

Town of Stephenville Crossing Development Regulations 2021  
Approved by Council 31 August 2021

**TOWN OF STEPHENVILLE CROSSING**

**DEVELOPMENT REGULATIONS**

**2021**

**Approved by Council 31 August 2021**

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## ADOPTION AND APPROVAL

### COUNCIL RESOLUTION TO ADOPT; MCIP CERTIFICATE

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Stephenville Crossing adopts the Development Regulations 2021.

Resolved by the Town Council of Stephenville Crossing on the 8<sup>th</sup> day of July, 2021.

Signed and sealed this 23 day of September, 2021.

Mayor: [Signature]

Clerk: [Signature]



### Canadian Institute of Planners Certification

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

Member of the Canadian Institute of Planners

[Signature]  
Jens Jensen, P.Eng., MCIP

(MCIP Seal)

Date: 28 September 2021



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28 September 2021





**COUNCIL RESOLUTION TO APPROVE; CLERK'S CERTIFICATE**

*[resolution of Council to approve the Development Regulations, following completion of the requirements of Sections 18 to 22 inclusive of the Urban and Rural Planning Act, 2000]*

Development Regulations/Amendment	
<b>REGISTERED</b>	
Number	<u>1950-2021-000</u>
Date	<u>Nov. 19, 2021</u>
Signature	<u>J. Coy</u>

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Stephenville Crossing:

- a) adopted the Development Regulations 2021 on the 8<sup>th</sup> day of July, 2021.
- b) gave notice of the adoption of the said Development Regulations, following special instructions of the Department of Environment, Climate Change and Municipalities related to the COVID19 pandemic, by means of a notice published in the West Coast Wire issue of 21 July, 2021, a digital newspaper published by Saltwire and circulating in the municipal planning area, and as well continually posted from 21 July, 2021, a notice on the Town of Stephenville Crossing Facebook Page, the Town Square information kiosk, on the Town Hall front door, and on the public notice board at Coleman's Food Store in Stephenville Crossing.
- c) set the 23<sup>rd</sup> day of August, 2021, at 3:00 p.m. for the holding of a virtual 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 Stephenville Crossing approves the said Development Regulations 2021 as adopted.

Resolved by the Town Council of Stephenville Crossing on the 31<sup>st</sup> day of August, 2021.

Signed and sealed this 23 day of September 2021.

Mayor: [Signature]

Clerk: [Signature]  
v



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MADE BY MINISTER OF MUNICIPAL  
AND PROVINCIAL AFFAIRS, 2 JANUARY, 2001**

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Town of Stephenville Crossing Development Regulations 2021  
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## SECTION A

### 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

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17. Discontinuance of non-conforming use

18. Delegation of powers

19. Commencement

**Short title**

1. These regulations may be cited as the *Minister's 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 antennas,
  - (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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## **SECTION B**

### **DEVELOPMENT REGULATIONS**

#### **APPLICATION**

##### **1. Short Title**

These Regulations may be cited as the Town of Stephenville Crossing Development Regulations 2021.

##### **2. Interpretation**

- (1) Words and phrases used in these Development 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 Development Regulations come into effect throughout the Stephenville Crossing municipal planning area, on the date of publication of a notice to that effect in the *Newfoundland and Labrador Gazette*.

##### **4. Municipal Code and Regulations**

- (1) Any building code, including the National Building Code, the Plumbing Code, the Fire Code, the Electrical Code and any other ancillary code apply to the entire municipal planning area unless expressly exempted.
- (2) The Authority does not perform reviews of engineering, architectural or other design subjects of buildings as may be found in the National Building Code and other codes, nor does the Authority provide building inspection services nor issue occupancy permits.

##### **5. Authority**

In these Regulations, "Authority" means the Council of the Town of Stephenville Crossing.



## PART I - GENERAL REGULATIONS

### 6. Compliance With Regulations

- (1) No development shall be carried out within the Stephenville Crossing municipal planning area except in accordance with these Development Regulations, unless expressly exempted.
- (2) The Ministerial Regulations quoted in Section A shall prevail where there is conflict with Section B, the Town of Stephenville Crossing Development Regulations.
- (3) The Development Regulations is a legal document, binding upon Council and any person or group using or proposing to use land anywhere within the Stephenville Crossing municipal planning area.
- (4) The *Water Resources Act*, provides for regulation of numerous aspects of management of water resources in the province. Administration of the regulations under the *Act* is by the Water Resources Management Division of the Department of Environment and Climate Change. All development applications including but not limited to the following topics may require approval under the *Water Resources Act* in addition to approval by the Authority under these Development Regulations:
  - a) Development within 15 metres of a waterbody or watercourse and in the shore waters thereof;
  - b) Discharge of any effluent off the subject property;
  - c) Work in any body of water;
  - d) Infilling of water bodies or diversion of streams (usually not approvable if for residential development);
  - e) Construction of wharves, breakwaters, slipways and boathouses: permits not needed but the guidelines of that title must be followed;
  - f) Infilling or dredging associated with marine structures or other works;

- g) Well drilling and use of private water supplies, and,
  - h) Any development in the Wellhead Protected Water Supply Area zones or overlays in Stephenville Crossing or Barachois Brook (see Use Zone Table for Town - Wellhead Protected Water Supply Area – A Zone (T – WPWSA - A) and the overlay areas Town - Wellhead Protected Water Supply Areas B, C, and D, and the Barachois Brook Wellhead Protected Water Supply Area overlay.
- (5) A Digital Government and Service NL permit is required for development along a provincial highway (including but not limited to fences, trees, vegetation, signs and structures), installation of a private sewage disposal system, or construction of a private water well.
- (6) Permits from the Department of Fisheries, Forestry and Agriculture may be required for any forestry activity including domestic cutting for fuel wood and commercial cutting. This includes the approval of forestry permits.
- (7) Except as otherwise set out in the Use Zone Tables in Schedule C, temporary use of land is not permitted.

## **7. Permit Required**

- 1) No person shall carry out any development within the municipal planning area, unless expressly exempted in these Regulations, unless a permit for the development has been issued by the Authority.
- 2) As said in Section 2.2 of the Municipal Plan, Council does not have authority under the *Urban and Rural Planning Act 2000* to regulate ordinary activities of hunting, fishing, berry picking, hiking and the like, and thus these Development Regulations do not include any requirements concerning those matters. The ordinary provincial and federal government regulations and policies apply to such activity in the municipal planning area, including rules concerning use of ATVs, fishing, boating, hunting etc.



## **8. Permit to be Issued**

Subject to Regulations 9 and 10, a permit shall be issued for development within the municipal planning area that conforms to:

- (a) the general development standards set out in Part II of these Regulations, the requirements of Part V of these Regulations, and the use classes, standards, requirements, and conditions prescribed in Schedule C of these Regulations for the use zone in which the proposed development is located;
- (b) further to (a), the standards set out in any regulation or policy of the Authority regulating or controlling development, conservation and use of land and buildings and the supply of municipal water, sewer and street services to them;
- (c) the standards set out in Part III of these Regulations in the case of advertisement;
- (d) the standards set out in Part IV of these Regulations in the case of subdivision;
- (e) the standards of design and appearance established by the Authority.

## **9. Permit Not to be Issued in Certain Cases**

(a) Neither a permit nor approval in principle shall be issued for development within the municipal planning area when, in the opinion of the Authority, 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 Authority and such cost shall attach to and upon the property in respect of which it is imposed.

(b) Where a Crown Lands grant is required to enable a development, Council shall review the policies of the Municipal Plan, and the Development Regulations, in the course of considering their comments to make to Crown Lands on any proposed

development, and on that basis decide whether to recommend or support the grant application.

#### **10. Discretionary Powers of Authority**

- a) In considering an application for a permit or approval in principle to carry out development, the Authority 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 Authority may, in its discretion, and as a result of its consideration of the matters set out in this Regulation, approve with conditions, or refuse the application.
- b) 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

#### **11. Variances** (*Refer to Minister's Development Regulations, Section 12, January 2, 2001*)

- a) Where an approval or permit cannot be given by the Authority because a proposed development does not comply with development standards set out in development regulations, the 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.
- b) The 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%.



- c) The Authority shall not permit a variance from development standards where the proposed development would increase the non-conformity of an existing development.

**12. Notice of Variance** (*Refer to Minister's Development Regulations, Section 13., January 2, 2001*)

Where the Authority is to consider a proposed variance, the Authority shall at the expense of the applicant give written notice of the proposed variance from development standards in the manner specified in Regulation 32.

**13. Service Levy**

- (1) The Authority 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 Authority 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 Authority 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 Authority 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 Authority may decide.

#### **14. Financial Guarantees by Developer**

- (1) The Authority may require a developer before commencing a development to make such financial provisions and/or enter into such agreements as may be required to guarantee the payment of service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit or licence.
- (2) The financial provisions pursuant to Regulation 14(1) may be made in the form of:
  - (a) a cash deposit from the developer, to be held by the Authority, or;
  - (b) a guarantee by a bank, or other institution acceptable to the Authority, for expenditures by the developer, or;
  - (c) a performance bond provided by an insurance company or a bank, or;
  - (d) an annual contribution to a sinking fund held by the Authority, or;
  - (f) another form of financial guarantee that the Authority may approve.

#### **15. Dedication of Land for Public Use**

- (1) See Section 37 of the *Urban and Rural Planning Act 2000* and Regulation 78 for requirements pertaining to dedication of land for parkland or other public use applicable to subdivision of lands.
- (2) Pursuant to Section 37(8) of the *Urban and Rural Planning Act 2000*, the Authority may require the dedication for a public purpose of a portion of the land proposed for a development which is not a subdivision, and such land shall be conveyed to the Authority 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 Authority 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 Authority and shall put the site in a clean and sanitary condition to the satisfaction of the Authority.

#### **17. Form of Application**

- (1) An application for a development permit or approval in principle shall be made only by the owner or by a person authorized by the owner to the Authority on such form as may be prescribed by the Authority, and every application shall include such plans, specifications and drawings as the Authority may require (see also Municipal Plan Section 7.2 and Appendix A for applications where site plan approval is involved), and be accompanied by the permit fee required by the Authority. The Authority may authorize payment of the permit fee only upon approval of the application, and waive the fee if not approved.
- (2) The Authority shall 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 and any information or requirements applicable to the application.

#### **18. Register of Application**

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

#### **19. Deferment of Application**

- (1) The Authority 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 Authority and on which a decision has not been communicated to the applicant within eight weeks of the receipt thereof by the Authority, and on which consideration has not been deferred in accordance with Regulation 18(1), shall be deemed to be refused.

## **20. Approval in Principle**

- (1) The Authority may grant approval in principle for the erection, alteration or conversion of a building 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. Council may attach conditions to ensure that the proposed development will be in accordance with the purposes and intent of these Regulations and the Municipal Plan and any other relevant statutes, regulations or guidelines.
- (2) Notwithstanding an approval in principle, no work shall commence until a development permit and any other necessary permit has been issued by the Authority or others having jurisdiction.
- (3) Where approval in principle is granted under this Regulation, it shall be subject to appeal and subject to the subsequent approval by the Authority 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.

## **21. Development Permit**

- (1) A plan or drawing which has been approved by the Authority 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 Authority 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 Authority deems necessary, permits may be issued on a temporary basis for a period not exceeding one year, which may be extended in writing by the Authority 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 Part III of these Regulations.
- (5) The approval of any application and plans or drawings or the issue of a permit shall not prevent the Authority 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 Authority 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 Authority.
- (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 conditions attached thereto are subject to appeal.

## **22. Reasons for Refusing Permit**

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

## **23. Notice of Right to Appeal** (*Refer to Minister's Development Regulations, Section 5, January 2, 2001*)

Where the Authority makes a decision that may be appealed under section 42 of the Act, the 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.

## **24. Appeal Requirements** (*Refer to Minister's Development Regulations, Section 6, January 2, 2001*)

- a) The secretary of the Appeal Board at the Department of Municipal and Provincial Affairs, Confederation Building (West Block), P.O. Box 8700, St. John's, Nfld., A1B 4J6 is the secretary to all Appeal Boards in the province and an appeal filed with that secretary within the time period referred to in subsection 42(4) of the Act shall be considered to have been filed with the appropriate Appeal Board.
- b) The fee required under section 44 of the Act shall be paid to the Appeal Board that hears the decision being appealed by filing it with the secretary referred to in subsection (1) or (2) within the 14 days referred to in subsection 42(4) of the Act.



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

**25. Appeal Registration** (*Refer to Minister's Development Regulations, Section 7, January 2, 2001*)

- (1) Upon receipt of an appeal and fee as required under the Act and these regulations, the secretary of the Appeal Board as referred to in subsections 24(1) and (2), shall immediately register the appeal.
- (2) Where an appeal has been registered the secretary of the Appeal Board shall notify the Authority of the appeal and shall provide to the Authority a copy of the appeal and the documentation related to the appeal.
- (3) Where the Authority has been notified of an appeal that Authority shall within one week of notification 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.

**26. Development Prohibited** (*Refer to Minister's Development Regulations, Section 8, January 2, 2001*)

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

**27. Appeal Board**

Pursuant to Section 40 of the *Urban and Rural Planning Act, 2000*, the Minister of Environment, Climate Change and Municipalities may, by order, establish an Appeal Board and shall assign to the Appeal Board a specific area of the province over which it shall have jurisdiction, as outlined in section 40, of the Act.

**28. Appeals**

Pursuant to Section 42 of the *Urban and Rural Planning Act, 2000*:

- (1) A person or an association of persons aggrieved of a decision that, under the regulations, may be appealed, may appeal that decision to the appropriate Appeal Board where the decision is with respect to:
  - (a) an application to undertake a development;
  - (b) a revocation of an approval or a permit to undertake a development;
  - (c) the issuance of a stop work order; and
  - (d) a decision permitted under the Act or another Act to be appealed to the board.



- (2) A decision of the Authority to adopt, approve or proceed with a municipal plan, a scheme, development regulations and amendments and revisions of them is final and not subject to an appeal.
- (3) An Appeal Board shall not make a decision that does not comply with the municipal plan, a scheme and development regulations that apply to the matter being appealed.
- (4) An appeal shall be filed with the Appeal Board not more than 14 days after the person who made the original application appealed from has received the decision being appealed.
- (5) An appeal shall be made in writing and shall include
  - (a) a summary of the decision appealed from;
  - (b) the grounds for the appeal; and
  - (c) the required fee.
- (6) A person or group of persons affected by the subject of an appeal or their representatives may appear before an Appeal Board and make representations concerning the matter under appeal.
- (7) An Appeal Board may inform itself of the subject matter of the appeal in the manner it considers necessary to reach a decision.
- (8) An Appeal Board shall consider and determine appeals in accordance with the Act and the municipal plan, scheme and regulations that have been registered under section 24, of the Act, and having regard to the circumstances and merits of the case.
- (9) A decision of the Appeal Board must comply with the plan, scheme or development regulations that apply to the matter that has been appealed to that board.

- (10) In determining an appeal, an Appeal Board may confirm, reverse or vary the decision appealed from and may impose those conditions that the board considers appropriate in the circumstances and may direct the Authority to carry out its decision or make the necessary order to have its decision implemented.
- (11) Notwithstanding subsection (10), where the Authority may, in its discretion, make a decision, an Appeal Board shall not make another decision that overrules the discretionary decision.
- (12) The decision of a majority of the members of an Appeal Board present at the hearing of an appeal shall be the decision of the Appeal Board.
- (13) An Appeal Board shall, in writing notify the appellant and the appropriate Authority of the decision of the Appeal Board.

**29. Hearing Notice and Meetings** (*Refer to Minister's Development Regulations, Section 9, January 2, 2001*)

- (1) An Appeal 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) An Appeal Board may meet as often as is necessary to conduct its work in an expeditious manner.

**30. Hearing of Evidence** (*Refer to Minister's Development Regulations, Section 10, January 2, 2001*)

- (1) An Appeal Board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under regulation 29(1) or their representative may appear before the Appeal Board and make representations with respect to the matter being appealed.



- (2) An Appeal Board shall hear an appeal in accordance with section 43 of the Act and these regulations.
- (3) A written report submitted under subsection 43(2) of the Act respecting a visit to and viewing of a property shall be considered to have been provided in the same manner as evidence directly provided at the hearing of the Appeal Board.
- (4) In the conduct of an appeal hearing, the Appeal Board is not bound by the rules of evidence.

### **31. Return of Appeal Fee**

Pursuant to Section 44(3) of the *Urban and Rural Planning Act, 2000*, where an appeal made by an appellant under section 42 of the Act, is successful, an amount of money equal to the fee paid by that appellant under regulation 24(b) shall be paid to him or her by the Authority.

### **32. Notice of Application**

- (1) When a change in non conforming use is to be considered under Regulation 49, the Authority shall, at the expense of the applicant, give notice of an application for a permit or for approval in principle, to all persons whose land is in the immediate vicinity of the land, at least ten days prior to the date upon which Council will consider the matter.
- (2) When a variance is necessary under Regulation 11, and the Authority wishes to consider whether to authorize such a variance from numeric development standards the Authority shall, pursuant to Regulation 12, give written notice of the proposed variance to all persons whose land is in the immediate vicinity of the land, at least ten days prior to the date upon which Council will consider the matter.
- (3) When a proposed development is listed as a discretionary use in Schedule C of the Regulations, and the Authority wishes to consider whether to approve such a

discretionary use, the Authority shall give written notice at the expense of the applicant of the proposed development to all persons whose land is in the immediate vicinity of the land, at least ten days prior to the date upon which Council will consider the matter.

### **33. Right of Entry**

The Authority, 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 Authority is empowered to regulate.

### **34. 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 Authority.

### **35. Stop Work Order and Prosecution**

- (1) Where a person begins a development contrary or apparently contrary to these Regulations, the Authority 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 35(1) is guilty of an offence under the provisions of the Act.

