

TOWN OF BUCHANS DEVELOPMENT REGULATIONS

**IMPORTANT: To see if there were any changes to
this plan since it came into effect, please refer to:**

List of Development Regulation Amendments

URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO APPROVE

**TOWN OF BUCHANS
DEVELOPMENT REGULATIONS**

Under the authority of section 16, section 17 and section 18 of the Urban and Rural Planning Act 2000, the Town Council of Buchans

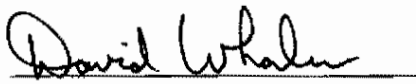
- a) adopted the Buchans Development Regulations on the 29th day of October, 2012.
- b) gave of the adoption of the Buchans Development Regulations by advertisement inserted on the 15th day and the 22nd day of November, 2012 in the Advertiser newspaper.
- c) set the 29th day of November, 2012 at 7:00 p.m. at the Curling Rink, Buchans for the holding of a public hearing to consider objections and submissions.

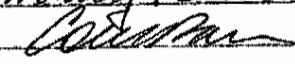
Under the authority of Section 23 of the Urban and Rural Planning Act, 2000, the Town Council of Buchans approves the Buchans Development Regulations.

SIGNED AND SEALED this 12th day of December, 2012

Mayor: 
Derm Corbett

(Council Seal)

Clerk: 
David Whalen

Development Regulations Amendment REGISTERED Number <u>685-2013-001</u> Date <u>February 12, 2013</u> Signature 
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URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO ADOPT

**TOWN OF BUCHANS
DEVELOPMENT REGULATIONS**

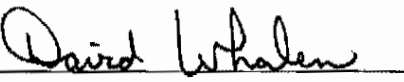
Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Buchans adopts the Buchans Development Regulations.

Adopted by the Town Council of Buchans on the 29th day of October, 2012.

Signed and sealed this 12th day of December, 2012


Mayor: 
Derm Corbett

(Council Seal)

Clerk: 
David Whalen

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

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

MCIP: 
John Baird



TOWN OF BUCHANS

DEVELOPMENT REGULATIONS 2012-2022

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**TOWN OF BUCHANS MUNICIPAL PLAN
DEVELOPMENT REGULATIONS
APPLICATION**

- 1. Short Title**
These Regulations may be cited as the Buchans Development Regulations.
- 2. Interpretation**
 - (1) Words and phrases used in these Regulations shall have the meanings ascribed to them in Schedule A.
 - (2) Words and phrases not defined in Schedule A shall have the meanings that are commonly assigned to them in the context in which they are used in the Regulations.
- 3. Commencement**
These Regulations come into effect throughout the Buchans 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.
- 4. Ministerial Development Regulations**
The Ministerial Development Regulations (Ministerial Regulations), enacted under Section 36 of the *Act*, shall apply to development within the Planning Area. Where there is conflict between these and the Buchans Development Regulations, the Ministerial Regulations shall prevail. The Ministerial Development Regulations are included with the Buchans Development Regulations.
- 5. Municipal Code and Regulations**
The building regulations, fire regulations, and any other municipal regulations controlling the development, conservation and use of land, shall, under these Regulations, apply to the entire Buchans Municipal Planning Area. The National Building Code of Canada, the Fire Code of Canada, and all ancillary codes and regulations, shall also apply to the entire Buchans Municipal Planning Area.
- 6. Council**
In these Regulations, "Council" means the Municipal Council of the Town of Buchans.

PART I – GENERAL REGULATIONS

- 7. Compliance with Regulations**
No development shall be carried out within the Planning Area except in accordance with these Regulations.
- 8. Permit Required**
No person shall carry out any development within the Planning Area except where otherwise provided in these Regulations unless a permit for the development has been issued by Council.
- 9. Permit to be Issued**
Subject to **Regulations 10 and 11**, a permit shall be issued for development within the Planning Area that conforms to the requirements of these Regulations, including:
- (a) The general development standards set out in Part II of these Regulations, the requirements of Part V of these Regulations, and the use classes, standards, requirements, and conditions prescribed in Schedule C of these Regulations for the use zone in which the proposed development is located;
 - (b) The standards set out in the National Building Code, other 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;
 - (c) The standards set out in Part III of these Regulations in the case of subdivision;
 - (e) The standards of design and appearance established by Council.
- 10. Permit not to be Issued in Certain Cases**
Neither a permit nor approval in principle shall be issued for development within the Planning Area when, in the opinion of 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.
- 11. Discretionary Powers of Council**
- (1) In considering an application for a development permit or approval in principle, Council shall take into account the policies of the Municipal Plan and any further

scheme, plan or regulations pursuant thereto, and shall assess the general appearance of the development, the amenity of the surroundings, availability of utilities, public safety and convenience, and 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.

- (2) When approving an application for a discretionary use, Council shall state in writing the basis for its approval.
- (3) The exercise of discretionary powers does not enable Council to permit the development of a use that is not set out as a permitted use or a discretionary use under Schedule C or other Regulation, except when it considers that a proposed use is sufficiently similar to a permitted or discretionary use and in accord with the general intent of the Municipal Plan and the applicable zone under Schedule C.

12. Variances (Refer to Ministerial Development Regulations, Section 12)

- (1) Where an approval or a permit cannot be given by Council because a proposed development does not comply with development standards set out in these Regulations, Council may, in its discretion, vary the applicable development standards to a maximum of 10%, if, in Council's opinion, compliance with the development standards would prejudice the proper development of the land, building or structure in question or would be contrary to the public interest.
- (2) Council shall not allow a variance from development standards set out in these Regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10% variance even though the individual variances are separately not greater than 10%.
- (3) Council shall not permit a variance from the development standards where the proposed development would increase the non-conformity of an existing development or would result in the creation of non-conformity of any existing legal development.

13. Notice of Variance (Refer to Ministerial Development Regulations, Section 13)

Where Council is to consider a proposed variance, Council 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, and allow a minimum period of 7 days for response.

14. Service Levy

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

15. Financial Guarantees by Developer

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

restoring or landscaping the site after the quarry operations have ended or the site is abandoned by the applicant.

- (b) The financial guarantee will be returned when the site has been restored and any conditions attached to the development permit have been carried out to Council's satisfaction.

16. Dedication of Land for Public Purposes

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

Unless Council decides otherwise, such land that is dedicated for public use will not include land that Council requires to be set aside from development for the purposes of stormwater management or environmental protection, whether or not that land is located within the Environmental Protection zone.

17. Restoration of Land

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

18. Form of Application

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

19. Register of Application

Council shall keep a 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.

20. Deferment of Application

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

21. Approval in Principle

- (1) An application for an approval in principle for a subdivision or other form of development will include a description of the site and the proposed development, including a professionally prepared drawing, which:
 - (a) Delineates the limits of land to be used for the proposed development,
 - (b) Shows contours and significant natural features such as wetlands, watercourses, drainage channels, and slopes that exceed 15 percent,
 - (c) Shows existing streets, buildings, and land uses in the vicinity of the site,
 - (d) Shows a conceptual layout of proposed streets, trails, and other major components of the development, and
 - (e) Provides any additional information that may be requested by Council.
- (2) Council will not consider an application for an approval in principle unless that application includes a clear description of the site and proposed development in accordance with Paragraph (1).
- (3) Council can grant an approval in principle if it determines that the proposed development complies generally with the intent and purposes of the Municipal Plan and these Regulations. Council will attach to the approval in principle such conditions that it deems necessary to ensure the proposed development will be in accordance with the Plan and these Regulations. It will also outline such details that the applicant will be required to address before a final development permit will be granted.

- (4) An approval in principle will be valid for a period of one (1) year, and may be extended for one (1) additional year, up to a maximum of two (2) years.
- (5) Where approval in principle is granted, approval of a final development permit will be subject to the subsequent approval by Council of any details and conditions that were outlined in the approval in principle.
- (6) Approval in principle will not constitute permission to commence development. No form of development will commence until Council has issued a proper development permit.
- (7) Council may revoke approval in principle if it determines that the applicant has changed the proposed development in a way that significantly alters the original intent of the application or has not adequately addressed conditions or details stipulated in the approval in principal.
- (8) A decision by Council on an application for an approval in principle can be appealed in accordance with Section 42 of the Act.

22. Development Permit

- (1) A written development permit issued by Council or its designated staff will constitute permission to develop in accordance with these Regulations, but such permission shall not relieve the applicant from full responsibility for obtaining all other permits or approvals prior to commencement of development and complying with all other regulations and statutes during development.
- (2) Council may attach conditions to a development permit to ensure compliance with the Municipal Plan and these Regulations, and the permit holder will be responsible for full compliance with these conditions.
- (3) A development permit is valid for a period of one (1) year and may be extended for one (1) additional year if requested by the applicant, up to a maximum of two (2) years.
- (4) The issuance of a development permit does not prevent Council from thereafter requiring the correction of errors or ordering the cessation, removal of, and remedial work on any development being carried out that is in violation of the Municipal Plan or these Regulations.

- (5) Council may revoke a permit for failure by the holder of it to comply with these Regulations or any condition attached to the permit or where the permit was issued in error or was issued on the basis of incorrect information.
- (6) No person shall change the application for which a development permit was issued unless written approval of the change has been issued by Council.
- (7) A copy of the development permit, along with plans and specifications, shall be kept on the site until the development is completed.
- (8) Council may revoke a development permit if it determines that the applicant has changed the proposed development in a way that significantly alters the original intent of the application or has not adequately addressed conditions or details stipulated in the approval in principle.
- (9) A decision by Council on an application for an approval in principle can be appealed in accordance with Section 42 of the Act.
- (10) A decision by Council on an application for a development permit can be appealed in accordance with Section 42 of the Act.

23. Temporary Use Permit

At its discretion, Council may issue a development permit for a temporary use, which must comply with the Municipal Plan and these Regulations. The permit may be for a period not exceeding one (1) year, and may be extended at the request of the applicant for one (1) additional year, up to a maximum of two (2) years.

24. Permit Fees

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

25. Compliance with Legislation

- (1) New development will comply with applicable acts and regulations including, but not limited to, the provincial Water Resources Act, Environmental Assessment Act, Lands Act, Health and Community Services Act, and Building Near Highways Regulation, as well as the federal Fisheries Act of Canada, Environmental Protection Act of Canada, and Canadian Migratory Bird Act.
- (2) If Council is aware that a proposed development may not comply with a particular provincial or federal act or regulation, it may require the applicant to provide

confirmation that necessary government approvals have been obtained before issuing a development permit.

- (3) If Council feels that a proposed development may trigger the requirements of the *Environmental Assessment Act*, the proponent will be advised to consult with the Department of Environment and Conservation before a development permit will be issued.
- (4) Where these Regulations are more stringent than a provincial or federal act of regulation, these Regulations will apply.

26. Reasons for Refusing or Setting Conditions on a Permit

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

27. Notice of Right to Appeal (Refer to Ministerial Development Regulations, Section 5)

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

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

28. Appeals (Refer to Ministerial Development Regulations, Sections 6-11)

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

29. Return of Appeal Fee

In accordance with Section 44(3) of the *Act*, where an appeal of a Council decision is successful, an amount of money equal to the appeal fee paid by the appellant shall be paid to the appellant by Council.

30. Notice of Application (Refer to Ministerial Development Regulations, Sections 13 & 15)

- (1) Notice of an application must be given when:
 - (a) A variance is to be considered under **Regulation 12**,
 - (b) A change in a non-conforming use is to be considered under **Regulation 54**,
 - (c) A proposed development is listed as a discretionary use in Schedule C,
 - (d) A comprehensive development is proposed in accordance with **Regulation 48**, or
 - (e) Council determines that the public should be notified of an application.
- (2) In accordance with **Regulation 13** of these Regulations and Section 13 of the Ministerial Development Regulations, notice of a variance application will be given directly to persons who are likely to be affected and a minimum of seven (7) days will be provided for persons to respond.
- (3) In accordance with **Regulation 54(4)** of these Regulations and **Regulation 15** of the Ministerial Development Regulations, notice of an application to change a non-conforming use will be by advertisement in a newspaper circulating in the area, and a minimum of seven (7) days will be provided for persons to respond.
- (4) Where an application is received to develop a discretionary use, Council will publish a notice in a newspaper circulating in the area or by other means will give public notice, and will provide a minimum of seven (7) days for persons to respond.
- (5) Where an application is received to undertake a comprehensive development, Council will publish a notice in a newspaper circulating in the area or by other means will give public notice, and will provide a minimum of fourteen (14) days for persons to respond.
- (6) Where it determines that the public should be made aware of an application for a development, Council will publish a notice in a newspaper circulating in the area or by other means will give public notice, and will provide a minimum of seven (7) days for persons to respond.

31. Right of Entry

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

32. Record of Violations

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

33. Stop Work Order and Prosecution

(1) Where a person begins a development contrary or apparently contrary to these Regulations, Council may order that person to stop the development or work connected therewith pending final adjudication in any prosecution arising out of the development.

(2) A person who does not comply with an order made under Paragraph (1) is guilty of an offence under the provisions of the Act.

34. Delegation of Powers (Refer to Ministerial Development Regulations, Section 18)

When designating employees or contractors to whom a power is to be delegated under Section 109(2) of the Act, Council shall make that designation in writing.

PART II - GENERAL DEVELOPMENT STANDARDS

35. Access Ramps and Decks

- (1) At its discretion, Council may, after consulting with abutting property owners permit an access ramp for a wheel chair to be erected in a minimum front, rear, or side yard if:
 - (a) There is no alternative means to provide the access ramp, and
 - (b) The ramp does not create a safety hazard or block sight lines.
- (2) An open or partially enclosed deck attached to a building shall not extend into the minimum permissible front and side yards and flanking road setback and shall not be closer to the rear lot line than 1 metre.
- (3) An access ramp or open deck not is deemed to be part of the building when calculating lot coverage under Schedule C.

36. Consideration of the Needs of Disabled and Elderly Persons

At its discretion, Council may require higher or special standards or provisions in the design and construction of streets, sidewalks, parking areas, building entrances and internal spaces, parks, trails, playgrounds, recreational sites and facilities, and public spaces to accommodate the mobility needs of disabled and elderly persons.

37. Accesses 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 and Council may prescribe the construction of service streets to reduce the number of accesses to collector and arterial streets.
- (2) No vehicular access shall be closer than 10 metres to the street line of any street intersection.

38. Accessory Buildings

- (1) Accessory buildings will be clearly incidental and complementary to the use of the main building and will be contained on the same lot.
- (2) Notwithstanding Paragraph (1), at its discretion, Council can permit an accessory building to be located on a different lot than the main building.

