

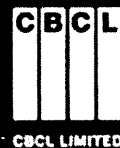
TOWN OF FERMEUSE DEVELOPMENT REGULATIONS 2016



Prepared for:
The Town of Fermeuse



Prepared by:
CBCL Limited



Date:
February 2017

Project #:
143129.00

Urban and Rural Planning Act Resolution to Approve

Town of Fermeuse Development Regulations, 2016

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

- 1) adopted the Fermeuse Development Regulations 2016 on the day of March 6, 2017
- 2) gave notice of the adoption of the Fermeuse Development Regulations, 2016 by advertisement, inserted on the day August 30 and the day of September 13, 2017 in the Irish Loop Post.
- 3) set the 21st day of September at 2:00 pm. at the Fermeuse Community Centre, for the holding of a public hearing to consider objections and submissions.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*. The Town Council of Fermeuse approves the Fermeuse Development Regulations as adopted.

SIGNED AND SEALED this 20th day of February, 2018.

Mayor: Jerome A. Kenny

Clerk: Marsha Kenny

Development Regulations/Amendment	
REGISTERED	
Number	<u>1575-2018-001</u>
Date	<u>March 2, 2018</u>
Signature	<u>Molly Riley</u>

Urban and Rural Planning Act Resolution to Adopt

Town of Fermeuse 2016

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

Adopted by the Town Council of Fermeuse on the *6th* day of *March*, 2017.

Signed and sealed this *15th* day of *Feb*, 2018.

Mayor: *Jerome Kenny*

Clerk: *Marsla Kenny*

Canadian Institute of Planners Certification

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

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

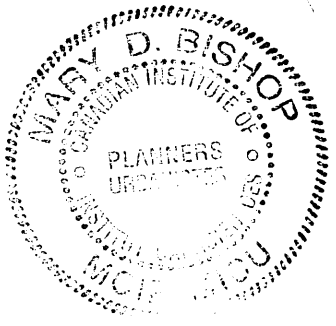


Table of Contents

1	Application.....	1
1.1	Title.....	1
1.2	Interpretation.....	1
1.3	Commencement.....	1
1.4	Municipal Code and Regulations.....	1
1.5	Authority.....	1
1.6	Delegation of Authority.....	1
1.7	Provincial Development Regulations.....	1
2	Definitions.....	2
3	General Regulations.....	11
3.1	Permit to Develop Required.....	11
3.2	Compliance with Regulations.....	11
3.3	Decisions of Council.....	11
3.4	Permit to be Issued.....	11
3.5	Permit Not to be Issued in Certain Cases.....	12
3.6	Discretionary Powers.....	12
3.7	The Application.....	12
3.8	Register of Application.....	12
3.9	Deferment of Application.....	12
3.10	Approval in Principle.....	13
3.11	Approval.....	13
3.12	Development Permit.....	13
3.13	Revoke Permit.....	14
3.14	Public Notice.....	14
3.15	Licenses, Permits and Compliance with Other Bylaws.....	14
3.16	Right of Entry.....	15
3.17	Stop Work Order and Prosecution.....	15
3.18	Service Levy.....	15
3.19	Financial Guarantees by Developer.....	15
3.20	Dedication of Land for Public Use.....	16
3.21	Reinstatement of Land.....	16
3.22	Notice of right to appeal.....	16
3.23	Appeal requirements.....	16

3.24	Appeal registration.....	17
3.25	Development prohibited.....	17
3.26	Hearing notice and meetings.....	17
3.27	Hearing of evidence.....	18
3.28	Board decision.....	18
3.29	Variances.....	18
3.30	Notice of variance.....	18
3.31	Residential non conformity.....	19
3.32	Notice and hearings on change of use.....	19
3.33	Non-conformance with standards.....	19
3.34	Discontinuance of non-conforming use.....	19
3.35	Delegation of powers.....	19
4	General Development Standards.....	20
4.1	Access and Service Streets.....	20
4.2	Accessory Buildings.....	20
4.3	Accessory Uses Permitted.....	20
4.4	Advertisements.....	20
4.5	Alterations to the Natural Environment.....	20
4.6	Archaeological Assessment.....	20
4.7	Buffer Strips.....	21
4.8	Building Height.....	21
4.9	Building Line and Setback.....	21
4.10	Landscaping and Screening.....	21
4.11	Lot Area.....	21
4.12	Lot Area and Size Exceptions.....	22
4.13	Lot Frontage.....	22
4.14	Non-Conforming Uses.....	22
4.15	Offensive and Dangerous Uses.....	22
4.16	Parks, Playgrounds, and Conservation Uses.....	22
4.17	Side Yards.....	22
4.18	Soils and Drainage.....	22
4.19	Soil Removal, Deposit and Site Grading.....	23
4.20	Storage and Screening of Refuse Containers.....	23
4.21	Watercourse Protection.....	23
4.22	Water Pressures/Fire Flows.....	23

5	Off-Street Parking and Loading.....	24
5.1	Parking Required	24
5.2	Parking Spaces	24
5.3	Parking Area Design Standards.....	24
5.4	Parking Access Specifications	25
5.5	Off-Street Loading Requirements.....	25
6	Signs.....	26
6.1	Permit Required.....	26
6.2	Provincial Highway Sign Regulations.....	26
6.3	Form of Application	26
6.4	Signs Prohibited in Street Reservation.....	26
6.5	Permit Valid for Limited Period	26
6.6	Removal of Signs.....	26
6.7	Signs Exempt from Control.....	26
6.8	Approval Subject to Conditions	27
6.9	Non-Conforming Uses	27
6.10	Prohibited Signs.....	27
6.11	General Standards for Signs.....	27
6.12	Sign Specifications	27
7	Subdivision of Land	28
7.1	Permit Required.....	28
7.2	Services to be Provided.....	28
7.3	Payment of Service Levies and Other Charges	28
7.4	Issue of Permit Subject to Considerations	28
7.5	Proposals for Subdivision of Land	28
7.6	Form of Application	29
7.7	Subdivision Subject to Zoning.....	29
7.8	Building Lines	29
7.9	Land for Public Open Space.....	29
7.10	Structure in Street Reservation.....	30
7.11	Development Agreement.....	30
7.12	Subdivision Design Standards	30
7.13	Cul de Sacs.....	31
7.14	Engineer to Design Works and Certify Construction Layout.....	31
7.15	Street Works May Be Deferred	31

7.16	Transfer of Streets and Utilities to the Town.....	31
7.17	Restriction on Sale of Lots.....	32
8	Special Developments	33
8.1	Bed and Breakfast Establishments	33
8.2	Convenience Stores.....	33
8.3	General Industry	33
8.4	Home Childcare.....	33
8.5	Home Occupation.....	33
8.6	Home Based Business in Accessory Buildings.....	34
8.7	Home Based Business	34
8.8	Service Stations.....	35
9	Use Zone Tables.....	36
9.1	Use Zones.....	36
9.2	Permitted Uses	36
9.3	Discretionary Uses.....	36
9.4	Prohibited Uses.....	36
9.5	Mixed Development (MD)	37
9.6	Marine Industrial (MI)	40
9.7	Conservation (CON).....	42
9.8	Rural (RUR)	43
9.9	Protected Water Supply (PWS).....	46

Appendices

- A Zoning Map
- B Provincial Development Regulations
- C Classifications of Land Uses and Buildings

1 Application

1.1 Title

These Regulations may be cited as the Town of Fermeuse Development Regulations.

1.2 Interpretation

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

1.3 Commencement

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

1.4 Municipal Code and Regulations

The National Building Code of Canada, Fire Code of Canada and any other ancillary code and any Building Regulations, Waste Disposal Regulation and/or any other municipal regulations regulating or controlling the development, conservation and use of land in force in the Town of Fermeuse shall, under these Regulations apply to the entire Planning Area.

1.5 Authority

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

1.6 Delegation of Authority

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

1.7 Provincial Development Regulations

Provincial Development Regulations have been incorporated into the Fermeuse Development Regulations and are marked as follows:


Provincial
Reg. X

Where there is a conflict between these regulations and the Provincial Regulations, the Provincial Regulations shall apply. A complete copy of the Provincial Development Regulations is attached in Appendix B.

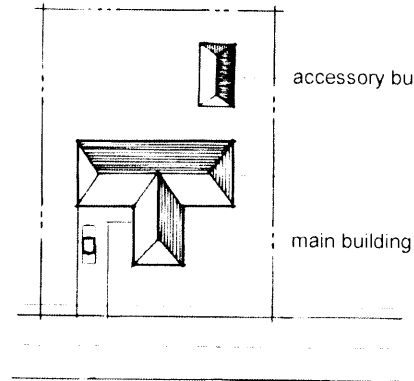
2 Definitions

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

Provincial
Reg. 4(a)

2.2 **Accessory Building** means

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



Provincial
Reg. 4(b)

2.3 **Accessory Use** means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use.

Provincial
Reg. 4(c)

2.4 **Act** means the Urban and Rural Planning Act, 2000.

Provincial
Reg. 2(a)

2.5 **Agriculture** means horticulture, fruit, grain or seed growing, dairy farming, the breeding or rearing of livestock, including any creature kept for the production of food, wool, skins, or fur, or for the purpose of its use in the farming of land, the use of land as grazing land, meadow land, 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. "Agriculture" shall be construed accordingly.

2.6 **Appeal Board** means the appropriate Appeal Board established under the Act.

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

Provincial
Reg. 2(b)

2.8 **Bed and Breakfast Establishment** means a single dwelling unit in which the resident supplies, for compensation, no more than 4 bedrooms for the temporary accommodation of travelers.