### **36 Delegation of Powers** (*Refer to Minister's Development Regulations, Section 18, January 2, 2001*)

An Authority shall, where designating employees to whom a power is to be delegated under subsection 109(2) of the Act, make that designation in writing.



## **PART II - GENERAL DEVELOPMENT STANDARDS**

### **37. Accesses and Service Streets**

- 1) All developments shall front onto a publicly owned and maintained road or highway. The Authority may waive this requirement so as to provide access to land uses associated with agriculture, forestry, sawmilling, mineral workings or other resource or similar uses, where the requirement that a use front onto a public street for access is unnecessary or undesirable, but such accesses shall not be recognized as public streets.
- 2) Street accesses shall be located to the specification of the Authority so as to ensure the greatest possible convenience and safety of the street system and the Authority may prescribe the construction of service streets to reduce the number of accesses to collector and arterial streets.
- 3) Any access to a provincial highway must be approved by the Province of Newfoundland and Labrador.
- 4) No vehicular access shall be closer than 10 metres to the street line of any street intersection.
- 5) A new street may not be constructed except in accordance with and to the design and specifications laid down by the Authority.
- 6) See also Regulation 48 concerning frontage required on a public street.

### **38. Accessory Buildings and Uses**

The following requirements shall apply to development within the municipal boundary of accessory buildings and land uses except for advertisements (signage—see Part III), and fences and retaining walls (see Regulation 39):

- (1) Accessory buildings and uses shall be clearly incidental and complementary to the use of the main buildings in character, use and size, and shall be contained on the same lot.
- (2) Number and floor areas: a maximum of two accessory buildings on a lot may be developed. A subsidiary dwelling is not categorized as an accessory building for the

purpose of these Development Regulations. Except where provided for in the Use Zone Tables in Schedule C, the maximum floor area of any accessory building shall be 96 square metres (1,033 square feet), and the total floor area of all accessory buildings shall not exceed 96 square metres (1,033 square feet) or the floor area of the main building.

- (3) The lot coverage of the total floor area of all accessory buildings and the main buildings shall not exceed 33%.
- (4) Yards and separation distances:
  - a) the required side yard for accessory buildings shall be 2 metres, except for a flanking yard in a corner lot where it shall be the required front yard for a main building.
  - b) The minimum rear yard shall be 2 metres.
  - c) The minimum separation between accessory buildings and main buildings shall be 3 metres.
  - d) An open or partially enclosed deck attached to a dwelling shall not extend into the minimum required front and side yards and flanking road setback and shall not be closer to the rear lot line than 1 metre. A deck is not included in the calculation of lot coverage. Decks attached to non-residential buildings shall not extend into the required rear yard for the use of the lot.
  - e) An entrance well or a window well is permitted in the minimum front, rear or side yard provided it does not extend more than 0.3 metre above established grade.
- (5) Except where provided for in the Use Zone Tables in Schedule C, the minimum building line (distance from the front lot line) for an accessory building shall be the same as that for the principal or main building(s) and no structure except a fence or retaining wall shall be located in the actual front yard where the main building closest



to the front lot line is set back from the front lot line a distance in excess of that prescribed in the use zone tables in these Section B Regulations.

(6) Except where provided for in the Use Zone Tables in Schedule C, the location and features of an access ramp for a wheelchair or similar aid for mobility shall comply with the requirements of Regulation 38(1), (2), (3), (4) and (5).

(7) See Regulation 41 concerning heights of accessory buildings.

### **39. Advertisements, Fences and Retaining Walls**

1. Advertisements (signage) shall not be erected or displayed except in accordance with Part III of these Regulations.
2. Except as otherwise set out in a Fence Regulation adopted under the *Municipalities Act* and applicable only within the municipal boundary, the requirements of this Regulation shall apply to all fences.
3. For the purpose of this Regulation, a fence includes a vertical physical barrier constructed out of materials customarily used in the community, including hedges, shrubs and landscaping features used for these purposes and any gates built into the fence line, and, that portion of a retaining wall which projects above the surface of the ground which it supports.
4. These regulations shall not act to prohibit temporary fencing erected by a public authority to respond to an emergency or similar purpose such as preventing public access to a site featuring dangerous conditions or use of temporary snow fencing to minimize snow drifting on roads.
5. The Authority shall not be liable for any damages for the repair of any fence whatsoever where the Authority, its employees or agents have otherwise acted without negligence. In particular, the Authority shall not be liable for any damages or repairs of any fence whatsoever during the normal operation of snow clearing on streets or sidewalks located in the municipal planning area.
6. Where in the opinion of the Authority, a fence creates a safety hazard or obstruction or impedes snow clearing due to its location, state of repair, height or construction material,

the Authority may issue an order to the property owner stating that the fence or portions thereof be removed, reconstructed or repaired within a specified time in order to correct the safety hazard or obstruction and the cost to remove, construct or repair said fence or part thereof will be at the owner's expense. In the event that the property owner does not comply with the order within the specified time as ordered, the Authority may remove, reconstruct or repair the fence and the cost to remove, reconstruct or repair said fence will be at the owner's expense.

7. Every person who owns a fence shall maintain such fence in a good state of repair. For the purpose of this Regulation, "good state of repair" shall mean:
  - a. The fence is complete and in a structurally sound condition and plumb and securely anchored,
  - b. Protected by weather-resistant materials,
  - c. Fence components are not broken, rusted, rotten or in a hazardous condition,
  - d. All stained or painted fences are maintained free of peeling, and,
  - e. That the fence does not present an unsightly appearance deleterious to abutting land or to the neighbourhood.
  
8. Fences may be erected in any yard of any lot subject to the following:
  - a. they are located no closer than 10 metres (or more if required by provincial regulations—see also Regulation 57) to the centrelines of the travelled surfaces of provincial public highways, or 8 metres for any other streets,
  - b. The material or materials used in the erection and repair of a fence shall only be of a type which meets the approval of the Authority.
  - c. Except where in the opinion of the Authority it is not necessary to ensure adequate sight lines, no fence shall be erected with a height of greater than 0.75 metres above the established grade of the street line within the triangle formed by two intersecting street lines and a line connecting two points on the two intersecting street lines located 15 metres from the point of intersection of the two



streets where one of the streets is a provincial public highway (see also Regulation 57), or 8 metres for other intersecting streets. Also, except as otherwise provided, no fence shall be erected with a height of greater than 0.75 metres above the established grade of the street line at the intersection of a driveway and a road where in the opinion of the Authority it impedes sight lines.

- d. The fences are entirely located on the lot or directly on the lot lines, except where setback requirements stated in (a) apply;
- e. Except where provided for in the Use Zone Tables in Schedule C, fences in the Town-Urban (T-URB) Zone shall have a height above established grade, including any ornamentation or projections above the general upper line of the fence, of no more than:
  - i. unless greater height is required or authorized by the Authority for screening, security or safety purposes, 0.75 metres if located between any street line and the actual line of the main wall(s) of the main building or any accessory building nearest any street line, and
  - ii. 1.8 metres above established grade in other cases, unless a greater height, up to 2.4 metres, is required or authorized by the Authority for screening, security or safety purposes.
- f. Electrical fences are prohibited except where required to contain livestock or protect crops from marauding animals.
- g. No fence shall consist wholly or partly of barbed wire or other barbed material except along and above the top of any fence higher than 2.1 metres enclosing a lot used for commercial or industrial purposes, such that the said wire or material components are located at least 2.1 metres above established grade and provided the lot does not abut a lot on which a residential use exists.
- h. No person shall erect or retain a snow fence during the period from May 1<sup>st</sup> to October 31<sup>st</sup> in any year on land used for residential or commercial purposes.

- i. Notwithstanding subsection (e), a security fence with a minimum height of 1.8 metres and maximum height of 2.4 metres shall be erected and maintained, and any gates kept locked against entry by unauthorized persons, around any outdoor swimming pool that features 300 mm (approximately one foot) or more in water depth.
9. Retaining walls are permitted, subject to requirements concerning structural integrity, aesthetics and safety, as follows:
- a. Where a retaining wall is higher than 1.2 metres above established grade, or supportive of a building wall, foundation, drainage channel, pit, embankment, or similar feature, the wall shall be designed by a professional engineer, said design to include space for maintenance of both sides of the wall, and said designs to be subject to approval by the Authority.
  - b. Barrier rails or fences shall be designed and built in compliance with the National Building Code of Canada, having regard to the height and angle of the wall and risk of persons, animals or vehicles falling down the wall.
  - c. Retaining walls shall be set back from all property boundaries by a distance of at least the height of the retaining wall and shall not block line of sight at street intersections in the triangular areas specified in Regulation 39(8)(c).
  - d. Retaining walls shall not be placed in rights-of-way or street and utility easements, so as not to interfere with traffic, access to utilities, or proper drainage of the lot or other properties, whether or not a site grading and drainage plan was involved in the design of the subdivision or site design for buildings and land forming.
  - e. Visible materials of construction shall be aesthetically benign, and not include gabions or other wire mesh enclosures or facing, or use of rubble (waste masonry, concrete, asphalt road excavation), demolition debris, vehicle tires, or similar unsightly material, for facing.



#### **40. Buffer Strips for Non-residential Uses**

Where any non-residential development permitted in any Use Zone abuts an existing or intended residential development, the owner of the site of the non-residential development shall provide a buffer strip on the site of the non-residential development of not less than ten (10) metres width between the nearest lot lines of the residential development and the structures and travelled areas such as parking lots and lanes in the non-residential development. The buffer shall include the provision of such natural or structural barrier as may be required by the Authority and shall be maintained by the owner or occupier to the satisfaction of the Authority. This requirement shall apply only to developments located within the municipal boundary.

#### **41. Building Heights**

- 1) Except as otherwise set out in the Use Zone Tables in Schedule C, development of structures of a height greater than that specified in said Tables is permitted but only provided that the building line setback and rear yard requirements are adjusted as follows:
  - a) The building line setback of main buildings shall be increased by 2 metres for every 1 metre increase in height above the minimum required height,
  - b) The rear yard of main buildings shall not be less than the minimum building line setback calculated as described in (1) above plus 6 metres.
- 2) Except as otherwise set out in the Use Zone Tables in Schedule C the maximum height of an accessory building shall be 4 metres.
- 3) See Regulation 44 concerning heights of structural additions such as spires and flagpoles.

#### **42. Building Line and Setback**

The Authority, by resolution, may establish building lines, measured from the front lot line, on an existing or proposed street or service street and may require any new buildings to be located on those building lines, whether or not such building lines conform to the standards set out in the tables in Schedule C of these Regulations. See also Regulation 57

concerning building near public highways. This requirement shall apply only to developments located within the municipal boundary.

#### **43. Family & Group Homes**

Family & group home class use is permitted as a main use on a lot or as an accessory use in any dwelling or apartment that is adequate in size to accommodate the number of persons living in the group, inclusive of staff, provided that in the opinion of the Authority, the appearance of the dwelling does not materially differ from, nor adversely affect, the amenities of the adjacent residences or the neighbourhood in which it is located. The Authority may require special access and safety features to be provided for the occupants before occupancy is permitted. This requirement shall apply only to developments located within the municipal boundary.

#### **44. Height Exceptions—Structural Additions**

Except as otherwise set out in the Use Zone Tables in Schedule C, the height of mechanical penthouses, flagpoles, water towers, spires, belfries, or chimneys shall comply with the said Tables.

#### **45. Animals and Agricultural Land Uses**

- 1) Keeping of small animals such as dogs, cats, small birds and the like customarily kept as pets, including birds such as chickens, ducks, and geese up to a total of 10 birds, is permitted within the municipal boundary. Permits or Council approvals are not required for keeping of pets and bird up to the limits described. Keeping of large animals including but not restricted to cows, horses, sheep, goats, pigs, and large birds such as ostriches and the like, or keeping numbers of animals of types often kept as pets in larger numbers than customarily recognized as accessory uses, are not deemed to be an accessory use in locations within the municipal boundary. See (2) for provisions for keeping of animals as pets outside the municipal boundary.
- (2) Agriculture and animal class developments and keeping of pets shall comply with the requirements of the Department of Fisheries, Forestry and Agriculture, including but not



limited to the *Environmental Farm Practices Guidelines for Livestock and Poultry Producers in Newfoundland and Labrador* and the *Animal Health and Protection Act*.

Council shall refer matters where distress is suspected in any case of treatment of animals in any situation to the Department of Fisheries, Forestry and Agriculture for investigation and action, and refer applications for development in the agriculture and animal land use classes to the said Department for review; their approval shall be a condition for approval of any related Council permit.

- (3) No structure or land for keeping of any number of animals of any of the species listed in Schedule A Definitions under “Animal Units” (or similar species for which manure management, odour or other similar impacts on neighbouring non-agricultural land uses would be expected) for agricultural purposes shall be erected or used unless it is located in the Town-Rural Industrial (T-RIND) Zone or Rural (RUR) Zone and complies with the following requirements:

- (a) The structure shall be at least:
  - i. 1 kilometre from the Town-Rural Residential (T-RRES) Zone or any lands in the Town - Wellhead Protected Water Supply Area – A (T – WPWSA) Zone or the Town – Wellhead Protected Water Supply Area overlay areas B, C or D,
  - ii. 300 metres from the boundaries of the Management Unit (MU) Zone and,
  - iii. at least 300 metres from an existing residence except that a farm residence which may comprise a single dwelling structure and a subsidiary dwelling associated with the agricultural use is permitted.
- (b) The structure shall be at least 60 m from the boundary of the property on which it is to be erected and at least 90 m from the centre line of a street.
- (d) Any agricultural operation including more than five animal units shall be required to have a manure management plan approved by the said

Department and a Certificate of Approval from the Department of Digital Government and Service NL.

- (4) No structure or land for residential use shall be permitted within 600 m of a lawfully existing structure designed to contain more than five animal units unless the development is first approved by the Department of Fisheries, Forestry and Agriculture.

#### **46. Archaeological Resources and Heritage Sites**

- 1) Any proposal or application for a development that requires ground disturbance shall be reviewed by the Authority to determine whether the site may be a site protected under the *Historic Resources Act* and if so to be referred to the Provincial Archaeology Office for assessment and clearance before work commences.
- 2) Should any artifacts be discovered during work on any site, work is to stop and the site is to be secured until such an assessment has been conducted and the Authority has determined what, if any, work may resume and under what conditions.
- 3) 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 and approval for Council to proceed with the application.
- 4) The Authority may make a heritage regulation under the *Municipalities Act* concerning lands, districts or structures as heritage properties, areas or buildings and require that conditions pertaining to protection, development, appearance and upkeep are attached to any approvals of the Authority.
- 5) Special consideration shall be paid to development in and around Rothesay Bay and St. George's River to endeavour to prevent damage or loss of archaeological resources.

#### **47. Lot Area and Size Exceptions**

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



coverage that exceeds, or a front yard, rear yard, side yard, frontage or lot area that is less than that permitted by these Regulations for the zone in which such lot is located.

- 2) Where any part of a lot is required by these Regulations to be reserved as a yard, it shall not be deemed to form part of an adjacent lot for the purpose of computing the area thereof available for building purposes.
- 3) Where, at the time of coming into effect of these Regulations, one or more lots already exist in any zone, with insufficient frontage or area to permit the owner or purchaser of such a lot or lots to comply with the provisions of these Regulations, then these Regulations shall not prevent the issuing of a permit by the Authority for the erection of a building(s), provided that the lot coverage and building height(s) are not greater than, and the yards and floor area are not less than, the standards set out in these Regulations.
- 4) Subsidiary apartments in single dwellings shall be considered part of the single dwelling structure for the purpose of calculating lot area, lot coverage, and yards.

#### **48. Fronting on a Public Street**

Except where specifically provided for in Regulation 37(1) or in the Use Zone Tables in Schedule C of these Regulations, no building shall be erected unless the lot on which it is situated fronts onto a public street or forms part of a Comprehensive Development. A flag lot is deemed to front on a street by virtue of its leg abutting on and providing access to a street (see the Definition of Flag Lot in Schedule B).

#### **49. Non-Conforming Use** *(Refer to Minister's Development Regulations, Section 14, 15, 16, 17, January 2, 2001)*

Pursuant to Section 108 of the *Urban and Rural Planning Act, 2000*:

- (1) Notwithstanding the Municipal Plan, scheme or regulations made under the *Urban and Rural Planning Act, 2000*, the Authority 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, scheme or regulations made with respect to that kind of development or use.

- (2) Notwithstanding subsection (1), a right to resume a discontinued non-conforming use of land shall not exceed 3 years after the discontinuance of that use.
- (3) A building, structure or development that does not conform to a scheme, plan or regulations made under the Act that is allowed to continue under subsection (1)
  - (a) shall not be internally or externally varied, extended or expanded unless otherwise approved by the Authority;
  - (b) shall not be structurally modified except as required for the safety of the building, structure or development;
  - (c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50% or more of the value of that building, structure or development has been destroyed;
  - (d) may have the existing use for that building, structure or development varied by the Authority to a use that is, in the Authority's opinion, more compatible with the plan and regulations applicable to it;
  - (e) may have the existing building extended by approval of the Authority where, in the Authority's opinion, the extension is not more than 50% of the existing building;
  - (f) where the non-conformance is with respect to the standards included in these development regulations, shall not be expanded if the expansion would increase the non-conformity and 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, it may, in accordance with the municipal plan and regulations,



be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed but the residential building or structure, where being repaired or rebuilt, must be repaired or rebuilt in accordance with the plan and development regulations applicable to that building or structure.

- (4) Before making a decision to vary an existing use of a non-conforming building, structure or development, the Authority, at the applicant's expense, shall publish a notice in a newspaper circulating in the area or by other means give public notice at least ten days prior to the date upon which Council will consider the matter, 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. See Regulation 32 for the requirement of the Authority.