- (3) No truck, bus, semi-trailer, freight container, or other vehicle body shall be used as an accessory building.
- (4) No accessory building shall be erected upon an easement.
- (5) No self-contained apartment or other type of dwelling unit will be permitted in an accessory building.
- (6) Except where it is located on a separate lot or in accordance with Paragraph (7), no accessory building or part thereof shall project closer to the front street line than the main building.
- (7) Notwithstanding Paragraph (6), Council in its discretion may approve an accessory building in the front yard of the main building where it determines that special limitations or circumstances exist and where it has notified neighbours and duly considered any comments or objections received.
- (8) Unless otherwise set out in Schedule C, the minimum separation between an accessory building and any other building will be 3.0 metres.
- (9) The minimum setback of an accessory building from all property lines will be 1.0 metre.

39. Accessory Uses

Subject to these Regulations, accessory uses to a permitted or discretionary use can be permitted in any zone. An accessory use will be clearly subsidiary to the main use, controlled so as to be compatible with the main use and nearby properties, and subject to special conditions set out in these Regulations or otherwise specified by Council.

Examples of accessory uses include but are not limited to:

- (a) Facilities for the serving of food and alcoholic beverages in an arena or other place of assembly, museum, or hotel,
- (b) A gift or souvenir shop in a museum, hotel or other commercial establishment,
- (c) An office, small convenience store, or small catering establishment in a campground,
- (d) A subsidiary apartment,
- (e) A home occupation,

- (f) A swimming pool, tennis court, outdoor rink, playhouse, or similar facility.
- (g) A satellite dish or similar device attached to a building.
- (h) A wind generator, solar panel, radio antenna, or similar device.

40. Home Occupations

A home occupation will not be permitted if it does not meet the following conditions:

- (a) The home occupation can be located inside the dwelling or inside an accessory building on the same lot as the dwelling. Unless otherwise permitted by Council, it cannot be located in an accessory building on a separate lot from the dwelling.
- (b) The home occupation will be clearly secondary to the residential use.
- (c) The home occupation will employ one or more persons, who normally inhabit the dwellings and, in addition, may employ no more than two persons who do not normally inhabit the dwelling.
- (d) The home occupation will occupy:
 - no more than thirty percent (30%) of the total floor area of the dwelling unit, or
 - no more than one hundred (100) square metres of the total floor area of an accessory building.
- (e) The home occupation will not use any hazardous materials.
- (f) The home occupation will not use water or generate sewage in excess of what can be accommodated by the municipal water supply and sewage system.
- (g) The home occupation will not cause noise, odours, fumes, electrical interference, or other nuisances that unreasonably affect neighbouring properties.
- (h) Unless otherwise authorized by Council, sufficient off-street parking space must be available on the lot to accommodate the parking needs of residents, employees, and clients.
- (i) Council may require fencing, screening, and/or a minimum space separation to protect the amenity of adjacent uses.

- (j) The home occupation will not create traffic safety or traffic congestion concerns,
- (k) The home occupation will not include automobile repair, auto body repair, or automobile sales, and
- (l) The home occupation will adhere to any other conditions that Council considers necessary to protect the amenity of adjacent uses and the neighbourhood.

41. Childcare Service

Where permitted by Council, a childcare service, whether a stand-alone operation or a home occupation, will 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.

42. Bed and Breakfast Establishment

Where permitted, a Bed and Breakfast establishment will be subject to the following:

- (a) The use will be operated in a single dwelling occupied as a residence by the operator of the business.
- (b) The use shall not detract from the residential character of the neighbourhood in terms of height, scale or exterior design.
- (c) One additional parking space shall be provided for each guest room on the lot.
- (d) The maximum number of guest rooms shall be six (6).
- (e) At Council's discretion, a catered dining area, or other subsidiary use may be permitted, provided the uses are clearly incidental and subsidiary to the bed and breakfast operation and the hours of operation are limited.
- (f) Off-street parking for a catered dining facility shall provide one space for every three (3) persons that may be accommodated at one time.
- (g) No wholesale sales or storage of goods shall be carried out and any retail sales shall be incidental to the approved use.
- (h) On-site advertisements shall be non-illuminated, with a maximum sign face area of 0.2 m² and, shall meet all other requirements of Council in terms shape and construction material.

- (i) The establishment must be registered by Canada Select and approved by the Provincial Department of Tourism, Culture and Recreation.

43. Archaeological Sites

- (1) If an archaeological site or artefact is discovered during development of a property, the development shall stop and Council will consult with the Provincial Archaeology Office of the Department of Tourism, Culture and Recreation. Development shall not proceed until the Provincial Archaeology Office has evaluated the site or authorized the development to proceed.
- (2) Before approval is granted for a major development, such as a subdivision, or a new commercial or public building, the application shall be referred to the Provincial Archaeology Office for comments.

44. Buffer Strips

Where any industrial development permitted in any Use Zone abuts an existing or proposed residential area, or is separated from it by a road only, the owner of the site of the industrial development shall provide a buffer strip not less than ten (10) metres wide between any residential activity and the industrial area. The buffer shall include the 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 Council.

45. Building Line and Setbacks

- (1) Council, by resolution, may establish building lines on an existing or proposed street and may require any new buildings to be located on those building lines, whether or not such building lines conform to the standards set out in Schedule C of these Regulations.
- (2) The frontyard building line setback is measured from the front property line.
- (3) Notwithstanding the minimum front, side and rear yard requirements set out under Schedule C, Council, at its discretion, may allow development to complement existing building setbacks of adjoining properties by varying the yard requirements after notification of the proposed variance is given to neighbouring property owners in accordance with **Regulations 13 and 30** of these Regulations.
- (4) The building line along Provincial highways shall not be less than that specified under the provincial Building Near Highways Regulation.

46. Multiple Uses on One Lot

- (1) A multiple use occurs when two or more different use classes exist in a single building or on a single lot.
- (2) Where a single lot contains more than one permitted use, each use shall conform to all requirements in these Regulations that are applicable to that use.
- (3) A multiple use may not be permitted where Council determines that the proposed use would not be compatible with existing uses on or adjacent to the lot by reason of safety, amenity, appearance, or nuisance.

47. Main Buildings on a Lot

- (1) Except for a single dwelling, more than one main building may be permitted on a lot provided that the requirements of Schedule C are satisfied.
- (2) Notwithstanding Paragraph (1), more than one single dwelling can be permitted on a single lot where that lot or dwelling forms part of a comprehensive development.
- (3) Where more than one main building is developed on a single lot, sufficient area shall be reserved to satisfy the yard requirements and other allowances outlined in Schedule C for the Use Zone in which the lot is located. These allowances shall be maintained when the adjacent land is developed.

48. Comprehensive Development

Council, at its discretion, may permit a comprehensive development that does not meet the requirements of these Regulations with respect to access to and frontage on a public street as well as minimum lot size, frontage, frontyard, sideyard, and rearyard, provided that:

- (a) It is satisfied that the site conditions are such that the standard requirements cannot be met, the quality of the development would be greater than would otherwise be achieved through conventional developments, or the development would be in the public interest with respect to providing housing for elderly, disabled, lower-income, and other residents whose needs and preferences cannot be easily accommodated by traditional single-unit dwellings.
- (b) It has provided public notice of the proposed development in accordance with **Regulation 30(1) (d)** of these Regulations.
- (c) A comprehensive development plan has been prepared and approved by Council,
- (d) The comprehensive development itself has frontage on a public street,

- (e) The development is compatible with adjacent development,
- (f) The area of the comprehensive development is at least one (1) hectare, and
- (g) There are no fewer than two developments within the comprehensive development.

49. Personal Care or Group Home

- (1) A personal care or group home is permitted in a dwelling unit that is adequate in size to accommodate the number of persons living in the group, inclusive of staff.
- (2) The use and appearance of the dwelling shall not materially differ from, or adversely affect, the amenities of the adjacent residences or neighbourhood.
- (3) Council may require special access and safety features to be provided for the occupants before occupancy is permitted.

50. Height Exceptions

The height requirements prescribed in Schedule C of these Regulations may be waived in the case of communication masts and antennae, flagpoles, water towers, spires, belfries, wind generators, or chimneys, but any such waiver which results in an increase of more than 20% in the permitted height of the structure shall only be authorized under the provisions of **Regulation 11**.

51. Lot Area

- (1) No lot shall be reduced in area, either by the conveyance or alienation of any portion thereof or otherwise, so that any building or structure on such lot shall have a lot coverage that exceeds, or a frontyard, rearyard, sideyard, frontage, or lot area that is less than that permitted 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.

52. Lot Frontage

No residential, commercial or public building shall be erected on a lot that does not front directly onto a public street unless the subject lot forms part of a comprehensive development.

53. Mineral Exploration

- (1) Council will not issue a permit for mineral exploration until all necessary permits and approvals have been obtained from the Departments of Natural Resources, Government Services, and Environment and Conservation, together with any other relevant Provincial agencies.
- (2) Subject to the other provisions of the Development Regulations, mineral exploration which is not classed as development by virtue of appreciable ground disturbance, construction of access roads, noise, odour and appearance can be permitted anywhere in the Planning Area, provided that adequate notification is provided to Council.
- (3) Mineral exploration which is classed as development can be permitted provided that adequate provision is made for buffering and other mitigations of impacts on residential, commercial, industrial, institutional, recreational, and environmentally sensitive areas.
- (4) Higher impact mineral exploration shall be subject to conditions that control noise, appearance, and other impacts that may arise, as well as the duration of the exploration program. The precise nature of these controls will depend upon the location of the mineral exploration in relation to built-up and environmentally sensitive areas, such as water supply areas, watercourses, and wetlands.
- (5) Where there is to be ground disturbance, the developer shall provide a site restoration surety and/or other satisfactory guarantees of site landscaping to Council.

54. Non-Conforming Uses (Refer to Section 108(2) of the Urban and Rural Planning Act 2000 and Sections 14, 15, and 16 of the Ministerial Development Regulations)

- (1) Notwithstanding the Municipal Plan, a scheme, or regulations made under the Urban and Rural Planning Act 2000, Council shall, in accordance with regulations made under this Act, allow a development or use of land to continue in a manner that does not conform with a regulation, scheme, or plan that applies to that land provided that the non-conforming use legally existed before the registration under Section 24 of the Act of the plan, scheme or regulations made with respect to that kind of development or use.
- (2) Notwithstanding Paragraph (1), a right to resume a discontinued non-conforming use of land shall not exceed one year after the discontinuance occurred. For the purpose of this Regulation, discontinuance of a non-conforming use begins when any one of the following conditions is met:

- (a) The building or use of land is clearly vacated or the building is demolished,
 - (b) The owner or tenant has ceased paying business taxes for that use, and
 - (c) The owner or tenant has stated in writing that the use has ceased.
- (3) A non-conforming building, structure, or development under the Act, which is allowed to continue under Paragraph (1):
- (a) Shall not be internally or externally varied, extended or expanded unless otherwise approved by Council,
 - (b) Shall not be structurally modified except as required for the safety of the building, structure or development,
 - (c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50% or more of the value of that building, structure or development has been destroyed, except as provided for in Paragraph (h) below,
 - (d) May have the existing use for that building, structure or development varied by Council to a use that is, in Council's opinion, more compatible with the plan and regulations applicable to it,
 - (e) May have the existing building extended by Council where, in Council's opinion that extension is not more than 50% of the existing building,
 - (f) Where the non-conformance is with respect to the standards in these Regulations, shall not be expanded if the expansion would increase the non-conformity,
 - (g) Where the non-conformance is with respect to the standards included in these Regulations shall not be expanded if the expansion would increase the non-conformity;
 - (h) where the building, structure, or development is primarily zoned and used for residential purposes, may, in accordance with the appropriate plan and regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed, and

(i) A residential building or structure referred to in Paragraph (h) must be repaired or rebuilt in accordance with the plan and development regulations applicable to that building or structure.

(4) In accordance with **Regulation 30** of these Regulations, when considering an application to vary an existing use of a non-conforming building, structure or development under Paragraph (3) (d), Council will, at the applicant's expense, publish a notice in a newspaper circulating in the area of the application and shall consider any representations or objections received in response to that advertisement.

55. 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.

56. Parks, Playgrounds, and Open Spaces

(1) Nothing in these Regulations shall prevent the designation of land for the establishment of parks, playgrounds, and open spaces in any zones provided that such land is not located in areas that may be hazardous to their use or is an area that is not compatible for such a use.

(2) Parks and playgrounds may be located on backland but shall have at least one 5-metre wide vehicular access directly onto a public street.

57. Screening and Landscaping

(1) Council may, in the case of existing unsightly development, order the owner or occupier to provide adequate and suitable landscaping or screening; and for this purpose may require the submission of an application giving details of the landscaping or screening, and these Regulations shall then apply to that application.

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

58. Services and Public Utilities

Council can within any zone permit land to be used in conjunction with the provision of public services and public utilities if the use of that land is necessary to the proper operation of the public service or public utility concerned provided that the design, construction,

landscaping, and operation of the service or utility, in the opinion of Council, will adequate to protect the environment, character, and appearance of the area.

59. Energy Generation Facilities

- (1) Wind, solar and small hydro generating facilities and associated facilities and services are subject to the conditions set out below.
- (2) Energy utilities are subject to the approval of relevant provincial and federal departments, agencies, and public utilities, including the Mines and Energy Division of the Department of Natural Resources and Transport Canada. The design and location of such utilities shall take into consideration their impact on nearby land uses and persons, the environment, and archaeological resources, along with other matters that Council may deem to be significant.
- (3) A wind, solar, or small hydro generator within a built-up residential area will be limited to a single unit that serves an individual property.
- (4) An adequate separation distance will be maintained between wind generators and nearby buildings and structures to prevent damage to persons and properties due to a failure of a generator or any of its components or the shedding of ice.
- (5) Unless specifically exempted by Council or other relevant agencies, the design, construction and location of an energy utility shall be certified by a professional engineer who has consulted with the required agencies.

60. Service Stations and other Petroleum Dispensing Facilities

The following requirements shall apply to all proposed service stations and other petroleum dispensing facilities:

- (a) all petroleum pumps shall be located on pump islands designed for such purpose, and to which automobiles may gain access from either side, except in the case of propane, diesel, and kerosene pumps, which may access from one side,
- (b) Pump islands shall be set back not less than four (4) metres from the front lot line,
- (c) Accesses to the lot shall be not be less than 7 metres wide and shall be clearly marked,
- (d) Where a service station is located on a corner lot, the minimum distance between an access and the intersection of street lines shall be 10 metres,

- (e) Surface runoff shall be directed to a oil/water separator before being discharged into a storm sewer or other drainage system, and
- (f) All provincial and other regulatory requirements must be met.

61. Site Development Requirements

The following requirements will apply to all proposed site developments involving new street construction or large sites for commercial or other development.