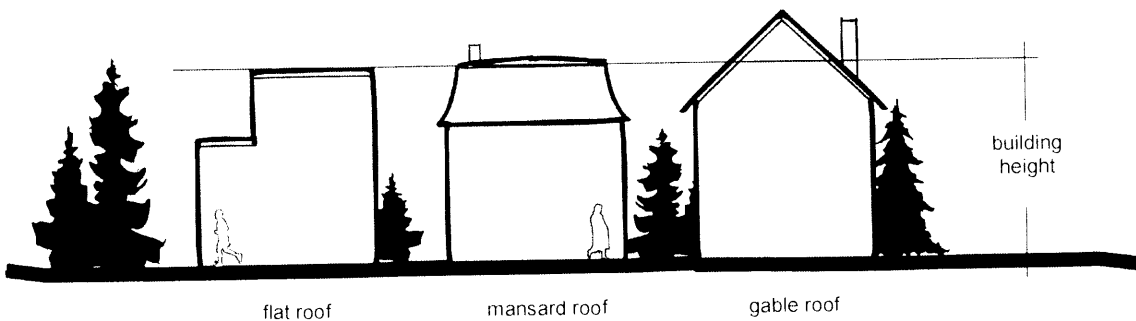
2.9 **Building** means

- a) A structure, erection, alteration or improvement placed on, over or under land, or attached, anchored or moored to land,
- b) Mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other similar uses,
- c) A part of, and fixtures on, buildings referred to in (a) and (b), and
- d) An excavation of land whether or not that excavation is associated with the intended or actual construction of a building or thing referred to in (a) or (c).

2.10 **Building Height** means the vertical distance, measured in meters from the established grade to the;

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

Provincial
Reg. 4(d)



2.11 **Building line** means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed (see lot frontage for illustration).

Provincial
Reg. 4(e)

2.12 **Convenience Store** means a building used as a store that serves the primary needs of the adjacent neighbourhood and includes the sale of magazine, confectionary and grocery items, rental of video movies, and a delicatessen or snack bar provided that any eating facility is within a wholly enclosed building.

2.13 **Daycare Centre or Day Nursery** means 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 *Childcare Services Act*, but does not include a school as defined by the *Schools Act*.

- 2.14 **Development** means the carrying out of building, engineering, mining or other operations in, on over, or under land, or the making of a material change in the use, or the intensity of use of land, buildings, or premises and the;
- a) Making of an access onto a highway, road or way,
 - b) Erection of an advertisement or sign,
 - c) Construction of a building,
 - d) Parking of a trailer, or vehicle used for the sale of refreshments or merchandise, or as an office, or for living accommodation,

And excludes:

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

- 2.15 **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.

Provincial
Reg. 4(f)

- 2.16 **Dwelling, Single Detached Unit** means a self-contained unit consisting of one or more habitable rooms used or designed as the living quarters for one household.

- 2.17 **Dwelling, Double Unit (or Duplex)** means a building containing two dwelling units, placed one above the other, or side by side, but does not include a self-contained dwelling containing a subsidiary apartment.

- 2.18 **Dwelling, Townhouse** means three or more dwelling units, each with a separate entrance, constructed side by side and separated by common vertical walls.

- 2.19 **Dwelling, Apartment Building** means a building containing three or more dwelling units, but does not include a row dwelling.

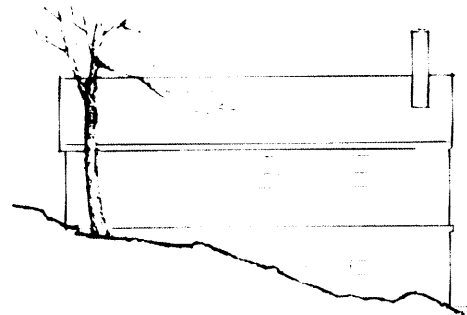
- 2.20 **Engineer** means a professional engineer employed or retained by the Authority.

- 2.21 **Erect** means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing, shall include any preliminary physical

operation such as excavating, grading, piling, cribbing, filling or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

2.22 **Established Grade** means

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



Provincial
Reg. 4(g)

highest elevation
established grade
lowest elevation

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

2.24 **Floor Area** means the total area of all floors in a building measured to the outside face of exterior walls.

Provincial
Reg. 4(h)

2.25 **General Industry** means the use of land or buildings for the purpose of storing, assembling, altering, repairing, manufacturing, fabricating, packing, canning, preparing, breaking up, demolishing, or treating any article, commodity or substance.

2.26 **General Garage** means land or buildings used exclusively for repair, maintenance and storage of motor vehicles and may include the sale of gasoline or diesel oil.

2.27 **Home Occupation** means an accessory use of a dwelling and/or accessory building for gainful employment involving the provision or sale of goods and/or services.

2.28 **Inspector** means any person appointed and engaged as an Inspector by the Authority or by any federal or provincial authority or the agent thereof.

2.29 **Land** includes land covered by water, and buildings and structures on, over, under the soil and fixtures that form part of those buildings and structures.

2.30 **Landscaping** means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a

property or to provide a screen between properties in order to mitigate objectionable features between them.

- 2.31 **Light Industry** means 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.
- 2.32 **Livestock** means domestic animals such as cattle, poultry or horses raised for home use or for profit.
- 2.33 **Loading Space** means an area of land provided for use for the temporary parking of a commercial motor vehicle where merchandise or materials are loaded or unloaded from the vehicles.
- 2.34 **Lot** means a plot, tract, or parcel of land which can be considered as a unit of land for a particular use or building.

Provincial
Reg. 4(j)

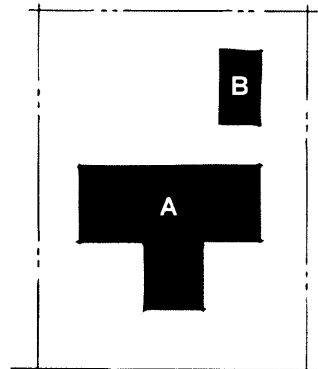
2.35 **Lot Area** means the total horizontal area within the lines of the lot.

Provincial
Reg. 4(k)

2.36 **Lot Coverage** means the combined area of all buildings on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot.

Provincial
Reg. 4(l)

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

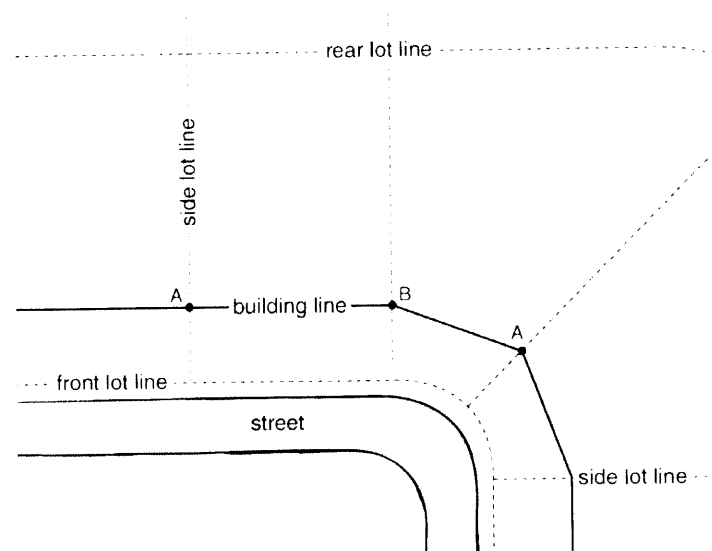


- 2.37 **Lot line** means an outer boundary for a specific lot.
- 2.38 **Lot line, Front** means the line dividing a lot from the street. For a corner lot, the shorter lot line adjacent to the street shall be deemed the front lot line and the longer lot line abutting the street shall be deemed the flanking lot line.

Provincial
Reg. 4(i)

- 2.39 **Lot Frontage** means the horizontal distance between side lot lines measured at the building line (the distance between points A and B in illustration below).
- 2.40 **Lot line, Rear** means the lot line on the opposite side of the front lot line.
- 2.41 **Lot line, Side** means the lot lines perpendicular to the front and rear lot lines.

2.42 **Lot line, Flanking** means a lot line which abuts the street on a corner lot.



2.43 **Main Building** means any building in which is carried on the principal purpose for which the lot is used.

2.44 **Marina** means a dock or basin together with associated facilities where slips, moorings, supplies, repairs, and other services that are typically available for boats and other watercraft, including storage, sales and rentals, and may include a club house.

2.45 **Marine Service Centre** means a facility that provides storage, repair and other services to vessels.

2.46 **Mineral Working** means land or buildings used for the working or extraction of any naturally occurring substance, including a pit or quarry.

2.47 **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.

Provincial
Reg. 4(m)

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

2.49 **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.

Provincial
Reg. 4(o)

2.50 **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.

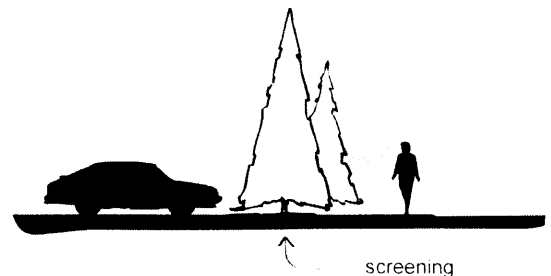
2.51 **Public Use** means any lands, structure or building which is constructed for use by the general public, including but not limited to parks, playgrounds, trails, paths and other recreational and open spaces, scenic and historic sites, publicly funded

buildings such as schools, hospitals, libraries and other public buildings and structures.

2.52 Recreational Use means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, athletic fields, golf courses, picnic areas, swimming pools, day camps, walking trails, and similar uses.

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

2.54 Screening means the method by which a view of one site from another adjacent site is shielded, concealed or hidden. The example on the right shows trees and fences being used to screen a parking lot from public view.



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

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

2.57 Sign (or advertisement) 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.

Provincial
Reg. 4(q)

2.58 Sign Area means the area of the smallest rectangle, circle, or semi-circle that can enclose the surface area of the sign. Where a sign has two faces or more, the maximum area is permitted for each of the two faces.

2.59 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.

Provincial
Reg. 4(t)

2.60 Street Line means the edge of a street reservation as defined by the Authority having jurisdiction.

Provincial
Reg. 4(u)

2.61 **Street Right-of-Way** means a strip of land between the street lines, acquired by reservation, dedication or forced dedication intended to be occupied by a public street, road or highway.

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

2.63 **Subsidiary Apartment** means a separate dwelling unit constructed within and subsidiary to a self-contained dwelling.