#### **50. Offensive and Dangerous Uses**

- 1) 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 Authority and any other Authority having jurisdiction.
- 2) Solid waste materials shall not under any circumstances be used as fill for buildings and lots. Wrecked or inoperable vehicles, machinery or equipment of any kind shall not be stored or abandoned where it may be in public view.

#### **51. Hazards to Building and the Environment**

- 1) Any proposal for the erection of a structure on a site which is potentially subject to flooding, sea level rise, coastal erosion or any other physical hazard must be certified by a professional engineer to ensure that development of the site can take place without danger to health or safety, within a one hundred year time horizon;
- 2) Special requirements for development at or near specified waterways and wetlands:

- a. The minimum width of a buffer along a waterway or wetland shall be 15 metres from the high water mark of the stream, river, pond or other body of water. If the embankment is steep, ie: exceeding 25% slope (1 unit in height over 4 units in horizontal run, ie: 1:4), as measured from the toe of the bank, then the buffer shall be measured from the top of the embankment.
- b. Unless it is infill development or the area is otherwise developed, development within 100 metres of Harry's River (a scheduled salmon river), must be reviewed by the federal government Department of Fisheries and Oceans before approval is granted by the Authority.
- c. The only uses that may be permitted in the buffer area of a waterway are trails, trail related accessory uses, and uses requiring direct access to a body of water. These uses are subject to the approval of the provincial government (pursuant to the *Water Resources Act* and for Crown land grant applications) and the federal government Department of Fisheries and Oceans.
- d. The Authority or the provincial government may subject development within the buffer area of a waterway to an environmental review, and may approve, or approve subject to conditions, or refuse such development.
- e. The matter of adequate and useable 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.
- f. Any development within a waterway or shore waters or involving the alteration of a waterway must be approved by or exempted by the federal government Department of Fisheries and Oceans and provincial government ministries charged with environmental protection, Crown land referrals, fish and waterfowl habitat, and water resources. In addition, the provisions of the Municipal Stewardship Agreement related to supporting the North American Waterfowl Management Plan through the Eastern Habitat Joint Venture Program must be



reviewed by the Authority and the provincial government concerning any application for development in the waterways and wetlands located within the Management Unit (MU) Zone or the Environmental Protection (EP) Zone at Browmoore Bog.

- g. 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.
  - h. Wetlands located in the municipal planning area shall be protected wherever necessary to minimize damage to the wetland from flooding or soil movement.
- 3) Further to 1), the Authority may require certification by a professional engineer or land surveyor to determine whether the site of a proposed development is entirely or partially within any Zone or overlay area shown on the Zoning Maps, including but not limited to the following:
- a. Designated Floodway (DF)
  - b. Designated Floodway Fringe (DFF)
  - c. Management Unit (MU)
  - d. Environmental Protection (EP)
  - e. Town - Wellhead Protected Water Supply Area - A (T - WPWSA – A) or any of the related three overlay areas Town – Wellhead Protected Water Supply Area suffixed - B, C and D.

- 4) All development must be above the current 2 metre above mean sea level contour, and set back at least 30 metres from the seashore to provide a buffer against coastal erosion and sea level rise, except that the following are permitted (see also Regulation 6(4)):
- a. structures or land uses requiring direct access to salt water, including recreational open space class uses and trails, wharves, breakwaters, slipways and boathouses, if permitted in the applicable use zone table, and if approved such are to be constructed and operated in accordance with the Department of Environment and Climate Change's *Guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses*;
  - b. a lesser setback than 30 metres from the seashore, but in no case less than 15 metres, where certified by a professional engineer to demonstrate that any building(s) would be founded directly on bedrock rather than on surficial soils, loose rock, or severely fractured bedrock.
  - c. public works and utilities;
  - d. recreational open space class and trails if permitted in the applicable use zone table;
  - e. enlargement or renovation of existing main building(s) which are located within the required setback from the shore, and accessory buildings which may be developed subject to the ordinarily applicable requirements in the use zone table.
  - f. mineral exploration and mineral workings if permitted in the applicable use zone table.
- 5) Any proposal for development of a site having a slope in excess of 20% (1 unit of height over 5 units of horizontal run, ie: 1:5), must be certified by a professional engineer as having low risk of landslide, avalanche, and rockfall.

## **52. Off-Street Parking and Loading Requirements**

- (1) For every building, structure or use to be erected, enlarged or established, there shall be provided and maintained a number 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 in the “Parking Requirements” column in the table in Schedule B of these Regulations, the Classification of Uses of Land and Buildings.
- (3) Each parking space, except in the case of single or double dwellings, shall be made accessible by means of a durably surfaced right-of-way at least 3 m in width. Parking required for a development shall be provided on the same lot as the main use; the Authority at its discretion may permit off-lot parking where a registered license or easement to do so in favour of the development and the Authority is recorded against the land on which the off-lot parking is located.
- (4) The parking facilities required by this Regulation shall, except in the case of residential developments in the classes of single dwellings, double dwellings, row dwellings, boarding houses, seasonal dwellings and mobile homes, be arranged so that it is not necessary for any vehicle to reverse onto or from a street, except where specifically exempted by the Authority.
- (5) Where, in these Regulations, parking facilities for more than four vehicles are required or permitted:
  - (a) parking space shall mean an area of land, not less than 3 m wide by 6 m long, capable of being used for the parking of a vehicle without the need to move other vehicles on adjacent areas, and the lanes or aisles in a parking area which give access to parking spaces shall be at least 6 m wide;
  - (b) the parking area shall be constructed and maintained to the specifications of the Authority;
  - (c) the lights used for illumination of the parking area shall be so arranged as to divert the light away from adjacent development;

- (d) a structure, not more than 3 m in height and more than 5 m<sup>2</sup> in area may be erected in the parking area for the use of attendants in the area;
  - (e) 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;
  - (f) no part of any off-street parking area shall be closer than 1.5 m to the front lot line in any zone;
  - (g) access to parking areas in non-residential zones shall not be by way of residential zones;
  - (h) where a parking area is in or abuts a residential zone, a natural or structural barrier at least 1 m in height shall be erected and maintained along all lot lines;
  - (i) where, in the opinion of the Authority, strict application of the above parking requirements set out in a) through h) is impractical or undesirable, the Authority may waive part or all of the requirements, or, as a condition of a permit require the developer to pay a service levy in accordance with these Regulations in lieu of the part or all of the requirement for parking whereby the full amount of the levy charged shall be used by the Authority for the provision and upkeep of alternative parking facilities within the general vicinity of the development.
- (6) For every building, structure or use to be erected, enlarged or established requiring the shipping, loading or unloading of animals, goods, wares or merchandise, there shall be provided and maintained for the premises loading facilities on land that is not part of a street comprised of one or more loading spaces, 15 m long, 4 m wide, and having a vertical clearance of at least 4 m with direct access to a street or with access by a driveway of a minimum width of 6 m to a street, and be so arranged that vehicles can manoeuvre clear of any street and so that it is not necessary for any vehicle to reverse onto or from a street. The



number of loading spaces to be provided, if any, shall be determined by the Authority.

### **53. Parks, Playgrounds, Trails and Conservation Uses**

- 1) Nothing in these Regulations shall prevent the designation of conservation areas or the establishment of parks and playgrounds or public trails in any zones provided that such features are not located in areas which may be hazardous to their use and are not operated for commercial purposes.
- 2) The Authority will endeavour to prevent intrusion of developments into conservation areas, parks, playgrounds and public trails as much as is feasible. Buildings, structures and alteration of elevations of land or vegetation thereon, within 15 metres of the T’Railway (see Municipal Plan Section 6.2.4 for supporting policy) or any public trail designated by Council, shall not be located or made in such manner as would impede the safety or amenity of public use of the trails.
- 3) In addition to approval pursuant to the Municipal Plan and Development Regulations, development within the T’Railway requires approval of the Parks Division, Department of Tourism, Culture, Arts and Recreation.
- 4) The requirements of this Regulation 53 shall not apply to developments located within the Rural (RUR) Zone.

### **54. Screening and Landscaping**

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

### **55. Services and Public Utilities**

- 1) The Authority may within any zone 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 concerned provided that the design and landscaping of any development of any land so used is, in the opinion of the Authority, adequate to protect the character and appearance of the area. See Regulation 57 concerning building near or within NL Hydro electrical service easements.
- 2) A new public street may not be constructed except in accordance with the design and specifications laid down by the Authority, as stated in Regulation 81(1) whether the street is part of a subdivision or for another purpose.
- 3) Development to be serviced with private water supply and/or private sewage disposal systems shall not be approved by the Authority or occupied unless the requisite Certificates of Approval have been approved by the provincial government.

### **56. Service Stations**

The following requirements shall apply to proposed service stations:

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

### **57. Building Near or Within Public Highways and Utility Easements**

- 1) The following shall be satisfied and proof provided as per subsection (2) by the applicant before any Authority permit is approved for development near or within Highway 460 (Port au Port Highway), Highway 461 (St. George's Highway), or



Highway 490 (Stephenville Access Road), pursuant to the regulations cited, in which classifications and proximity criteria are subject to change, or development near or within easements accruing to NL Hydro:

- a) Highways 460, 461 and 490: Building Near Highways Regulations, under the *Works, Services and Transportation Act*: “A person shall not erect, repair, alter or structurally improve a fence, building or other structure, nor shall he or she plant trees, shrubs or hedges without the prior permission of the Minister of Transportation and Infrastructure within 20 metres [for Highways 460 and 490] or within 15 metres [for Highway 461] from the centre line of the highway.”
  - b) Protected Roads Zoning Regulations, under the *Urban and Rural Planning Act 2000*: Highways 460 and 490 are designated as Class II Protected Roads for which Provincial government approval is required for any development within 150 metres from the centre line of the roadway for locations within the municipal planning area but outside the municipal boundary, or, within 100 metres from the centre line of the roadway where within the municipal boundary.
  - c) All highways: *Highway Sign Regulations*, under the *Urban and Rural Planning Act 2000*: for any sign within 400 metres from the centre line of the roadway for locations within the municipal planning area but outside the municipal boundary, and, within 100 metres from the centre line of the roadway where within the municipal boundary.
- 2) Applications for permits pursuant to subsection 1) are to be made to the Government Services Centre, Digital Government and Service NL. These requirements are in addition to requirements pursuant to this Municipal Plan and the Development Regulations. Where there is conflict between the provincial government regulations

and the Municipal Plan or the Development Regulations, the provincial government regulations shall prevail.

- 3) Applications for development near or within the NALCOR Corridor or any NL Hydro easements shall be supported by approval of the respective utility, for which purpose applications for development shall show their location relative to such easements.

#### **58. Removal of Quarry Materials**

- 1) Quarry materials produced as a by-product of an approved development may be removed from the development site. Quarry materials include but are not limited to aggregate, fill, rock, stone, gravel, sand, clay, borrow material, topsoil, overburden, subsoil, and peat.
- 2) The Authority will notify the Department of Industry, Energy and Technology where the Authority has issued a permit for a development involving removal of quarry materials.
- 3) Removal of subject materials from a development site is deemed to be an accessory use to the development, but only for the term of the construction activity.
- 4) When the site development has been completed, the area affected shall be suitably landscaped and drained in accordance with a plan approved by the Authority.
- 5) If the site work is expected to be extensive, or found during the course of the work to be extensive, the Authority 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.

#### **59. Site Development Grading and Drainage**

- 1) Before approving the development of any site, the Authority 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 drained water from the site, and related matters.



- 2) The Authority may require submission of a site drainage plan to show adequate drainage features including assurance that the development is not inappropriate by reason of:
  - a. Precipitating or contributing to a pollution problem in the area, or,
  - b. Causing erosion or sedimentation.

#### **60. 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.

#### **61. Number of Buildings on a Lot; Comprehensive Development; Flag Lots**

- 1) No more than one single dwelling or mobile home shall be located on a lot, except in a mobile home park or in a comprehensive development.
- 2) Where provided in the Use Zone Tables in Schedule C for the Zone(s) in which it is located, a comprehensive development may be approved. The uses which may be developed are those uses which are permitted or approvable at Council's discretion in the applicable Zone(s).
- 3) Development on, or subdivision of land to create, a flag lot is subject to the following requirements:
  - a. A flag lot is permitted provided that the requirements in the Use Zone in which it is located for lot area are satisfied in the main body of the flag lot, and that the minimum interior dimension of the main body of the flag lot is at least the minimum frontage required.
  - b. The location of a main or accessory building in conjunction with a main building on a flag lot shall provide for yards in the main body of the lot of at least the dimensional minimum requirements of the building line setback, side yard widths, and rear yard depths ordinarily required in the subject Use Zone, as if the main body of the flag lot were an ordinary lot where most or the whole width of the lot abuts the street. Whereas the ordinary meanings of side, front and rear yards are

not relevant to a flag lot, any yard in a flag lot can be deemed the front, side or rear yard for this purpose.

- c. Except as otherwise set out in the Use Zone Tables in Schedule C, the minimum width of the leg or prolongation of a flag lot which provides access to a street shall be 6 metres at every point along its length, including the lot boundary where the flag lot fronts directly on a street. Where the full 6 metre leg width cannot be provided within the area of the leg of the flag lot, by reason of limited space between lot lines and existing structures or other physical features, all or part of the required leg width may be provided in the form of an irrevocable license or easement for vehicular and pedestrian access across the abutting land, in favour of the flag lot. The said license or easement shall not be deemed for the purpose of Section 47 this Development Regulation to be an alienation or conveyance having the effect of reducing the lot area of the abutting lot.
- d. The leg width, including any part of it which may be provided in the form of an irrevocable license or easement, may be reduced as a variance pursuant to the provisions for variances in these Development Regulations.
- e. For clarity, the leg may be comprised entirely of an irrevocable license or easement for vehicular and pedestrian access across the abutting land.
- f. The requirement of Regulation 48 shall apply to flag lots, in that the leg or prolongation, including any part of it which may be provided in the form of a license or easement, shall abut directly upon a street.



## **PART III – ADVERTISEMENTS**

### **62. Permit Required**

- 1) Subject to the provisions of Regulation 67, no advertisement (sign) shall be erected or displayed within the municipal boundary unless a permit for the advertisement is first obtained from the Authority.
- 2) A permit for erection or display of advertisement near a public highway is subject to provincial government approval (see Regulation 57).
- 3) A permit may only be issued for the erection or display of advertisements which comply with the appropriate conditions and specifications set out in this Part III of the Development Regulations or in the Use Zone Tables in Schedule C of these Development Regulations.
- 4) A permit granted for the erection or display of an advertisement shall be for a limited period, not exceeding one year following approval for a new sign and for subsequent periods for renewals of three years. A permit will not be renewed unless the Authority is satisfied that the sign has been properly maintained in accordance with any conditions attached to the permit and is in compliance with the Development Regulations.

### **63. Form of Application and Permit**

Application for a permit to erect or display an advertisement shall be made to the Authority in accordance with Regulation 17.

### **64. Advertisements Prohibited in Street Reservation**

No advertisement shall be permitted to be erected or displayed within, on or over any highway or street reservation, except for a premises sign relating to uses immediately abutting the highway or street reservation and in such case unless approved by the Authority and the Government Services Centre. See Regulation 57 concerning advertisements near or within public highways.

## **65. Standards of Construction and Location**

1. A sign shall not be erected, posted or placed:
  - a. Where in the opinion of the Authority, that sign would be hazardous to road traffic by reason of its siting, illumination or structural condition;
  - b. Where in the opinion of the Authority, that sign would be detrimental to the amenities of surrounding areas or length of highway or road;
  - c. Where the sign is not maintained to the satisfaction of the Authority;
  - d. Within or over a highway or street intersection unless otherwise approved by the Authority for the Authority's roads, or by the provincial government for roads under provincial jurisdiction;
  - e. With the exception of premises advertisements, within 300 metres or a distance specified by the provincial government or the Authority for provincial government roads or roads of the Authority, respectively, of an intersection of two or more roads or highways 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 provincial government or the Authority or agencies thereof.
2. The conditions to be applied to the erection or display of an advertisement on any site not on or near the subject of the advertisement, or not related to a specific site or land use, shall be as follows:
  - a. The advertisement shall not exceed 2 square metres per visible face;
  - b. The advertisement shall display only the name of, and directions to, a premises or location of the subject site, if applicable;
  - c. The location, siting, size, and illumination of each sign shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, street junctions, nearby buildings, and amenity of the surrounding area.



## **66. Removal of Advertisements**

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

- (a) hazardous to road traffic by reason of its siting, colour, illumination, or structural condition,
- (b) obsolete by virtue of no longer referring to an existing place or event;
- (c) detrimental to the amenities of the surrounding area.