- (a) Council shall consider the suitability of the site in terms of steepness of grades, soils and geology, and environmentally sensitive areas, including watercourses, wetlands, and coastal shorelines when reviewing a development application.
- (b) Council shall ensure that the proposed development will not be unsuitable as a result of pollution, erosion, sedimentation of watercourses, other environmental damages, or aesthetic degradation of the site or surrounding area.
- (c) Development of land, buildings, and structures will not be permitted on a site where it otherwise would be permitted when, in the opinion of Council, the site is marshy, geologically unstable, excessively steep, or otherwise unsuitable for a proposed purpose by virtue of its soil or topography.
- (d) No buildings, structures, or placement or removal of fill will be permitted:
 - (i) On a slope that exceeds twenty-five percent (25%) over a height of four (4) or more metres and a length of twenty-five (25) or more metres.
 - (ii) Within eight (5) metres of the top or bottom of a slope that exceeds twenty-five percent (25%) over a height of four (4) or more metres
- (e) The excavation and filling-in of land to prepare a site for development will be limited to an extent that is deemed by Council to be environmentally and aesthetically acceptable.
- (f) A development application will provide sufficient information to show the extent of any proposed clearing, excavation, or filling-in of the site.
- (g) An approval in principle or a permit to develop will not be granted when in Council's opinion the proposed clearing, excavation, filling-in of land, or other site development will result in unacceptable drainage, environmental, or aesthetic impacts, or will be more than is necessary to suitably develop the site.

62. Street Construction Standards

A new street may not be constructed except in accordance with the design and construction specifications set by Council.

63. Development Within or Adjacent to a Watercourse or Wetland

(1) All portions of a lot that are located within 15 metres of the edge of a wetland or the top of the stream bank of a watercourse, but which are not located in the Environmental Protection zone, will be subject to the following:

- (a) No building or structure will be permitted, except for:
 - (i) reconstruction of a building that was in existence on the date of approval of this Municipal Plan
 - (ii) an accessory building or structure to (i) above
 - (iii) a passive recreational use
 - (iv) an accessory building or other accessory use to an existing building.
- (b) Any excavation or filling-in of land, or other altering of the landscape, will be limited to a maximum of ten percent (10%) of the area of the lot located within the 15-metre buffer area,

64. Line of Vision at Intersections

So as to not obstruct the view of motorists and pedestrians,

- (a) All occupied lands within 7 metres of a street intersection shall be kept free of any shrubs, plants, and trees that will impede the line of vision clear for motorists and pedestrians, and
- (b) No building or structure shall be permitted to be erected, moved, enlarged, or reconstructed on any land that is within 7 metres of a street intersection.

65. Areas with Contaminated Soil

On sites that have been rehabilitated to cover and contain contaminated soils, all development will include precautionary measures to prevent human exposure to such soils during and after construction.

PART III - SUBDIVISION OF LAND

66. Application of Part III

Part III of these regulations applies each of the following:

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

67. Subdivision Permit Required

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

68. Services to be Provided

No permit shall be issued for the subdivision of land unless provisions satisfactory to Council have been made for servicing the lot with municipal water, sewer, and stormwater drainage so as to not affect adjoining and nearby properties.

69. Subdivision Permit Subject to Considerations

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

- (a) The location and zoning of the land,
- (b) The availability of and the demand created for municipal infrastructure, municipal 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 closeness of the project to existing or potential sources of nuisance,
- (f) Geology and soil characteristics,
- (g) The topography and drainage characteristics of the site,

- (h) Natural features such as watercourses, shorelines, trees and shrubs,
- (i) Prevailing winds,
- (j) Community facilities,
- (k) Energy conservation,
- (l) Environmental effects with respect to watercourses, wetlands, steep slopes, drainage patterns, stormwater generation and control, and loss or fragmentation of habitat,
- (m) Municipal costs related to the provision and maintenance of roads, other infrastructure, and municipal services, and
- (n) Such other matters as may affect the proposed development.

70. Building Permits Required

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

71. Form of Application

Application for a subdivision permit or building permit shall be made to Council in accordance with **Regulation 18 - Form of Application**.

72. Subdivision Subject to Zoning

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

73. Structure in Street Reservation

The placing within any street reservation of any structure (for example, a hydro or telephone pole, fire hydrant, mail box, school bus shelter, sign post) shall not be approved by Council unless or until it is satisfied on the question of safe construction and relationship to other buildings or other structures within the street reservation and the relationship to safe movement of vehicles and pedestrians.

74. Subdivision Design Standards

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

- (a) The finished grade of streets shall not exceed 10 percent.
- (b) A dead-end street will be subject to the following:
 - (i) the turning circle of a cul de sac will have a driving surface diameter of not less than 30 metres.
 - (ii) the maximum length of a cul de sac will be 250 metres.
 - (iii) all cul de sac water mains will be connected to a water main on an adjoining street or will be looped back to ensure continuous water flow and prevent stagnant water at the end of dead-end pipes.
- (c) Streets will be designed in accordance with the following minimum standards:

Street Reservation	Pavement Width	Walkway Width and Design	Walkway Number
15 m (can be varied to no less than 12.2 m at the discretion of Council)	7.3 m	Discretion of Council	Discretion of Council

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

75. Engineer to Design Works and Certify Construction Layout

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

construction layout certified by the Engineer, of all such streets and other works deemed necessary by Council to service the said area.

76. Developer to Pay Engineer's Fees and Charges

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

77. Transfer of Streets and Utilities to Council

(1) The developer shall, following the approval of the subdivision of land and upon request of Council, transfer to Council, at no cost to Council, and clear of all liens and encumbrances:

(a) All lands in the area proposed to be developed or subdivided which are approved and designated by Council for public use as streets, or other rights-of-way, or for other public use;

(b) All services or public works including streets, water supply and distribution and sanitary a 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 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.

78. 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 satisfactory access to a street is provided for the lot.

PART IV - USE ZONES

79. Use Zones

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

80. Map Interpretation

- (1) The boundaries of the Use Zones shown on the Land Use Zoning Maps are general only and, except where they coincide with roads, shorelines, or other prominent physical features, are not intended to define exact limits. No zoning amendment shall be required to allow minor adjustments of the Use Zone boundaries. Other than such minor boundary adjustments, no development shall be permitted that does not conform to the Use Zone delineated on the Land Use Zoning Maps.
- (2) Where there is uncertainty regarding the existence of a watercourse identified on the zoning map as occurring within the Environmental Protection zone, this will be confirmed in the field. If it is determined that the watercourse does not exist, the area in question will be treated as if it is occurring within a surrounding zone.

81. Use Classes

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

82. Permitted Uses

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

83. Discretionary Uses

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone Table in Schedule C may be permitted in that Use Zone if 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 **Regulation 30 - Notice of Application** and has considered any objections or representations which may have been received on the matter.

84. Uses Not Permitted

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

85. Similar Uses to Permitted or Discretionary Uses

Notwithstanding **Regulation 84 - Uses Not Permitted**, Council may permit, subject to such terms and conditions as it considers fit, a proposed use of land or a building that does not fall within the Permitted Use Classes or Discretionary Use Classes set out in the appropriate Use Zone Tables in Schedule C if, in its opinion, the proposed use is sufficiently similar to a permitted or discretionary use in that Use Zone, and only if it has given notice of the application in accordance with **Regulation 30 - Notice of Application** and has considered any objections or representations which may have been received on the matter.

TOWN OF BUCHANS
DEVELOPMENT REGULATIONS 2012-2022

SCHEDULE A
DEFINITIONS

SCHEDULE A – DEFINITIONS

GENERAL NOTE:

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

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

***ACCESSORY BUILDING** includes:

- (i) A detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory which has a use that is customarily incidental or complementary to the main use of the building or land,
- (ii) In the case of a residential use, a domestic garage, carport, ramp, shed, swimming pool, greenhouse, cold frame, fuel shed, vegetable storage cellar, shelter for domestic pets, or radio or television antennae,
- (iii) In the case of a commercial use, an office, workshop, storage building, or garage, and
- (iv) In the case of an industrial use, a garage, office, workshop, storage building, raised ramp, or dock.

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

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

ADJOINING means having a common boundary.

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

AGGREGATE EXTRACTION means the use of land for the surface extraction, processing, crushing, and stockpiling of sand, gravel, clay, shale, bedrock, or other aggregates, and may include washing and blasting where permitted under Provincial regulation, along with associated buildings and machinery.

AGRICULTURE means an agricultural operation that is carried on personal use, or for commercial gain or reward or in the hope or expectation of gain or reward, and includes:

- (a) the clearing, draining, irrigating or cultivation of land,
- (b) the raising of livestock, including poultry,
- (c) the raising of fur-bearing animals,
- (d) the raising of bees,
- (e) the production of agricultural field crops,
- (f) the production of fruit and vegetables and other specialty horticultural crops,
- (g) the production of eggs and milk,
- (h) the operation of agricultural machinery and equipment, including irrigation pumps,
- (i) storage, use or disposal of organic wastes for farm purposes,
- (j) the preparation of a farm product for distribution from the farm gate, including cleaning, grading and packaging,
- (k) the on-farm processing of farm products for the purpose of preparing farm products for wholesale or retail consumption,
- (l) the operation of pick-your-own farms, roadside stands, farm produce stands, and tourist operations as part of a farm operation, or
- (m) any other agricultural activity or process prescribed by Provincial regulation that is carried on for gain or reward or in the hope or expectation of gain or reward;

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

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

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

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

ARTERIAL STREET means a street in the Planning Area constituting a main traffic artery in the town and identified as Arterial Street or highway in the Municipal Plan or on the Zoning Map.

AUTO BODY SHOP means a building or premises used for the commercial repair of damage to the chassis of an automobile, including major and minor collision damage, frame and panel straightening, repainting and refinishing, and similar activity.

AUTOMOBILE DEALERSHIP means an establishment that stores vehicles for sale or lease, but does not include the dispensing of bulk fuel or bulk petroleum products.

BED AND BREAKFAST means an owner-occupied or owner-managed establishment for paid temporary accommodation for up to six (6) guest rooms of paid temporary accommodation for tourists and other travellers. The establishment may include a self-serving dining area for the use by overnight guests. Catered dining may be considered on a limited-use basis. Other uses that may be considered under this definition include hospitality home and inn. The establishment must be registered with and receive a rating from Canada Select and also must be approved by the Provincial Department of Tourism as a Bed and Breakfast operation.

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

BOARDING AND RIDING STABLE means a building, structure, or premises used for the housing, feeding, exercising, and riding of horses for personal use or financial gain.

BUILDING means a structure, erection, excavation, alteration or improvement whatsoever placed on, over or under land, or attached, anchored or moored to land, and includes mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other like uses, and any part of a building as so defined and any fixtures that form part of a building.

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

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

***BUILDING LINE** means a line established by Council that runs parallel to a street line and is set at the closest point to a street that building may be placed.

BUILDING SUPPLY STORE means a building or land on which building and construction supplies and home improvement materials are kept for sale.

BUILDING PERMIT means a permit issued by the Town of Buchans authorizing the owner of land or his agent to construct a building or structure.

CAMPGROUND means an area of land, managed as a unit, for the accommodation of any combination of three (3) or more tents, recreational vehicles, or travel trailers used on a short term or

seasonal basis, and where the accessory uses could include an administrative office, clubhouse, snack bar, laundry, convenience store, swimming pool, washroom, and recreational facility.

CAR WASH means a facility for washing, cleaning and detailing of automotive vehicles.

CEMETERY means a facility or land area reserved for and dedicated to the burial of the dead.

CHILD CARE means a building or part of a building in which personal care services and activities are regularly provided to children for group day care, family day care, pre-school, play school, out-of-school care, specialized day care, and emergency day care, all as licensed and regulated by the Province of Newfoundland and Labrador, but does not include a school as defined by the Schools Act.

CHURCH – See “PLACE OF WORSHIP”

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

COLLECTOR STREET means a street that links local streets with arterial streets or other collector streets, and which is designated as a collector street in the Municipal Plan or on the Zoning Map.

COMPOSTING FACILITY means a processing use that converts solid waste, including plant debris, decayed organic matter, municipal solid waste or agricultural waste, into a material to be used sold for the purpose of fertilizing and conditioning the soil for growing produce and nursery plantings.

COMMUNICATIONS means a television, radio, cell phone, or transmission tower or antenna, as well other communications transmitting or receiving building or infrastructure.

COMPREHENSIVE DEVELOPMENT means an integrated development on a suitable, large site that responds to a unique market opportunity and involves special development standards not otherwise permitted in the zone. A comprehensive development may allow for a mix of different housing types and densities, and innovations such as cluster layouts and zero lot line housing, and privately owned and maintained streets and infrastructure.

COMPREHENSIVE DEVELOPMENT AREA means a large development area that is intended to be comprehensively planned and developed.

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

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

CONTINUOUS WATERCOURSE means a stream, river, lake, or estuary, which flows for all of the year.

CORNER LOT means a lot situated at the intersection of two or more streets.

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

CULTURAL USE means a land use or activity that involves heritage, historical, artistic, and social expression for economic, tourism, community and entertainment benefit and enjoyment.

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

***DEVELOPMENT** means the carrying out of any building, engineering, mining or other operations in, on, over, or under land, or the making of any material change in the use, or the intensity of use of any land, buildings, or premise and without limiting the generality of the foregoing, includes:

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

and excludes:

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

***DEVELOPMENT REGULATIONS** means these regulations and regulations and by-laws respecting development that have been enacted by Council.

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

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

DOUBLE DWELLING – See DWELLING, DOUBLE

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

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

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

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

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

DWELLING, MULTIPLE means a dwelling containing more than two dwelling units on one lot, including apartments, row houses (townhouses), and cluster developments, but excluding subsidiary apartments.

DWELLING, RECREATIONAL means a private, non-commercial dwelling that is intended for recreational use by the owner and is not inhabited as a permanent main dwelling.

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

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

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

EDUCATIONAL means a public or private school or institution of learning, including includes primary, elementary, junior, and high schools, and colleges.

ENERGY GENERATION FACILITY means means a facility for the generation of electricity from wind, biomass, and water, or by the burning of fossil fuels, and may be connected to the electricity grid for the purpose of selling surplus power.

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

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

***ESTABLISHED GRADE** means:

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

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

FAMILY AND GROUP CARE CENTRE means a dwelling accommodating up to but no more than six (6) persons exclusive of staff in a home-like setting. Subject to the size limitation, this definition includes, but is not limited to, facilities referred to as "group homes", "halfway houses", and "foster homes".

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

FLOOD RISK AREA means an area usually consisting of lowlands, adjoining the channel of a watercourse or estuary, which may be covered by floodwater during a 1:20 or a 1:100 year flood.

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

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

***FRONTAGE** means the horizontal distance between side lot lines measured at the building line, or in the case of a lot on the turning circle of a cul de sac, the horizontal distance measured at the building line.

FRONTYARD means the distance between the “building line” as defined in these regulations and the front street line of a lot.

FUTURE STREET means a portion of land delineated on a development plan as a “Future Street”, which is to be used as a street at some date in the future and which the title of the land will be vested with Council upon the completion of the development.

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

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

GENERAL ASSEMBLY means a use that provides for the assembly of substantial numbers of people, and without limiting the generality of the foregoing, includes community halls, church halls, auditoriums, youth and senior centres, meeting rooms, group camps, theatres and similar gathering places.

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.

