

# **TOWN OF CAPE BROYLE 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**

August 18 2009


**TOWN OF CAPE BROYLE  
DEVELOPMENT REGULATIONS  
2009**

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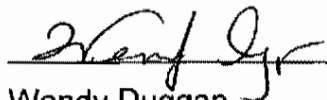
**URBAN AND RURAL PLANNING ACT  
RESOLUTION TO ADOPT  
TOWN OF CAPE BROYLE DEVELOPMENT REGULATIONS 2009**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Cape Broyle adopts the Town of Cape Broyle Development Regulations 2009.

Adopted by the Town Council of Cape Broyle on the 26<sup>th</sup> day of November 2008.

Signed and sealed this 26<sup>th</sup> day of November, 2009. 

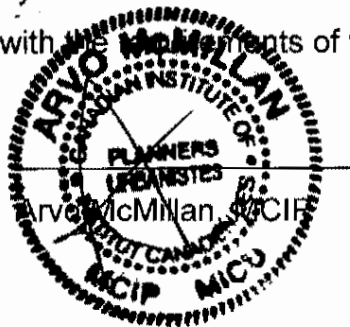
Mayor:   
Donny Graham

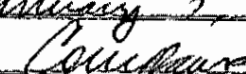
Clerk:   
Wendy Duggan

**CANADIAN INSTITUTE OF PLANNERS CERTIFICATION**

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

MCIP:




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| Development Regulations/Amendment  |
| <b>REGISTERED</b>  |
| Number <u>860.2010.001</u>   |
| Date <u>January 5, 2010</u>  |
| Signature <u></u> |

**URBAN AND RURAL PLANNING ACT  
RESOLUTION TO APPROVE  
TOWN OF CAPE BROYLE 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 Cape Broyle

- a) adopted the Town of Cape Broyle Development Regulations 2009 on the 16 day of September, 2008.
- b) gave notice of the adoption of the Town of Cape Broyle Development Regulations 2009 by advertisement inserted on the 3<sup>rd</sup> day of October 2008 and the 10<sup>th</sup> day of October, 2008 in the Telegram newspaper.
- c) set the 20 day of October at 7:00 p.m. at the Town Hall, Cape Broyle for the holding of a public hearing to consider objections and submissions.

Now under the authority of section 23 of the *Urban and Rural Planning Act 2000*, on the 26 day of November 2008 the Town Council of Cape Broyle approves the Town of Cape Broyle Development Regulations 2009 as adopted.

SIGNED AND SEALED this 26<sup>th</sup> day of November, 2008 

Mayor:   
Donny Graham

Clerk:   
Wendy Buggan

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## **Published by Authority**

### **NEWFOUNDLAND REGULATION 3/01**

*Development Regulations  
under the  
Urban and Rural Planning Act, 2000*

*(Filed January 2, 2001)*

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

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

Joan Marie Aylward  
Minister of Municipal and Provincial Affairs

### **REGULATIONS**

#### *Analysis*

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

Short title  
Definitions

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

2. In these regulations,

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

Application

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

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

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

Interpretation

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

- (a) "access" means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street;
- (b) "accessory building" includes
  - (i) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,

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

- (ii) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment;
- (h) "floor area" means the total area of all floors in a building measured to the outside face of exterior walls;
- (i) "frontage" means the horizontal distance between side lot lines measured at the building line;
- (j) "lot" means a plot, tract or parcel of land which can be considered as a unit of land for a particular use or building;
- (k) "lot area" means the total horizontal area within the lines of the lot;
- (l) "lot coverage" means the combined area of all building on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot;
- (m) "non-conforming use" means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone;
- (n) "owner" means a person or an organization of persons owning or having the legal right to use the land under consideration;
- (o) "permitted use" means a use that is listed within the permitted use classes set out in the use zone tables of an authority's development regulations;
- (p) "prohibited use" means a use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that an authority specifies as not permitted within a use zone;
- (q) "sign" means a word, letter, model, placard, board, device or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement,

announcement or direction and excludes those things employed wholly as a memorial, advertisements of local government, utilities and boarding or similar structures used for the display of advertisements;

- (r) "rear yard depth" means the distance between the rear lot line and the rear wall of the main building on a lot;
- (s) "side yard depth" means the distance between the side lot line and the nearest side wall of a building on the lot;
- (t) "street" means a street, road, highway or other way designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles;
- (u) "street line" means the edge of a street reservation as defined by the authority having jurisdiction;
- (v) "use" means a building or activity situated on a lot or a development permitted on a lot;
- (w) "use zone" or "zone" means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply;
- (x) "variance" means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the authority's regulations; and
- (y) "zoning map" means the map or maps attached to and forming a part of the authority's regulations.