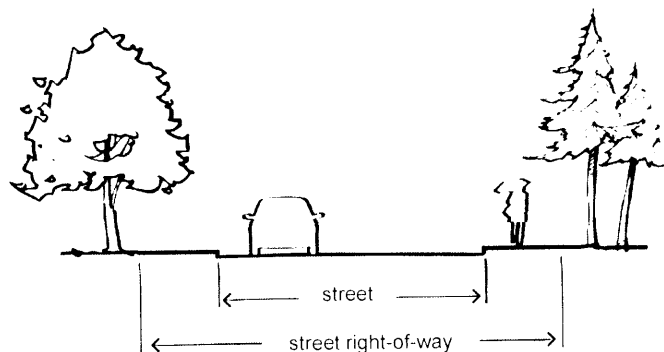
2.64 **Use** means a building or activity situated on a lot or a development permitted on a lot.

2.65 **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.

2.66 **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 of the authority's regulations.

2.67 **Watercourse** means any lake, pond, river, stream or other body of water.

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



Provincial
Reg. 4(v)

Provincial
Reg. 4(x)

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

2.70 **Yard, Rear** means the distance between the rear lot line and the rear wall of the main building on a lot.

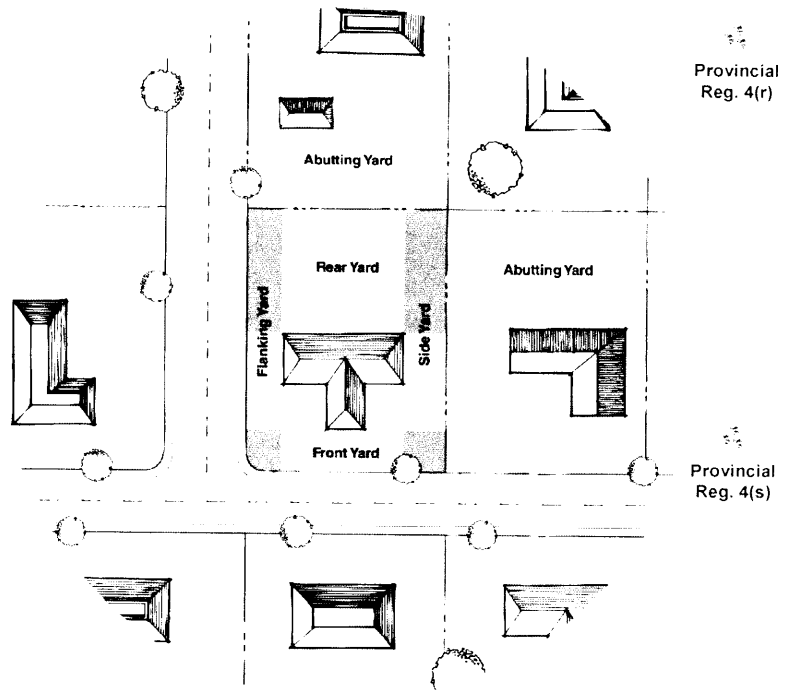
2.71 **Yard, Side** means the distance between the side lot line and the nearest side wall of a building on the lot.

2.72 **Yard, Front** means the distance between the front lot line of a lot and the front wall of the main building on the lot.

2.73 **Yard, Flanking** means the side yard of a corner lot bounded by the street.

2.74 **Yard, Abutting** means the yard of an abutting lot which shares a lot line of subject property.

2.75 **Zoning Map** means the map or maps attached to and forming a part of the authority's regulations.



Provincial
Reg. 4(r)

Provincial
Reg. 4(s)

Provincial
Reg. 4(z)

3 General Regulations

3.1 Permit to Develop Required

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

3.2 Compliance with Regulations

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

3.3 Decisions of Council

Decisions made by Council with respect to a permit required by these Regulations shall be made in writing, and state the reasons for a refusal of, or conditions attached to a permit. Council shall also advise the person to whom the decision applies of their right to appeal, in accordance with Section 42 of the Act and the requirements of Section 3.22 of these Regulations.

3.4 Permit to be Issued

Subject to Regulations 3.5 and 3.6, a permit shall be issued for development within the Planning Areas that conforms to:

- a) The policies expressed in the Municipal Plan and any further scheme, plan, or regulation pursuant thereto;
- b) The general development standards set out in Section 4 of these Regulations, the requirements of Section 8, and the use classes, standards, requirements, and conditions prescribed in Sections 9 of these Regulations for the use zone in which the proposed development is located;
- c) The standards set out in the Building Code and/or other ancillary codes, and any Building Regulations, Waste Disposal Regulations, and/or any other municipal regulation in force in the Planning Area regulating or controlling development, conservation and use of land and buildings;
- d) The standards set out in Section 5 of these Regulations in the case of off-street parking and loading;
- e) The standards set out in Section 6 of these Regulations in the case of signs and advertisement;
- f) The standards set out in Section 7 of these Regulations in the case of subdivision; and
- g) The standards of design and appearance established by Council.

3.5 Permit Not to be Issued in Certain Cases

No permit or approval in principle shall be issued for development within the Planning Area when, in the opinion of Council, it is premature by reason of the site lacking adequate road access, power, drainage, sanitary facilities, or domestic water supply, or being beyond the natural development of the area at the time of application unless the applicant contracts to pay the full cost of construction of the services deemed necessary by Council and such cost shall attach to and upon the property in respect of which it is imposed.

3.6 Discretionary Powers

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

3.7 The Application

- 1) Applications for a Permit to Develop or an Approval in Principle shall be made only by the owner, the owner's agent or person authorized by the owner, on an application form prescribed by Council. Every application shall include such plans, specifications, drawings and fee as may be required.
- 2) Council shall, on request, supply to every applicant a copy of the application forms referred to in Regulation 3.7(1) and a description of the plans, specifications, drawings and fee required to be provided with the application.

3.8 Register of Application

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

3.9 Deferment of Application

- 1) Council may, with the written agreement of the applicant, defer consideration of an application; and
- 2) Applications properly submitted in accordance with these Regulations which have not been determined by Council and on which a decision has not been communicated to the applicant within eight weeks of the receipt thereof by Council, and on which consideration has not been deferred in accordance with Regulation 3.9(1), shall be deemed to be refused.

3.10 Approval in Principle

- 1) An application for Approval in Principle shall include;
 - a) a description of the proposed development,
 - b) a description of the limits of the land to be used with the proposed development, and may include a survey description of the subject lands,
 - c) submission of detailed plans,
 - d) any additional information that may be required by Council.
- 2) Council may issue an Approval in Principle if it determines the application conforms to the Municipal Plan and these Regulations.
- 3) An Approval in Principle shall be valid for 2 years.
- 4) No development shall be carried out under an Approval in Principle.
- 5) Council may revoke an Approval in Principle if it determines the applicant has changed the proposed development in a way that significantly alters the original intent of the applications.

3.11 Approval

Approval for an application is granted by Council in the form of a Development Permit or Building Permit for applications approved under these Regulations.

3.12 Development Permit

- 1) A plan or drawing which has been approved by Council and which bears a mark and/or signature indicating such approval together with a permit shall be deemed to be permission to develop. Such permission shall not relieve the applicant from
 - a) full responsibility for obtaining permits or approvals under any other regulation or statute prior to commencing the development;
 - b) having the work carried out in accordance with these Regulations or any other regulations or statutes; and
 - c) compliance with all conditions attached to an approval or a permit.
- 2) Council 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 purpose and intent of these Regulations.
- 3) Where Council deems necessary, permits may be issued on a temporary basis for a period not exceeding two years, which may be extended in writing by Council for further periods.
- 4) A permit is valid for two years. 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 Section 6 of these Regulations;

- 5) The approval of any application and plans or drawings or the issue of a permit shall not prevent Council 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) No person shall erase, alter or modify any drawing or specifications upon which a permit to develop has been issued by Council; and
- 7) There shall be kept available on the premises where any work, matter or thing is 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.

3.13 Revoke Permit

Council may revoke an approval and any subsequent permits for failure by the applicant or developer to comply with these Regulations or any condition attached to the permit or where the permit was issued in error or was issued contrary to the applicable regulations or was issued on the basis of incorrect information.

3.14 Public Notice

- 1) Council shall provide public notice for a period of not less than:
 - a) 7 days - when considering a variance in accordance with Section 3.29; and
 - b) 14 days - when considering a change in a non-conforming use in accordance with Section 3.31; or development which is listed as a Discretionary use in any use zone in Section 9 of these Regulations.
- 2) Council may require public notice of any development application where, in the opinion of Council, such notice is required for information and public consultation purposes.
- 3) Council shall require the cost of the public notice or portion thereof be paid by the applicant and that such notice shall be by public advertisement in a newspaper circulating in the area or by any other means deemed necessary or appropriate by Council.

3.15 Licenses, Permits and Compliance with Other Bylaws

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

3.16 Right of Entry

Council or other person or persons authorized by the municipality, 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 Council is empowered to regulate.

3.17 Stop Work Order and Prosecution

- 1) Where a person begins a development contrary or apparently contrary to these Regulations, Council may order that person to pull down, remove, stop construction, fill in or destroy that building or development and may order the person restore the site or area to its original state, pending final adjudication in any prosecution arising out of the development; and
- 2) A person who does not comply with an order made under Regulation 3.17(1) is guilty of an offence under the provisions of the Act.

3.18 Service Levy

- 1) Council 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 in accordance with Section 149(2) of the *Municipalities Act, SN, 1999*.
- 2) A service levy shall not exceed the cost, including finance charges to Council of constructing or improving the public works referred to in Regulation 3.17(1) that are necessary for the real property to be developed in accordance with the standards required by Council and for uses that are permitted on that real property;
- 3) A service levy shall be assessed on the real property based on:
 - a) The amount of real property 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) Council may require a service levy be paid by the owner of the real property benefited and may specify the time for payment. The amount of the service levy will be outlined in the Town's Schedule of Rates and Fees.