GENERAL INDUSTRY – See INDUSTRY, GENERAL

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

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

GRADE – See “ESTABLISHED GRADE”.

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

GROUNDWATER means any flowing or standing water below the surface of the earth;

GROUP HOME – See “FAMILY AND GROUP CARE CENTRE”.

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

HAZARD LAND means land that poses a hazard or constraint to development such as wetlands, organic soils, steep slopes, flood plains, contaminated soils, and exposed bedrock.

HAZARDOUS INDUSTRY – See INDUSTRY, HAZARDOUS

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

HEIGHT – See “BUILDING HEIGHT”.

HOME OCCUPATION means a secondary use of a dwelling by at least one of the residents of the dwelling to conduct a gainful occupation or business activity.

HOSPITAL means an institutional facility that serves as a primary health, medical and emergency care center located within the community.

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

IMPERVIOUS SURFACE means any hard surfaced, man-made area that does not readily absorb or retain water, including but not limited to roofs, parking and driveway areas, asphalt, cement or any other hard surface.

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

INDOOR MARKET means an indoor use providing for temporary commercial sales by vendors of locally grown produce, preserves, meats, fish, arts and crafts, home baking, light meals, and light refreshments.

INDUSTRY, GENERAL means the use of land or buildings to store, assemble, alter, repair, manufacture, fabricate, pack, can, prepare, break up, demolish, or treat any article, commodity or substance.

INDUSTRY, HAZARDOUS means the use of land or buildings for industrial purposes involving the use of materials or processes that because of their inherent characteristics constitute a special hazard by reason of fire, explosion, radiation, pollution, noxiousness, risk to human health, or other hazard.

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

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

INFILL LOT means a vacant lot that remains, or is subdivided from another lot, following completion of the initial development of an area.

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

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

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

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

KENNEL means land and buildings where five (5) or more dogs over the age of six months are boarded, bred, trained, or cared for, and does not include a veterinary clinic.

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

LIGHT INDUSTRY – See INDUSTRY, LIGHT

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

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

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

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

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

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

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

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

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

MAIN USE(S) means the primary purpose(s) for which a building, other structure or lot is designed, arranged, or intended, or for which a lot may be used under this regulation.

MEDICAL means a facility used by physicians, dentists or other health professionals, their staff, and patients for consultation, diagnosis, and treatment of patients. Without limiting the generality of the foregoing, a medical facility may include administrative offices, waiting rooms, examination rooms, treatment rooms, laboratories, pharmacies, and dispensaries, but shall not include accommodation for in-patient care or operating rooms.

MINERAL EXPLORATION means the activity of searching for minerals or mineral occurrences, including oil exploration, wherein, for the purposes of these Regulations it takes the form of a development that is visible and involves appreciable disturbance to soil.

MINERAL EXTRACTION means the use of land for the extraction of ores, minerals, and/or salts, which has been approved in accordance with applicable legislation and includes stockpiles of ore and any other uses incidental or accessory to ore extraction.

MINERAL PROCESSING means the use of land or buildings for the processing of ores, minerals and/or salts in association with mineral extraction, and includes stockpiles of raw and processed ores, production facilities, buildings, and any other uses incidental or accessory to ore processing activities.

MINI-HOME means a prefabricated single dwelling unit that complies with the National Building Code, is designed to be used with or without a permanent foundation, has a width of less than six (6) metres throughout its entire length exclusive of steps or porches, is not fitted with facilities for towing or to which towing apparatus can be attached, and is capable of being transported by means of a single trailer from the site of its construction without significant alteration.

MINISTER means the Minister of Municipal Affairs responsible for the Urban and Rural Planning Act.

MINISTER'S REGULATIONS means Regulation 3/01 under the Urban and Rural Planning Act (2000), which sets out the Province's requirements for regulations to be included in the Development Regulations of Newfoundland and Labrador municipalities.

MINI STORAGE ESTABLISHMENT means one or more buildings containing separate spaces that are offered by lease or rent for the storage of goods.

MOBILE HOME means a dwelling unit that is constructed so as to be suitable for being attached to and drawn by a motor vehicle on its own wheels, notwithstanding that it may be jacked up or its running equipment may be removed.

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

MULTIPLE DWELLING – See "DWELLING, MULTIPLE"

MUNICIPAL SERVICES means services provided by the Buchans Town Council including water, sewer, storm drainage, street lighting, garbage collection, and recreational facilities and programs.

NIGHTCLUB – See “DRINKING ESTABLISHMENT”.

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

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

NURSING HOME means a residence licensed under Provincial legislation, in which the proprietor supplies lodging and meals and, if required, nursing, medical, or similar care and treatment, and without limiting the generality of the foregoing, may include a rest home, personal care home, or any similar provincially licensed establishment.

OFFICE means a use providing for administrative, governmental, professional services, and general office functions.

OPEN SPACE means land set aside to preserve natural areas or to develop passive recreational uses. Open space may include woodlands, fields, walking trails, and passive recreational uses, but shall not include structures such as buildings, tennis courts, parking lots, or other impervious land uses.

OUTDOOR ASSEMBLY USE means land used as a gathering place for substantial numbers of people and, without limiting the generality of the foregoing, includes bleachers, grand stands, outdoor ice rinks, swimming pools, golf courses, rifle ranges, sports clubs, amusement parks, fair grounds, exhibition grounds, drive-in theatres, and similar gathering places.

OUTDOOR MARKET means an outdoor use providing for temporary commercial sales by varied vendors of locally grown produce, preserves, meats, fish, arts and crafts, home baking, light meals, and light refreshments.

OUTFITTER OPERATION means the use of land to provide guiding services for hunting, fishing, and other outdoor recreational activities, and may include associated accommodations and food services.

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

PASSIVE RECREATIONAL USE means a recreation activity that generally does not require a

developed site, and includes such uses as walking, bicycling, and skiing trails, but does not include sports fields, structures, or facilities to accommodate any type of motorized vehicle.

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

PERSONAL CARE HOME - See "NURSING HOME".

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

PIT AND QUARRY – See "AGGREGATE EXTRACTION"

PLACE OF WORSHIP means a building or land commonly used for public worship by any religious organization and may include an associated or accessory rectory, manse, church hall, auditorium, or religious school.

PLANNED UNIT DEVELOPMENT (PUD) means a development that allows flexibility in the design and zoning standards of a subdivision. Approval of a PUD generally sets an overall density limit for the entire subdivision, allowing the dwelling units to be clustered to provide for common open space.

PLANNING AREA means the legal geographical area wherein the Town has land use management authority. The Planning Area for the Town of Buchans extends beyond its Municipal Boundary area.

***PROHIBITED USE** means a use that is not listed within the permitted use classes set out in the use zone tables of Council's development regulations, but does not include a use that Council, in accordance with Paragraph 104, has deemed to be similar to a permitted or discretionary use.

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

PUBLIC STREET - see "STREET".

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

RECREATIONAL DWELLING – See "DWELLING, RECREATIONAL"

RECREATIONAL FACILITY means a building used for indoor sports activities and/or public assembly events.

RECREATIONAL USE means an indoor or outdoor recreational facility designed and equipped for the conduct of sports and/or leisure activities.

RECREATIONAL VEHICLE means a vehicle designed as a temporary dwelling for travel, recreational, and vacation use, which is either self propelled or mounted on or pulled by another vehicle, and includes a travel trailer, camping trailer, truck camper, motor home, fifth wheel trailer, camper van, or converted bus. A Recreation Vehicle is not permitted to be used as a permanent dwelling in Buchans.

RECYCLING DEPOT means a facility used to deposit, store, separate, clean, or redistribute discarded materials such as drink containers, paper, glass, plastic, cardboard, and household goods.

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

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

ROW DWELLING - See "DWELLING, ROW"

SALVAGE YARD means a building or land where scrap metal, motor vehicles, and vehicular parts are collected and are wrecked, crushed, demolished, sorted, disassembled, repaired and resold.

SENIORS HOUSING AND PERSONAL CARE FACILITY means a comprehensive development that includes detached or attached living units to accommodate seniors and disabled persons, as well as associated indoor or outdoor facilities to provide for the care, recreation, and social needs of these residents.

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

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

SHOPPING CENTRE means a group of shops and complementary uses with integrated parking and which is planned, developed and designed as a unit containing a minimum of three (3) retail establishments.

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

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

***SIGN** means a word, letter, model, placard, board, device or representation whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement or direction and excludes those things employed wholly as a memorial, advertisements of local government, utilities and boarding or similar structures used for the display of advertisements.

SINGLE DWELLING - See "DWELLING, SINGLE"

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

SOD FARM means the use of land for the cultivation and harvesting of lawn grass, along with the soil that supports it, for commercial sale.

STORE means a store or shop engaged in the sale of goods to individual customers for personal use rather than for resale, and without limiting the generality of the foregoing, may include: stores engaged in the sale of groceries, hardware, dry goods, antique and second-hand articles, appliances, tools, art and crafts, books, clothing, garden supplies, recreation and sporting goods, baked goods, pharmacies, convenience stores, florists, and video rental stores, but does not include any use separately listed in a zone.

***STREET** means a street, road or highway or other way designed for the passage of vehicles and pedestrians with the following characteristics:

- (i) it is designed for the passage of fire department and other emergency vehicles,
- (ii) it includes related infrastructure, for example, the roadway itself, side ditches, culverts, and bridges, and
- (iii) its maintenance is the responsibility of Council or the Provincial Department of Transportation and Works.

***STREET LINE** means the edge of a street reservation as defined by Council.

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

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

SUBSIDIARY APARTMENT means a separate dwelling unit constructed within and subsidiary to a single dwelling, commercial building, or public building.

SURFACE WATER means any flowing or standing water on the surface of the earth.

SUSTAINABLE DEVELOPMENT means development that meets the needs of the present without compromising the ability of future generations to meet their own needs, and applies to the environmental, economic, social, cultural, and local governance aspects of the community.

TAKE-OUT RESTAURANT – See “RESTAURANT, TAKE-OUT”

TAVERN – See “DRINKING ESTABLISHMENT”.

THEATRE means a building or large room, usually with tiered seats for an audience, used for film shows, plays, musical performances, etc.

TOURIST COTTAGE ESTABLISHMENT means an area of land, managed as a unit, consisting of three or more self-contained accommodations units used for short-term stays, and where accessory uses could include an administrative office, clubhouse, snack bar, convenience store, swimming pool, and recreational facilities;

TOWNHOUSE – See “DWELLING, ROW”.

TRAVEL TRAILER – See “RECREATIONAL VEHICLE”

TRUCKING/HEAVY EQUIPMENT DEPOT means a building or land used for the maintenance, servicing, storage, or repair of trucks, heavy equipment, and similar commercial vehicles, including the dispensing of fuel and petroleum products and the sale of parts and accessories.

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

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

UTILITY means a utility provided by any agency, which, provides the public with electricity, heat, steam, communications, water, sewage, garbage collection, or other similar service;

***VARIANCE** means a departure, to a maximum of 10% unless otherwise stipulated in these regulations, from the yard area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of Council's regulations.

VETERINARY means an establishment used by veterinarians, or practitioners in related specialties, for practicing veterinary medicine, where animals are admitted for examination and treatment, and where limited laboratory and other diagnostic services may be offered, but excludes a kennel;

WAREHOUSE means a building used for storage, distribution and wholesaling of large quantities of goods.

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

WATERCOURSE, MINOR means a drainage course that carries water only during rain events or snowmelt, an intermittent stream that does not carry significant spring runoff, and a stream that is not fish habitat.

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

WATERCOURSE VEGETATION LINE means the line of naturally occurring terrestrial vegetation present along the banks of a river or stream or on the shore of a lake;

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

WETLAND, MINOR means a wetland of less than 5,000 square metres in area that is not associated with a watercourse and is not deemed to be an environmentally sensitive area.

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

TOWN OF BUCHANS
DEVELOPMENT REGULATIONS 2012-2022

SCHEDULE B
CLASSIFICATION OF USES OF
LAND AND BUILDINGS

SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS		
GROUP	CLASS	EXAMPLES
ASSEMBLY USES	Theatre	Movie theatres, Studios admitting an audience.
	Cultural and Civic	Libraries, museums, meeting rooms, Council chambers
	General Assembly	Community halls, lodge halls, dance halls, gymnasias, auditoria, bowling alleys
	Educational	Schools, colleges
	Place of Worship	Churches and similar places of worship, church halls
	Club and Lodge	Private clubs and lodges (non-residential)
	Catering	Restaurants, bars, lounges, food services
	Drinking establishment	Bars, lounges, pubs, nightclubs
	Funeral Home	Funeral homes and chapels
	Child Care	Day care centres
	Amusement	Electronic games arcades, pool halls
	Indoor Assembly	Arenas, ice rinks, indoor swimming pools
	Outdoor Assembly	Bleachers, grandstands, outdoor ice rinks, swimming pools, amusement parks, fairgrounds, exhibition grounds
Recreational Use	Stadiums, curling clubs, gymnasiums, golf clubhouse, ski clubhouse	
Campground	Campgrounds	
INSTITUTIONAL USES	Penal and Correctional Detention	Jails, police stations (with detention quarters), prisons, reformatories, group homes
	Medical Treatment and Special Care	Children's homes, convalescent homes homes for aged, hospitals

SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS		
GROUP	CLASS	EXAMPLES
RESIDENTIAL USES	Single Dwelling	single detached dwellings
	Double Dwelling	semi-detached dwellings, duplex dwellings
	Row Dwelling	Row houses, townhouses
	Apartment Building	Apartments, family & group homes
	Collective Residential	Educational residences, nurse and hospital residences, etc.
	Boarding House Residential	Boarding houses
	Bed and Breakfast	Bed and breakfast
	Commercial Residential	Hotels, motels, tourist cottages, hostels, inns
	Mobile Homes, Mini-Homes	Mobile homes, mini-homes
	Seniors Housing and Personal Care Facilities	Seniors housing, personal care homes, nursing homes, family and group care centres

SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS		
GROUP	CLASS	EXAMPLES
BUSINESS & PERSONAL SERVICE USES	Office	Offices, banks
	Medical and Professional	Medical offices, dental offices & surgeries, legal offices & similar professional offices
	Personal Service	Barbers, hairdressers, small appliance repairs
	General Service	Laundries, dry cleaners (not using flammable or explosive substances), appliance rentals, travel agents
	Communications	Radio stations, telephone exchanges, communications towers,
	Police Station	Police stations
	Taxi Stand	Taxi stands
	Take-out Restaurant	Take-out food service
	Veterinary	Veterinary clinics and surgeries
MERCANTILE USES	Shopping Centre	Shopping centres
	Shop	Retail shops and stores, showrooms, department stores, garden centres, building supply stores
	Indoor Market	Market halls, auction halls
	Outdoor Market	Market grounds, produce and fruit stands, meat and fish stalls
	Convenience Store	Confectionary stores, corner stores, gift shops, specialty shops
	Vehicle sales and services	Automobile dealerships, recreational vehicle dealerships

SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS		
GROUP	CLASS	EXAMPLES
INDUSTRIAL USES	Hazardous Industry	Bulk storage of hazardous liquids and substances, chemical plants, distilleries feed mills, spray painting shop
	General Industry	Factories, cold storage plants, freight depots general garages, warehouses, workshops, planing mills, contractors yards
	Service Station	Gasoline service stations, gas bars
	Light Industry	Light industry, indoor storage, warehouses, workshops, greenhouses

SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS		
GROUP	CLASS	EXAMPLES
NON-BUILDING USES	Agriculture	commercial farms, hobby farms, market gardens, nurseries, livestock facilities
	Forestry	Forest harvesting, silviculture, logging roads
	Mineral Exploration	Mineral exploration
	Aggregate extraction	Quarries, pits, gravel screening and processing
	Mineral Extraction	Mining, oil wells
	Mineral Processing	Mineral processing, mills, plants, ore stockpiles
	Recreational Use	Playing fields, sports grounds, parks, playgrounds, hiking trails, indoor facilities, outdoor assembly uses
	Open Space	Trails, picnic areas, parks
	Conservation	Watersheds, buffer strips, flood plains, wildlife sanctuaries
	Cemetery	Cemeteries
	Salvage Yard	Car wrecking yards, junk yards, scrap dealers
	Solid Waste	Solid waste disposal, sanitary landfill Recycling centres
	Animal	Animal pounds, kennels
	Communications	TV, radio and communications transmitting towers and antennae
	Transportation	Airfields, docks, harbours
Energy generation facility	Wind generators, solar generators, small hydro generators	

TOWN OF BUCHANS
DEVELOPMENT REGULATIONS 2012-2022

SCHEDULE C
USE ZONE TABLES

SCHEDULE C

USE ZONE SCHEDULES

Schedule C contains tables showing the use classes that are permitted or that are treated as discretionary use classes for the purpose of these Regulations. The tables also indicate the required standards of development and conditions affecting some or all of the use classes.

