shall be provided on the same lot as the dwelling or dwellings. Parking space for apartments shall be provided in the rear yard where possible. In a non-residential zone, parking spaces shall be provided within the limits of the zone in which the use is situated and not more than 200 metres (656.2 feet) distant from the use concerned.
- (4) The parking facilities required by this Regulation shall, except in the case of single or double dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.
- (5) Where, in these Regulations, parking facilities for more than four vehicles are required or permitted, with parking perpendicular to the curb the minimum dimensions shall be as follows:

(a) Parking stall width	2.75 metres (9.0 feet)
(b) Parking stall length or depth	5.80 metres (19.0 feet)
(c) Aisle width, parking stalls across from each other	7.30 metres (24.0 feet)
(d) Aisle width, other obstruction	7.30 metres (24.0 feet)
(e) Driveway width	7.00 metres (23.0 feet)
- (6) Where the parking stall is horizontal to the curb, the minimum length of the stall shall be 7.00 metres (23.0 feet), and the minimum aisle width (if applicable) shall be at least 4 metres (13.1 feet), more if deemed necessary by the Town.
- (7) For any other parking lot configuration, the requirements shall be as specified by the Town, but in no instance shall the requirements be less than that specified for perpendicular parking spaces.

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- (8) Other requirements for parking areas are as follows:
- (a) the parking area shall be constructed and maintained to the specifications of the Town;
 - (b) the lights used for illumination of the parking area shall be so arranged as to divert the light away from adjacent development;
 - (c) a structure, not more than 3 metres (9.8 feet) in height and more than 5 square metres (53.8 square feet) in area may be erected in the parking area for the use of attendants in the area;
 - (d) except in zones in which a service station is a permitted use, no gasoline pump or other service station equipment shall be located or maintained on a parking area;
 - (e) no part of any off-street parking area shall be closer than 1.5 metres (4.9 feet) to the front lot line in any zone;
 - (f) access to parking areas in non-residential zones shall not be by way of residential zones;
 - (g) where a parking area is in or abuts a residential zone, a natural or structural barrier at least 1 metre (3.3 feet) in height shall be erected and maintained along all lot lines; and
 - (h) where, in the opinion of the Town, strict application of the above parking requirements is impractical or undesirable, the Town may as a condition of a permit require the developer to pay a service levy in accordance with these Regulations in lieu of the provision of a parking area, and the full amount of the levy charged shall be used by the Town for the provision and upkeep of alternative parking facilities within the general vicinity of the development.

2. Offstreet Parking Spaces

- (1) The offstreet parking requirements for uses in the various use classes set out in Schedule B shall be as set out in the following table.
- (2) In case of developments including uses in more than one class, these standards shall be regarded as cumulative.
- (3) Adequate offstreet provision for drop-off and pick-up of persons shall be provided in developments where required, such as uses within the education, passenger assembly, child care, medical treatment and special care, commercial-residential and take-out food service classes.

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CLASS	MINIMUM OFF-STREET PARKING REQUIREMENTS
Theatre	One space for every 5 seats
Cultural and Civic	One space for every 50 square metres (538.2 square feet) of gross floor areas
General Assembly	One space for every 10 square metres (107.6 square feet) of gross floor area
Educational	Schools – 2 spaces for every class-room Further education – 1 space for every 5 persons using the facilities (students, faculty and staff)
Place of Worship	One space for every 5 seats
Passenger Assembly	As specified by the Town
Club and Lodge	One space for every 3 persons that may be accommodated at one time
Catering	One space for every 3 customers that may be accommodated at one time
Funeral Home	One space for every 10 square metres (107.6 square feet) of gross floor area
Child Care	One space for every 20 square metres (215.3 square feet) of gross floor area
Amusement	One space for every 10 square metres (107.6 square feet) of gross floor area
Indoor Assembly	One space for every 10 spectators that may be accommodated at one time
Outdoor Assembly	As specified by the Town
Campground	As specified by the Town
Penal and Correctional Detention	As specified by the Town
Medical Treatment and Special Care	One space per 20 square metres (215.3 square feet) of suite or ward area