3.19 Financial Guarantees by Developer

- 1) Council may require a developer before commencing a development to make such financial provisions and/or enter into such agreements as may be required to guarantee the payment of service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit of licence;

- 2) The financial provisions pursuant to Regulation 3.19(1) may be made in the form of:
- a) a cash deposit from the developer, to be held by the Council, or;
 - b) a security or guarantee by a bank, or other institution acceptable to Council, for expenditures by the developer, or;
 - c) a performance bond provided by an insurance company or a bank.

3.20 Dedication of Land for Public Use

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

3.21 Reinstatement of Land

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

- a) the use of land is discontinued;
- b) the intensity of the use is decreased;
- c) a Permit to Develop has been revoked; or
- d) a Temporary Permit to Develop has expired.

3.22 Notice of right to appeal

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.



Provincial
Reg. 5

3.23 Appeal requirements

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



Provincial
Reg. 6

- 4) 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.

3.24 Appeal registration

- 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.

3.25 Development prohibited

- 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.

3.26 Hearing notice and meetings

- 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.



Provincial
Reg. 7



Provincial
Reg. 8



Provincial
Reg. 9



Provincial
Reg. 10

3.27 Hearing of evidence

- 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.

3.28 Board decision

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.



3.29 Variances

- 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 nonconformity of an existing development.



3.30 Notice of variance

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.



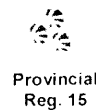
3.31 Residential non conformity

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.



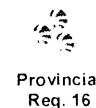
3.32 Notice and hearings on change of use

Where considering a nonconforming 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.



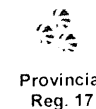
3.33 Non-conformance with standards

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.



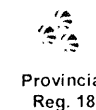
3.34 Discontinuance of non-conforming use

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.



3.35 Delegation of powers

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.



4 General Development Standards

4.1 Access and Service Streets

- 1) Access shall be located to the specification of Council so as to ensure the greatest possible convenience and safety of the street system.
- 2) Council may prescribe the construction of service streets to reduce the number of accesses to collector and arterial streets.
- 3) No vehicular access shall be closer than 10 metres to the street line of any street intersection.
- 4) No access to a street may be made without the permission of the Authority. Before granting an approval for an access, the Authority shall have regard to safety and efficiency of the street for both vehicles and pedestrians.
- 5) Access to a Provincial Highway shall be subject to the requirements and approval of the Department of Transportation and Works.

4.2 Accessory Buildings

- 1) May be located on the same lot as the main building(s) to which it is accessory; or on a lot adjoining the lot that contains the main building, where both lots are under the same ownership.
- 2) Accessory buildings shall not be closer to the front lot line than the main building, 2m to the side lot line and 2m to the rear lot line.
- 3) Accessory buildings shall be complementary with the main building in terms of exterior finish, roofline and pitch.
- 4) Accessory buildings may have a lot coverage of 7 percent or a maximum floor area of 80 m², whichever is greater, and a maximum height of 6 m.

4.3 Accessory Uses Permitted

Where these regulations provide for any land to be used, or building to be erected or used for a purpose, the purpose shall include any accessory use. Such uses shall be clearly incidental and complementary to the use of the main building and be contained on the same lot as the main building or an adjoining lot where both lots are under the same ownership.

4.4 Advertisements

Advertisements shall not be erected or displayed except in accordance with Section 6 and 9 of these Regulations.

4.5 Alterations to the Natural Environment

Development proposals shall include plans for grading, ditching, and landscaping. Significant alterations to the natural environment as part of a development (such as changing the drainage pattern or removing vegetation) will be considered during the evaluation of development proposals. Alterations which will adversely affect watercourses or adjacent property as a result of alterations to watercourses, drainage or grading shall not be permitted. Topsoil or sods shall not be removed except with the approval of Council.

4.6 Archaeological Assessment

Applications for development involving major ground disturbance, including works along the coastline shall be referred to the Provincial Archaeology Office, Historic

Resources Division, Department of Tourism, Culture and Recreation, for review and consideration under the *Historic Resources Act*.

4.7 Buffer Strips

- 1) Where development is proposed that, in the opinion of Council, will have a visual impact on a highway, viewscape or abutting land use, Council may require the owner of the site to provide a separation buffer to screen the development. The buffer shall include provision of such natural or structural barrier as may be required by Council and shall be maintained by the owner or occupier to the satisfaction of the Council.
- 2) Along selected trails and public open spaces, the Authority may require that a buffer of no less than 15 metres be provided between a development permitted under this Zone and a designated trail, public amenity area or public open space.

4.8 Building Height

- 1) Council may permit the erection of buildings of a height greater than that specified in Section 9.5-9.9, but in such cases the building line setback and rear yard requirements shall be varied as follows:
 - a) The building line setback shall be increased by 2 metres for every 1 metre increase in height.
 - b) The rear yard shall not be less than the minimum building line setback calculated as described in (1) above plus 6 metres.
- 2) Height requirements may be waived in the case of communication masts and antennae, flagpoles, water towers, spires, belfries, or chimneys. Where an increase of more than 20% in the permitted height of the structure is proposed it shall only be authorized under the provisions of Section 3.29 and 3.14.

4.9 Building Line and Setback

Council, by resolution, may establish building lines 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 Sections 9.5 to 9.9 of these regulations.

4.10 Landscaping and Screening

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

4.11 Lot Area

- 1) No lot shall be reduced in area, either by the conveyance or alienation of any portion thereof or otherwise, so that any building or structure on such lot shall have a lot coverage that exceeds, or a front yard, rear yard, side yard, frontage or lot area that is less than that permitted by these Regulations for the zone in which such lot is located.

- 2) Where any part of a lot is required by these Regulations to be reserved as a yard, it shall continue to be so used regardless of any change in the ownership of the lot or any part thereof, and shall not be deemed to form part of an adjacent lot for the purpose of computing the area thereof available for building purposes.

4.12 Lot Area and Size Exceptions

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

4.13 Lot Frontage

Except for accessory buildings, no new buildings shall be erected unless the lot on which it is situated fronts directly onto a street which has been constructed to standards established by Council.

4.14 Non-Conforming Uses

Applications involving non-conforming uses shall be processed in accordance with Section 108 of the *Urban and Rural Planning Act* and Sections 3.31-3.34 of these Regulations. If a non-conforming uses ceases to exist for a period of more than 24 months, new uses for the property and any buildings must conform to the requirements of the land use zone in which it is located.

4.15 Offensive and Dangerous Uses

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

4.16 Parks, Playgrounds, and Conservation Uses

Nothing in these Regulations shall prevent the designation of conservation areas or the establishment of parks and playgrounds in any zone provided that such parks and playgrounds are not located in areas which may be hazardous to their use and are not operated for commercial purposes.

4.17 Side Yards

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

4.18 Soils and Drainage

Development shall only be permitted on lands having soil and drainage conditions that are suitable to permit the proper siting and development of the proposed uses.

4.19 Soil Removal, Deposit and Site Grading

- 1) Where not part of an approved development, any land disturbance involving the removal, deposition or grading on a property that results in extensive cut and fill and affecting more than 25 square meters in area, shall require application, review and approval by the Town and show the full extent of disturbance that is intended.
- 2) Council may require a developer to assess geotechnical aspects, visual and environmental impacts, as well as impacts on adjoining properties; and
- 3) Where alterations to the landscape are approved, financial guarantees may be required to ensure adequate site rehabilitation and/or landscaping.

4.20 Storage and Screening of Refuse Containers

Refuse containers used for the collection or storage wastes from a commercial use shall be screened by fence or similar structure.

4.21 Watercourse Protection

- 1) No development shall be permitted within 15 metres of the high water mark any body of water or wetland without approval from the Department of Environment and Conservation and, if fish habitat is affected, from Fisheries and Oceans, Canada. Council may require larger buffer areas around watercourses where identified flood plains, steep slopes or unstable soil conditions (for example) could result in damage to watercourses and wildlife habitat as a result of development. For the purposes of assessing applications in areas known to be at risk of flooding, the high water mark is considered to be the 1:100 year flood level.
- 2) Council shall require that water crossings, bridges, culverts, stream diversions and stormwater management devices, are planned, designed and constructed so as to ensure that fish habitat and passage is preserved, protected, and where possible, enhanced.
- 3) Filling in or alterations of wetlands shall only be permitted in accordance with a permit from the Water Resources Management Division of the Department of Environment and Conservation.

4.22 Water Pressures/Fire Flows

Development may be refused where water pressures and fire flows cannot be guaranteed.

5 Off-Street Parking and Loading

5.1 Parking Required

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

5.2 Parking Spaces

The number of parking spaces to be provided for any building, structure, use or occupancy shall conform to the following standards. Parking requirements for uses not specifically listed below shall be decided at the discretion of Council.

<i>Residential Land Uses</i>	<i>Parking Requirement</i>
Single detached, double dwelling, row dwelling, mobile home	2 spaces per unit
Apartment dwelling	1.5 spaces per unit
Commercial residential	1 space per guest room
<i>Commercial Uses</i>	<i>Parking Requirement</i>
Office, Medical and Professional, Personal Service, General Service, Take-out Food Service, Veterinary, Shop, Convenience Stores	1 space per 20 m ² of floor area
<i>Industrial Uses</i>	<i>Parking Requirement</i>
Light, General Industry	Discretion of Council
Service Station	1 space per 20 m ² of floor area
<i>General and Public Uses</i>	<i>Parking Requirement</i>
Place of worship	1 space per 5 seats
Cultural and Civic	1 space per 50 m ² of floor area
Medical and public care facilities	1 space per 2 patients/clients
General Assembly, Funeral Home, Amusement	1 space per 10 m ² of floor area
Club and Lounge, Restaurants	1 space per 3 patrons
Indoor Assembly	1 space per 10 patrons
Child Care	1 space per 20 m ² of floor area

5.3 Parking Area Design Standards

Parking areas or parking lots associated with a development requiring more than four parking spaces will meet the following standards:

- a) Individual parking spaces will be a minimum of 15 m² in size, accessible without the need to move other vehicles to access the space;
- b) The parking area shall be constructed with a stable surface;

- c) No part of any off-street parking area shall be closer than 1.5 m to the front lot line;
- d) Parking standards to accommodate persons with disabilities shall meet the requirement of the Buildings Accessibility Act and Regulations.