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

Notice of right to  
appeal

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

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

**Appeal requirements**

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

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

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

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

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

**Appeal registration**

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

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

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

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

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

Development  
prohibited

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

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

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

Hearing notice and  
meetings

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

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

Hearing of evidence

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

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

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

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

**Board decision**

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

**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 non-conforming building, structure or development, an authority, at the applicant's expense, shall publish a notice in a newspaper circulating in the area or by other means give public notice of an application to vary the existing use of a non-conforming building, structure or development and shall consider any representations or submissions received in response to that advertisement.

Non-conformance  
with standards

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

Discontinuance of  
non-conforming use

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

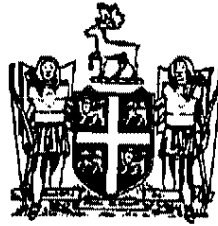
Delegation of  
powers

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

Commencement

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

©Earl G. Tucker, Queen's Printer



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- (g) "established grade" means,
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- (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 non-conforming building, structure or development, an authority, at the applicant's expense, shall publish a notice in a newspaper circulating in the area or by other means give public notice of an application to vary the existing use of a non-conforming building, structure or development and shall consider any representations or submissions received in response to that advertisement.

Non-conformance  
with standards

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

Discontinuance of  
non-conforming use

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

Delegation of  
powers

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

Commencement

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

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**TOWN OF CAPE BROYLE MUNICIPAL PLAN  
(DEVELOPMENT REGULATIONS)**

**APPLICATION**

**1. Short Title**

These Regulations may be cited as the Cape Broyle Development Regulations.

**2. Interpretation**

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

**3. Commencement**

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

**4. Urban and Rural Planning Act 2000 - 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 Cape Broyle Development Regulations, the Ministerial Regulations shall prevail. The Ministerial Development Regulations are included with the Cape Broyle Development Regulations.

**5. Municipal Code and Regulations**

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

**6. Town**

In these Regulations, "Town" means the Council of the Town of Cape Broyle.

## **PART I - GENERAL REGULATIONS**

### **7. Compliance With Regulations**

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

### **8. Permit Required**

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

### **9. Permit to be Issued**

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

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

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

### **11. Discretionary Powers of Town**

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

## **12. Variances by Town**

- (1) See Ministerial Development Regulations, Section 12.
- (2) Where an approval or a permit cannot be given by the Town because a proposed development does not comply with development standards set out in these Regulations, the Town may, in its discretion, vary the applicable development standards to a maximum of 10%, if, in the Town's opinion, compliance with the development standards would prejudice the proper development of the land, building or structure in question or would be contrary to the public interest.
- (3) The Town shall not allow a variance from development standards set out in these Regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10% variance even though the individual variances are separately not greater than 10%.
- (4) The Town shall permit a variance from the development standards where the proposed development would increase the non conformity of an existing development.
- (5) Public Notice – When a variance is necessary under this Regulation, the Town shall, at the expense of the applicant, give written notice to the property owners in the immediate vicinity of the proposed variance.

## **13. Service Levy**

- (1) The Town may require a developer to pay a service levy where development is made possible or where the density of potential development is increased, or where the value of property is enhanced by the carrying out of public works either on or off the site of the development.
- (2) A service levy shall not exceed the cost, or estimated cost, including finance charges to the Town of constructing or improving the public works referred to in Regulation 13(1) that are necessary for the real property to be developed in accordance with the standards required by the Town and for uses that are permitted on that real property.
- (3) A service levy shall be assessed on the real property based on:

- a) the amount of real property benefited by the public works related to all the real property so benefited; and,
  - b) the density of development made capable or increased by the public work.
- (4) The Town may require a service levy to be paid by the owner of the real property;
- a) at the time the levy is imposed;
  - b) at the time development of the real property commences;
  - c) at the time development of the real property is completed; or,
  - d) at such other time as the Town may decide.

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

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

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

In addition to the requirements for dedication of land under Regulation 75, the Town may require the dedication of a percentage of the land area of any subdivision or other development for public use, and such land shall be conveyed to the Town in accordance with the provisions of the Act.