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CLASS	MINIMUM OFF-STREET PARKING REQUIREMENTS
Single Dwelling	Two spaces for every dwelling unit
Double Dwelling	Two spaces for every dwelling unit
Row Dwelling	Two spaces for every dwelling unit
Apartment Building	Three spaces for every two dwelling units
Collective Residential	As specified by the Town
Boarding House Residential and/ or Bed and Breakfast	As specified by the Town
Commercial Residential	One space for every guest room
Seasonal Residential	One space per dwelling unit
Pre-manufactured Homes	Two spaces for every dwelling unit
Office	One space for every 20 square metres (215.3 square feet) of gross floor area
Medical and Professional	One space for every 20 square metres (215.3 square feet) of gross floor area
Personal Service	One space for every 20 square metres (215.3 square feet) of gross floor area
General Service	One space for every 20 square metres (215.3 square feet) of gross floor area
Communications	As specified by the Town
Police Station	As specified by the Town
Taxi Stand	As specified by the Town
Take-out Food Service	One space for every 20 square metres (215.3 square feet) of gross floor area
Veterinary	One space for every 20 square metres (215.3 square feet) of gross floor area

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CLASS	MINIMUM OFF-STREET PARKING REQUIREMENTS
Shopping Centre	One space for every 15 square metres (161.5 square feet) of gross floor area
Shop	One space for every 20 square metres (215.3 square feet) of gross floor area
Indoor Market	As specified by the Town
Outdoor Market	As specified by the Town
Convenience Store	One space for every 20 square metres (215.3 square feet) of gross floor area
Hazardous Industry	As specified by the Town, but not less than one space per 100 square metres (1,076.4 square feet) of gross floor area or 10 parking spaces, whichever is greater
General Industry	As specified by the Town, but not less than one space per 100 square metres (1,076.4 square feet) of gross floor area or 10 parking spaces, whichever is greater
Service Station	One space for every 20 square metres (215.3 square feet) of gross floor area
Light Industry	As specified by the Town, but not less than one space per 50 square metres (538.2 square feet) of gross floor area or 5 parking spaces, whichever is greater
Agriculture	Not specified
Forestry	Not specified
Mineral Working	Not specified
Mining	Not specified
Recreational Open Space	Not specified
Conservation	Not specified

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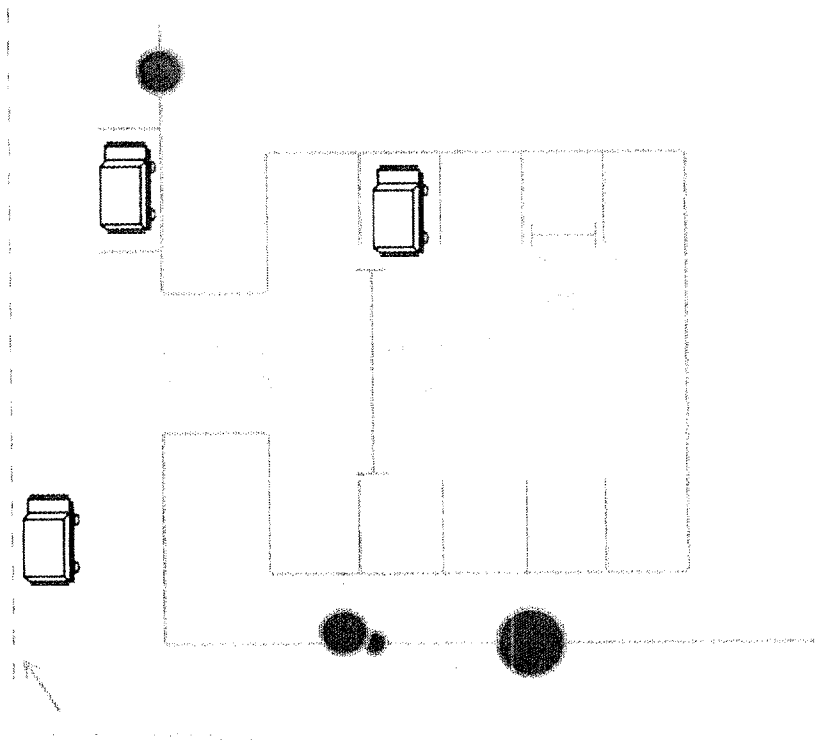
CLASS	MINIMUM OFF-STREET PARKING REQUIREMENTS
Cemetery	Not specified
Scrap Yard	Not specified
Solid Waste	Not specified
Animal	Not specified
Antenna	Not specified
Transportation	As determined by the Town, taking into consideration associated uses
Marina	As determined by the Town, taking into consideration associated uses

3. Off-street Loading Requirements

For every building or structure hereafter erected for a commercial or Industrial Use involving shipping, there shall be provided and maintained minimum loading facilities on land that is not part of a street, comprised of one or more loading spaces, each 10 metres (32.8 feet) long, 3.5 metres (11.5 feet) wide and having a vertical clearance of at least 4.5 metres (14.8 feet), with access to a lane or a street and in accordance with the floor area of the building or structure in a manner determined by the Town.