5.4 **Parking Access Specifications**

Off-street parking areas shall, except in the case of single or attached residential dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.

5.5 **Off-Street Loading Requirements**

- 1) For every building, structure or use to be erected, enlarged or established requiring the shipping, loading or unloading of goods, wares or merchandise, there shall be provided and maintained for the premises, loading facilities on land that is not part of a street comprised of one 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.
- 2) The loading facilities required by this Regulation shall be arranged so that vehicles can move clear of any street and so that it is not necessary for any vehicle to reverse onto or from a street.

6 Signs

6.1 Permit Required

Subject to provisions of Regulation 6.7, no sign shall be erected or displayed in the Planning Area unless a permit for the sign is first obtained from Council.

6.2 Provincial Highway Sign Regulations

All signs or advertisements to be erected within the boundaries of the Town of Fermeuse must be approved in accordance with these Regulations. Where provisions of the Town of Fermeuse are inconsistent with the regulations respecting advertising signs on or near public highways made or administered by provincial departments under the *Provincial Highway Sign Regulations*, the more restrictive regulations shall apply.

6.3 Form of Application

Application for a permit to erect or display a sign shall be made to Council in accordance with Regulations 3.1 and 3.7.

6.4 Signs Prohibited in Street Reservation

Unless otherwise permitted by these or other regulations (Highway Sign Regulations, Provincial Highway signs for example) no sign shall be permitted to be erected or displayed within, on or over any highway or street reservation.

6.5 Permit Valid for Limited Period

A permit granted under these Regulations for the erection or display of a sign shall be for a period not exceeding two years, but may be renewed at the discretion of Council for similar periods.

6.6 Removal of Signs

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

- a) Hazardous to road traffic by reason of its siting, colour, illumination, or structural condition, or;
- b) Detrimental to the amenities of the surrounding area.

6.7 Signs Exempt from Control

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

- a) On a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.2 m² in area;
- b) On an agricultural holding or farm, a notice board not exceeding 1 m² in area and relating to the operations being conducted on the land;
- c) On any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board not exceeding 1 m² in area;
- d) The name of the building or the name of the occupants of the building, located on the principal façade of any commercial, industrial or public building, in letters not exceeding one tenth of the height of that façade or 3m, whichever is the lesser;

- e) On any parking lot, directional signs and one sign not exceeding 1m² in size, identifying the parking lot.
- f) Real estate sales, leasing or open house signs up to a maximum area of 1m²;
- g) Signs placed by candidates at municipal, provincial, or federal elections;
- h) Signs for temporary local events such as festivals, from one month before the event and to be removed within one week of its conclusion;
- i) Temporary signs on construction sites warning of danger and or outlining the nature of the development up to a maximum area of 7.5m².

6.8 Approval Subject to Conditions

A permit may only be issued for the erection or display of signs which comply with the appropriate conditions and specifications set out in the following regulations and the Use Zones in Section 9 of these Regulations.

6.9 Non-Conforming Uses

Signs associated with non- conforming uses will be subject to the conditions and standards for signs in the use zone in which the non-conforming use is located.

6.10 Prohibited Signs

The following sign types will not be permitted:

- a) Billboards
- b) Signs with Flashing Lights or Moving Parts

6.11 General Standards for Signs

- 1) All signs must be located on the property where the person/activity/business being advertised is located unless otherwise permitted in these Regulations.
- 2) Signs in all zones must be maintained in good condition (e.g. no peeling paint, rotting wood, etc.) and not present a safety hazard in terms of structural stability.
- 3) No sign shall obstruct a means of ingress/egress from a door, window or fire escape.
- 4) Signs shall be professionally prepared and comply with standards as may be prescribed by Council.
- 5) The maximum number of signs a commercial use may have is 2 signs, regardless of the number of buildings on the lot associated with that business.
- 6) The maximum number of signs a home occupation use may have is 1 sign.
- 7) All double faced signs shall count as a single sign.
- 8) Off-site directional signs shall only be permitted where they are part of a sign kiosk constructed and managed by the Town.
- 9) Illumination of signs must be indirect or external by low-intensity lamps which are not visible from the street.

6.12 Sign Specifications

The specifications that shall apply to all signs erected for any commercial use in the Mixed Development, Industrial Marine and Rural Land Use Zones shall be at the discretion of Council.

7 Subdivision of Land

7.1 Permit Required

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

7.2 Services to be Provided

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

7.3 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 Council for connection to services, utilities and streets deemed necessary for the proper development of the subdivision, and all service levies and other charges imposed under Regulations 3.18 and 3.19.

7.4 Issue of Permit Subject to Considerations

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

- a) the location of the land;
- b) the availability of, and the demand created for, schools, services and utilities;
- c) the provisions of the Plan and Regulations affecting the site;
- d) the land use, physical form and character of adjacent developments;
- e) the transportation network and traffic densities affecting the site;
- f) the relationship of the project to existing or potential sources of nuisance;
- g) soil and subsoil characteristics;
- h) the topography of the site and its drainage;
- i) natural features such as lakes, streams, topsoil, trees and shrubs;
- j) prevailing winds;
- k) visual quality;
- l) community facilities;
- m) energy conservation; and
- n) other matters as may affect the proposed development.

7.5 Proposals for Subdivision of Land

Proposals for the subdivision of lands for residential, commercial and industrial development shall be required to provide information on:

- a) The physical features of the site, including development opportunities and constraints, the location of mature stands of vegetation, including any vegetation to be retained.
- b) The layout of proposed lots and streets.
- c) How the proposed subdivision relates to existing development and roads on adjacent lands, and provide for future access to undeveloped lands in the area.

- d) The compatibility between the subdivision and surrounding land uses, both existing and future.
- e) The volume and type of traffic that will be generated by the development.
- f) Proposed servicing, including water and sewer, storm water management, and utilities from the main street and not from other connections on the lot.
- g) In residential subdivisions, the locations of neighbourhood mail receptacles.
- h) A landscaping plan which shows the location of dedicated open space and plantings.

7.6 Form of Application

Application for a permit to develop a subdivision shall be made to Council in accordance with Regulation 3.7.

7.7 Subdivision Subject to Zoning

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

7.8 Building Lines

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

7.9 Land for Public Open Space

- 1) Before a development commences, the developer shall, if required, dedicate to the Town (at no cost to the Town) an area of land equivalent to not more than 10% of the gross area of the subdivision for public open space, provided that:
 - a) Where land is subdivided for any purpose other than residential use, Council shall determine the percentage of land to be dedicated;
 - b) If, in the opinion of Council, no public open space is required, the land may be used for such other public use as Council may determine;
 - c) The location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of Council, but in any case, Council shall not accept land which, in its opinion, is incapable of development for any purpose;
 - d) Council may accept from the developer, in lieu of such area or areas of land, the payment of a sum of money equal to the value of the land which would otherwise be required to be dedicated;
 - e) Money received by Council in accordance with Regulation 7.9(1d) shall be reserved by Council for the purpose of the acquisition or development of land for public open space or other public purpose.
- 2) Land dedicated for public use in accordance with this Regulation shall be conveyed to the Town and may be sold or leased by Council 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) Council may require a strip of land to be reserved and remain undeveloped along the banks of any river, brook or pond, and this land may, at the discretion of Council, constitute the requirement of land for public use under Regulation 7.9(1).

7.10 Structure in Street Reservation

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

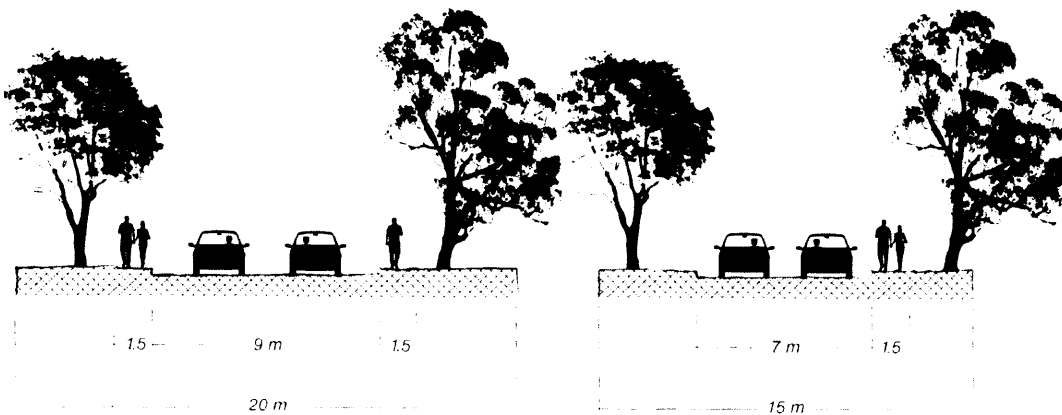
7.11 Development Agreement

As a condition of approval for new developments, Council shall require a developer to enter into an agreement with the Municipality. Such agreements will be negotiated between the developer and the Municipality for financing and development of services provided to the site. The agreement shall include specifications for water and sewer infrastructure, storm drainage, streets, sidewalks, open space, as well as school bus stops and neighbourhood mailboxes, where required.

7.12 Subdivision Design Standards

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

- a) The finished grade of streets shall not exceed 10 percent.
- b) New subdivisions shall have street connections with an existing street or streets.
- c) All street intersections shall be constructed within 5° of a right angle and this alignment shall be maintained for 30 m from the intersection.
- d) No street intersection shall be closer than 60 m to any other street intersection.
- e) No more than four streets shall join at any street intersection.
- f) No residential street block shall be longer than 490 m between street intersections.
- g) Streets in residential subdivisions shall be designed in accordance with the approved standards of Council, but in the absence of such standards, shall conform to the following minimum standards:



Collector Street

Street Right-of-Way: 20 metres
 Street Width: 9 metres
 Minimum Sidewalk Width: 1.5 metres
 Number of Sidewalks: 2

Local Street

Street Right-of-Way: 15 metres
 Street Width: 7 metres
 Minimum Sidewalk Width: 1.5 metres
 Number of Sidewalks: 1

- h) Residential lots shall not be permitted which abut a local street at both front and rear lot lines.
- i) Council may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed.
- j) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land.