Before issuing an Approval in Principle or a Development Permit for a development, Council shall review the application to ensure that it is in compliance with:

- Part I – General Regulations
- Part II – General Development Standards
- Part III – Subdivision of Land
- Schedule A – Definitions
- Schedule B – Classification of Uses of Land and Buildings
- Schedule C – Use Zone Schedules
- Schedule D – Offstreet Loading and Parking Requirements
- Schedule E – Ministerial Development Regulations

Schedule C contains tables for the following Use Zones:

ZONE	SYMBOL	PAGE
Environmental Protection	EP	1
Special Protection Area	SPA	3
Residential	RES	4
Mixed Use	MU	8
Commercial Highway	CH	13
Public Use	PU	16
Cemetery	CEM	18
Industrial Commercial	IC	19
Mineral Extraction	ME	22
Rural	RU	27

ZONE TITLE		ENVIRONMENTAL PROTECTION	“EP”
PERMITTED USE CLASSES (See Regulation 82)		DISCRETIONARY USE CLASSES (See Regulations 30 and 83)	
Conservation		Mineral exploration Municipal infrastructure (See Condition 3) Open space Transportation (See Condition 2)	

CONDITIONS

1. **Discretionary Use Classes**
 The discretionary use classes listed in this table can be permitted at the discretion of Council provided the development would not be contrary to the purpose and intent of the Environmental Protection zone.

2. **Transportation**
 - (1) Transportation uses that can be permitted at Council’s discretion are limited to public streets and associated infrastructure.

 - (2) The development of a transportation use in the EP zone will be permitted only if:
 - (a) Alternative locations for access are not reasonably available,
 - (b) It is clearly demonstrated to Council that potential environmental impacts can be satisfactorily minimized or mitigated,
 - (c) The development satisfies any terms and conditions that may be set Council, and
 - (d) The development conforms to necessary Provincial approvals.

3. **Municipal Infrastructure**
 - (1) Municipal infrastructure uses that can be permitted at Council’s discretion are limited to municipal water supply facilities, stormwater drains, and other infrastructure necessary for the Town’s servicing operations.

 - (2) Stormwater drainage outlets will be no closer than 12 metres from the edge of a stream, river, or other watercourse.

4. **Environmental Control**
 - (1) All approved developments and utilities must be designed and constructed in accordance with high environmental standards as specified in terms and conditions established by Council.

- (2) Where it deems necessary, Council may require a proposed discretionary use to undergo an appropriate assessment to ensure that the development will be undertaken in a way that minimizes potential environmental effects.

ZONE TITLE	SPECIAL PROTECTION AREA	“SPA”
PERMITTED USE CLASSES (See Regulation 82)	DISCRETIONARY USE CLASSES (See Regulations 30 and 83)	
Conservation (See Condition 1)		

CONDITIONS

1. Conservation

Land in the Special Protection Area zone was rehabilitated to cover contaminated soils with an artificial membrane, clean surface soils, and planted vegetation to prevent wind and water erosion. Absolutely no land use development or activities, other than maintenance of the rehabilitated site, are permitted in this zone.

ZONE TITLE		RESIDENTIAL		“RES”
PERMITTED USE CLASSES (See Regulation 82)		DISCRETIONARY USE CLASSES (See Regulations 30 and 83)		
Conservation Double dwelling Home occupation (See Condition 3) Open space Single dwelling Row dwelling Subsidiary apartment (See Condition 6)		Apartment building Bed and breakfast (See Condition 5) Boarding house Child care (See Condition 4) Energy generation facility (See Condition 12) Kennel (See Condition 11) Mini-home Recreational use Seniors housing and personal care facility (See Condition 9)		
DEVELOPMENT STANDARDS				
	Single Dwelling	Double Dwelling	Row Dwelling	
Min. Lot Area (m ²)	450	280/du	180/du – inside unit 210/du – end unit	
Min. Floor Area (m ²)	65	65/du	65/du	
Min. Frontage (m)	14.0	7.5/du	6.0/du – inside unit 8.5/du – end unit	
Min. Frontyard (m)	6.0	6.0	6.0	
Min. Sideyard (m)	2.0 + 1.0	2.0 + 2.0	2.0 + 2.0	
Min. Sideyard Flanking Street (m)	6.0	6.0	6.0	
Min. Rearyard (m)	7.0	7.0	7.0	
Max. Lot Coverage - All Buildings	38%	38%	38%	
	Apartment Building			
	One Bedroom	Two Bedroom	Three Bedroom	
Min. Lot Area (m ²)	130/du	150/du	170/du	
Min. Floor Area (m ²)	40	50	60	
Min. Frontage (m)	20.0			
Min. Frontyard (m)	7.0			
Min. Sideyard (m)	3.0 + 3.0			
Min. Rearyard (m)	6.0			
Max. Lot Coverage – All Buildings	38%			

Note - ‘du’ means dwelling unit

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table can be permitted at the discretion of Council provided the development would be complementary to the uses within the Permitted Use Classes, would not inhibit the development of permitted uses, and would not be contrary to the intent of the Municipal Plan or these Regulations.

2. Municipal Servicing Requirements

No new dwelling or other building, except an accessory building, will be approved in the Residential zone that cannot be connected to municipal piped services.

3. Home Occupations

See Regulation 40, Part II – General Development Standards

4. Child Care Service

See Regulation 41, Part II – General Development Standards

5. Bed and Breakfast

See Regulation 42, Part II – General Development Standards

6. Subsidiary Apartments

One subsidiary apartment may be permitted in a single dwelling subject to the following conditions:

- (a) Provision shall be made for at least one additional off-street parking space.
- (b) The apartment will be completely self-contained, with facilities for cooking, sleeping, and bathing.
- (c) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

7. Accessory Building on a Residential Lot

In addition to the requirements for accessory buildings set out in **Regulation 38** of the General Development Standards, an accessory building on a residential lot will be subject to the following standards and conditions:

- (a) The use of an accessory building shall be clearly incidental and complementary to the main dwelling.
- (b) No accessory building will exceed a maximum floor area of 67 square metres or maximum lot coverage of 8 percent, whichever is less.

- (c) The maximum height to the peak of an accessory building is 4.0 metres.
- (d) An accessory building will be erected behind the building line unless otherwise authorized by Council in accordance with **Regulation 38**.
- (e) An accessory buildings must be at least 0.6 metres from any side or rear lot line.
- (f) Except for minor vehicle maintenance, no accessory building will be used for the repairing, painting, dismantling, or scrapping of vehicles or machinery.
- (g) An accessory building can be used for a home occupation subject to **Regulation 40** of Part II of these Regulations.

8. Accessory Building on a Separate Lot from the Main Dwelling

In addition to the requirements for accessory buildings set out in **Regulation 38** of the General Development Standards, a residential accessory building on a separate lot will be subject to the following standards and conditions:

- (a) The use of an accessory building shall be clearly incidental and complementary to the main dwelling.
- (b) The maximum floor area of an accessory building is 32 m².
- (c) The maximum height to the peak of an accessory building is 4.0 metres.
- (d) The minimum separation of an accessory building from any other building is 2.5 metres.
- (e) Except for the parking of licensed vehicles, no outdoor storage will be permitted.
- (f) Except for minor vehicle maintenance, an accessory building will not be used for major repairs, painting, dismantling, or scrapping of vehicles or machinery.
- (g) Unless authorized at the discretion of Council, an accessory building will not be used for a home occupation.

9. Seniors Housing and Personal Care Facilities

Notwithstanding any other provisions of these Regulations, the following provisions shall apply to the development of a Seniors Housing or Personal Care facility:

- (a) The development will be treated as a single comprehensive development as set out in Part II of these Regulations, except that the minimum dwelling floor areas, building line setbacks and yards shall be as determined by Council.

- (b) The development shall be tailored to the needs of the persons occupying the development in accordance with their condition.
- (c) The overall design of the development – including road layout, landscaping, building design and location, parking areas, and so forth – will be attractive and compatible with other uses in the vicinity.
- (d) A single management authority shall be responsible for the maintenance of properties within the development.
- (e) Building types can be as necessary to serve the purposes of the development, including a variety of dwelling types, care facilities, and communal facilities such as storage rooms, hobby rooms, workshops, and garages.
- (f) The total lot coverage of all buildings will not exceed 35%.
- (g) Parking standards will accommodate the needs of the residents, staff, and visitors, and at least one (1) parking space will be provided adjacent to each independent living dwelling unit with a separate exterior entrance.

10. Comprehensive Development

In accordance with **Regulation 30 (1) (d)** and **Regulation 48** of these Regulations, Council, at its discretion, can permit a comprehensive development that does not follow the Development Standards outlined above.

11. Kennels

The development of a new kennel, if permitted as a Discretionary Use, will adhere to such terms and conditions set by Council to minimize potential noise, odour, and other impacts on neighbouring land uses.

12. Energy Generation Facilities

An energy generation facility, if permitted by Council, will be subject to **Regulation 59** of the General Development Standards.

ZONE TITLE		MIXED USE	“MU”
PERMITTED USE CLASSES (See Regulation 82)		DISCRETIONARY USE CLASSES (See Regulations 30 and 83)	
Apartment building (See Condition 2)		Amusement use (See Condition 14)	
Child care (See Condition 7)		Bed and breakfast (See Condition 8)	
Club and lodge		Boarding house	
Conservation		Building supply store	
Dwelling, double (See Condition 2)		Campground	
Dwelling, row (See Condition 2)		Communications	
Dwelling, single (See Condition 2)		Drinking establishment (See Condition 14)	
Educational		Energy generation facility (See Condition 15)	
Family and group care centre		Funeral Home	
General assembly		Garden centre	
General service		General garage	
Home occupation (See Condition 6)		Greenhouse	
Indoor assembly		Hotel and motel	
Indoor market		Kennel (See Condition 11)	
Medical		Light industry	
Nursing home (See Condition 13)		Mineral exploration	
Office		Outdoor assembly use	
Open space		Place of worship	
Outdoor market		Recycling depot	
Personal service		Restaurant, take-out (See Condition 14)	
Public building		Service station	
Recreational use		Shopping centre	
Restaurant		Tourist cottage establishment	
Seniors housing and personal care facility (See Condition 13)		Vehicle sales and services	
Shop		Warehouse	
Subsidiary apartment (See Condition 9)			
Veterinary			

DEVELOPMENT STANDARDS	
All Non-Residential Uses Except Shopping Centres	
Minimum Frontyard (m)	7.5 (may be varied in accordance with Condition 3)
Minimum Sideyard (m)	2.5 (waived for buildings with adjoining walls)
Minimum Sideyard for Open Storage (m)	5.0
Min. Flanking Road Sideyard (m)	6.0 (may be varied in accordance with Condition 3)
Minimum Rearyard (m)	10.0 (may be varied in accordance with Condition 3)
Maximum Lot Coverage	38%
Shopping Centres	
Minimum Lot Area (m ²)	4,000
Minimum Frontyard (m)	As required by Council
Minimum Sideyard (m)	As required by Council
Minimum Rearyard (m)	As required by Council
Maximum Lot Coverage – All Buildings	38%
Residential Uses	
Residential development in the Mixed Use zone will follow the development standards established in the Residential land use zone.	

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table can be permitted at the discretion of Council provided the development would be complementary to the uses within the Permitted Use Classes, would not inhibit the development of permitted uses, and would not be contrary to the intent of the Municipal Plan or these Regulations.

2. Mixing of Residential and Non-Residential Land Uses

(1) Residential Developments

A residential development, including a single, double, or row dwelling, or an apartment building, may be subject to conditions set by Council to ensure it is compatible with neighbouring commercial or other non-residential land uses. Notwithstanding that residential uses are included in the Permitted Use classification, a proposed residential development will not be approved if it is deemed by Council to be incompatible with an existing non-residential use.

(2) Non-Residential Development

A non-residential development may be subject to conditions set by Council to ensure it is compatible with neighbouring residential uses. Notwithstanding the Permitted and Discretionary Uses listed in the Use Zone Table, where an area within the Mixed Use designation is predominantly residential in character, a proposed non-residential use will not be approved if it is deemed by Council to be incompatible with existing dwellings and the residential character of the area.

3. Compatible Yard Setbacks

Notwithstanding the yard setback standards in the Use Zone Table, Council may require the setbacks of new buildings to complement existing building setbacks on adjoining or nearby lots on the same street.

4. Conditions for Non-Residential Development

A non-residential development will be subject to the following:

- (a) It must be located and designed to minimize the impact of traffic, appearance, noise, odour, lighting, and signage on adjacent and nearby residential uses.
- (b) It must be designed and maintained to a high standard with regard to safety, appearance, and compatibility with surrounding land uses.
- (c) It must provide for adequate off-street parking in accordance with **Schedule D**, or such other off-street parking standards that Council considers necessary to avoid traffic or parking problems.
- (d) Outdoor storage associated with the use will not be permitted in the front yard unless otherwise authorized by Council. Storage may be permitted in side and rear yards subject to terms and conditions to reduce potential impacts on neighbouring properties.
- (e) At the discretion of Council, a development may be required to establish spatial buffers and/or screening (e.g. fencing, vegetation) between the development and abutting uses.
- (f) It will be subject to such other conditions that Council deems appropriate for the development and use of the site, and for the amenity of adjacent and nearby land uses.
- (g) No change in the type or scale of the use will be permitted except in accordance with a development permit and conditions set by Council.