## **67. Advertisements Exempt from Control**

The following advertisements may be erected or displayed within the municipal boundary without application to the Authority, and the Authority may where provided in the Use Zone Tables in Schedule C approve larger advertisement areas or types of signs which may be subject to conditions directed by the Authority:

- a) a posting of a candidate during the election to a public body, such as municipal elections;
- b) on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.28 m<sup>2</sup> in area, to indicate the occupant or business located in the building;
- c) a temporary sign related to federal, provincial or municipal public works;
- d) a notice required by law to be posted;
- e) a regulatory, warning, directional, guide or information sign erected by the provincial government or the Authority;
- f) roadside signs erected by the Authority beyond the backslope of highway ditching, indicating the boundaries of the Town of Stephenville Crossing, the municipal planning area, wellhead protected water supply areas, or similar municipal notices;
- g) a sign placed by a telephone, telegraph or electric power company to indicate danger;
- h) a sign, not exceeding 0.5 square metres, advertising the sale or rental of a building or lot upon which the sign is located;
- i) a flag, emblem or insignia of a nation, country or province;

- j) one temporary sign related to building construction located on the site on which the work is being conducted; one such sign may be placed on each street frontage where the site is a corner lot;
- k) on an agricultural holding or farm, a notice board not exceeding 1.5 m<sup>2</sup> in area and relating to the operations being conducted on the land;
- l) on land used for forestry purposes, signs or notices not exceeding 1 m<sup>2</sup> in area and relating to forestry operations or the location of logging operations conducted on the land;
- m) on land used for mining or quarrying operations, a notice board not exceeding 1 m<sup>2</sup> in area relating to the operation conducted on the land;
- n) on any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board not exceeding 1 m<sup>2</sup> in area and located at least 3 metres from street lines;
- o) on the principal facades 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 facade or 3 m, whichever is the lesser; and provided that the overall sign area so created does not exceed 5 square metres.
- p) on any parking lot directional signs and one sign not exceeding 1 m<sup>2</sup> in size, identifying the parking lot.

#### **68. Temporary Signs**

1. A portable sign shall be deemed to be a temporary sign.
2. A temporary sign may be permitted in any zone for a period not exceeding 30 consecutive days, provided that the sign:
  - a) Does not exceed 4 square metres in area per visible face;
  - b) Does not create or aggravate a traffic hazard, such as blocking a sight line;
  - 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; and,



- e) If necessary, is approved by the provincial government, in consultation with the Authority.

**69. Non-Conforming Uses**

Notwithstanding the provisions of Regulation 62, a permit may be approved 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 Authority.

## **PART IV - SUBDIVISION OF LAND**

### **70. Permit Required**

- 1) No land shall be subdivided unless a permit for the development of the subdivision is first obtained from the Authority.
- 2) Notwithstanding the approval of a subdivision by the Authority, a separate permit shall be obtained pursuant to these Development Regulations for each building proposed to be erected in the area of the subdivision, and no such 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.

### **71. Streets and Services to be Provided**

- 1) The Authority will not require or accept ownership or responsibility for any new public streets or roads or water or sewer services located outside the municipal boundary. Public streets or roads or water or sewer services proposed to be located outside the municipal boundary are subject to the approval of the Province of Newfoundland and Labrador. Pursuant to and subject to the conditions in the policies in Section 6.2.3 (4) in the Municipal Plan, Council will cooperate with any Local Service District at their request to approve and facilitate creation of new public streets in their jurisdictions, but will not do so for any form of private streets therein.
- 2) No permit shall be issued for the development of a subdivision unless provisions satisfactory to the Authority and the provincial government have been made for compliance with requirements that each lot in the subdivision front on a public street, and have a supply of drinking water, a properly designed sewage disposal system, and a properly designed storm drainage system. Private water supplies and/or private sewage disposal systems shall not be recognized by the Authority unless the requisite Certificates of Approval has been granted by the provincial government authorities.
- 3) Approval of subdivisions involving five or more lots or the addition of unserviced lots to existing unserviced subdivisions will require that a groundwater assessment satisfactory



to the Authority and the provincial government be done in accordance with provincial government policy, to ensure that a satisfactory water supply will be available for the anticipated development.

## **72. 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 Authority 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, 14 and 82.

## **73. Issue of Permit Subject to Considerations**

A permit shall not be issued when, in the opinion of the Authority, the development of a subdivision does not contribute to the orderly growth of land uses and does not demonstrate sound design principles. In considering an application, the Authority 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 Municipal Plan and Development Regulations affecting the site;
- d. the land use, physical form and size of buildings anticipated to be developed on the new lots and the character of adjacent developments related the same factors;
- e. the transportation network and traffic densities affecting the site;
- f. the relationship of the project to existing or potential sources of nuisance;
- g. topography, soil and subsoil characteristics of each lot, and the related difficulty or cost of landscaping and access;
- h. the drainage of the site and potential for affecting drainage of adjacent land;
- i. natural features such as lakes, streams, topsoil, trees and shrubs;
- j. prevailing winds;
- k. visual quality;

- l. community facilities;
- m. energy conservation;
- n. such other matters as may affect the proposed development.

#### **74. Concept and Final Plans**

- 1) Where there is a larger subdivision of land and/or subdivision of land entailing the construction of new roads, the Authority (and the Local Service District if applicable) must grant an Approval in Principle (see Regulation 20) for a concept plan and the arrangements for construction guarantees before the developer can proceed to the preparation of construction (final, detailed) drawings and a permit is issued for the subdivision.
- 2) The concept plan shall show the following:
  - a. A legal survey of the land included in the subdivision,
  - b. A detailed description of the types and standards of development and services proposed for the subdivision,
  - c. The layout of roads, lots, open spaces, and other pertinent features of the development,
  - d. The phasing of the development,
  - e. The estimated costs of the works in the development, by phase, as certified by a professional engineer and verified by the Authority's engineer.
- 3) Upon approval of the concept plan, a Final Plan containing the construction (final, detailed) drawings, costings for the design and construction of works, and other information as requested by the Authority (and the Local Service District if applicable), shall be prepared and approved by the Authority (and the Local Service District if applicable) and other relevant agencies before construction shall proceed.

#### **75. Form of Application**

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



**76. Subdivision Subject to Zoning**

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

**77. Building Lines**

The Authority may establish building lines for any subdivision street and require any new building to be located on such building lines. In the case of any flag lots which would be created in the subdivision, the building lines will not necessarily be parallel to the street line but will reflect the appropriate orientation of buildings and yards in the main body of the flag lot(s). This requirement shall not apply to areas outside the municipal boundary.

**78. Land for Public Open Space**

- (1) Before a development commences, the developer shall, if required, dedicate to the Authority, at no cost to the Authority, an area of land equivalent to not more than 10% of the gross area of the subdivision for parkland or other public use, provided that:
  - a) if, in the opinion of the Authority, no public open space is required, the land may be used for such other public use as the Authority may determine;
  - b) 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 Authority shall not accept land which, in its opinion is incapable of development for any beneficial purpose;
  - c) the Authority 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;
  - d) money received by the Authority in accordance with Regulation 78(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 Authority and may be sold or leased by the Authority 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 Authority may require a strip of land to be reserved and remain undeveloped along the banks of any river, brook or pond, or across or along the boundary(s) of the area being subdivided or any other area in the municipal planning area, or any combination thereof, and this land may, at the discretion of the Authority, constitute the requirement of land for parkland or other public use under Regulation 78(1).
- (4) The requirements of Regulation 78 shall not apply to areas outside the municipal boundary.

#### **79. Structure in Street Reservation**

The placing within any street reservation of any structure (for example, an electrical power, telegraph or telephone pole, fire hydrant, mail box, fire alarm, or sign post) shall receive the prior approval of the Authority which shall be satisfied on the question of safe construction and relationship to the adjoining buildings and other structures within the street reservation. This requirement shall not apply to areas outside the municipal boundary.



## **80. Subdivision Design Standards**

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

- (a) The finished grade of streets shall not exceed 10 percent.
- (b) Every cul de sac shall be provided with a turning circle of a diameter of not less than 30 metres measured to the front lot lines of lots fronting on the turning circle.
- (c) The maximum length of any cul de sac shall be 300 m in areas except where an emergency vehicle access from the head of the cul de sac to another public street is provided, or unless the added length:
  - i) would not unduly increase maintenance costs, and/or,
  - ii) the Fire Chief's review indicates that the greater length will not create inadvisable fire or other hazard risks.
- (d) An emergency vehicle access from another public street to the head of a cul de sac shall be not less than 3 m wide and shall be provided with gates to prevent use as an ordinary street.
- (e) No cul de sac shall be located so as to appear to terminate a collector street.
- (f) New subdivisions shall have street connections with an existing street or streets.
- (g) All street intersections shall be constructed within 5 degrees of a right angle and this alignment shall be maintained for 30 m from the intersection.
- (h) No street intersection shall be closer than 60 m to any other street intersection.
- (i) No more than four streets shall join at any street intersection.
- (j) No street block shall be longer than 500 m between street intersections, measured to the intersection of street centrelines for which road reserves to access adjacent lands shall be deemed to form intersections for this purpose.

- (k) Streets in subdivisions shall be designed in accordance with the approved standards of the Authority, 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 (provincial government highways)	30 m	15 m	1.5 m	1
All other streets):	15 m	7 m or as approved by Council	1.5 m	1

- (l) No lot intended for residential purposes shall have a depth exceeding four times the frontage except where topography or unusual dimensions of the lot being subdivided make this impractical.
- (m) Residential lots shall not be permitted which abut a street at both front and rear lot lines unless the circumstance is beyond the control of the proponent.
- (n) The Authority may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed.
- (o) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land, and each lot shall be laid out so as to maximize the usefulness of the land to the eventual occupant, with regard to positioning of buildings, driveways, and outdoor storage and activity areas, and street reserves of regulation width and configuration shall be left to provide connections to future streets on adjacent lands as directed by the Authority.
- (p) No more than two legs or prolongations of flag lots shall abut at the street line.



- (q) A lot to be created for an existing cemetery use or expansion thereof may be of any size and the requirements for fronting onto a public street and for dedication for public open space shall be waived.

#### **81. 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 Authority (and the Local Service District if applicable) to service the area proposed to be developed or subdivided shall be designed and prepared by or approved by the Engineer, and shall comply with the current Municipal Water, Sewer and Road Master Construction Specifications promulgated by the Province of Newfoundland and Labrador.
- (2) Upon approval by the Authority (and the Local Service District if applicable) of the proposed subdivision, the Engineer shall certify all construction layout on the ground, prior 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 Authority (and the Local Service District if applicable) to service the said area. The Engineer may approve such certifications by other engineers.

#### **82. Developer to Pay Engineer's Fees and Charges**

The developer shall pay to the Authority or directly to the Engineer, at the choice of the Authority, all the Engineer's fees and charges for the preparation of designs and specifications and for the layout and supervision of construction, or for the Engineer to review such work by others; such fees and charges being calculated in accordance with the Schedule of Fees recommended by the Association of Professional Engineers of Newfoundland, or equivalent, and in effect at the time the work is carried out.

### **83. Street Works May Be Deferred**

- 1) The construction and installation of all curbs and gutters, catch basins, sidewalks and paving specified by the Authority as being necessary, may, at the Authority's discretion, be deferred until a later stage of the work on the development of the subdivision but the developer shall deposit guarantees and sureties satisfactory to the Authority in accordance with the policies of the Authority before approval of his application, an amount estimated by the Authority's Engineer as reasonably sufficient to cover the cost of construction and installation of the works, including a contingency allowance.
- 2) In the later stage of the work of development, the Authority shall call for tenders for the work of construction and installation of the works and carry out 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 Authority the amount of the excess. If the contract price is less than the deposit, the Authority shall refund the amount by which the deposit exceeds the contract price. Any amount so deposited with the Authority 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.

### **84. Transfer of Streets and Utilities**

- (1) The developer shall, following the approval of the subdivision of land and upon request of the Authority, transfer to the Authority or the Local Service District as the case may be, at no cost to the Authority, 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 Authority for public uses as streets, or other rights-of-way, or for other public use;
  - (b) all services or public works including streets, water supply and distribution and sanitary and storm drainage systems installed in the subdivision that are normally owned and operated by the Authority.



(2) Before the Authority shall accept (or approve transfer to a Local Service District if applicable) 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 Authority 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 Authority (or the Local Service District if applicable).

#### **85. 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 Authority is satisfied that:

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

#### **86. Grouping of Buildings and Landscaping**

- (1) Each plan of subdivision for subdivisions located within the municipal boundary 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 Authority, shall not be changed without written application to and subsequent approval of the Authority.

## **PART V - USE ZONES**

### **87. Use Zones**

- 1) For the purpose of these Regulations, the municipal planning area is divided into Use Zones which are shown on the Land Use Zoning Maps 1, 2 and 3, attached to and forming part of these Regulations.
- 2) Subject to Regulation 87(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 Authority may in its discretion, determine the standards, requirements and conditions which shall apply.

### **88. Use Groups, Divisions and Classes**

The specific uses to be included in each Use Group, Division and Class set out in the Use Zone Tables in Schedule C shall be determined by the Authority in accordance with the classification and examples set out in Schedule B. The examples do not constitute the whole range of possibilities which may be found in their respective classes.

### **89. Permitted Uses**

- (1) Subject to these Regulations, the uses that fall within the Permitted Use Groups, Divisions, and Classes set out in the appropriate Use Zone Table in Schedule C shall be permitted by the Authority in that Use Zone.
- (2) Where the permitted use is expressed by the title of a "Group" shown in Schedule B, all of the uses in the divisions and classes of uses under that title shall be permitted, and likewise where the permitted use is expressed by the title of a "Division" shown in Schedule B, all of the uses in the classes of uses under that title shall be permitted.



## **90. Discretionary Uses**

- (1) Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone Table in Schedule C may be permitted in that Use Zone if the Authority is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if the Authority has given notice of the application in accordance with Regulation 32 and has considered any objections or representations which may have been received on the matter.
- (2) Where the discretionary use is expressed by the title of a “Group” shown in Schedule B, all of the uses in the divisions and classes of uses under that title may be permitted, and likewise where the discretionary use is expressed by the title of a “Division” shown in Schedule B, all of the uses in the classes of uses under that title may be permitted, subject to the provisions of subsection (1).

## **91. Uses Not Permitted**

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

## **SCHEDULE A**

### **DEFINITIONS**

**ACCESS:** 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. *(Refer to Minister's Development Regulations, January 2, 2001)*

**ACCESSORY BUILDING:**

- (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 antennas,
- (iii) for commercial uses, workshops or garages, and
- (iv) for industrial uses, garages, offices, raised ramps and docks.

*(Refer to Minister's Development Regulations, January 2, 2001)*

**ACCESSORY USE:** A use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use. *(Refer to Minister's Development Regulations, January 2, 2001)*

**ACT:** The Urban and Rural Planning Act, 2000.

**ADVERTISEMENT:** 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:** Horticulture, fruit growing, grain growing, seed growing, dairy farming, the breeding or rearing of animals for commercial uses including raising of livestock or any other 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 land for woodlands where that use is ancillary to the farming of land for any other purpose. "Agricultural" shall be construed accordingly.

**AMUSEMENT USE:** The use of land or buildings equipped for the playing of electronic, mechanical, or other games and amusements including electronic games, pinball games and slot machine arcades and billiard and pool halls.

**ANIMAL UNIT:** Any one of the following animals or groups of animals, wherein for species not listed and for general calculation, one animal unit is equivalent to 454 kg live weight:

- 1 bull;
- 1 dairy cow;
- 2 heifers;
- 2 beef cattle;
- 5 calves, veal or otherwise;
- 1 sow in farrow to finish operation;
- 3 sows in other than farrow to finish operations;
- 6 hogs;
- 3 boars;
- 150 female mink (including associated males and kits);
- 200 rabbits;
- 40 foxes (including litters);
- 7 goats;
- 1 horse (including foals);
- 8 sheep (ewes);
- 16 sheep (lambs);
- 252 laying hens;
- 350 pullets;
- 70 broiler turkeys;
- 60 heavy turkeys;
- 40 heavy tom turkeys;
- 500 broiler chickens or roosters;

**ANTENNA:** An electrical device that converts electric currents into propagating electric and magnetic fields in the form of waves (i.e. radio waves or electromagnetic waves) and vice versa (Reference: *Safety Code 6: Health Canada's Radiofrequency Exposure Guidelines*). For the purpose of this Development Regulation, “antenna” has the same meaning as “antenna system”, which is a structure located outside of the walls and roofs of building structures or attached to them, supporting equipment for the said purpose, comprising a mast or tower which is either self supporting, attached to a building or another structure, or stayed with anchored guy wires, or some combination thereof, wherein antennas which are shorter than 15 metres in height are classed as “short”, those taller as “tall”.

**APARTMENT BUILDING:** A building containing three or more dwelling units, whether the building is owned as one property wherein dwelling units are occupied by tenants or guests or wherein each dwelling unit is owned individually as in a condominium or similar form of ownership, but does not include a row dwelling.

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

**APPEAL BOARD:** The appropriate Appeal Board established under the Act.

**ARTERIAL STREET:** The streets in the municipal 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:** The Town Council of Stephenville Crossing.

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

**BED AND BREAKFAST:** An owner-occupied or owner-managed establishment for paid temporary accommodation for up to 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 must also be approved by the provincial government ministry charged with tourism matters as a Bed and Breakfast operation.



**BOAT SHED or BOAT HOUSE or STAGE or WHARF:** a building or structure located on land or in the water, at the edge of a water body, and used to house or berth boats and to store related gear and equipment.

**BOAT HOUSE:** see Boat Shed

**BUILDING:**

As defined in the *Urban and Rural Planning Act 2000*, 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 (i) and (ii), 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 subparagraphs (i) to (iii).

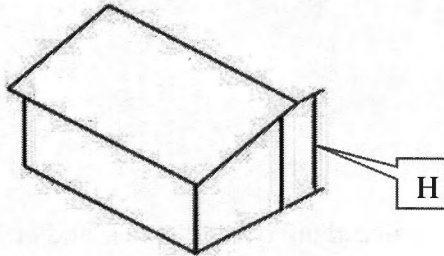
**BUILDING HEIGHT:** The vertical distance, measured in metres from the established grade to the

- (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;

*(Refer to Minister's Development Regulations, January 2, 2001)*

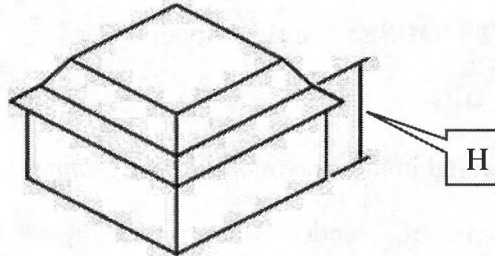
Note: informal illustrations are shown below to assist with interpretation of building height H.