#### **16. Reinstatement of Land**

Where the use of land is discontinued or the intensity of its use is decreased, the Town may order the developer, the occupier of the site, or the owner or all of them to reinstate the site, to remove all or any buildings or erections, to cover or fill all

wells or excavations, and to close all or any accesses, or to do any of these things or all of them, as the case may be, and the developer, occupier or owner shall carry out the order of the Town and shall put the site in a clean and sanitary condition to the satisfaction of the Town.

**17. Form of Application**

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

**18. Register of Application**

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

**19. Deferment of Application**

- (1) The Town may, with the written agreement of the applicant, defer consideration of an application.
- (2) Applications properly submitted in accordance with these Regulations which have not been determined by the Town and on which a decision has not been communicated to the applicant within eight weeks of the receipt thereof by the Town, and on which consideration has not been deferred in accordance with Regulation 19(1), shall be deemed to be refused.

**20. Approval in Principle**

- (1) The Town may grant Approval in Principle for a subdivision or any other development if, after considering an application for approval in principle made under these Regulations, it is satisfied that the proposed development is, subject to the approval of detailed plans, in compliance with these Regulations.

- (2) Where Approval in Principle is granted under this Regulation, it shall be subject to the subsequent approval by the Town and other relevant authorities or agencies of such details as may be listed in the Approval in Principle, which shall also specify that further application for approval of these details shall be received not later than two years from the grant of approval in principle.
- (3) Notwithstanding an Approval in Principle, no work shall commence until a Development Permit or other permit has been issued by the Town.

## **21. Development Permit**

- (1) A plan or drawing which has been approved by the Town and which bears a mark and/or signature indicating such approval together with a permit shall be deemed to be permission to develop land in accordance with these Regulations but such permission shall not relieve the applicant from full responsibility for obtaining permits or approvals under any other regulation or statute prior to commencing the development; from having the work carried out in accordance with these Regulations or any other regulations or statutes; and from compliance with all conditions imposed thereunder.
- (2) The Town may attach to a permit or to approval in principle such conditions as it deems fit in order to ensure that the proposed development will be in accordance with the purposes and intent of these Regulations.
- (3) Where the Town deems necessary, permits may be issued on a temporary basis for a period not exceeding two years, which may be extended in writing by the Town for further periods not exceeding two years.
- (4) A permit is valid for such period, not in excess of two years, as may be stated therein, and if the development has not commenced, the permit may be renewed for a further period not in excess of one year, but a permit shall not be renewed more than once, except in the case of a permit for an advertisement, which may be renewed in accordance with Regulation 31 of these Regulations.
- (5) The approval of any application and plans or drawings or the issue of a permit shall not prevent the Town from thereafter requiring the correction of errors, or from ordering the cessation, removal of, or remedial work on any development being carried out in the event that the same is in violation of this or any other regulations or statute.



- (6) The Town may revoke a permit for failure by the holder of it to comply with these Regulations or any condition attached to the permit or where the permit was issued in error or was issued on the basis of incorrect information.
- (7) No person shall erase, alter or modify any drawing or specifications upon which a permit to develop has been issued by the Town.
- (8) There shall be kept available on the premises where any work, matter or thing in being done for which a permit has been issued, a copy of the permit and any plans, drawings or specifications on which the issue of the permit was based during the whole progress of the work, or the doing of the matter or thing until completion.

**22. Reasons for Refusing Permit**

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

**23. Notice of Application**

When a change in nonconforming use is to be considered (see also Ministerial Regulations), or when the development proposed is listed as a discretionary use in Schedule C of the Regulations the Town shall, at the expense of the applicant, give notice of an application for a permit or for approval in principle, by public advertisement in a newspaper circulating in the area or by any other means deemed necessary.

When a variance is necessary under Regulation 12 (see also Ministerial Regulations), the Town shall, at the expense of the applicant, give written notice to the property owners in the immediate vicinity of the proposed variance.

**24. Right of Entry**

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

**25. Record of Violations**

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

**26. Stop Work Order and Prosecution**

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

**27. Appeals**

See Ministerial Regulations- Sections 5 to 11.

Where an appeal lodged under Section 42 of the Urban and Rural Planning Act has been successful, the fee paid by the appellant shall be reimbursed by the Town.

## PART II - GENERAL DEVELOPMENT STANDARDS

### 28. Accesses and Service Streets

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

### 29. Accessory Buildings

This Regulations applies to both residential and non-residential accessory buildings.