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SCHEDULE E – NEWFOUNDLAND REGULATION 2001

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Important Information

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

Newfoundland Regulation 2001

NEWFOUNDLAND REGULATION 3/01

Development Regulations
under the
Urban and Rural Planning Act, 2000

(Filed January 2, 2001)

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

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

Joan Marie Aylward
Minister of Municipal and Provincial Affairs

REGULATIONS

Analysis

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

Short title

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

Definitions

2. In these regulations,

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

Application

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

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

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

Interpretation

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

- (a) "access" means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street;
- (b) "accessory building" includes
 - (i) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,
 - (ii) for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television antennae,
 - (iii) for commercial uses, workshops or garages, and
 - (iv) for industrial uses, garages, offices, raised ramps and docks;
- (c) "accessory use" means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use;
- (d) "building height" means the vertical distance, measured in metres from the established grade to the
 - (i) highest point of the roof surface of a flat roof,
 - (ii) deck line of a mansard roof, and
 - (iii) mean height level between the eave and the ridge of a gable, hip or gambrel roof,
 and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof;

- (e) "building line" means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed;
- (f) "discretionary use" means a use that is listed within the discretionary use classes established in the use zone tables of an authority's development regulations;
- (g) "established grade" means,
 - (i) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or
 - (ii) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment;
- (h) "floor area" means the total area of all floors in a building measured to the outside face of exterior walls;
- (i) "frontage" means the horizontal distance between side lot lines measured at the building line;
- (j) "lot" means a plot, tract or parcel of land which can be considered as a unit of land for a particular use or building;
- (k) "lot area" means the total horizontal area within the lines of the lot;
- (l) "lot coverage" means the combined area of all building on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot;
- (m) "non-conforming use" means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone;
- (n) "owner" means a person or an organization of persons owning or having the legal right to use the land under consideration;
- (o) "permitted use" means a use that is listed within the permitted use classes set out in the use zone tables of an authority's development regulations;
- (p) "prohibited use" means a use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that an authority specifies as not permitted within a use zone;
- (q) "sign" means a word, letter, model, placard, board, device or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement or direction and excludes those things employed wholly as a memorial, advertisements of local government, utilities and boarding or similar structures used for the display of advertisements;
- (r) "rear yard depth" means the distance between the rear lot line and the rear wall of the main building on a lot;
- (s) "side yard depth" means the distance between the side lot line and the nearest side wall of a building on the lot;
- (t) "street" means a street, road, highway or other way designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles;

- (u) "street line" means the edge of a street reservation as defined by the authority having jurisdiction;
- (v) "use" means a building or activity situated on a lot or a development permitted on a lot;
- (w) "use zone" or "zone" means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply;
- (x) "variance" means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the authority's regulations; and
- (y) "zoning map" means the map or maps attached to and forming a part of the authority's regulations.

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

Notice of right to appeal

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

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

Appeal requirements

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

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

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

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

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

Appeal registration

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

appeal.

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

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

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

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

Development prohibited

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

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

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

Hearing notice and meetings

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

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

Hearing of evidence

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

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

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

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

Board decision

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

Variances

12. (1) Where an approval or permit cannot be given by an authority because a proposed development does not comply with development standards set out in development regulations, an

authority may, in its discretion, vary the applicable development standards to a maximum of 10% if, in the authority's opinion, compliance with the development standards would prejudice the proper development of the land, building or structure in question or would be contrary to public interest.

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

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

Notice of variance

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

Residential non conformity

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

Notice and hearings on change of use

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

Non-conformance with standards

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

Discontinuance of non-conforming use

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

Delegation of powers

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

Commencement

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

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TOWN OF ST. ALBAN'S DEVELOPMENT REGULATIONS 2017

June 13, 2017

SCHEDULE F – ZONING MAP