5. Municipal Servicing Requirements

No new dwelling or other building, except an accessory building, will be approved in the Mixed Use zone that cannot be connected to municipal piped services.

6. Home Occupations

See **Regulation 40**, Part II – General Development Standards

7. Child Care Service

See **Regulation 41**, Part II – General Development Standards

8. Bed and Breakfast

See **Regulation 42**, Part II – General Development Standards

9. Subsidiary Apartments

(1) One subsidiary apartment can be permitted in a single dwelling, commercial building, and public building..

(2) Approval of a subsidiary apartment will be subject to the following conditions:

(a) Provision shall be made for at least one additional off-street parking space.

(b) The apartment will be completely self-contained, with facilities for cooking, sleeping, and bathing.

(c) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

10. Hazardous and Noxious Uses

In accordance with **Regulation 55**, Council may restrict the development or location of any use or activity that might release or emit a hazardous or noxious substance that would affect neighbouring properties.

11. Kennels

The development of a new kennel, if permitted as a Discretionary Use, will adhere to such terms and conditions set by Council to minimize potential noise, odour, and other impacts on neighbouring land uses.

12. Residential Accessory Buildings

An accessory building to a residential use will follow the development standards and conditions established in the **Residential** land use zone.

13. Seniors Housing, Nursing Homes, and Personal Care Facilities

Notwithstanding any other provisions of these Regulations, the following provisions shall apply to the development of a Seniors Housing and Personal Care Facility:

- (a) The development will be treated as a single comprehensive development as set out in **Regulation 48** of Part II of these Regulations, except that the minimum dwelling floor areas, building line setbacks and yards shall be as determined by Council.
- (b) The development shall be tailored to the needs of the persons occupying the development in accordance with their condition.
- (c) The overall design of the development – including road layout, landscaping, building design and location, parking areas, and so forth – will be attractive and compatible with other uses in the vicinity.
- (d) A single management authority shall be responsible for the maintenance of infrastructure and properties within the development.
- (e) Building types can be as necessary to serve the purposes of the development, including a variety of dwelling types, care facilities, and communal facilities such as storage rooms, hobby rooms, workshops, and garages.
- (f) The total lot coverage of all buildings will not exceed 40%.
- (g) Parking standards will accommodate the needs of the residents, staff, and visitors, and at least one (1) parking space will be provided adjacent to each independent living dwelling unit with a separate exterior entrance.

14. Take-Out Restaurants, Amusement Uses, and Drinking Establishments

Take-out restaurants, amusement uses, and drinking establishments will be considered for approval only if the proposed site does not abut residential properties.

15. Energy Generation Facilities

An energy generation facility, if permitted by Council, will be subject to **Regulation 59** of the General Development Standards.

16. Comprehensive Development

In accordance with **Regulation 30 (1) (d)** and **Regulation 48** of these Regulations, Council, at its discretion, can permit a comprehensive development that does not follow the Development Standards outlined above.

ZONE TITLE		COMMERCIAL HIGHWAY	“CH”
PERMITTED USE CLASSES (See Regulation 82)		DISCRETIONARY USE CLASSES (See Regulations 30 and 83)	
Conservation Open space Restaurant Store or shop (See Condition 3)		Building supply store Campground (See Condition 2) Communications Drinking establishment (See Condition 3) Energy generation facility (See Condition 7) General garage Greenhouse Outdoor assembly use Outfitter operation Recreational use Restaurant, take-out (See Condition 3) Service station Subsidiary apartment (See Conditions 3 and 4) Tourist cottage establishment (See Condition 2) Trucking/heavy equipment depot Vehicle sales and service	
DEVELOPMENT STANDARDS			
Minimum Frontyard (m)		10.0 (Council may require higher setbacks)	
Minimum Sideyard (m)		5.0 + 1.0 (may be waived for buildings with adjoining walls)	
Minimum Sideyard for Open Storage (m)		5.0	
Min. Flanking Road Sideyard (m)		6.0	
Minimum Rearyard (m)		10.0	
Maximum Lot Coverage – All Buildings		38%	

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table can be permitted at the discretion of Council provided the development would be complementary to the uses within the Permitted Use Classes, would not inhibit the development of permitted uses, and would not be contrary to the intent of the Municipal Plan or these Regulations.

2. Tourist Accommodations

- (1) A proposal for a hotel, motel, tourist cottage establishment, or campground will require a development plan satisfactory to Council, which contains the following information:
 - (a) Location and size of operation, including campsites and/or cottage units
 - (b) Internal roads and accesses
 - (c) Parking areas
 - (d) Accessory uses such as laundry facilities, storage areas, washrooms, showers, convenience store, caretaker residence, and outdoor and indoor recreation facilities
 - (e) Water supply and waste disposal
 - (f) Landscaping
 - (g) Buffers and screening between the site and other nearby land uses
 - (h) Delineation of the property to be developed on a legal survey
 - (i) Where deemed necessary by Council, a phasing plans for development.
- (2) Commercial uses, washroom facilities, recreational areas, parking areas, laundries and similar facilities directly associated with the development will not be located on separate properties.
- (3) All camp sites, cottages, and on-site facilities that form part of the development will be accessible only via the internal road network of the development.
- (4) Council may require the development to include suitable buffers and screening on any portion of the development that abuts an existing or future public street or residential area.
- (5) The development permit will specify the maximum number of cottage units and/or campsites for different uses such as tents and trailers that will be permitted on the site.
- (6) No expansion or alteration of a campground, other than repairs and maintenance, will take place without the discretionary approval of Council.

- (7) The operation will comply with all bylaws and regulations of Council pertaining to noise and unruly behaviour.
 - (8) Where deemed necessary by Council, a deposit sufficient to cover the cost of buffers and screening shall be deposited with Council until the work is completed in accordance with the approved plan.
- 3. Uses Permitted Only as Accessory Uses**
In the Commercial Highway zone, take-out restaurants, drinking establishments, stores, shops, and subsidiary apartments will be permitted only as accessory uses to another permitted or discretionary use in the zone.
- 4. Subsidiary Apartments**
- (1) One subsidiary apartment may be permitted in a main use if it deemed by Council as necessary for the operation of that use.
 - (2) Approval of a subsidiary apartment will be subject to the following conditions:
 - (a) The apartment will completely self-contained, with facilities for cooking, sleeping, and bathing.
 - (b) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.
- 5. Property Upkeep and Maintenance**
Land and buildings in the Commercial Highway zone will be landscaped and maintained to the satisfaction of Council.
- 6. Hazardous and Noxious Uses**
In accordance with **Regulation 55**, Council may restrict the development or location of any use or activity that might release or emit a hazardous or noxious substance that would affect neighbouring properties.
- 7. Energy Generation Facilities**
An energy generation facility, if permitted by Council, will be subject to **Regulation 59** of the General Development Standards.

ZONE TITLE		PUBLIC USE	“PU”
PERMITTED USE CLASSES (See Regulation 82)		DISCRETIONARY USE CLASSES (See Regulations 30 and 83)	
Child care (Condition 4)		Cemetery (See Condition 5)	
Conservation		Club and lodge	
Cultural		Collective residential	
Educational		Energy generation facility (See Condition 7)	
General assembly		Family and group care centre	
Hospital		Mineral exploration	
Indoor assembly		Penal and correctional detention	
Office (See Condition 2)		Restaurant (See Condition 2)	
Open space		Subsidiary apartment (See Conditions 2 & 6)	
Outdoor assembly			
Place of worship			
Recreational use			
DEVELOPMENT STANDARDS			
Minimum Frontyard (m)		8.0 (Council may require higher setbacks)	
Minimum Sideyard (m)		5 & 1 (may be waived for buildings with adjoining walls)	
Min. Flanking Road Sideyard (m)		8.0	
Minimum Rearyard (m)		8.0	
Maximum Lot Coverage		38%	

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table can be permitted at the discretion of Council provided the development would be complementary to the uses within the Permitted Use Classes, would not inhibit the development of permitted uses, and would not be contrary to the intent of the Municipal Plan or these Regulations.

2. Uses Permitted Only as Accessory Uses

In the Public Use zone, an office, catering use, and subsidiary apartment will be permitted only as an accessory use to another permitted or discretionary use.

3. Development Criteria

A development will be subject to the following criteria:

- (a) It will meet the development standards or such higher standards as deemed necessary by Council.
- (b) It will be located and designed to minimize the impact of traffic, noise, lighting, and signage on surrounding residential uses. Where necessary, Council may require screening through the provision of trees, shrubs, berms, landscaping, or fencing.
- (c) With the exception of non-building uses, full municipal piped services will be required for new developments.
- (d) It will provide for adequate off-street parking in accordance with "Schedule D".
- (e) No change in the type or scale of the use will be permitted except in accordance with a development permit.
- (f) It will be subject to such other conditions as Council deems necessary to ensure maximum compatibility with nearby residential uses.

4. Child Care Service

See **Regulation 41**, Part II – General Development Standards

5. Cemetery

An application to develop or expand a cemetery must be accompanied by a site design plan illustrating the location of the cemetery, access points, landscaping, and buffers with adjacent properties will be required prior to issuing a development permit.

6. Subsidiary Apartments

- (1) One subsidiary apartment may be permitted in a main use if it is deemed by Council to be necessary for the operation of that use.
- (2) Approval of a subsidiary apartment will be subject to the following conditions:
 - (a) The apartment will completely self-contained, with facilities for cooking, sleeping, and bathing.
 - (b) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

7. Energy Generation Facilities

An energy generation facility, if permitted by Council, will be subject to **Regulation 59** of the General Development Standards.

ZONE TITLE		CEMETERY	“CEM”
PERMITTED USE CLASSES (See Regulation 82)		DISCRETIONARY USE CLASSES (See Regulations 30 and 83)	
Cemetery Conservation			

CONDITIONS

1. Cemetery

An application to develop or expand a cemetery will include a site design plan illustrating the location of the cemetery, access points, landscaping, and buffers with adjacent properties.

ZONE TITLE INDUSTRIAL COMMERCIAL "IC"	
PERMITTED USE CLASSES (See Regulation 82)	DISCRETIONARY USE CLASSES (See Regulations 30 and 83)
Auto body shop Building supply store Communications Conservation Construction yard Energy generation facility General garage General industry General service Greenhouse Light industry Mineral exploration Mini storage facility Office Open space Outfitter operation Recycling depot Store or shop Trucking/heavy equipment depot Vehicle sales and service Warehouse	Hazardous industry (See Conditions 8) Salvage yard (See Condition 5) Subsidiary apartment (See Condition 7)
DEVELOPMENT STANDARDS	
Minimum Frontyard (m)	8 (Council may require higher setbacks)
Minimum Sideyard (m)	5 + 5
Minimum Sideyard for Open Storage (m)	5
Min. Flanking Road Sideyard (m)	8
Minimum Rearyard (m)	15
Maximum Lot Coverage – All Buildings	38%

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table can be permitted at the discretion of Council provided the development would be complementary to the uses within the Permitted Use

Classes, would not inhibit the development of permitted uses, and would not be contrary to the intent of the Municipal Plan or these Regulations.

2. Flammable Liquids Storage

All buildings, tanks, and structures related to the bulk storage of flammable liquids will conform to the requirements of the Provincial Fire Commissioner and shall be surrounded by such buffers and landscaping as Council may require to reduce risks to adjacent uses due to fire, explosion, or spillage of flammable liquid.

3. Streets and Municipal Services

(1) All uses must be provided with streets and municipal services designed for industrial use including fire fighting capability.

(2) Industrial establishments must provide adequate off-street parking facilities for all employees and customers.

4. Outdoor Storage

(1) Outdoor storage and parking of materials and equipment will generally be permitted in the sideyards and rearyards of buildings. In certain circumstances, Council may permit outdoor storage in frontyards.

(2) Council may require fencing or other forms of screening where the quantity or type of material being stored would contribute to unsightly appearance.

5. Salvage Yards

Salvage yards will be subject to the following separation distances from other forms of development.

Type of Development	Minimum Distance from Solid Waste Site or Salvage Yard
Existing or future residential areas	200 metres
Other future development areas	100 metres
Public highway or street	50 metres
Watercourse or water body	50 metres

6. Screening and Landscaping

Council may require buffering or screening of sites with natural or planted vegetation, fencing, or structural barriers to reduce the aesthetic impact of industrial uses on nearby residential areas and public streets and highways.

7. Subsidiary Apartments

- (1) One subsidiary apartment may be permitted in a main use if it deemed by Council as necessary for the operation of that use.
- (2) Approval of a subsidiary apartment will be subject to the following conditions:
 - (a) The apartment will completely self-contained, with facilities for cooking, sleeping, and bathing.
 - (b) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

8. Hazardous and Noxious Uses

In accordance with **Regulation 55**, Council may restrict the development or location of any use or activity that might release or emit a hazardous or noxious substance that would affect neighbouring properties.

9. Energy Generation Facilities

An energy generation facility, if permitted by Council, will be subject to **Regulation 59** of the General Development Standards.

ZONE TITLE		MINERAL EXTRACTION	“ME”
PERMITTED USE CLASSES (See Regulation 82)		DISCRETIONARY USE CLASSES (See Regulations 30 and 83)	
Conservation Mineral exploration Mineral extraction (See Conditions 2 to 16) Mineral processing (See Conditions 2 to 16)	Aggregate extraction (See Condition 4) Communications Energy generation facility (See Condition 6) Forestry (See Condition 5) Hazardous industry (See Condition 3) General industry (See Condition 3) Light industry (See Condition 3) Subsidiary apartment (See Condition 11) Temporary dwelling (See Condition 11)		
DEVELOPMENT STANDARDS			
As determined by Council			

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table can be permitted at the discretion of Council provided the development would be complementary to the uses within the Permitted Use Classes, would not inhibit the development of permitted uses, and would not be contrary to the intent of the Municipal Plan or these Regulations.

2. Mineral Extraction Uses

2.1 Separation Distances between Mineral Extraction and Municipal Land Uses

- (1) No mineral extraction shall be located within:
 - (a) 300 metres of a residential dwelling
 - (b) 200 metres of a hotel or other commercial accommodations facility,
 - (c) 150 metres of a commercial or public building other than a commercial building located on the same property as the mineral extraction
 - (d) 50 metres of a municipal street
- (2) Council may specify a minimum separation distance between a mineral processing use, including an operating plant, associated structures, and equipment and developed areas.