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



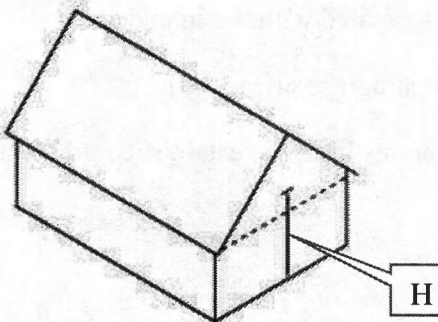
Flat Roof

(ii) The deck line of a mansard roof

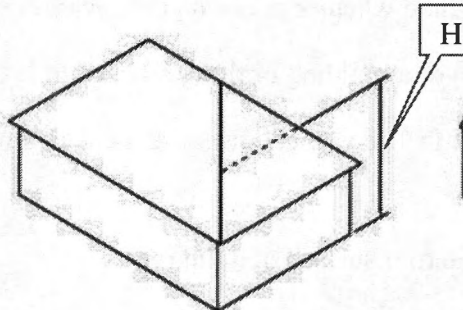


Mansard Roof

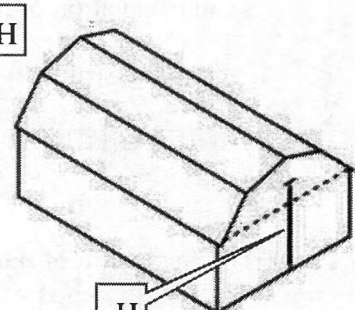
(iii) The mean height level between eave and ridge of a gable, hip or gambrel roof:



Gable Roof



Simple Hip Roof



Gambrel Roof

**BUILDING LINE:** 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. (*Refer to Minister's Development Regulations, January 2, 2001*)

**BUILDING LINE SETBACK:** see Front Yard Depth.



**COLLECTOR STREET:** A street that is designed to link local streets with arterial streets and which may be designated as a collector street in the Municipal Plan, or on the Zoning Map.

**CONVENIENCE STORE:** A small retail store that carries limited lines of goods, such as a partial line of groceries, housewares, and clothing; gifts; speciality items; and, other goods, and which has a floor area dedicated to retail sales (including storage area) not exceeding 100 square metres.

**DAY CARE CENTRE or DAY NURSERY:** A building or part of a building in which services and activities are regularly provided to children of pre-school age during the full daytime period as defined under the Day Nurseries Act, but does not include a school as defined by the Schools Act.

**DEVELOPMENT:** As defined in the *Urban and Rural Planning Act 2000*, the carrying out of building, engineering, mining or other operations in, on, over, or under land, or the making of any material change in the use, or the intensity of use of any land, buildings, or premises and the

- (a) making of an access onto a highway, road or way;
- (b) erection of an advertisement or sign;
- (c) parking of a trailer, or vehicle used for the sale of refreshments or merchandise, or as an office, or for living accommodation,

**and excludes the**

(d) 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;

(e) the carrying out by a highway authority of works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation;

(f) the carrying out by a 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 street or other land for that purpose; and

(g) the use of a building or land within the courtyard of a dwelling house for a purpose incidental to the enjoyment of the dwelling house as a dwelling.

**DEVELOPMENT REGULATIONS:** Regulations respecting development that have been enacted by the relevant Authority.

**DISCRETIONARY USE:** A use that is listed within the discretionary use classes established in the use zone tables of an Authority's development regulations. (*Refer to Minister's Development Regulations, January 2, 2001*)

**DIRECTOR:** The Director of Urban and Rural Planning or successor official.

**DOUBLE DWELLING:** 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:** A self-contained unit consisting of one or more habitable rooms used or designed as the living quarters for one household.

**ENGINEER:** A professional engineer employed or retained by the Authority.

**ESTABLISHED GRADE:**

- a) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or
- b) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment. (*Refer to Minister's Development Regulations, January 2, 2001*)

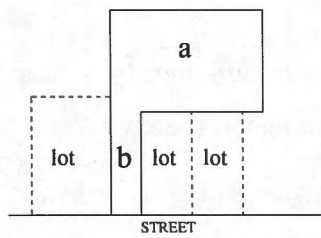
**FAMILY & GROUP HOME:** A dwelling accommodating up to but no more than six (6) persons exclusive of staff in a home-like setting. Subject to the size limitation, this definition



includes, but is not limited to, facilities called "Family and Group Care Centre", "Group Homes", "Halfway Houses", and "Foster Homes" and is classified in the Classification Table in Schedule B as "Family & Group Home".

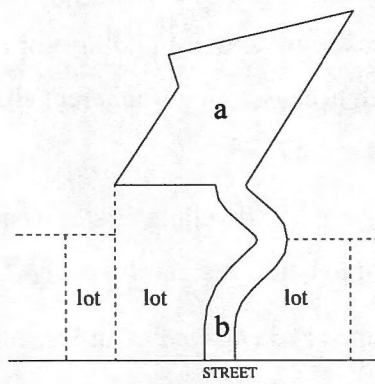
**FLAG LOT:** A lot characterized by a shape in which the lot's main body of land is located some distance from a street, typically lying behind other lots located along the street line, and in which the main body of the lot is joined to the street by a narrower leg or prolongation which is part of the flag lot or as provided as specified in Regulation 61(3). A flag lot is so named because its shape in a simple rectangular configuration resembles a flag on a pole wherein the pole provides access to a street at the foot of the pole. See the illustration below:

**RECTANGULAR SHAPE**



a: main body of the flag lot

**IRREGULAR SHAPE**



b: leg or prolongation of the flag lot to provide access to a street

The "pole" or leg lying between the main body of the lot and the street may be of any configuration, not necessarily of uniform width; the minimum width and composition thereof are stated in Regulation 61(3). See the illustration to the left.

**FLOOR AREA:** The total area of all floors in a building measured to the outside face of exterior walls. (Refer to Minister's Development Regulations, January 2, 2001)

**FRONTAGE:** The horizontal distance between side lot lines measured at the building line. (Refer to Minister's Development Regulations, January 2, 2001)

**FRONT YARD DEPTH:** The distance between the front lot line of a lot and the front wall of the main building on the lot. This has the same meaning as “building line setback” as used in the use zone tables.

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

**GENERAL INDUSTRY:** 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:** Land or buildings used exclusively for repair, maintenance and storage of motor vehicles and may include the sale of gasoline or diesel oil or other motive fuel.

**HAZARDOUS INDUSTRY:** 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:** A secondary use of a dwelling and/or its accessory buildings by at least one of the residents of the dwelling to conduct a gainful occupation or business activity.

**INSPECTOR:** Any person appointed and engaged as an Inspector by the Authority or by any federal or provincial Authority or the agent thereof.

**INSTITUTION:** A building or part thereof occupied or used by persons who:

- a) are involuntarily detained, or detained for penal or correctional purposes, or whose liberty is restricted, or;
- b) require special care or treatment because of age, mental or physical limitations or medical conditions.

**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, as defined in the *Urban and Rural Planning Act, 2000*.



**LIGHT INDUSTRY:** 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.

**LOCAL STREET:** 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:** A dwelling in which at least 2 rooms are regularly rented to persons other than the immediate family of the owner or tenant.

**LOT:** Any plot, tract or parcel of land which can be considered as a unit of land for a particular use or building. *(Refer to Minister's Development Regulations, January 2, 2001)*

**LOT AREA:** The total horizontal area within the lot lines of the lot. *(Refer to Minister's Development Regulations, January 2, 2001)*

**LOT COVERAGE:** The combined area of all buildings on the lot measured at the level of the lowest floor above the established grade expressed as a percentage of the total area of the lot. *(Refer to Minister's Development Regulations, January 2, 2001)*

**MARINA:** A dock or basin together with associated facilities where slips, moorings, supplies, repairs, and other services that are typically available for boats and other watercraft, including 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:** the search for and sampling of minerals or quarry materials where the activity or activities involved meet the definition of "development" under the Urban and Rural Planning Act. "Mineral" and "quarry material" for the purpose of interpreting the definition of mineral exploration (development) are as defined in the provincial Mineral Act and Quarry Materials Act, 1998, respectively. Mineral exploration does not include mining or mineral working (e.g., quarrying). Activities which meet the definition of mineral exploration (development) are to be contrasted with mineral exploration activities that do not meet the definition of development, examples of which typically include traditional prospecting,

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

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

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

**MOBILE HOME:** A transportable factory-built single family dwelling unit:

- (a) which complies with space standards substantially equal to those laid down in the Canadian Code for Residential Construction and is in accordance with the construction standards laid down and all other applicable Provincial and Municipal Codes and;



- (b) which is designed to be:
  - (i) transported on its own wheels and chassis to a mobile home lot, and subsequently supported on its own wheels, jacks, posts or piers, or on a permanent foundation, with or without the wheels left attached, and;
  - (ii) connected to exterior public utilities approved by the Authority, namely, piped water, piped sewer, electricity and telephone, in order for such mobile home unit to be suitable for year round term occupancy. Water supply and/or sewage disposal may be provided by use of private water supply and/or private sewage disposal systems where permissible.

**MOBILE HOME PARK:** 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 water supply and sewage disposal, access roads, communal areas, snow clearing and garbage collection, or any of them, are the responsibility of the mobile home park owner except where otherwise provided in a development agreement with the Authority, and where the mobile home development is classified as a mobile home park by the Authority. Water supply and/or sewage disposal may be provided by connection to exterior public utilities approved by the Authority or by use of private water supply and/or private sewage disposal systems where permissible.

**MOBILE HOME SUBDIVISION:** A mobile home development requiring the subdivision of land whether in single or joint ownership into two or more pieces or parcels of land for the purpose of locating thereon mobile home units under either freehold or leasehold tenure and where the maintenance of streets and services is the responsibility of a municipality or public Authority, and where the mobile home development is classified as a mobile home subdivision by the Authority. Water supply and/or sewage disposal may be provided by connection to exterior public utilities approved by the Authority or by use of private water supply and/or private sewage disposal systems where permissible.

**MUNICIPAL PLANNING AREA:** Means the municipal planning area prescribed for the Authority (see also Regulation 3).

**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. (*Refer to Minister's Development Regulations, January 2, 2001*)

**OWNER:** means a person or an organization of persons owning or having the legal right to use the land under consideration. (*Refer to Minister's Development Regulations, January 2, 2001*)

**PARKING AREA:** means an open area containing parking spaces and any interior aisles and lanes necessary for parking and movement of motor vehicles.

**PARKING SPACE:** means a space exclusive of any driveways or interior aisles or lanes, upon which one motor vehicle may be parked .

**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. (*Refer to Minister's Development Regulations, January 2, 2001*)

**PETROLEUM EXPLORATION AND EXTRACTION:** separate land use classes involving the exploration and extraction, respectively, of petroleum resources and for which the requisite permits have been issued by the Department of Industry, Energy and Technology.

**PIT AND QUARRY WORKING:** Carries the same meaning as Mineral Working.

**PLANNING AREA:** means the municipal planning area prescribed for the Authority.

**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. (*Refer to Minister's Development Regulations, January 2, 2001*)

**REAR YARD DEPTH:** means the distance between the rear lot line and the rear wall of the main building on the lot. (*Refer to Minister's Development Regulations, January 2, 2001*)



**RESTAURANT:** 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:** Three or more dwelling units at ground level in one building, each unit separated vertically from the others.

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

**SERVICE STATION:** Any land or building used exclusively for the sale of petroleum products or other motive fuels, automotive parts and accessories, minor repairs, washing and polishing of motor vehicles.

**SERVICE STREET:** A street constructed parallel to or close to another street for the purpose of limiting direct access to that street.

**SHOP:** 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:** 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:** 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 a side lot line and the nearest side wall of any building on the lot. (*Refer to Minister's Development Regulations, January 2, 2001*)

**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. *(Refer to Minister's Development Regulations, January 2, 2001)*

**STAGE:** see Boat Shed

**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. *(Refer to Minister's Development Regulations, January 2, 2001)*

**STREET LINE:** means the the edge of a street reservation as defined by the Authority having jurisdiction. *(Refer to Minister's Development Regulations, January 2, 2001)*

**SUBDIVISION:** The dividing of any land, whether in single or joint ownership, into two or more pieces for the purpose of development, as defined in the *Urban and Rural Planning Act, 2000*.

**SUBSIDIARY APARTMENT:** A separate dwelling unit constructed within and subsidiary to a main self-contained dwelling.

**SUBSIDIARY DWELLING:** A separate, additional single dwelling erected upon the same lot as a main single dwelling.

**TAKE-OUT FOOD SERVICE:** 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 under the Liquor Control Act wherein meals and food may be served for consumption on the premises and in which entertainment may be provided.

**USE:** means a building or activity situated on a lot or a development permitted on a lot. *(Refer to Minister's Development Regulations, January 2, 2001)*

**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. *(Refer to Minister's Development Regulations, January 2, 2001)*



**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. (*Refer to Minister's Development Regulations, January 2, 2001*)

**WETLAND:** 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.

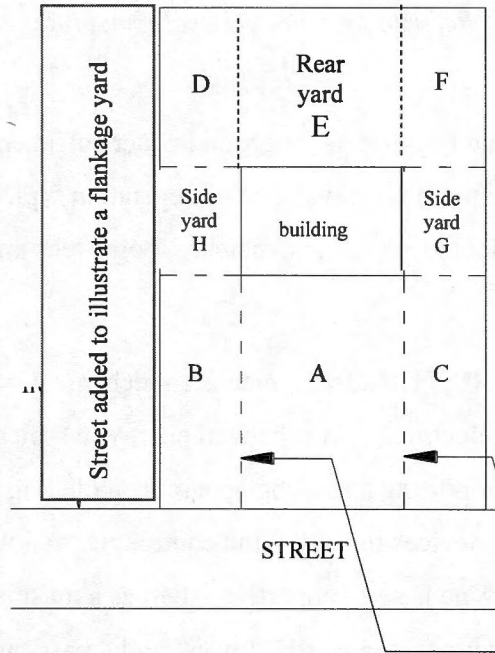
**WHARF:** see Boat Shed

**WIND ENERGY SYSTEM or WIND TURBINE:** means a mechanical system for the conversion of wind energy to useful electrical or mechanical energy; a typical wind energy system consists of a tower or mast supporting a rotating apparatus including a rotor, generator and mechanical drives, and ancillary devices related to the control and maintenance of the system. A tower supported wind turbine is self-supporting whereas a mast is stayed with guy wires; for the purpose of these Regulations, the words "tower" and "mast" are used interchangeably. A wind turbine wherein the tower is shorter than 15 metres in height is classed as "short", those taller as "tall".

**YARD:** 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. Yard types are front yards, side yards, rear yards and flankage yards, as illustrated on the next page.

**ZONING MAP:** The map or maps attached to and forming part of the Authority's regulations. (*Refer to Minister's Development Regulations, January 2, 2001*)

## SIMPLE RECTANGULAR LOT



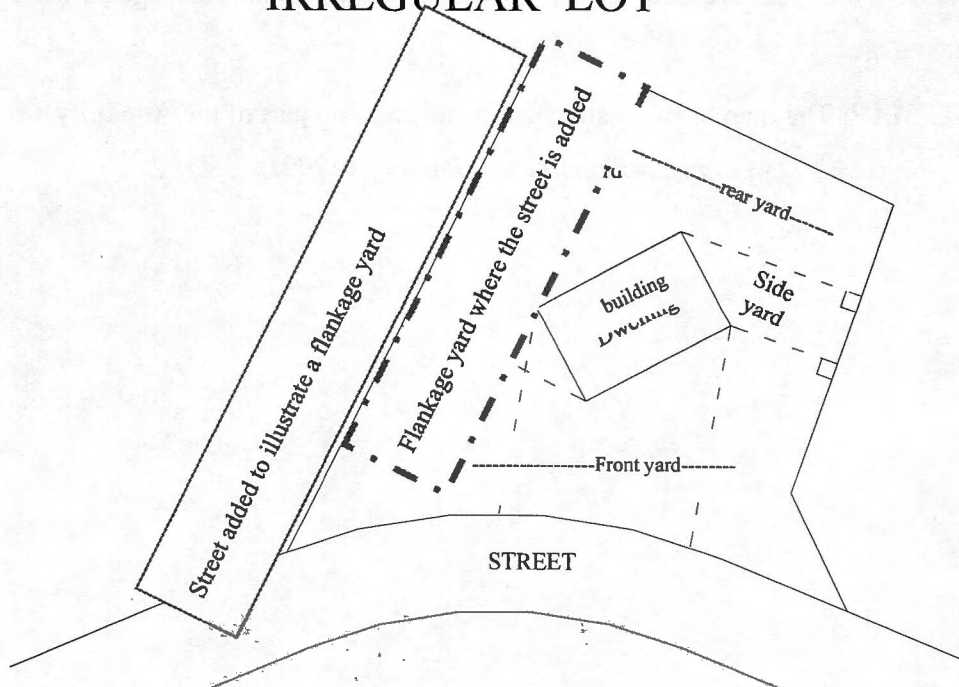
In the simple case, without the street added to the left, the rear yard is the addition of areas D, E and F and the front yard is A, B and C.

Adding the street to the left creates a corner lot which then creates a flankage yard on what otherwise would have been a side yard and parts of the front and rear yards.

The flankage yard with the street added is the addition of areas B, H and D in the simple rectangular lot.

The arrows point to extensions of the side yard lines in a simple rectangular lot. In an irregular lot, the interpretation of the meaning of yards can be complex, such as the illustration below showing the position of a flankage yard when the street to the left is added.