7.13 Cul de Sacs

Cul de sacs will generally be discouraged. Where permitted the following design standards are required:

- a) A turning circle of a diameter not less than 30 m.
- b) The maximum length of any cul de sac shall be;
 - i. 110 m (without emergency vehicle access)
 - ii. 230 m (with emergency vehicle access)
- c) Emergency vehicle access to a cul de sac shall be not less than 3 m wide and shall connect the head of the cul de sac with an adjacent street.

7.14 Engineer to Design Works and Certify Construction Layout

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

7.15 Street Works May Be Deferred

The construction and installation of all curbs and gutters, catch basins, sidewalks and paving specified by Council may be deferred until a later stage of the work on the development. Prior to approval, the developer shall deposit with Council, an amount estimated by the Engineer as sufficient to cover construction and installation costs. In the later stage of the work of development, Council shall call for tenders for construction and installation of the works, and the amount so deposited by the developer shall be applied towards payment of the contract cost. If the contract cost exceeds the deposit, the developer shall pay to Council the amount of the excess. If the contract price is less than the deposit, Council shall refund the amount by which the deposit exceeds the contract price. Any amount so deposited with Council by the developer shall be placed in a separate savings account in a bank and all interest earned shall be credited to the developer.

7.16 Transfer of Streets and Utilities to the Town

- 1) Where required by the terms of a Subdivision Development Agreement, the developer shall, following the approval of the subdivision of land and upon request

of Council, transfer to the Town, at no cost to the Town, and clear of all liens and encumbrances:

- a) All lands in the area proposed to be developed or subdivided which are approved and designated by Council for public uses as streets, or rights-of-way, or for other public use;
 - b) All services or public works including streets, water supply and distribution and sanitary and storm drainage systems installed in the subdivision that are normally owned and operated by Council.
- 2) Before Council shall accept the transfer of lands, services or public works of any subdivision, the Engineer shall, at the cost to the developer, test the streets, services and public works installed in the subdivision and certify his or her satisfaction with their installation.
 - 3) Council shall not provide maintenance for any street, service or public work in any subdivision until such time as such street, service or public work has been transferred to and accepted by Council.

7.17 Restriction on Sale of Lots

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

- 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.

8 Special Developments

8.1 Bed and Breakfast Establishments

A Bed and Breakfast establishment in a single residential dwelling, where permitted, shall be subject to the following conditions:

- a) The nature and scale of the proposed use is consistent with the adjoining development and the use does not detract from the residential character of the neighbourhood.
- b) A parking area abutting a residential lot shall be appropriately screened by a fence, wall, or hedge of height not less than 1 m and located a minimum distance of 1 m from the edge of the parking area.
- c) A single, non-illuminated, free-standing sign, not exceeding 0.4 m² in area, shall be permitted, provided that the design of the sign is consistent with the residential character and amenity of the area.
- d) That the use is approved and licensed under the Tourist Establishment Regulations, 1996, of the Provincial Department of Tourism, Culture and Recreation.

8.2 Convenience Stores

1. Where proposed in areas that are mainly residential in nature, convenience stores shall be designed to blend into the residential area with one storey buildings, with footprints that are similar in size to surrounding buildings or smaller.
2. A building containing a convenience store shall be of a design, with any parking, lighting or signs arranged, so as to blend in with the character of the residential area, and to minimize its effect on the adjacent residential uses. All convenience stores will be required to have adequate off-street parking and be screened from adjacent dwellings by a fence or other material approved by Council.

8.3 General Industry

Where land fronts on the marine shoreline, general industrial uses shall be limited to marine-related uses. In other areas where the land is zoned Rural, general industrial uses shall be restricted to the maintenance and repair of equipment, processing and storage related to agriculture, forestry or mineral working uses which;

- a) Do not require municipal services
- b) Are extensive users of land for open storage and handling of materials, goods and equipment.
- c) Would create nuisances if located in an urban area because of appearance, noise, heavy truck traffic, or other features of the operations.
- d) No wholesale or retail sales activities shall be permitted.

8.4 Home Childcare

Childcare as a home occupation shall conform to the requirements of the *Child Care Services Act* and Regulations. Where required, a license to operate shall be obtained from the Department of Health and Community Services.

8.5 Home Occupation

The following conditions shall apply to the use of a dwelling for a home occupation:

- a) The residence is occupied by the operator of the home occupation;

- b) The use is clearly subsidiary to the residential use, does not alter the residential character of the property, and does not detract from the residential character of the neighbourhood. The external appearance of the dwelling shall not be changed by the home occupation;
- c) There are no more than two assistant employees employed on site in addition to a resident of the dwelling;
- d) Not more than 25 percent of the total floor area of the dwelling to a maximum of 45 m² is devoted to the home occupation;
- e) One off-street parking space, other than that required for the dwelling, is provided for every 18.5 m² of floor space occupied by the home occupation;
- f) No wholesale, outdoor storage of goods or equipment is carried out, any retail sales are incidental and subsidiary to the approved use;
- g) A single, non-illuminated, free-standing sign, not exceeding 0.4m² (4ft²) in area, shall be permitted, provided that the design of the sign is consistent with the residential character and amenity of the area;
- h) No change shall be made in the type, class, or extent of the occupation without a permit;
- i) The use shall not generate traffic, parking, sewage or water use in excess of what is normal in the residential area;
- j) No regular parking of commercial vehicles or trailers except for one vehicle with a gross weight of no greater than one tonne will be permitted;
- k) The residential lot has sufficient area to accommodate the parking requirement of the dwelling unit and the home occupation.

8.6 Home Based Business in Accessory Buildings

In addition to the requirements set out in Regulation 4.3, a home occupation where permitted in a residential accessory building shall:

- a) Be located on the same lot as the residential use;
- b) The business shall be owned and operated by the occupants of the dwelling;
- c) No repairs to vehicles or heavy equipment are carried out;
- d) Activities associated with the use are carried on inside the accessory building, are not hazardous and do not cause a noticeable increase in noise, odour, dust or fumes, nor cause electrical interference, or in any other way result in a nuisance to the occupants of surrounding residences.

8.7 Home Based Business

Medical, professional, and personal service uses, along with crafts and repairs, are permitted as a home business, provided:

- a) The use is situated on a residential property and the primary use of the property remains residential;
- b) The use is entirely enclosed within the dwelling and/or the accessory building and the use does not change the appearance of the dwelling or accessory building;
- c) The floor area of the Home-Based Business does not exceed fifty (50) percent of the total floor area of the dwelling;
- d) No outdoor activities or storage associated with the use occurs;
- e) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, traffic or inconvenience and are not a nuisance to the occupants of adjacent dwellings; and
- f) Any retail sales are incidental and subsidiary to the approved use.

8.8 Service Stations

Automobile service stations and garages shall conform to the following conditions:

- 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) A canopy for sheltering pump islands may be erected provided that no part of the canopy is located within 3m of the street or lot line.
- d) Access points shall be at least 7 metres wide and shall be clearly marked.
- e) Where a service station is located on a corner lot, the centre line of any access shall be at least 15 metres from the center line of the junction. The lot line between entrances shall be clearly indicated.

9 Use Zone Tables

9.1 Use Zones

1. For the purpose of these Regulations, the Planning Area is divided into Use Zones which are shown on the Fermeuse Land Use Zoning Map attached to and forming part of these Regulations as follows:

Mixed Development	MD
Marine Industrial	MI
Conservation	CON
Protected Water Supply	PWS
Rural	RUR

2. Subject to Regulation 9.1(1), the permitted and discretionary uses, standards, requirements and conditions applicable to each Use Zone are set out in Section 9.5 to 9.9 of these Regulations.
3. Where standards, requirements and conditions applicable in a Use Zone are not set out in Sections 9.5 to 9.9, Council may in its discretion, determine the standards, requirements and conditions which shall apply.

9.2 Permitted Uses

Subject to these Regulations, the uses that fall within the permitted Use Classes set out in the Use Zones in Sections 9.5 to 9.9 shall be permitted by Council in that Use Zone.

9.3 Discretionary Uses

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone in Sections 9.5 to 9.9 may be permitted in that Use Zone if the Council is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if Council has given notice of the application in accordance with Section 3.14 and has considered any objections or representations which may have been received on the matter.

9.4 Prohibited Uses

Uses that do not fall within the Permitted or Discretionary Use or Use Class, or are specifically listed as a Prohibited Use in a Use Zone in Sections 9.5 to 9.9, shall not be permitted in that Use Zone.

9.5 Mixed Development (MD)

9.5.1 Permitted Uses

Single dwelling

Double dwelling

Apartments

Townhouses

Subsidiary Apartment

Bed and Breakfast

Home Office

Child Care

Small Scale Agriculture (home business)

Antenna

Conservation

Recreational Open Space

9.5.2 Discretionary Uses

Commercial Residential

Business and Personal Services Uses

Shops

Professional, medical and personal service (home business)

Educational

General Assembly Uses

Place of Worship

General Industry

Light Industry

Marine Industry (See Condition 9.5.8)

Service Station

Transportation

Cemetery

9.5.3 Lot Requirements

Minimum lot area	600m ²
Minimum lot frontage	18 m
Minimum lot frontage (unserved)	30 m
Minimum front yard (building line setback)	8 m 15m from the centreline of Highway 10
Minimum side yard	2 m
Minimum rear yard	9 m
Maximum lot coverage	33%
Maximum building height	15 m

9.5.4 **Minimum Lot Area for Development with On-Site Servicing**

Municipal piped water supply and sewage disposal by an on-site septic system approved by the Government Service Centre	1400 m ²
Well water supply and connection to municipal sewer	1400 m ²
Well water supply and sewage disposal by an on-site septic system approved by the Government Service Centre	1860 m ²

9.5.5 **Non-Residential Buffers**

1. Where any proposed non-residential use abuts a residential zone or an existing dwelling unit, the owner of the site of the non-residential development may be required to provide a buffer strip between any non-residential building or activity and the residential zone or dwelling.
2. The buffer may include the provision of grass strips, hedges, trees or shrubs or a structural barrier as may be required by the Authority, and shall be maintained by the owner or occupier to the satisfaction of the Authority.