2.2. Screening and Noise Barriers

Mineral extraction and plant operations shall be screened in the following manner where it is visible from a public street or developed area:

- (a) Earthen berms shall be constructed to a height sufficient to minimize visibility and noise impacts on urban land uses from mineral extraction operations.
- (b) The berms shall be landscaped to Council's satisfaction.
- (c) Council can refuse a development permit for any mineral extraction or plant operation that cannot be screened or noise buffered as required in Sub-paragraphs (a) and (b) above.

2.3 Fencing

Council can require a mining site or excavated pit to be enclosed by a fence designed and constructed to its specifications and no less than 1.8 metres in height.

2.4 Water Pollution

- (1) No mining or plant operation, or associated storm or sanitary drainage, will unacceptably reduce water quality in any watercourse.
- (2) Any access road to a mining or plant operation, which crosses a brook or stream, shall be bridged or culverted at the crossing in accordance with the Regulations of the Department of Environment and Conservation.

2.5 Water Ponding

- (1) No mineral extraction will cause the accumulation or ponding of water in any part of the mining site.
- (2) Settling ponds may be permitted subject to the satisfaction of Council and approval by the Department of Environment and Conservation.

2.6 Erosion Control

No mineral extraction will be carried out in a manner so as to cause erosion of adjacent land.

2.7 Site Maintenance

Mining and plant sites shall be kept clean of refuse, abandoned vehicles, abandoned equipment, and derelict buildings.

2.8 Storage of Flammable Materials

All uses and structures for the storage of bulk and flammable materials shall conform to the requirements of the provincial Fire Commissioner, and shall be surrounded by such buffers and landscaping as Council may require, to prevent damage to adjacent uses by fire, explosion, or spillage.

2.9 Accessory Residential Uses

2.9.1 Subsidiary Apartments

- (1) One subsidiary apartment may be permitted in the building of a main use if it deemed by Council to be necessary for the operation of that use.
- (2) Approval of a subsidiary apartment will be subject to the following conditions:
 - (a) The apartment will completely self-contained, with facilities for cooking, sleeping, and bathing.
 - (b) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

2.9.2 Temporary Dwellings

At Council's discretion, a temporary dwelling can be permitted that is accessory to a main use subject to the following:

- (a) It is demonstrated to Council's satisfaction that temporary habitation on the site is necessary for the feasible operation of the main use.
- (b) It will not be the full-time residence of any person,
- (c) It will not be used for any purpose other than as an accessory dwelling to the main use,
- (d) It will be erected only on the ground surface and will not have any portion of its foundation underground,
- (e) It will be erected and located in such a manner that in the opinion of Council, it can be easily dismantled or removed upon termination of the operation, and
- (f) It will be removed from the site as soon as the permitted use ceases to operate.

2.10 Access Roads

During extended periods of shutdown, access roads to a mining site will be barred to the satisfaction of Council.

2.11 Stockpiling of Cover Material

All stumps, organic material and topsoil shall be stripped and stockpiled at least five (5) metres from uncleared areas and ten (10) metres from active mining and stockpile areas. The operator will ensure that the quality of the topsoil is not affected by dilution with other materials.

2.12 Conservation of Topsoil, Site Rehabilitation

In establishing a mining operation, every care will be taken to conserve topsoil for reinstatement, and to clear brush and undergrowth so as to avoid fire hazards. On completion of mining extraction in any part of the site, landscaping carried out to Council's satisfaction.

2.13 Operating Plant and Associated Processing

Council can permit a processing use associated with mineral extraction provided that, in the opinion of Council, the use does not, or will not, create a nuisance or hazard through noise, vibration, fumes, dust, dirt, objectionable odours, or unsightly storage of materials or equipment.

2.14 Buildings and Equipment, Site Maintenance

- (1) Buildings, equipment and plants will be erected and located in such a manner that, in the opinion of Council, can be easily dismantled and removed upon termination of the mining operation.
- (2) Mining and plant sites will be kept clean of refuse, abandoned vehicles, and abandoned mining equipment at all times.

2.15 Termination and Site Rehabilitation

Termination and site rehabilitation of a mining operation shall be carried out by the owner as required by the Department of Natural Resources and shall include the removal of all buildings, structures, and equipment.

3. Light, General, and Hazardous Industry

Industrial uses in the Mineral Extraction zone will be considered for approval only if they are complementary to mineral extraction operations or will not be an impediment to mineral extraction.

4. Aggregate Extraction Uses

Aggregate extraction uses in the Mineral Extraction zone will meet the conditions outlined in the Rural land use zone.

5. Forestry Uses

Forestry uses in the Mineral Extraction zone will meet the conditions outlined in the Rural land use zone.

6. Energy Generation Facilities

An energy generation facility, if permitted by Council, will be subject to **Regulation 59** of the General Development Standards.

ZONE TITLE		RURAL	"RU"
PERMITTED USE CLASSES (See Regulation 82)		DISCRETIONARY USE CLASSES (See Regulations 30 and 83)	
Agriculture (See Condition 6) Communications Conservation Forestry (See Condition 7) General industry (See Conditions 2 & 9) Light industry (See Conditions 2 & 9) Mineral exploration Open space		Aggregate extraction (See Condition 5) Boarding and riding stable Campground (See Condition 4) Catering (See Condition 2) Construction yard Energy generation facility (See Condition 13) Outdoor assembly (See Condition 2) Outdoor market (see Condition 2) Outfitter operation Recreational use Salvage yard (See Condition 11) Shop or store (See Condition 2) Single dwelling (See Condition 2 & 8.2) Subsidiary apartment (See Condition 2 & 8.1) Temporary dwelling (See Condition 2 & 8.3) Tourist cottage establishment (See Condition 4)	

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table can be permitted at the discretion of Council provided the development would be complementary to the uses within the Permitted Use Classes, would not inhibit the development of permitted uses, and would not be contrary to the intent of the Municipal Plan or these Regulations.

2. Uses Permitted Only as Accessory Uses

In the Rural zone, catering uses, single dwellings, subsidiary apartments, temporary dwellings, shops, stores, outdoor assembly uses, outdoor markets, light industries, and general industries can be developed only as accessory uses to a main use or building permitted in the zone.

3. Development Criteria

A development will be subject to the following criteria:

- (a) It must meet the development standards and conditions deemed necessary by Council.
- (b) It must be located and designed to minimize the impact of traffic, noise, lighting, and signage on nearby residential uses. Where necessary, Council may require screening through the provision of trees, shrubs, berms, landscaping, or fencing.
- (c) It must be designed and maintained to a high standard with regard to safety, appearance, and compatibility with surrounding land uses.
- (d) Permission to develop will be in accordance with a development permit issued by Council, and
- (e) No change in the type or scale of the use will be permitted except in accordance with a development permit.

4. Tourist Cottages and Campgrounds

- (1) A proposed tourist cottage or campground establishment will require a development plan satisfactory to Council containing the following information:
 - (a) Location and size of campsites and/or cottage units
 - (b) Internal roads and accesses
 - (c) Parking areas
 - (d) Accessory uses such as laundry facilities, storage areas, washrooms, showers, convenience store, staff accommodations, and outdoor and indoor recreation facilities
 - (e) Water supply and waste disposal
 - (f) Landscaping
 - (g) Buffers and screening between the site and other nearby land uses
 - (h) Delineation of the property to be developed on a legal survey
 - (i) Where deemed necessary by Council, a phasing plan for development.

- (2) On-site water and sewer services must meet minimum standards required by relevant Provincial agencies and Council.
- (3) Commercial uses, washroom facilities, recreational areas, parking areas, laundries and similar facilities directly associated with the development will not be located on separate properties.
- (4) All camp sites, cottages, and on-site facilities that form part of the development will be accessible only via the internal road network of the development.
- (5) Council may require the development to include suitable buffers and screening on any portion of the development that abuts an existing or future public street or residential area. Any buffering or screening shall be maintained in a condition that is acceptable to Council.
- (6) The development permit will specify the maximum number of cottage units and/or campsites for different uses such as tents and trailers that will be permitted on the site.
- (7) No expansion or alteration of a campground, other than repairs and maintenance, will take place without the discretionary approval of Council.
- (8) The operation will comply with all bylaws and regulations of Council pertaining to noise and unruly behaviour.
- (9) Where deemed necessary by Council, a deposit sufficient to cover the cost of buffers and screening shall be deposited with Council until the work is completed in accordance with the approved plan.

5. Aggregate Extraction Uses

5.1 Aggregate Extraction Sites

An aggregate extraction use will be subject to the following, unless otherwise authorized by Council:

- (a) No new aggregate extraction operation will be developed without a development permit issued by Council. The development, operation, termination, and rehabilitation of the aggregate extraction site will be carried out only in accordance with terms and conditions specified in the development permit. The development permit will be revoked if the operator does not comply with the terms and conditions of the development permit.

- (b) An application to Council for the development of an extraction pit or rock quarry will include a site development plan with the following information:
 - (i) the site's biophysical features
 - (ii) a delineation of the proposed extraction area
 - (iii) the type and location of aggregate processing equipment
 - (iv) a site rehabilitation plan (see Paragraph 5.4)

- (c) No extraction of any sort will take place closer than:
 - (i) 50 metres from a watercourse or wetland,
 - (ii) 50 metres from a public street or highway,
 - (iii) 200 metres of a residential, commercial, or public building,

- (d) No quarrying of hard rock will take place within 800 metres of a residential, commercial, or public building.

- (e) All topsoil and organic material, including the rusty coloured and iron stained layer, will be securely stockpiled for future rehabilitation of the site. The operator will ensure that the topsoil is not mixed with aggregate materials.

- (f) An undisturbed buffer strip will be maintained at least 30 metres wide between the final perimeter of a pit or quarry and the boundary of the lot on which it is located. Council may permit this buffer width to be reduced by up to 50% with the written consent of the adjacent property owner,

- (g) Where a proposed aggregate extraction site is located in the vicinity of a public street or highway, or an existing or proposed residential, commercial, or recreational area, Council may require the owner to provide for natural or artificial screening to obstruct visibility of the site.

- (h) Council may require the aggregate extraction site or excavated area to be fully or partially enclosed by a fence designed and constructed to Council's specifications.

- (i) No aggregate extraction shall create excessive drainage or erosion onto adjacent properties or into nearby watercourses.

- (j) No aggregate extraction shall cause the accumulation or ponding of water in any part of the site. Settling ponds will be permitted only with approval from the Department of Environment and Conservation.

- (k) The aggregate extraction site shall be kept clean of refuse, abandoned vehicles, abandoned equipment and derelict buildings.

- (l) During seasonal or other extended periods of shutdown, the slope of any sand or gravel embankment shall not have a gradient steeper than 60% for the full depth thereof, and
- (o) Other such conditions that Council deems as necessary.

5.2 Aggregate Processing Plant

- (1) Council can permit an aggregate processing plant (e.g. washing and screening plant, crusher) provided that the use will not significantly affect surrounding land uses by reason of noise, vibration, fumes, dust, odour, water drainage, unsightly storage of materials, or general appearance.
- (2) Council can specify a minimum separation distance between a processing plant and an existing residential, commercial, public, or recreational area.

5.3 Site Rehabilitation

- (1) A development application for a new aggregate extraction site will not be approved unless it includes a plan for site rehabilitation acceptable to Council.
- (2) Council can require the extraction site to be rehabilitated at progressive stages of excavation or after the aggregate extraction operation has terminated.
- (3) Upon full completion of the aggregate extraction operation, the following work shall be carried out by the owner:
 - (a) All buildings, machinery and equipment shall be removed,
 - (b) All pit and quarry slopes shall be graded to a slope of less than 60 percent,
 - (c) The entire excavated area will be rehabilitated in accordance with the rehabilitation plan.
 - (d) If required, the closure or decommissioning of the access road in accordance with Paragraph 10.

6. Minimum Distance Separations for Livestock Facilities

- (1) New development and expansions of livestock facilities located near residential and other non-agricultural uses will be subject to the minimum separation distance requirements as specified by Council.
- (2) New development and expansions of residential and other non-agricultural uses located near livestock facilities will be subject to the minimum separation distance requirements as specified by Council.

7. Forestry

Forestry activities must preserve scenic views from the community. Council can set conditions for forest harvesting and silviculture activities in areas within or visible from any built-up area of the town.

8. Accessory Residential Uses

8.1 Subsidiary Apartments

- (1) One subsidiary apartment may be permitted in the building of a main use if it deemed by Council to be necessary for the operation of that use.
- (2) Approval of a subsidiary apartment will be subject to the following conditions:
 - (a) The apartment will completely self-contained, with facilities for cooking, sleeping, and bathing.
 - (b) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

8.2 Single Dwellings

At Council's discretion, a single dwelling can be permitted that is accessory to a commercial agricultural operation or boarding stable, subject to the following:

- (a) It is demonstrated to Council's satisfaction that the main use is a bona fide commercial operation from which the owner derives a major portion of his or her income, and
- (b) It is demonstrated to Council's satisfaction that full-time habitation on the site is necessary for the feasible operation of the main use.

8.3 Temporary Dwellings

At Council's discretion, a temporary dwelling can be permitted that is accessory to a main use subject to the following:

- (a) It is demonstrated to Council's satisfaction that temporary habitation on the site is necessary for the feasible operation of the main use.
- (b) It will not be the full-time residence of any person,
- (c) It will not be used for any purpose other than as an accessory dwelling to the main use,

- (d) It will be erected only on the ground surface and will not have any portion of its foundation underground,
- (e) It will be erected and located in such a manner that in the opinion of Council, it can be easily dismantled or removed upon termination of the operation, and
- (f) It will be removed from the site as soon as the permitted use ceases to operate.

9. General and Light Industry

Industrial uses will be restricted to general and light industrial uses that are directly related to forestry, agriculture, or aggregate extraction, or that meet the following criteria:

- (a) The use is unsuitable for a built-up area by reason of appearance, noise, vibration, smell, fumes, smoke, grit, soot, ash, dust, or glare.
- (b) The use requires large outdoor areas for open storage and handling of materials, goods, and equipment.
- (c) The use is capable of being serviced by on-site water and sewage services.
- (d) The use can be screened from public streets and lands designated for urban uses.
- (e) The use generates low volumes of traffic.
- (f) The use will have no deleterious effects on the environment.
- (g) The use will not include warehousing, wholesale, or retail activities.

10. Access Roads

- (1) Roads constructed to provide access for resource harvesting or extraction or a permitted industrial use will require a development permit from Council. All road construction will be subject to the conditions of the Department of Environment and Conservation.
- (2) Council may set conditions related to the location, design, construction, operation, and decommissioning of an access road.
- (3) Council may require an access road to be closed to access by the general public during shutdown periods to provide for security, public safety, and environmental protection.

- (4) After the operation has terminated, Council can require an access road to be closed permanently to public access or fully decommissioned so that it is not passable by wheeled vehicles.

11. Salvage Yards

The development of a new salvage yard will adhere to the following separation distances from sensitive areas or other forms of development.