## IRREGULAR LOT





**SCHEDULE B**  
**CLASSIFICATION OF USES OF LAND AND BUILDINGS**

The classification of uses set out in the following table is largely based on the Classification of Typical Occupancies included as Table 3.1.2.A of the **National Building Code of Canada, 1980**, modified to suit terms used in the Municipal Plan and the Development Regulations. This classification is referred to in Regulation 87.

GROUP	DIVISION	CLASS	EXAMPLES	PARKING REQUIREMENT (NUMBER OF SPACES) to be completed
A. ASSEMBLY USES	1. Assembly Uses for the production and viewing of the performing arts.	(a) Theatre	Motion Picture Theatres T.V. Studios admitting an audience.	1 space for every five seats or if no seats, 1 space for each 50 square metres of floor area devoted to public occupancy
	2. General Assembly Uses	(a) Cultural and Civic	Libraries Museums Art Galleries Court Rooms Meeting Rooms Council Chambers	
		(b) General Assembly-halls and active exercise uses	Community Halls Lodge Halls Dance Halls Gymnasias Auditoria Bowling Alleys	
		(c) Educational	Schools Colleges (non-residential)	Lesser of 2 spaces for each classroom or 25 students
		(d) Child Care	Day Care Centres	
		(e) Place of Worship	Churches and similar places of worship. Church Halls	1 space for every five seats or if no seats, 1 space for each 100 square metres of floor area devoted to public occupancy
		(f) Passenger Assembly	Passenger Terminals	
		(g) Club and Lodge	Private Clubs and Lodges (non-residential)	
		(h) Catering	Restaurants Bars Taverns	
	(i) Funeral Home	Funeral Homes and Chapels		
	(j) Amusement	Electronic Games Arcades Pinball Parlours Poolrooms		

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GROUP	DIVISION	CLASS	EXAMPLES	PARKING REQUIREMENT (NUMBER OF SPACES)
A. ASSEMBLY USES (continued)	3. Arena-type Uses	(a) Indoor Assembly	Arenas Armouries Ice Rinks Indoor Swimming Pools	1 space for every five seats or if no seats, 1 space for each 100 square metres of floor area devoted to public occupancy, or more as determined by the Authority for uses featuring large outdoor spaces
	4. Open-air Assembly Uses	(a) Outdoor Assembly	Bleachers Grandstands Outdoor Ice Rinks and Swimming Pools Amusement Parks and Fairgrounds Exhibition Grounds Drive-in Theatres	
B. INSTITUTIONAL USES	1. Penal and Correctional Institutional Uses	(a) Penal and Correctional Detention	Jails Penitentiaries Police Stations (with detention quarters) Prisons Psychiatric Hospitals (with detention quarters) Reformatories	1 space for every 2 beds or clientele spaces
	2. Special Care Institutional Uses	(a) Medical Treatment and Special Care	Children's Homes Convalescent Homes Homes for Aged Hospitals Infirmaries Orphanages Psychiatric Hospitals Sanatoria	
C. RESIDENTIAL USES	1. Residential Dwelling Uses	(a) Single Dwelling	Single Detached Dwelling	2 spaces for each dwelling unit in a single dwelling, double dwelling, row dwelling, or apartment.  Add 1 space for a subsidiary apartment.  Add 1 space for a subsidiary dwelling.  Family & group home: 2 spaces if not co-located in a single dwelling, double dwelling, row dwelling, or apartment in which cases there are no additional parking space requirements.
		Subsidiary dwelling	Additional single detached dwelling erected upon the same lot as a main single dwelling.	
		Family & Group Home	Group home Family and Group Care Centre Halfway Houses Foster Homes	
		(b) Double Dwelling	Semi-detached dwelling Duplex Dwelling	



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GROUP	DIVISION	CLASS	EXAMPLES	PARKING REQUIREMENT (NUMBER OF SPACES)
C. RESIDENTIAL USES (continued)	1. Residential Dwelling Uses (continued)	(c) Row Dwelling	Row House Town House	Continue from above
		(d) Apartment Building	Structure, other than row dwelling, with three or more dwelling units, including rental or guest units or condominium units.	
	2. General Residential Uses	(a) Collective Residential	Residential Colleges & Schools University & College Halls of Residence Convents & Monasteries Nurses and Hospital Residences	2 spaces for the landlord's or superintendent's dwelling in the same building if any, plus 1 for each rental bed
		(b) Boarding House Residential	Boarding Houses Lodging Houses Bed and Breakfasts	
		(c) Commercial Residential	Hotels & Motels Hostels Residential Clubs	
		(d) Seasonal Residential	Summer Homes & Cabins Hunting & Fishing Cabins	1 space for each cabin or per spot in campgrounds or RV parks
		(e) Campgrounds	Campgrounds Recreational Vehicle Parks	
		(f) Mobile Homes	Mobile Homes	See single dwelling
D. BUSINESS & PERSONAL SERVICE USES	1. Business, Professional, and Personal Service Uses	(a) Office	Offices (including Government Offices) Banks	1 space for each 20 square metres of floor area
		(b) Medical & Professional	Medical Offices and Consulting Rooms Dental Offices & Surgeries Legal Offices Travel agents Similar Professional Offices	
		(c) Personal Service	Barbers Hairdressers Beauty Parlours Small Appliance Repairs	

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GROUP	DIVISION	CLASS	EXAMPLES	PARKING REQUIREMENT (NUMBER OF SPACES)
D. BUSINESS & PERSONAL SERVICE USES (continued)	1. Business, Professional & Personal Service Uses (continued)	(d) General Service	Self-service Laundries Dry Cleaners (not using flammable or explosive substances) Small Tool and Appliance Rentals	1 space for each 20 square metres of floor area, or more as determined by the Authority for uses featuring large outdoor spaces
		(e) Communications	Radio Stations Telephone Exchanges	
		(f) Protection	Police Stations without detention quarters Fire stations Ambulance stations Search and rescue buildings	
		(g) Taxi Stand	Taxi Stands	
		(h) Take-out Food Service	Take-out Food Service	
		(i) Veterinary	Veterinary Surgeries	
		E. MERCANTILE USES	1. Retail Sale and Display Uses	
(b) Shop	Retail Shops and Stores and Showrooms Department Stores			
(c) Indoor Market	Market Halls Auction Halls			
(d) Outdoor Market	Market Grounds Animal Markets Produce and Fruit Stalls Fish Stalls			
(e) Convenience Store	Confectionary Stores Corner Stores Gift Shops Specialty Shops			



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GROUP	DIVISION	CLASS	EXAMPLES	PARKING REQUIREMENT (NUMBER OF SPACES)
F. INDUSTRIAL USES	1. Industrial uses involving highly combustible and hazardous substances and processes.	(a) Hazardous Industry	Bulk Storage of hazardous liquids and substances. Chemical Plants Distilleries Feed Mills Lacquer, Mattress, Paint, Varnish, and Rubber Factories Spray Painting	1 space for each 100 square metres of floor area, or more as determined by the Authority for uses featuring large outdoor spaces
	2. General Industrial Uses involving Limited Hazardous Substances and Processes.	(a) General Industry	Factories Cold Storage Plants Freight Depots General Garages Warehouses Workshops Laboratories Laundries Planing Mills Printing Plants Contractors' Yards	
		(b) Service Station	Gasoline or other motive fuel service stations Gas Bars	
	3. Light, Non-hazardous or Non-intrusive Industrial Uses.	(a) Light Industry	Light Industry Parking Garages Indoor Storage Warehouses Workshops	
G. NON-BUILDING USES	1. Uses not directly related to building	(a) Agriculture	Commercial Farms Hobby Farms Market Gardens & Nurseries	As directed by the Authority
		(b) Forestry	Tree Nurseries Silviculture	
		(c) Mineral Exploration and Mineral Working	Separate classes of uses as defined in Schedule A.	
		(d) Mining	As defined in Schedule A.	

GROUP	DIVISION	CLASS	EXAMPLES	PARKING REQUIREMENT (NUMBER OF SPACES)
G. NON-BUILDING USES (continued)	1. Uses not directly related to building. (continued)	(e) Petroleum Exploration and Petroleum Extraction	As defined in Schedule A, comprising separate classes of use.	As directed by the Authority
		(f) Recreational Open Space	Playing Fields Sports Grounds Parks Playgrounds Trails	
		(g) Conservation	Watersheds Buffer Strips Flood Plains Wildlife Sanctuaries	
		(h) Cemetery	Cemeteries Graveyards	
		(i) Scrap Yard	Car Wrecking Yards Junk Yards Scrap Dealers	
		(j) Solid Waste	Solid Waste Disposal Sanitary Land Fill Incinerators	
		(k) Animal	Animal Pounds Kennels Zoos	
		(l) Antenna	TV, Radio and Communications Transmitting and Receiving Masts Antennas	
		(m) Utilities	Wind Turbine and other energy generation facilities	
		(n) Transportation	Airfields Railway Yards Docks and Harbours Boathouses Fishing stages Marinas	



**SCHEDULE "C"**

**USE ZONES AND OVERLAY 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.

The schedule contains tables for the following Use Zones and overlay areas, for which the abbreviations are as noted:

**ZONES:**

Town-Urban.....	T-URB
Town-Rural Residential.....	T-RRES
Town - Rural Industrial .....	T-RIND
Designated Floodway.....	DF
Designated Floodway Fringe .....	DFF
Management Unit.....	MU
Environmental Protection .....	EP
Town - Wellhead Protected Water Supply Area – A.....	(T – WPWSA - A)
Rural.....	RUR

**OVERLAY AREAS** (these are not zones, so acronyms are not used):

- Town - Wellhead Protected Water Supply Areas B, C, and D
- Barchois Brook Wellhead Protected Water Supply Area

**USE ZONE TABLE**

ZONE TITLE	TOWN-URBAN (T-URB)	(STEPHENVILLE CROSSING)
<b>PERMITTED USES</b>		
<ol style="list-style-type: none"><li>1) Single dwelling class including subsidiary apartment (note that the mobile home class and subsidiary dwelling class are discretionary uses) and home businesses</li><li>2) Double dwelling class</li><li>3) Row dwelling class</li><li>4) Family &amp; group home class</li><li>5) Boarding house residential class including bed and breakfast accommodations</li><li>6) Child care class</li><li>7) General service class</li><li>8) Personal service class</li><li>9) Office class</li><li>10) Medical and professional class</li><li>11) Recreational open space class including trails</li><li>12) Conservation class</li><li>13) Indoor market</li><li>14) Outdoor market</li><li>15) Funeral home</li><li>16) Existing cemeteries and expansions thereof</li><li>17) Campground class but only in the vicinity of the ballfield at 17-19 West Street, near the intersection of Highways 461 and 490 (See Condition 23)</li></ol>		



**DISCRETIONARY USES**

- 1) Subsidiary dwelling in conjunction with a single dwelling on the same lot (the main single dwelling structure may include a subsidiary apartment) and home businesses
- 2) Apartment building class
- 3) Mobile home class, on individual lots or in mobile home parks
- 4) Collective residential class
- 5) Commercial residential class
- 6) Assembly uses
- 7) Passenger assembly
- 8) Shopping centre
- 9) Amusement (see Policy 6.2.12 in the Municipal Plan)
- 10) Penal and correctional detention
- 11) General assembly class
- 12) Indoor assembly class
- 13) Outdoor assembly class
- 14) Educational class
- 15) Medical treatment and special care class
- 16) Cultural and civic class
- 17) Place of worship class
- 18) Police station & protection class
- 19) Service station class
- 20) Club and lodge class
- 21) Catering class
- 22) Convenience store class
- 23) Cemetery class
- 24) Mineral and petroleum exploration classes
- 25) General industry class
- 26) Light industry class
- 27) Communications class
- 28) Shop class
- 29) Take-out food service class
- 30) Taxi stand class
- 31) Transportation class
- 32) Veterinary class
- 33) Wind turbines in the utility class, but only those defined as "short"

Table continues

Table continued

34) Antenna, but only those defined as “short”  
 35) Forestry class, including domestic cutting for fuel wood

STANDARDS	WHERE PERMITTED						
	Single Dwelling, Mobile Home + all other uses not named	Double Dwelling	Row Dwelling	APARTMENT BUILDING			
				1 Bed Apt.	2 Bed Apt.	3 Bed Apt.	4 + Bed Apt.
Lot area (m <sup>2</sup> ) minimum, down to 330 m <sup>2</sup> at the discretion of Council—see Conditions 20 and 22	450	390*	230* (average)	230*	250*	280*	300*
Floor area (m <sup>2</sup> ) minimum: - single dwellings - subsidiary dwellings - all others	80* 24* -	80*	65*	40*	50*	60*	70*
Floor area (m <sup>2</sup> ) maximum for subsidiary dwellings	40	-	-	-	-	-	-
Minimum length of main walls in dwelling structures (m) except subsidiary dwellings – see Condition 6	4.8	4.8	4.8	10	10	10	10
Frontage (m) minimum. See Conditions 20 and 22	15	20	10 (average)	30			
Building Line Setback (m) (minimum) **	6	6	8	8			
Side yard Width (m) **Flankage yard (m) See Condition 11(1) concerning access through side yards	2 6	2 6	2 6	6 6			
Rear yard Depth (m) (minimum) ** For mobile homes	8 4	8	8	8			
Lot Coverage all buildings combined (%) (maximum)	33	33	33	33			

Table continues



Height (m) (maximum) **	10	10	10	Table continued 10
<p>* Per dwelling unit, which for single dwellings and subsidiary dwellings may be developed in phases— see Condition 6.                  **Except for subsidiary dwellings and wind turbines and antennas – see Conditions 6 &amp; 7 respectively. Where permitted, boat sheds, boat houses, wharves and stages may be built to any lot line which corresponds to the high water mark of a water body. Requirements for other yards shall apply.</p>				

## CONDITIONS

### 1. Discretionary Uses

The discretionary use classes listed in this table may be permitted at the discretion of the Authority provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses (see Regulations 32 and 90 concerning requirements for public notice and consideration by Council).

### 2. Home Businesses

Home businesses may be permitted in a dwelling provided that:

- a) The business is clearly secondary to the residential use and does not detract from the residential character of the neighbourhood.
- b) The business does not alter the residential appearance or require external modification of the dwelling unit.
- c) Activities associated with the business shall be carried on inside the dwelling unit or inside a building or buildings separate from the dwelling unit but on the same lot, except that outdoor areas may be used in conjunction with a child care facility.
- d) The dwelling unit part of the structure including any subsidiary apartment must continue to meet the dwelling unit minimum floor area requirement.
- e) Businesses in the Personal Service, Light Industry and General Service classes shall be limited to small scale operations of the types cited as examples in Schedule B, ie: in personal care, production of foodstuffs including prepared meals for consumption off the property; production or repair of hand-made articles such as small mechanisms, clothing and arts and crafts; and, repair or adjustment of small equipment such as appliances, small engines, computers, and mechanical devices, and, incidental retail sales of goods or services related to the principal activity of the

home business. Larger scale and different types of activities may be considered as discretionary land uses if listed under “Discretionary Uses” in the Use Zone Table.

- f) The business is operated by a resident(s) of the dwelling unit.
- g) There is no open storage of vehicles, equipment, goods or materials on the lot, other than for off-street parking.
- h) The business shall not generate traffic, storm water flows, sewage flows or water use in excess of what is normal in the residential area and can be accommodated by the existing municipal road, water and sewer services.
- i) Activities associated with the business are not hazardous and do not cause noticeable noise, odour, dust or fumes, nor cause electrical interference or in any other way result in a nuisance to the occupants of surrounding residences.
- j) In addition to the advertisements (signage) permitted as described in Part III, advertisements each not exceeding 0.28 square metres in area may be attached to each building in which the home business is conducted. No direct illumination of the sign will be permitted.
- k) The Authority may require fencing, screening and separation or a combination of the two to protect the amenity of adjacent uses.
- l) The residential lot has sufficient area to accommodate the parking requirements of both the dwelling unit and the home business, calculated as one space per 20 square metres of floor space occupied by the home business.
- m) No change in type, class or extent of the business shall be permitted except in accordance with a permit issued at the discretion of the Authority.

### **3. Mobile Home Developments**

Mobile homes shall meet the same standards and conditions as specified for single dwellings except that the minimum rear yard depth shall be reduced as shown in the Standards table. Exterior finishes and features shall be of a type found in conventional single dwelling construction in the community.

*Informal note for the reader's convenience: since mobile homes are often thought of in Imperial measure: a mobile home 4.8 metres wide must therefore be a minimum of 16.66 metres in length to meet the requirement that the minimum floor area be 80 square metres (864 square feet) and the minimum dimension of every main wall be 4.8 metres (16 feet). In Imperial measure, that corresponds to a simple rectangular structure 16 feet wide by 54 feet long, which has a floor area of 864 square feet, the size of a 24 foot by 36 foot building footprint.*



Development of mobile home parks and mobile home subdivisions as defined in Schedule A shall be subject to the same standards and conditions as for residential subdivisions, except that the roads and lanes and municipal water and sewer services lying within a mobile home park are not required to be public streets and/or municipal water and sewer services. Approval of a mobile home park development shall be subject to a development agreement between the owner and the Authority concerning the matters stated in the definition in Schedule A, including the ownership, management and maintenance of the streets and water and sewer services in such developments.

**4. Services**

New development shall be connected to the municipal water and sewer services, where respectively available, by the time of occupancy. Otherwise, development shall be serviced with private water supply and/or private sewage disposal systems in accordance with Certificates of Approval approved by the provincial government.

**5. Access to Through Lots**

Access to lots fronting on more than one street shall not be developed in a manner so as to permit motor vehicle traffic across the lot from one street through to another street.