9.5.6 **Open Storage**

The Authority may permit open storage of materials and goods, provided the following conditions are met:

- a) Open storage shall not occupy more than fifty (50) percent of the site area and shall not be located in the front yard or in any required setback or buffer areas;
- b) Open storage shall be enclosed by a wall or fence not less than 2 metres in height constructed of uniform materials approved by the Authority; and
- c) Open storage shall be maintained with a stable surface to prevent raising or movement of dust, clay, mud, or loose particles.

9.5.7 **Back Lot Development**

Notwithstanding Regulation 4.13 of these Regulations, the following standards and conditions shall apply to the development of flag lots, or back lots:

- a) All backlots shall have a permanent and direct access to a public road;
- b) No more than three dwellings shall be permitted to share an access and driveway;
- c) The minimum access width shall be 6 metres. The responsibility for construction, care and maintenance of the shared access shall be that of the developer. Where an access is proposed to be shared, the Authority will require a signed agreement to be in place among those sharing the access prior to any approval;
- d) Only single dwellings shall be permitted to develop on back lots;
- e) Development must be serviced from the Town's piped water and sewer system;
- f) No dwelling shall be located more than 245 metres from a fire hydrant or from a public street to which it has access;
- g) The placement of the dwelling on the lot shall be done in a manner that does not affect the privacy of adjoining dwellings; and
- h) There are no objections to the proposed development from abutting property owners who will be consulted prior to Council issuing an approval.

9.5.8 Marine Industry

1. Marine industrial uses within the Mixed Development Use Zone shall be limited to areas surrounding a proposed marine supply base on the former fish plant premises. These areas include land along Lumley's Cove Road from the access to the Public Wharf, southeast to the end of Lumley's Cove Road, and including the peninsula to Sheep's Head.
2. In addition to the requirements of the Mixed Development Use Zone, Marine Industrial uses shall be subject to the requirements of Section 9.6.4 of the Marine Industrial Use Zone.

9.5.9 Residential Development Kingmans Cove Road

Residential development proposed along the public right of way that is beyond the end of that portion of the Right of way that is publicly maintained, shall be subject to the following conditions:

1. The right of way shall be upgraded to form part of the public street network, and be designed and constructed to a standard set by Council;
2. No building permits shall be issued until such time as the street work is completed to Council's satisfaction.

9.6 Marine Industrial (MI)

9.6.1 Permitted Uses

Office
Conservation
Recreational Open Space (limited to pedestrian pathways to provide access to residential areas)
General Industry (Marine)
Light Industry (Marine)
Servicing Quay
Laydown Areas
Bulk Storage
Pipe and General Fabrication
Site Buildings Related to Marine-Related Activities (Maintenance, Administration, etc.)
Boat and Marine Vehicle Service and Repair
Transportation
Antenna

9.6.2 Discretionary Uses

Residential Uses Subject to Condition 9.6.6
Facilities for the storage and handling of hazardous materials
Marine Vehicle Fuel Stations and Storage

9.6.3 Lot Requirements

Minimum lot area	As determined by the Authority
Minimum lot frontage	As determined by the Authority
Minimum front yard	8 m, or 15m from the centreline of Highway 10
Minimum side yard	2 m
Minimum rear yard	9 m
Maximum lot coverage	As determined by the Authority
Maximum building height	15 m

9.6.4 Marine Supply Base Uses

Development of a marine supply base at Lumleys Cove and its associated uses are subject to the following conditions:

- The development shall meet all applicable Provincial and Federal regulatory requirements;
- Uses included in the development are consistent with uses set out in the list of permitted uses in sections 9.6.1.
- Any uses included that are listed as Discretionary in Section 9.6.2 are processed in accordance with the requirements of these Regulations.
- Development will be planned and designed to minimize the impact of truck traffic, noise and lighting on adjacent residential areas. The Authority may

require an assessment of the impact of the development (traffic, noise, odor, lighting, etc.) on adjacent land uses and the specific measures to be implemented to mitigate identified impacts in the community;

- e) The site shall be appropriately screened, through the provision of trees, shrubs, banks, fencing, or other landscaping approved by the Authority;
- f) Access points to public right of ways will be limited in number and designed for maximum safety for pedestrians and vehicles; and
- g) That there is adequate water and wastewater services to meet the needs of the proposed development.

9.6.5 Open Storage

The Authority may permit open storage of materials and goods, provided the following conditions are met:

- a) Open storage shall not occupy more than fifty (50) percent of the site area and shall not be located in the front yard or in any required building setback or buffer areas;
- b) Open storage shall be enclosed by a wall or fence not less than 2 metres in height constructed of uniform materials approved by the Authority; and
- c) Open storage shall be maintained with a stable surface to prevent raising or movement of dust, clay, mud, or loose particles.

9.6.6 Residential

Residential development may only be considered where it can be shown to not interfere with, or create conflicts for surrounding marine industrial uses, or in a manner that may prevent future industrial use of surrounding properties in this use zone. Council may require separation buffers, fences to be erected between proposed residential uses and any abutting marine industrial uses where necessary.

9.7 Conservation (CON)

9.7.1 Permitted Uses

Conservation

Maintenance and Operation of Existing Uses

9.7.2 Discretionary Uses

Recreational Open Space - limited to trails, nature parks

9.7.3 Shoreline Buffers, Boating, and Water Recreation

Generally, no development will be permitted within 15 meters of rivers or streams, or the shoreline of wetlands, or waterbodies. Notwithstanding Regulation 4.2.1, certain public works and passive recreational open space uses may be permitted provided they have no adverse effect on the environmental or aesthetic quality of the area. Development of these areas will be subject to approval of the Department of Fisheries and Oceans and/or the Department of Environment and Conservation. Boating, swimming, and water recreation activities may be permitted in this zone.

9.8 Rural (RUR)

9.8.1 Permitted Uses

Agriculture
Conservation
Forestry
Recreational Open Space
Maintenance and Operation of Existing Uses
Mineral Exploration

9.8.2 Discretionary Uses

Single Dwelling, Seasonal (see Condition 9.8.10)
Assembly
Cemetery
General Industry
Mineral Workings

9.8.3 Lot Requirements

Minimum lot area	As determined by the Authority
Minimum lot frontage	As determined by the Authority
Minimum front yard	8 m, or 15m from the centreline of Highway 10
Minimum side yard	5m
Minimum rear yard	9 m
Maximum lot coverage	33%
Maximum building height	15 m

9.8.4 Agriculture

Agricultural uses shall be subject to the following conditions:

- a) That the proposed use is managed in accordance with accepted agricultural best management practices to control odours, noise, dust, environmental impacts, and ;
- b) The proposed use satisfies the requirements of the Provincial Government, Department of Environment and Conservation and Natural Resources, Agrifoods Branch.

9.8.5 Forestry

1. Forestry and related uses may be permitted by the Authority provided that the Authority is satisfied that such uses will not increase soil erosion, and further provided that the operation is in an approved wood-cutting area and meets the requirements of the Department of Forest Resources and Agri-foods.
2. The Authority may if necessary require a detailed submission concerning the proposed forestry operation setting out the extent and nature of the forestry operation, including provisions for the mitigation of impacts.

9.8.6 General Industry

1. General industry shall be restricted to the maintenance and repair of equipment, processing and storage related to agriculture, forestry or mineral working uses, or to those unsuitable sites adjacent to urban uses. Examples of the latter are industrial uses involving hazardous substances such as bulk fuel storage; requiring large lots; or featuring outdoor activities such as heavy equipment storage or maintenance.
2. Unless the Authority is satisfied that the general industry use will not create a nuisance and will not adversely affect the amenity of the surrounding area, the Authority shall require the provision of buffering by the developer to the satisfaction of the Authority.

9.8.7 Open Storage

The Authority may permit open storage of materials and goods, provided the following conditions are met:

- a) Open storage shall not occupy more than fifty (50) percent of the site area and shall not be located in the front yard or in any required setback or buffer areas;
- b) Open storage shall be enclosed by a wall or fence not less than 2 metres in height constructed of uniform materials approved by the Authority; and
- c) Open storage shall be maintained with a stable surface to prevent raising or movement of dust, clay, mud, or loose particles.

9.8.8 Mineral Exploration

Mineral exploration activities shall meet the following conditions:

- a) The planned activities do not cause undue noise, significant ground disturbance or risks to the safety of residents of Fermeuse;
- b) A plan to consult with and inform residents of the activity is submitted and approved by Council;
- c) All permits and approvals from federal and provincial agencies including the Department of Mines and Energy have been obtained;
- d) A site rehabilitation plan is submitted and approved by Council for exploration activities which require trenching and/or the creation of cutlines through wooded areas, or other forms of ground disturbance; and
- e) A refundable cash deposit of \$1000.00 has been made to Council which shall be returned when the rehabilitation work has been completed in accordance with the development permit and to the satisfaction of Council.

9.8.9 Mineral Workings

Mineral workings shall meet the following conditions:

- a) No mineral working shall be in general view of urban development or scenic areas.
- b) Mineral workings must conform with the minimum distances from other development as set out below, unless after consulting appropriate government departments, Council is satisfied that the use will not create a nuisance and will not adversely affect the amenity of the specified development or natural feature:

Adjacent land use	Minimum Buffer
Any other developed area or area likely to be developed during the life of the pit or quarry working	300m
Public street or highway	50m
Waterbody or watercourse	30m

- c) Explosive blasting related to aggregate extraction activities shall not be permitted within 1,000 metres of an area in which residential development is permitted.
- d) A mineral working shall not be visible from a public street or highway, developed area, or area likely to be developed during the life of the working.
- e) Council may require the mineral working site or excavated areas of a pit or quarry to be enclosed by a fence designed and constructed to its specifications and no less than 1.8m in height.
- f) No mineral working or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any waterbody or watercourse. Any access road to a pit and quarry working which crosses a brook or stream shall be bridged or culverted at the crossing in accordance with the regulations of the Department of Environment.
- g) No mineral working shall be carried out in a manner so as to cause erosion of adjacent land.
- h) The mineral working shall be kept clean or refuse, abandoned equipment and any derelict buildings.
- i) During extended periods of shutdown, access roads to a mineral working shall be ditched or barred to the satisfaction of Council.