Type of Development	Minimum Separation Distance
Existing or proposed residential areas	300 metres
Any other built-up area likely to be developed	150 metres
Public highway or street	50 metres
Watercourse or water body	50 metres

12. Hazardous and Noxious Uses

In accordance with **Regulation 55**, Council may restrict the development or location of any use or activity that might release or emit a hazardous or noxious substance that would affect neighbouring properties.

13. Energy Generation Facilities

An energy generation facility, if permitted by Council, will be subject to **Regulation 59** of the General Development Standards.

TOWN OF BUCHANS
DEVELOPMENT REGULATIONS 2012-2022

SCHEDULE D
LOADING AND PARKING
REQUIREMENTS

SCHEDULE D - OFFSTREET LOADING AND PARKING REQUIREMENTS

1. Off-Street Loading Requirements

- (1) Where Council deems necessary, for every building, structure or use requiring the shipping, loading or unloading of animals, goods, wares or merchandise, one or more loading spaces will be provided and maintained on the lot measuring at least 15 metres long and 4 metres wide with a vertical clearance of at least 4 metres. The space will have direct access to a public street or to a driveway of a minimum width of 6 metres that connects to a public street.
- (2) The number of loading spaces to be provided will be determined by Council.
- (3) The loading spaces required by this Regulation will be designed so that vehicles can manoeuvre clear of any street and so that it would not be necessary for any vehicle to reverse onto or from a street.

2. Parking Area Standards

- (1) For every building, structure or use to be erected or enlarged, 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 on-street parking of vehicles associated with that building, structure or use.
- (2) The number of parking spaces to be provided for any building, structure, use of occupancy shall conform to the standards set out in Schedule D, except as otherwise modified by Schedule C, of these Regulations.
- (3) Each parking space, except in the case of a single or attached dwelling, will be made accessible by means of a right-of-way at least 3 metres wide.
- (4) Residential parking spaces shall be provided on the same lot as the dwelling or dwellings. Parking space for apartment buildings will be provided in the rear yard where possible.
- (5) Non-residential parking spaces shall be provided not more than 200 metres distant from the use for which the parking is required.
- (6) The parking facilities required by this Regulation will, except in the case of single or attached dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.

- (7) Where Council permits parking perpendicular to the curb, the minimum dimensions of each parking stall will be as follows:

Parking stall width	2.5 metres
Parking stall length or depth	5.5 metres
Aisle width separating opposite parking stalls	7.0 metres
Aisle width separating a stall from another obstruction	7.0 metres
Driveway width	7.0 metres

Where Council permits parking horizontal to the curb, the minimum length of the stall will be 7.00 metres and the aisle width will be at least 4 metres, or more if deemed necessary by Council.

For any other parking lot configuration, the requirements shall as be as specified by Council, but in no instance shall the requirements be less than that specified for perpendicular parking spaces.

- (6) Other requirements for parking areas are as follows:
- (a) The parking area will be constructed and maintained to the specifications of Council,
 - (b) Lights for illumination of the parking area will be arranged so as to divert the light away from adjacent development,
 - (c) Except on a service station or industrial lot, no gasoline pump or other service station equipment will be located or maintained in a parking area,
 - (e) No part of any off-street parking area will be closer than 1.5 metres from the front lot line in any zone,
 - (f) Where, in the opinion of Council, strict application of the above parking requirements is impractical or undesirable, Council may as a condition of a permit require the developer to pay a service levy in lieu of the provision of a parking area, and Council will use the full amount of the levy for the provision and upkeep of alternative parking facilities within the vicinity of the development.

3. Off-Street Parking Requirements

- (1) The off-street parking requirements for the various use classes set out in Schedule B will be as set out in the following table, except as otherwise set out in Schedule C. In the case of developments that include more than one use class, these standards shall be regarded as cumulative.

- (2) Adequate off-street provision for the drop-off and pick-up of persons will be provided on the same lot as the development unless otherwise stipulated by Council.
- (3) The number of spaces to be provided for off-street parking will be in accordance with the following table.

CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
Theatre	One space for every 6 seats.
Cultural and Civic	One space for every 60 square metres of gross floor areas.
General Assembly	One space for every 15 square metres of gross floor area.
Educational	Schools - 2 spaces for every classroom. Further education - 1 space for every 5 persons using the facilities (students, faculty and staff).
Place of Worship	One space for every 6 seats.
Passenger Assembly	As specified by Council.
Club and Lodge	One space for every 3 persons that may be accommodated at one time.
Catering	One space for every 3 customers that may be accommodated at one time.
Funeral Home	One space for every 12 square metres of gross floor area.
Child Care	One space for every 30 square metres of gross floor area
Amusement	One space for every 15 square metres of gross floor area.
Outdoor Assembly	As specified by Council.
Campground	As specified by Council.
Penal and Correctional Detention	As specified by Council.
Medical Treatment and Special Care	Once space per 22 square metres of suite or ward area
Single Dwelling	Two spaces for every dwelling unit.
Double Dwelling	Two spaces for every dwelling unit.
Row Dwelling	Two spaces for every dwelling unit.
Apartment Building	Three spaces for every two dwelling units.
Collective Residential	As specified by Council.

CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
Boarding House and/or Bed and Breakfast	As specified by Council.
Commercial Residential	One space for every guest room.
Mobile and Mini Homes	Two spaces for every dwelling unit.
Office	One space for every 25 m ² of gross floor area.
Medical and Professional	One space for every 25 m ² of gross floor area.
Personal Service	One space for every 25 m ² of gross floor area.
General Service	One space for every 25 m ² of gross floor area.
Communications	As specified by Council.
Police Station	As specified by Council.
Taxi Stand	As specified by Council.
Take-out Food Service	One space for every 25 m ² of gross floor area.
Veterinary	One space for every 25 m ² of gross floor area.
Shopping Centre	One space for every 18 m ² of gross floor area.
Shop	One space for every 20 m ² of gross floor area.
Indoor Market	As specified by Council.
Outdoor Market	As specified by Council.
Convenience Store	One space for every 20 m ² of gross floor area.
General and hazardous industry	As specified by Council, but not less than one space per 100 m ² of gross floor area or 10 parking spaces, whichever is greater.
Service Station	One space for every 20 m ² of gross floor area.
Light Industry	As specified by Council but not less than one space per 50 m ² of gross floor area or 5 parking spaces, whichever is greater.

TOWN OF BUCHANS
DEVELOPMENT REGULATIONS 2012-2022

SCHEDULE D
LOADING AND PARKING
REQUIREMENTS

SCHEDULE D - OFFSTREET LOADING AND PARKING REQUIREMENTS

1. Off-Street Loading Requirements

- (1) Where Council deems necessary, for every building, structure or use requiring the shipping, loading or unloading of animals, goods, wares or merchandise, one or more loading spaces will be provided and maintained on the lot measuring at least 15 metres long and 4 metres wide with a vertical clearance of at least 4 metres. The space will have direct access to a public street or to a driveway of a minimum width of 6 metres that connects to a public street.
- (2) The number of loading spaces to be provided will be determined by Council.
- (3) The loading spaces required by this Regulation will be designed so that vehicles can manoeuvre clear of any street and so that it would not be necessary for any vehicle to reverse onto or from a street.

2. Parking Area Standards

- (1) For every building, structure or use to be erected or enlarged, 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 on-street parking of vehicles associated with that building, structure or use.
- (2) The number of parking spaces to be provided for any building, structure, use of occupancy shall conform to the standards set out in Schedule D, except as otherwise modified by Schedule C, of these Regulations.
- (3) Each parking space, except in the case of a single or attached dwelling, will be made accessible by means of a right-of-way at least 3 metres wide.
- (4) Residential parking spaces shall be provided on the same lot as the dwelling or dwellings. Parking space for apartment buildings will be provided in the rear yard where possible.
- (5) Non-residential parking spaces shall be provided not more than 200 metres distant from the use for which the parking is required.
- (6) The parking facilities required by this Regulation will, except in the case of single or attached dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.

- (7) Where Council permits parking perpendicular to the curb, the minimum dimensions of each parking stall will be as follows:

Parking stall width	2.5 metres
Parking stall length or depth	5.5 metres
Aisle width separating opposite parking stalls	7.0 metres
Aisle width separating a stall from another obstruction	7.0 metres
Driveway width	7.0 metres

Where Council permits parking horizontal to the curb, the minimum length of the stall will be 7.00 metres and the aisle width will be at least 4 metres, or more if deemed necessary by Council.

For any other parking lot configuration, the requirements shall as be as specified by Council, but in no instance shall the requirements be less than that specified for perpendicular parking spaces.

- (6) Other requirements for parking areas are as follows:
- (a) The parking area will be constructed and maintained to the specifications of Council,
 - (b) Lights for illumination of the parking area will be arranged so as to divert the light away from adjacent development,
 - (c) Except on a service station or industrial lot, no gasoline pump or other service station equipment will be located or maintained in a parking area,
 - (e) No part of any off-street parking area will be closer than 1.5 metres from the front lot line in any zone,
 - (f) Where, in the opinion of Council, strict application of the above parking requirements is impractical or undesirable, Council may as a condition of a permit require the developer to pay a service levy in lieu of the provision of a parking area, and Council will use the full amount of the levy for the provision and upkeep of alternative parking facilities within the vicinity of the development.

3. Off-Street Parking Requirements

- (1) The off-street parking requirements for the various use classes set out in Schedule B will be as set out in the following table, except as otherwise set out in Schedule C. In the case of developments that include more than one use class, these standards shall be regarded as cumulative.

- (2) Adequate off-street provision for the drop-off and pick-up of persons will be provided on the same lot as the development unless otherwise stipulated by Council.
- (3) The number of spaces to be provided for off-street parking will be in accordance with the following table.

CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
Theatre	One space for every 6 seats.
Cultural and Civic	One space for every 60 square metres of gross floor areas.
General Assembly	One space for every 15 square metres of gross floor area.
Educational	Schools - 2 spaces for every classroom. Further education - 1 space for every 5 persons using the facilities (students, faculty and staff).
Place of Worship	One space for every 6 seats.
Passenger Assembly	As specified by Council.
Club and Lodge	One space for every 3 persons that may be accommodated at one time.
Catering	One space for every 3 customers that may be accommodated at one time.
Funeral Home	One space for every 12 square metres of gross floor area.
Child Care	One space for every 30 square metres of gross floor area
Amusement	One space for every 15 square metres of gross floor area.
Outdoor Assembly	As specified by Council.
Campground	As specified by Council.
Penal and Correctional Detention	As specified by Council.
Medical Treatment and Special Care	Once space per 22 square metres of suite or ward area
Single Dwelling	Two spaces for every dwelling unit.
Double Dwelling	Two spaces for every dwelling unit.
Row Dwelling	Two spaces for every dwelling unit.
Apartment Building	Three spaces for every two dwelling units.
Collective Residential	As specified by Council.

CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
Boarding House and/or Bed and Breakfast	As specified by Council.
Commercial Residential	One space for every guest room.
Mobile and Mini Homes	Two spaces for every dwelling unit.
Office	One space for every 25 m ² of gross floor area.
Medical and Professional	One space for every 25 m ² of gross floor area.
Personal Service	One space for every 25 m ² of gross floor area.
General Service	One space for every 25 m ² of gross floor area.
Communications	As specified by Council.
Police Station	As specified by Council.
Taxi Stand	As specified by Council.
Take-out Food Service	One space for every 25 m ² of gross floor area.
Veterinary	One space for every 25 m ² of gross floor area.
Shopping Centre	One space for every 18 m ² of gross floor area.
Shop	One space for every 20 m ² of gross floor area.
Indoor Market	As specified by Council.
Outdoor Market	As specified by Council.
Convenience Store	One space for every 20 m ² of gross floor area.
General and hazardous industry	As specified by Council, but not less than one space per 100 m ² of gross floor area or 10 parking spaces, whichever is greater.
Service Station	One space for every 20 m ² of gross floor area.
Light Industry	As specified by Council but not less than one space per 50 m ² of gross floor area or 5 parking spaces, whichever is greater.

T

TOWN OF BUCHANS
DEVELOPMENT REGULATIONS 2012-2022

SCHEDULE E

MINISTERIAL
DEVELOPMENT REGULATIONS

NEWFOUNDLAND AND LABRADOR

REGULATION 3/01

Development Regulations
under the
Urban and Rural Planning Act, 2000

(Filed January 2, 2001)

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

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

Joan Marie Aylward
Minister of Municipal and Provincial Affairs

REGULATIONS

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Short title

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

Definitions

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

Application

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

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

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

Interpretation

4. (1) In development regulations and other regulations made with respect to a planning area the following terms shall have the meanings indicated in this section
 - (a) "access" means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street;

- (b) "accessory building" includes
- (i) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,
 - (ii) for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television antennae,
 - (iii) for commercial uses, workshops or garages, and
 - (iv) for industrial uses, garages, offices, raised ramps and docks;
- (c) "accessory use" means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use;
- (d) "building height" means the vertical distance, measured in metres from the established grade to the
- (i) highest point of the roof surface of a flat roof,
 - (ii) deck line of a mansard roof, and
 - (iii) mean height level between the eave and the ridge of a gable, hip or gambrel roof, and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof;
- (e) "building line" means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed;
- (f) "discretionary use" means a use that is listed within the discretionary use classes established in the use zone tables of an authority's development regulations;
- (g) "established grade" means,
- (i) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or
 - (ii) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment;

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

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

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

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

(l) "lot coverage" means the combined area of all building on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot;

(m) "non-conforming use" means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone;

(n) "owner" means a person or an organization of persons owning or having the legal right to use the land under consideration;

(o) "permitted use" means a use that is listed within the permitted use classes set out in the use zone tables of an authority's development regulations;

(p) "prohibited use" means a use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that an authority specifies as not permitted within a use zone;

(q) "sign" means a word, letter, model, placard, board, device or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement or direction and excludes those things employed wholly as a memorial, advertisements of local government, utilities and boarding or similar structures used for the display of advertisements;

(r) "rear yard depth" means the distance between the rear lot line and the rear wall of the main building on a lot;

(s) "side yard depth" means the distance between the side lot line and the nearest side wall of a building on the lot;

(t) "street" means a street, road, highway or other way designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles;

(u) "street line" means the edge of a street reservation as defined by the authority

having jurisdiction;

(v) "use" means a building or activity situated on a lot or a development permitted on a lot;

(w) "use zone" or "zone" means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply;

(x) "variance" means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the authority's regulations; and

(y) "zoning map" means the map or maps attached to and forming a part of the authority's regulations.

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

Notice of right to appeal

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

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

Appeal requirements

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

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

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

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

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

Appeal registration

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

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

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

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

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

Development prohibited

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

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

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

Hearing notice and meetings

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

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

Hearing of evidence

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

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

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

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

Board decision

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

Variations

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

would prejudice the proper development of the land, building or structure in question or would be contrary to public interest.

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

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

Notice of variance

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

Residential non conformity

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

Notice and hearings on change of use

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

Non-conformance with standards -conformance with standards

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

Discontinuance of non-conforming use

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

Delegation of powers

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

Commencement

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