**6. Single Dwelling and Subsidiary Dwellings: Phasing of Construction**

- 1) Single dwellings and subsidiary dwellings may be developed in phases, to be able to accommodate “tiny home” style main single dwellings and small scale secondary dwellings to be built as the first components or phases of such dwellings, leading to an eventual expansion to floor areas in compliance with the minimum and maximum values stated in the Use Zone Table.
- 2) Council will at its discretion permit on a lot one each of a main single dwelling and a subsidiary dwelling, one or both of such dwellings having less than the minimum required floor area, by way of site plan approval as described in this Municipal Plan, which shows the way in which the configuration of later construction phases of each structure will eventually result in a compliant dwelling minimum floor area without encroaching on any required yards or failing to meet other requirements such as off-street parking. Variances may be considered concurrently.

- 3) The minimum required length of all main walls in the main single dwelling structure and the subsidiary dwelling shall be achieved in the construction of the first phase of a phased development and in the eventual footprint of later construction. If an existing accessory building is to be converted to a subsidiary dwelling, the site plan cited in 3) shall similarly show how the building is to be capable of enlargement to the minimum floor area and length of its main walls without encroaching on any required yards or failing to meet other requirements such as off-street parking. Variances may be considered concurrently.
- 4) The yard requirements applicable to accessory buildings, as stated in Regulation 38, shall apply to subsidiary dwellings.
- 5) Home businesses will be permitted in the main single dwelling structure and the subsidiary dwelling in any phase. Subsidiary apartments are not permitted in subsidiary dwellings.
- 6) There is no compulsion to expand beyond the approved initial phase of construction. Development of future phases in accordance with the approved site plan shall not require further Council approvals concerning phased development.

**7. Wind Turbines and Antennas**

In addition to other requirements, the maximum height of the tower of a wind turbine or an antenna shall be 15 metres. The minimum setback of the towers of such structures from all lot lines shall be 10 metres plus (in the case of wind turbines, the length of one rotor blade, for safety reasons related to ice shedding from the blades). In addition, guy wires and anchors of antennas and wind turbines must be on the same lot as the tower.

**8. Subsidiary Apartments and Subsidiary Dwellings**

A subsidiary dwelling is a discretionary use. A subsidiary apartment is a permitted use which is accessory to a permitted main single dwelling use.

**9. Open Storage**

- 1) Open storage of materials, goods and machinery may be permitted at Council's discretion, provided the open storage is not located in front of the building and the storage area is fenced or otherwise screened from view.



- 2) Scrapped materials and equipment, unregistered vehicles, used oil drums and tanks, and the like associated with a permitted use shall not be stored in outdoor storage areas.

**10. Wellhead Protected Water Supply Areas Overlays**

See the Use Zone Table for the Town-Wellhead Protected Water Supply Area for the requirements of “overlays” B, C and D, which apply to developments in those areas in addition to the requirements of the Town-Urban (T-URB) Zone.

**11. Access to Side Yards and Buildings**

- 1) A side yard which shall be kept clear of obstruction shall be provided on the exposed sides of every building in order to provide access for maintenance and emergency response for fire suppression of that building.
- 2) Where the requirements of Condition 11(1) or Regulation 38(1), (2), (3), (4) and (5) concerning the location and features of an access ramp for a wheelchair or similar aid for mobility cannot be satisfied, the Authority may nevertheless approve any location or features which enable such access to any structure on the lot in any manner which minimizes non-compliance with the requirements, provided that there is no practical more compliant alternative location or feature and the installation does not create a safety hazard for pedestrians or vehicles.

**12. Child Care**

A child care facility shall be compatible with the residential character of the area in which it is located, in the same manner as if it were a home business. The approval of the provincial government shall be required where applicable as a condition of approval.

**13. Mineral and Petroleum Exploration**

In addition to other requirements concerning environmental protection and safety, Council will consider best practices in developments in the mineral exploration and petroleum exploration classes, in consultation with the provincial ministry charged with such matters.

Conditions may include conditions concerning proximity to existing development, limiting hours of mechanized operations, requirements to restore areas where ground has

been disturbed, removal of vehicles, equipment and trash when finished, restoration of roads, trails, vegetation and drainage features, and the like.

The Authority may require a site restoration surety and/or other guarantees of satisfactory compliance.

#### **14. Temporary Uses**

- 1) Temporary uses involving the placement of a motor vehicle or travel trailer or equipment for itinerant or unusual short term activities or events such as community festivals, or for compassionate reasons, may be approved subject to adequate arrangements for supply of potable water, disposal of sewage and solid waste, safety of vehicle and pedestrian traffic, security, and other matters relevant to the specific development.
- 2) The term of temporary uses shall be included in the conditions of approval, but shall not exceed one month of continuous occupancy except for compassionate or emergency situations, for which specific terms of time shall be agreed between the Council and the party involved.

#### **15. Heights of Buildings and Fences**

Heights of buildings or fences in excess of those permitted by the Regulations cited below may be approved provided that the Authority is satisfied that the increased height will not negatively affect the use and enjoyment of nearby properties or create significant safety concerns:

- 1) Regulation 39(8)(e): a greater height of fences.
- 2) Regulation 41(1): a greater height of a main building may be approved provided that the additional setback and rear yard stated in Regulation 41(1) are provided, and that the capacity of the fire department enables adequate response to the levels in the building in excess of the maximum height stated in the Use Zone Table.
- 3) Regulation 41(2): a height up to 6 metres may be approved for an accessory building, provided that the height of the accessory building measured to its peak or highest point does not exceed the height of the main building measured in the ordinary way.



- 4) Regulation 44: a greater height of mechanical penthouses, flagpoles, water towers, spires, belfries, or chimneys.

#### **16. Sizes and Types of Signs**

Pursuant to Regulation 67, signs which are larger or of a different type than those which are exempt from control may be approved provided that the Authority is satisfied that the increased size or type will not negatively affect the use and enjoyment of nearby properties.

#### **17. Accessory Buildings Located in Actual Front Yard**

Notwithstanding Regulation 38(5), the Authority may approve the location of one or more accessory buildings in the actual front yard of a lot, which may not otherwise be approvable, provided that the appearance would be in keeping with the general appearance of the area and not negatively affect the use and enjoyment of nearby properties.

#### **18. Width of "Legs" of Flag Lots**

Pursuant to Regulation 61(3)(c), the Authority may approve a width of all or part of a flag lot leg which is less than the minimum stated therein, but to no less than 2.5 metres, where natural features or location of existing buildings makes full compliance impossible and the extent of the area affected by the reduction from the minimum width is minimized.

#### **19. Comprehensive Developments**

- 1) A comprehensive development may be approved pursuant to Regulation 61(2) provided its features are compatible with adjacent developments and that any dwellings are designed to provide both privacy and reasonable access to natural daylight.

- 2) Comprehensive developments must be located within the municipal boundary and serviced with municipal central water and sewer services, and must have access to a publicly owned and maintained road but may include both public and private roads.
- 3) The uses which may be developed are those uses which are permitted or approvable at Council's discretion in the applicable Zone.
- 4) The usual requirements in these Development Regulations are applicable but where necessary to good, acceptable design they may be modified or waived.

## **20. Minimum Required Lot Area and Frontage**

- 1) The minimum required lot area and/or frontage for development of any class of use permitted or approvable at Council's discretion may be reduced at Council's discretion, where site circumstances not generally found in the area prevail, such as the opportunity for arranging boundaries around natural features or boundaries of other lots or streets, where the lot may be somewhat undersized but which may nevertheless be sufficiently sized to accommodate a building and ensure access to a public street and any required water and sewer services. The other standards such as minimum setbacks and yards and maximum lot coverage must nevertheless be satisfied.
- 2) The provisions of (a) shall not act to reduce the minimum lot area or lot frontage which may be required by provincial government regulations respecting private sewage disposal systems or water supply, which must nevertheless be satisfied. Lot area, frontage, dimensions and configurations of buildings, wells and the like, shall comply with the requirements of the provincial government concerning such private services.
- 3) Site plan approval as specified in section 7.2 of the Municipal Plan shall be required.

## **21. Screening of Residential Uses**

Screening shall be provided between the areas' non-residential land uses and any abutting residential use. Such screening may include among other measures the provision of grass strips, fences, shielded yard lighting, and appropriate planting of trees and shrubs as visual barriers. See also Regulation 54.



## **22. Services**

New development shall be connected to the municipal water and/or sewer services, where respectively available, by the time of occupancy. Otherwise, where municipal water and/or sewer services are not available, development shall be serviced with private water supply and/or private sewage disposal systems in accordance with Certificates of Approval of the provincial government and lot area, frontage, dimensions and configurations of buildings, wells and the like, shall comply with the requirements of the provincial government concerning such private services.

## **23. Campground**

Pursuant to Municipal Plan Policy 6.1.1 3(vi), development of a campground class land use in the vicinity of the ballfield is subject to a satisfactory development agreement with the Town concerning servicing, access, design, operation and security. A site plan approval will be required for evaluation as described in Section 7.2 of the Municipal Plan.

**USE ZONE TABLE**

TOWN-RURAL RESIDENTIAL	ZONE TITLE (T-RRES)	(STEPHENVILLE CROSSING)
<b>PERMITTED USES</b>		
<ol style="list-style-type: none"> <li>1) Single dwelling class including subsidiary apartment (note that the mobile home class is a discretionary use) and home businesses</li> <li>2) Double dwelling class</li> <li>3) Family &amp; group home class</li> <li>4) Boarding house residential class including bed and breakfast accommodations</li> <li>5) Child care class</li> <li>6) Personal service class</li> <li>7) Recreational open space class including trails</li> <li>8) Conservation class</li> <li>9) Funeral home</li> <li>10) Existing cemeteries and expansions thereof</li> </ol>		
<b>DISCRETIONARY USES</b>		
<ol style="list-style-type: none"> <li>1) Subsidiary dwelling in conjunction with a single dwelling on the same lot (the single dwelling structure may include a subsidiary apartment) and home businesses</li> <li>2) Mobile home class, on individual lots or in mobile home parks</li> <li>3) Seasonal residential class</li> <li>4) Indoor assembly class</li> <li>5) Educational class</li> <li>6) Place of worship class</li> <li>7) Convenience store class</li> <li>8) Cemetery class</li> <li>9) Mineral and petroleum exploration classes</li> <li>10) Veterinary class</li> <li>11) Wind turbines in the utility class, but only those defined as “short”</li> <li>12) Antenna, but only those defined as “short”</li> <li>13) Forestry class, including domestic cutting for fuel wood</li> </ol>		



## **CONDITIONS**

### **1. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at the discretion of the Authority provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses (see Regulations 32 and 90 concerning requirements for public notice and consideration by Council).

### **2. Development Standards and Conditions**

The development standards and conditions applicable to development of the tabulated permitted and discretionary uses in this zone shall be the same as those in the Town-Urban (T-URB) Zone.

### USE ZONE TABLE

ZONE TITLE	TOWN-RURAL INDUSTRIAL (T-RIND) (STEPHENVILLE CROSSING)
1.	Permitted and discretionary uses in the part of this zone around Seal Cove Road are as follows: <ul style="list-style-type: none"><li>a. Permitted uses:<ul style="list-style-type: none"><li>i. Industrial group uses, except the hazardous industry class</li><li>ii. All non-building group uses except:<ul style="list-style-type: none"><li>1. Solid waste class</li><li>2. Utilities class except for wind turbines defined as “tall”</li></ul></li></ul></li><li>b. Discretionary uses: hazardous industry class</li></ul>
2.	Permitted and discretionary uses in the part of this designation at Indian Head are as follows: <ul style="list-style-type: none"><li>a. Permitted uses:<ul style="list-style-type: none"><li>i. Industrial group uses, except the hazardous industry class</li><li>ii. The following non-building group uses:<ul style="list-style-type: none"><li>1. Utilities class</li><li>2. Forestry class</li><li>3. Animal class</li><li>4. Cemetery class</li></ul></li></ul></li><li>b. Discretionary uses:<ul style="list-style-type: none"><li>i. Antenna class</li><li>ii. Agriculture class</li><li>iii. Mineral exploration and petroleum exploration classes</li><li>iv. Recreational open space class</li><li>v. Conservation class</li></ul></li></ul>



## CONDITIONS

### 1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of the Authority provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses (see Regulations 32 and 90 concerning requirements for public notice and consideration by Council).

### 2. Development Standards:

- a) **Minimum lot area:** lot area to be sufficient to satisfy provincial government requirements for use of private water supply and/or sewage disposal systems, or 1 hectare, whichever is larger.
- b) **Minimum Building Line Setback \*** 20 metres
- c) **Minimum side yard width**, except where buildings are built with adjoining party walls \* 5 metres
- d) **Minimum Rear yard Depth \*** 20 metres
- e) **Maximum Height\*** 10 metres
- f) **Minimum Frontage** 30 metres

\*Except for wind turbines and antennas—see Condition 4.

Boat sheds, boat houses, wharves and stages may be built to any lot line which corresponds to the high water mark. Requirements for other yards apply.

### 3. Screening of Residential Areas

Screening shall be provided between the areas' non-residential land uses and any abutting residential uses located in the adjacent Town-Rural Residential designation. Such screening may include among other measures the provision of grass strips, fences, shielded yard lighting, and appropriate planting of trees and shrubs as visual barriers.

#### **4. Wind Turbines and Antennas**

- a) The minimum yards of antennas and wind turbines less than 15 metres in height from all lot lines shall be 10 metres plus (in the case of wind turbines) the length of one rotor blade, for safety reasons related to ice shedding from the blades. The minimum yards where the tower is over 15 metres in height shall be 100 metres for antennas and 500 metres for wind turbines. In addition, such structures shall be set back from the line dividing the Town-Rural Industrial and the Town-Rural Residential designations, by at least 200 metres.
- b) Guy wires and anchors of antennas and wind turbines must be on the same lot as the tower.

#### **5. Mineral and Petroleum Exploration**

In addition to other requirements concerning environmental protection and safety, Council will consider best practices in mineral and petroleum exploration, in consultation with the provincial ministry charged with such matters, and include conditions in approving such applications.

Conditions may address proximity to existing development, limiting hours of mechanized operations, requirements to restore areas where ground has been disturbed, removal of vehicles, equipment and trash when finished, restoration of roads, trails, vegetation and drainage features, and the like.

The Authority may require a site restoration surety and/or other guarantees of satisfactory compliance.



## 6. Mineral Workings, Mining and Petroleum Extraction

### a) Separation from Adjacent Uses

Minimum Distance of Development From:	
Boundaries of the Town-Rural Residential (T-RRES) Zone	300 metres
Boundaries of any Environmental Protection (EP) Zone or Management Unit (MU) Zone	100 metres
Public highways or streets or public trails	90 metres
Water body or watercourse	50 metres

### b) The following conditions shall apply:

(i) Water Pollution

No associated storm or sanitary drainage shall unacceptably reduce the quality of water in any waterbody or watercourse. Any access road which crosses a brook or stream shall be bridged or culverted at the crossing in accordance with provincial government regulations.

(ii) Water Ponding

No mineral working or petroleum extraction shall result in the excavation of areas below the level of the water table nor in any way cause the accumulation of ponding of water in any part of the site. Settling ponds may be permitted with the approval the provincial government.

(iii) Erosion Control

No mineral working or petroleum extraction shall be carried out in a manner so as to cause erosion of adjacent land.

(iv) Site Maintenance

The mineral working or petroleum extraction shall be kept clean of refuse, abandoned vehicles, and abandoned equipment and any derelict buildings.

(v) Access Roads

During extended periods of shutdown, access roads to a mineral working or petroleum extraction site shall be closed and barred to the satisfaction of the Authority.

(vi) Stockpiling Surface Material

All stumps, organic material and topsoil, including the rusty coloured and iron stained layer, shall be stripped and stockpiled at least 5 metres from active areas or stockpile areas. The owner or operator shall ensure that the quality of the topsoil is not affected by dilution with other materials.

(vii) Operating Plant and Associated Processing and Manufacturing

- i. The Authority may permit processing and manufacturing use associated with mineral workings or petroleum extraction provided that, in the opinion of the Authority, 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.
- ii. 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 or petroleum resources.
- iii. The Authority 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 or petroleum extraction.



(viii) Termination and Site Rehabilitation

Upon completion of the mineral working or petroleum extraction, the following work shall be carried out by the operation:

- (a) All buildings, machinery and equipment shall be removed.
  - (b) All excavation slopes shall be graded to slopes less than 20° or to the slope conforming to that existing prior to the development.
  - (c) Topsoil and any organic materials shall be respread over the entire disturbed area.
  - (d) The access road shall be closed and barred to the satisfaction of the Authority.
- (ix) If the development contains reserves of material sufficient to support further extraction operations, the Authority may require the work described above to be carried out only in areas of the site where extraction has depleted reserves.

**c) Screening for Mineral Workings and Petroleum Extraction**

A mineral working or petroleum extraction development shall be screened in the following manner where it is visible from a public street or highway, public park, developed area, or area likely to be developed during the life of the use:

- (i) Where tree screens exist between the use and adjacent public highways and streets or other land uses (excepting forestry and agriculture), the tree screens shall be retained in a 30-metre wide strip of vegetation so that visibility of any part of the use from the surrounding uses or streets will be prevented. The tree screens must be maintained by the owner or occupier of the use to retain 30 metres in a forested appearance. Where vegetation dies or is removed from the 30-metre strip, the Authority may require new trees of a minimum height of 1 metre be planted to fill in the areas affected to the satisfaction of the Authority.

(ii) Where no tree screens exist of sufficient width and density to constitute a visual screen, earthen berms shall be constructed to a height sufficient to prevent visibility of any part of the use from adjacent uses (excepting forestry and agriculture), or adjacent public highways and streets and public parks. The berms shall be landscaped to the Authority's satisfaction.