9.8.10 Seasonal Dwellings

Seasonal dwellings may be permitted to be developed on private properties along the coastline east of Kingman’s Cove Road. Such dwellings may be accessed by boat, or, notwithstanding Section 4.13 (Lot Frontage) by a private access, the design and construction of which shall be approved by Council. Such structures shall meet the requirements of Service NL for the provision of onsite well and septic systems.

9.9 Protected Water Supply (PWS)

9.9.1 Permitted Uses

Watershed

Conservation

9.9.2 Discretionary Uses

Agriculture

Forestry

Recreational Open Space

9.9.3 Discretionary Uses

Discretionary uses in this zone shall be as follows:

1. **Bear Cove Pond Watershed** - Agriculture, forestry, and recreational open space uses shall only be permitted where the use has been reviewed and approved by the Water Resources Management Division, Department of Environment and Conservation.
2. **Martin's Pond Watershed** - Agriculture, forestry, and recreational open space uses may be permitted where they can be shown to have no impact on the water quality of Martins Pond that would prevent this area from being used as a future public water supply;
3. **Community Well, Port Kirwan Road** - Agriculture uses shall not be permitted within the wellhead area of influence.

9.9.4 Prohibited Uses

With the exception of existing dwellings located within the wellhead protection area around the community well on Port Kirwan Road, no permanent buildings or structures shall be permitted within this use zone except those necessary for the operation and maintenance of the municipal public water supply.

APPENDIX A

Land Use Zoning Map

APPENDIX C

Classification of Buildings and Uses

Appendix C - Classifications of Land Uses and Buildings

This Schedule is intended to assist in the interpretation of the types of uses within the use classes listed in the Use Zone Tables in Section 9 of these regulations.

1. Residential Uses

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
1. Residential Dwelling Uses	Double Dwelling	<ul style="list-style-type: none"> • Duplex Dwellings • Semi-detached Dwelling
	Row Dwelling	<ul style="list-style-type: none"> • Row Houses
	Apartment Building	<ul style="list-style-type: none"> • Apartment Building • Residential Complexes (4 or more units)
2. General Residential Uses	Boarding House Residential	<ul style="list-style-type: none"> • Bed & Breakfast Establishment • Boarding Houses
	Tourism Accommodation	<ul style="list-style-type: none"> • Hotels • Motels • Inns
	Mobile Home	<ul style="list-style-type: none"> • Mini Home • Mobile Homes

2. Assembly Uses

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
1. Assembly Uses for the production & viewing of the performing arts.	Theatre	<ul style="list-style-type: none"> • Movie Theatres • Theatres
2. General Assembly Uses	Cultural & Civic	<ul style="list-style-type: none"> • Art Galleries • Town Administrative Offices • Court Rooms • Libraries • Museums • Arts and Culture Centres • Interpretive Centres
	General Assembly	<ul style="list-style-type: none"> • Auditoria • Bowling Alleys • Community Halls • Dance Halls • Exhibition Halls • Fitness Clubs • Gymnasias • Lodge Halls and Private Clubs

	Educational	<ul style="list-style-type: none"> • Colleges (non- residential) • Private Schools • Public Schools
	Place of Worship	<ul style="list-style-type: none"> • Church Halls • Churches & similar places of worship
	Passenger Assembly	<ul style="list-style-type: none"> • Passenger Stations & Depots • Recreational Piers/Docks
	Catering	<ul style="list-style-type: none"> • Bars • Lounges • Restaurants • Nightclubs
	Funeral Home	<ul style="list-style-type: none"> • Crematoria • Funeral Homes & Chapels
	Child Care	<ul style="list-style-type: none"> • Day Care Centres • Home Child Care Services • Nursery Schools • Early Childhood Education Services
	Amusement	<ul style="list-style-type: none"> • Electronic Games Arcades • Pinball Parlours • Poolrooms
3. Arena-type Uses	Indoor Assembly	<ul style="list-style-type: none"> • Arenas • Armouries • Ice Rinks • Indoor Swimming Pools
4. Open-air Assembly Uses	Outdoor Assembly	<ul style="list-style-type: none"> • Amusement Parks & Fair-grounds • Bleachers • Drive-in Theatres • Exhibition Grounds • Grandstands • Outdoor Ice Rinks & Swimming Pools • Outdoor Stadiums • Outdoor Concert Venues

3. Business and Personal Services Uses

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
1. Business, Professional, & Personal Service Uses	Office	<ul style="list-style-type: none"> • Banks • Business & Government Office
	Medical & Professional	<ul style="list-style-type: none"> • Clinic • Dental Offices & Surgeries • Law Offices • Medical Offices & Consulting Rooms • Professional Offices
	Personal Service	<ul style="list-style-type: none"> • Barbers • Beauty Parlours

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
		<ul style="list-style-type: none"> • Domestic & Household Arts • Hairdressers • Tanning Salons • Pet Grooming • Nail Salons
	General Service	<ul style="list-style-type: none"> • Car Washes • Dry Cleaners (not using flammable or explosive substances) • Laundromats • Small Tool & Appliance Service & Rentals
	Communications	<ul style="list-style-type: none"> • Radio Stations • Telephone Exchanges
	Police Station	<ul style="list-style-type: none"> • Police Stations without detention quarters
	Taxi Stands	<ul style="list-style-type: none"> • Taxi Stands
	Take-out Food Service	<ul style="list-style-type: none"> • Take-out Restaurants • Food Stands

4. Institutional Uses

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
1. Penal & Correctional Institutional Uses	Penal & Correctional Detention	<ul style="list-style-type: none"> • Prisons • Police Stations (with detention quarters) • Psychiatric Hospitals (with detention quarters) • Youth Correctional Facilities
2. Special Care Institutional Uses	Medical Treatment & Special Care	<ul style="list-style-type: none"> • Personal Care Homes • Nursing Homes • Treatment Centres • Medical Clinics

5. Retail Uses

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
1. Retail Sale & Display Uses	Shopping Centre	<ul style="list-style-type: none"> • Shopping Centres • Strip Malls
	Shop	<ul style="list-style-type: none"> • Automobile Dealerships • Used Car Lots • Department Stores • Retail Shops • Showrooms • Supermarkets

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
	Indoor Market	<ul style="list-style-type: none"> • Auction Halls • Exhibition Halls • Indoor Farmers Markets
	Outdoor Market	<ul style="list-style-type: none"> • Animal Markets • Fish Stalls • Market Grounds • Produce & Fruit Stands • Outdoor Farmers Markets • Flea Markets
	Convenience Store	<ul style="list-style-type: none"> • Confectionary Stores • Corner Stores • Gift Shops • Specialty Shops • Video Stores

6. Industrial Uses

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
1. Industrial uses involving highly combustible & hazardous substances & processes.	Hazardous Industry	<ul style="list-style-type: none"> • Bulk Plants for Flammable Liquids • Bulk Storage Warehouses for Hazardous Substances • Chemical Manufacturing or Processing Plants • Distilleries • Dry-cleaning Plants • Feed Mills • Lacquer, Mattress, Paint, Varnish, & Rubber • Factories • Spray Painting Operations • Wastepaper Processing Plants
2. General Industrial Uses involving Limited Hazardous Substances & Processes.	General Industry	<ul style="list-style-type: none"> • Aggregate-Related Industries • Aircraft Hangars • Bulk Storage Facility • Cold Storage Plants • Contractors' Yards • Concrete Plants • Factories • Fish Processing Plants • Freight Depots • General Garages • Laboratories • Laundries • Planing Mills

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
		<ul style="list-style-type: none"> • Printing Plants • Sawmill • Warehouses • Workshops
	Service Station	<ul style="list-style-type: none"> • Gas Bars • Gasoline Service Stations
3. Light, Non- hazardous or Non-intrusive Industrial uses	Light Industry	<ul style="list-style-type: none"> • Custom Workshops • Indoor Storage • Light Industry • Parking Garages • Recycling Depot • Warehouses & Distribution Centres • Wholesale Rooms • Workshops

7. Non-Building Uses

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
1. Uses not directly related to building	Agriculture	<ul style="list-style-type: none"> • Commercial Farms • Hobby Farms • Market Gardens & Nurseries
	Forestry	<ul style="list-style-type: none"> • Silviculture • Sawmills • Tree Nurseries
	Mineral Working	<ul style="list-style-type: none"> • Mineral Exploration • Mines • Oil Wells • Pits • Quarries
	Recreational Open Space	<ul style="list-style-type: none"> • Campgrounds • Golf Courses • Hiking Trails • Parks • Playing Fields • Playgrounds • Sports Grounds • Tourist Trailer Parks
	Conservation	<ul style="list-style-type: none"> • Architectural Historical Sites • Buffer Strips • Trails and Boardwalks

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
		<ul style="list-style-type: none"> • Scenic Lookout Sites • Watersheds • Wildlife Sanctuaries
	Cemetery	<ul style="list-style-type: none"> • Cemeteries
	Scrap Yard	<ul style="list-style-type: none"> • Car Wrecking Yards • Junk Yards • Salvage Yard • Scrap Dealers
	Solid Waste	<ul style="list-style-type: none"> • Incinerators • Recycling Plants • Sanitary Land Fill • Solid Waste Disposal
	Animal	<ul style="list-style-type: none"> • Animal Pounds • Kennels • Zoos • Pet Sitting Services
	Antenna	<ul style="list-style-type: none"> • Cellular Communications Towers • Satellite Dish Antenna • Television, Radio & Communications • Transmitting and Receiving Masts & Antennae
	Transportation	<ul style="list-style-type: none"> • Airfields • Boathouses • Docks and Harbours • Wharves and Marinas