(iii) Where natural topography creates a visual screen between a mineral working or petroleum extraction and adjacent public highways and streets or public parks or other land use (excepting forestry and agriculture), additional screening may not be required.

**d) Fencing of Mineral Workings or Petroleum Extraction**

The Authority may require the mineral working site or petroleum extraction site or any excavated areas to be enclosed by a fence designed and constructed to its specifications and no less than 1.8 metres in height.

**7. Services**

New development shall be connected to the municipal water and sewer services, where respectively available, by the time of occupancy. Otherwise, development shall be serviced with private water supply and/or private sewage disposal systems in accordance with Certificates of Approval of the provincial government.

**8. Temporary Uses**

- 1) Temporary uses involving the placement of a motor vehicle or travel trailer or equipment for itinerant or unusual short term activities or events such as community festivals, or for compassionate reasons, may be approved subject to adequate arrangements for supply of potable water, disposal of sewage and solid waste, safety of vehicle and pedestrian traffic, security, and other matters relevant to the specific development.
- 2) The term of temporary uses shall be included in the conditions of approval, but shall not exceed one month of continuous occupancy except for compassionate or emergency situations, for which specific terms of time shall be agreed between the Council and the party involved.



## USE ZONE AND OVERLAYS TABLE

<p>ZONE AND OVERLAY TITLES [wellhead protected areas] STEPHENVILLE CROSSING</p> <p>TOWN - WELLHEAD PROTECTED WATER SUPPLY AREA – A Zone (T – WPWSA - A) and Overlay areas Town - Wellhead Protected Water Supply Areas B, C, and D, and the Barchois Brook Wellhead Protected Water Supply Area overlay</p>
<p>The only permitted use in the Town - Wellhead Protected Water Supply Area (T - WPWSA) – A Zone is the conservation class; there are no discretionary uses.</p> <p>The permitted and discretionary uses in overlay areas Town - Wellhead Protected Water Supply Areas B, C and D are the permitted and discretionary uses in the underlying designations.</p> <p>In the Barchois Brook Wellhead Protected Water Supply Area overlay, the only permitted use within 100 meters from the wellhead is the conservation class; there are no discretionary uses. Development located in the area between 100 and 300 metres radius from the Barchois Brook well is subject to the approval of the Barchois Brook Local Service District and the Water Resources Division of the Department of Environment and Climate Change, in addition to satisfaction of the requirements for the underlying Rural (RUR) Zone.</p>

### CONDITIONS

#### 1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of the Authority provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses (see Regulations 32 and 90 concerning requirements for public notice and consideration by Council).

## **2. Development Standards:**

- a. Any development in the Town - Wellhead Protected Water Supply Area - A Zone (T – WPWS - A) and the overlay areas Town - Wellhead Protected Water Supply Area B, C and D and the Barachois Brook Wellhead Protected Water Supply Area overlay, must comply with the requirements of the underlying zone and be referred to the provincial government for approval before the Authority may approve an application, other than for the renovation of an existing structure, fence or minor landscaping.
- b. Within the Town - Wellhead Protected Water Supply Area – A (WPWSA) Zone and the aforesaid Town - Wellhead Protected Water Supply Area B, C and D overlay areas, use of the following chemicals and activities are prohibited except where the Minister of Environment, Climate Change and Municipalities has expressly approved such use or activity and the said Minister is satisfied that such use or activity will not cause deterioration of the quality of the water supply over the long term and that measures satisfactory to the said Minister have been undertaken to prevent leaks or contamination from tanks and other storage facilities into the aquifers of the wells.
  - i. Petroleum fuels in excess of 25 L
  - ii. Petroleum solvents in excess of 10 L
  - iii. Chlorinated solvents in excess of 10 L
  - iv. Pesticides and preservatives in excess of 10 L
  - v. New sewerage systems
  - vi. Manure storage
  - vii. Manure application
  - viii. Mining and aggregate removal
  - ix. Inorganic fertilizer (no bulk storage)
  - x. Forestry (salvage cutting permitted)
  - xi. Sawmill operations
  - xii. Groundwater extraction (no private wells)
  - xiii. Groundwater heat pumps
  - xiv. Road salt (no bulk storage)
  - xv. Waste disposal
- c. Within the municipal boundary, 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 provincial government.



**USE ZONE TABLE**

ZONE TITLE	DESIGNATED FLOODWAY (DF)	(STEPHENVILLE CROSSING)
<p><b>PERMITTED USES</b></p> <ol style="list-style-type: none"> <li>1. Conservation class uses not involving structures;</li> <li>2. Docks and wharves;</li> <li>3. Hydraulic structures;</li> <li>4. Structures related to the use of water resources;</li> <li>5. Recreational open space class and trails not involving structures;</li> <li>6. Other uses which comply with the provincial government <i>Policy for Flood Plain Management</i>, as amended from time to time, and if located within the municipal boundary, which comply with the requirements applicable in the Town-Urban (T-URB) Zone and to mineral workings, mining, petroleum extraction, mineral exploration and petroleum exploration class uses applicable in the Town-Rural Industrial (T-RIND) Zone, whichever are the more stringent. See Condition 2(d).</li> </ol>		
<p><b>DISCRETIONARY USES:</b> none</p>		

**CONDITIONS**

**1. Discretionary Use Classes**

Not applicable.

**2. Development Standards and Conditions for Permitted and Discretionary Uses**

- a) Any development must be approved by the provincial ministries, including but not limited to those charged with water resources and environmental matters.
- b) Only water-related structures are permitted in the 1:20 year Designated Floodway (DF) Zone as this zone is a high-velocity zone. However, repairing, maintenance and renovation of existing structures in the Designated Floodway Zone are permitted.

- c) Where permitted, development in the docks and wharves class, including boat sheds, boat houses, and stages, may be built to any lot line which corresponds to the high water mark. Requirements for other yards shall continue to apply.
- d) The requirements applicable to the Town-Urban (T-URB) Zone shall apply to developments located within the municipal boundary. Further, the requirements of Conditions 5 and 6 in the Town-Rural Industrial (T-RIND) Zone shall be satisfied in order for the Authority to approve mineral workings, mining, or petroleum extraction class uses or minerals or petroleum exploration class uses as discretionary uses, if located within the municipal boundary. In particular, the proximity of a proposed mineral working, mine or petroleum extraction class use to nearby areas which may be suitable for other developments will be considered to be very important in assessing its acceptability.
- e) As said in Section 4.2 in the Municipal Plan, the Town is a party to a Municipal Stewardship Agreement related to supporting the North American Waterfowl Management Plan through the Eastern Habitat Joint Venture Program. Pursuant to the Agreement and as described in Section 6.1.6 in the Municipal Plan, a small area within the municipal boundary (about 40 hectares) at the outlet of Seal Cove Brook, on the shore of Rothesay Bay, is a Management Unit (a term used in the Agreement, not to be confused with the use of "Management Unit" to name a designation in the Municipal Plan). That area is embedded in the Designated Floodway (DF) zone at Seal Cove, as shown on Map 2. In addition to compliance with the policies of the Municipal Plan concerning the Designated Floodway designation and other requirements in the Development Regulations, developments in that area in the Designated Floodway (DF) zone at Seal Cove, must comply with the terms of the Agreement.
- f) See Municipal Plan Section 6.2.7 and the definition of "antenna" in Schedule A, concerning antenna development.



**USE ZONE TABLE**

ZONE TITLE	DESIGNATED FLOODWAY FRINGE (DFF)	(STEPHENVILLE CROSSING)
<p><b>PERMITTED USES</b></p> <ul style="list-style-type: none"> <li>1) Antenna class, but only those defined as “short”</li> <li>2) Conservation class</li> <li>3) Hydraulic structures</li> <li>4) Structures related to the use of water resources</li> </ul>		
<p><b>DISCRETIONARY USES</b></p> <ul style="list-style-type: none"> <li>1) Single dwelling class including subsidiary apartment and home businesses</li> <li>2) Subsidiary dwelling in conjunction with a single dwelling on the same lot (the single dwelling structure may include a subsidiary apartment)</li> <li>3) Family &amp; group home class</li> <li>4) Mobile home class</li> <li>5) Recreational open space class and trails</li> <li>6) Public works such as water and sewer infrastructure</li> <li>7) Transportation class</li> <li>8) Uses requiring direct access to a body of water</li> <li>9) Other uses which comply with the provincial government Policy for Flood Plain Management, as amended from time to time, and which comply with the requirements, conditions and standards generally applicable to the Town-Urban (T-URB) Zone if located within the municipal boundary.</li> </ul>		

**CONDITIONS**

**1. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at the discretion of the Authority provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses (see Regulations 32 and 90 concerning requirements for public notice and consideration by Council).

## **2. Development Standards and Conditions**

- a) Any development must be approved by the provincial ministries, including but not limited to those charged with water resources and environmental matters.
- b) Any structures in the 1:100 year Designated Floodway Fringe (DFF) Zone and the 1:100 year Annual Exceedance Probability (AEP) Climate Change Flood Zone must be a minimum of 0.6 metres (about two feet) above the 1:100 year Designated Floodway Fringe (DFF) Zone and 1:100 year AEP Climate Change Flood Zone elevations (the 1:100 AEP climate change flood elevations are applicable if such a line has subsequent to the coming into effect of these Development Regulations been defined for this area).
- c) Where permitted, development in the docks and wharves class, including boat sheds, boat houses, and stages, may be built to any lot line which corresponds to the high water mark. Requirements for other yards shall continue to apply.
- d) The requirements of Conditions 5 and 6 in the Town-Rural Industrial (T-RIND) Zone shall be satisfied in order for the Authority to approve mineral workings, mining, or petroleum extraction class uses or minerals or petroleum exploration class uses as discretionary uses, if located within the municipal boundary. In particular, the proximity of a proposed mineral working, mine or petroleum extraction class use to nearby areas which may be suitable for other developments will be considered to be very important in assessing its acceptability.
- e) See Municipal Plan Section 6.2.7 and the definition of “antenna” in Schedule A, concerning antenna development.



### USE ZONE TABLE

ZONE TITLE	MANAGEMENT UNIT (MU)	(STEPHENVILLE CROSSING)
<b>PERMITTED USES</b> Conservation class.		
<b>DISCRETIONARY USES</b> Only those uses which can be demonstrated to not conflict with the objectives of the Municipal Stewardship Agreement, which gives the highest priority to the protection and enhancement of the waterfowl habitat.		

### CONDITIONS

**1. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at the discretion of the Authority provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses (see Regulations 32 and 90 concerning requirements for public notice and consideration by Council).

**2. General Condition**

- a) Any development must be approved in accordance with the terms of the Eastern Habitat Joint Venture Stewardship Agreement between the Town of Stephenville Crossing and the Province of Newfoundland and Labrador, as well as by the provincial government before a Town permit may be approved.
- b) Development in areas in this zone which are prone to flooding, as defined in the provincial government's Policy Directive WR 96-1 Policy for Flood Plain Management, are also subject to the requirements related to that Policy. The more stringent requirements shall apply.

## USE ZONE TABLE

<b>ZONE TITLE ENVIRONMENTAL PROTECTION (EP) (STEPHENVILLE CROSSING)</b>
<b>PERMITTED USES</b> Conservation class
<b>DISCRETIONARY USES</b> <ol style="list-style-type: none"><li>1. Uses which may be approved subject to Council's discretion include only those which can be demonstrated to not conflict with the objectives of this designation, as follows (except in the EP Zone at Browmoore Bog):<ol style="list-style-type: none"><li>a. Agriculture class, but solely for cranberry bogs</li><li>b. Recreational open space class including trails</li><li>c. Structures related to use of water resources</li><li>d. Uses requiring direct access to a body of water, such as docks and wharves and hydraulic structures.</li></ol></li><li>2. In the EP Zone area at Browmoore Bog: see Condition 2.c</li></ol>

## CONDITIONS

### 1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of the Authority provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses (see Regulations 32 and 90 concerning requirements for public notice and consideration by Council).

### 2. Development Standards and Conditions

- a) Any development must be approved by the provincial government before a Town permit is approved.
- b) A cranberry bog may be approved only if following consultation with the provincial government the Authority is satisfied that such a use will not have a negative effect on the role of the wetland system in water quality and volume management and as plant and animal habitat.



- c) Uses in the Environmental Protection area at Browmoore Bog which may be permitted at Council's discretion include only those which can be demonstrated to not conflict with the objectives of the Eastern Habitat Joint Venture Stewardship Agreement between the Town of Stephenville Crossing and the Province of Newfoundland and Labrador, which gives the highest priority to the protection and enhancement of the waterfowl habitat and its biological value as an area under the International Biological Program. Further, any development in this zone on Browmoore Bog must be approved by the provincial government, before a Town permit may be approved.
- d) Further to c), development in areas in this zone at Browmoore Bog which are prone to flooding, as defined in the provincial government's Policy Directive WR 96-1 Policy for Flood Plain Management, are also subject to the requirements related to that Policy. The more stringent requirements shall apply.
- e) The following land uses are prohibited:
  - i. Use of off-highway motorized vehicles on the sand dunes of Rothesay Bay.
  - ii. Cutting or interference with the Tuckamore windbreak trees along Rothesay Bay.
- f) As described in the Municipal Plan Section 6.1.9, the newly developed Lower Churchill Project involves a new transmission line operated by NSP Maritime Link Incorporated, which runs through part of the Environmental Protection Zone straddling Highway 490 in the vicinity of Barachois Brook. The provincial government has issued Statutory Easement 144427 which requires submission of any development proposals in the affected area for approval by the utility. The easement, marked as the NALCOR Corridor, is shown on Land Use Zoning Map 1.

#### **14. Temporary Uses**

- 1) Temporary uses involving the placement of a motor vehicle or travel trailer or equipment for itinerant or unusual short term activities or events such as community festivals, or for compassionate reasons, may be approved subject to adequate arrangements for supply of potable water, disposal of sewage and solid waste, safety of vehicle and pedestrian traffic, security, and other matters relevant to the specific development.

- 2) The term of temporary uses shall be included in the conditions of approval, but shall not exceed one month of continuous occupancy except for compassionate or emergency situations, for which specific terms of time shall be agreed between the Council and the party involved.



### USE ZONE TABLE

ZONE TITLE	RURAL (RUR)	(STEPHENVILLE CROSSING)
PERMITTED USES	All uses are permitted subject to Conditions.	
DISCRETIONARY USES	Not applicable.	

### CONDITIONS

#### 1. Development Standards

- a) Developments, including the subdivision of land, are required to comply with the Development Regulations and numerous regulations and requirements of the provincial and federal governments, such as but not limited to approvals of private water supplies and sewage disposal systems, access to a provincial highway, work in proximity to watercourses, connection to electrical services, and the like, which would apply whether or not the zone were located in any municipal planning area. Although land within the Rural zone is not located within the municipal boundary, all municipal, provincial and federal permits are required.
- b) The Development Regulations as such do not include restrictions on ordinary activities of hunting, fishing, berry picking, hiking and the like. The ordinary provincial and federal government regulations and policies apply to activity in the municipal planning area, including rules concerning use of ATVs, fishing, boating, hunting etc. The Town of Stephenville Crossing is not involved in those regulations and has no role in approval of applications, monitoring or enforcement of them in any Zone.

- c) To that end, applications for development shall be accompanied by a drawing that shows the boundaries of the lot and the public highway or street upon which the lot fronts and those of the following features that apply:
- i. Existing and proposed new buildings
  - ii. Existing and proposed sewage disposal and water supply features
  - iii. Proposed signage along any public highway
  - iv. NL Hydro easements
  - v. The NALCOR Corridor as shown on Land Use Zoning Map 1
  - vi. Location of any part of a lot or buildings in the development relative to the community well at Barachois Brook, if within 300 metres of the well
  - vii. Proposed lot boundaries where subdivision of land is involved
- d) Further to a), applications shall be accompanied by proof of compliance with regulations and requirements of provincial and federal government authorities having jurisdiction where relevant, including but not limited to the following:
- i. Private sewage disposal systems
  - ii. Water supply
  - iii. Motor vehicle access to a public highway
  - iv. Existing development associated with the proposed development, near to or encroaching on any public highway providing access
  - v. Signage along public highways or streets
  - vi. Forestry class developments including domestic cutting for fuel wood
  - vii. Antennas
  - viii. Mines, pits and quarries, and petroleum activities (exploration or extraction)
  - ix. Solid waste management
  - x. Agriculture (see Regulation 45)
  - xi. Any work in water bodies or shore waters including ocean and inland waters
  - xii. Archaeological resources
  - xiii. Effects on wildlife
  - xiv. Locations on or near public trails or the T'Railway
  - xv. Locations in or near the NALCOR Corridor (see e)) and NL Hydro easements
  - xvi. Locations within the Wellhead Protected Water Supply Area at Barachois Brook (see f))
  - xvii. For subdivisions, survey standards and requirements to support registration of a proposed plan of subdivision, prepared and confirmed by a licensed



Newfoundland Land Surveyor. This will include but not be limited to the layout and dimensions of any existing and proposed new roads, proposed new lots, and remaining lands.

- e) As described in the Municipal Plan, Section 6.1.9, the newly developed Lower Churchill Project involves a new transmission line operated by NSP Maritime Link Incorporated, which runs through the Rural area. The provincial government has issued Statutory Easement 144427 which requires submission of any development proposals in the affected area for approval by the utility. The easement, marked as the NALCOR Corridor, is shown on Land Use Zoning Map 1.
  
- f) Although the Town of Stephenville Crossing does not own, operate or maintain the community well at Barachois Brook, there is an “overlay” applied to the Wellhead Protected Water Supply Area at Barachois Brook, in which requirements apply in addition to the effects of the underlying Rural (RUR) Zone. See the Use Zone table titled “ZONE AND OVERLAY TITLES [wellhead protected areas] STEPHENVILLE CROSSING)”