- (1) Accessory buildings shall be clearly incidental and complementary to the use of the principal buildings in character, use and size, and shall generally be contained on the same lot as the principal building or buildings, except as otherwise determined at the discretion of the Town.
- (2) A discretionary accessory building not located on the same lot as the principal building can only be used for marine-related uses or for storage purposes only and shall have height no greater than 4 metres and a floor area no greater than 75 square metres or 15 % of the lot area whichever is the less, unless otherwise approved at the discretion of the Town.
- (3) Building Line – The minimum building line (distance from the front lot line) for an accessory building shall be as that set out in the Schedule C Use Zone for principal and other buildings.
- (4) Side Yard – The minimum side yards (distance from the side lot lines) are as follows:
  - a) Accessory Building Does Not Exceed 4 Metres in Height – the minimum side yard is 1 metre;
  - b) Accessory Building Exceeds 4 Metres in Height – the minimum side yard is at least 2 metres, unless more is deemed necessary by the

- Town in order to protect the amenities and/or privacy of neighbouring properties;
- c) **Minimum Side Yard Flanking Road (for a Corner Lot)** – the accessory building shall not be closer to a flanking road than that set out for the dwelling under Schedule C.
- (5) **Rear Yard** – The minimum rear yards are as follows:
- a) **Accessory Building Does Not Exceed 4 Metres in Height** – the minimum rear yard (distance from the rear lot line) is 1 metre;
- b) **Accessory Building Exceeds 4 Metres in Height** – the minimum rear yard shall be 2 metres, unless more is deemed necessary by the Town in order to protect the amenities and/or privacy of neighbouring properties.
- (6) **Separation Distance from Principal Building** - Accessory buildings shall maintain a minimum separation distance of 3 metres from a principal building, or the minimum required by the Building Code, whichever is the greater.
- (7) **Lot Coverage** - The combined lot coverage of accessory buildings together with principal and other buildings on a lot shall not exceed 33% (See also clause (3)).
- (8) **Floor Area** - No floor area requirements are set out for accessory buildings, however. However, any accessory building exceeding 70 m<sup>2</sup> in floor area may only be approved at the discretion of the Town and after notice of the application has been given in accordance with Regulation 23.
- (9) **Height** – The maximum height of an accessory building shall not exceed the height of the principal building. However, any accessory building with a height greater than 4 metres may only be approved at the discretion of the Town and after notice of the application has been given in accordance with Regulation 23.
- (10) **Lot Coverage** - The combined lot coverage of accessory buildings together with principal and other buildings on a lot shall not exceed 33%.
- (11) **Floor Area** - No floor area requirements are set out for accessory buildings.

- (12) Height – Subject to clauses (3) and (4) of this Regulation, the maximum height of an accessory building shall not exceed the height of the principal building unless it is located on the Harbour.

### **30. Accessory Uses**

See also Schedule A – Definitions.

Subject to the other requirements of these Regulations, including those of Schedule C, uses accessory to the permitted or discretionary use may be permitted.

Subject to Schedule C, examples of accessory uses include, but are not limited to:

- a) facilities for the serving of food and alcoholic beverages in an arena or other place of assembly, marina, or hotel (commercial - residential);
- b) a gift or souvenir shop in a museum, hotel or other establishment;
- c) office and/or a small convenience store or catering establishment in a campground;
- d) a marina or dock or wharf in a residential or other zone;
- e) an accessory dwelling;
- f) an unobtrusive business carried out in a dwelling or residential accessory building by a resident of the dwelling;
- g) a dwelling accessory to the primary use - such as a farm operator's dwelling on the farm, woodlot owner's dwelling, or a caretaker's dwelling in non-farm or forestry business.

These accessory uses shall be clearly subsidiary to and controlled so as to be compatible with the primary use and the use of nearby properties.

### **31. Advertisements and Signs**

The terms "advertisement" and "sign" are interchangeable.

#### **(1) Permit Required**

Unless specifically exempted, no advertisement shall be erected or displayed in the Planning Area unless a permit for the advertisement is first obtained from the Town, and, where necessary, from the Department of Government Services.

(2) Form of Application

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

(3) Advertisements in Street Reservation

No advertisement shall be permitted to be erected or displayed within, on or over any highway or street reservation unless it is a premises sign (advertisement relating to onsite uses) and where applicable unless this sign has been approved by the Town and the Department of Government Services and/or the Department of Transportation and Works.

(4) Permit Valid for Limited Period

- a) A permit shall be valid for a period of one year and failure by the applicant to initiate construction before expiration of the first permit year shall require reapplication to the Town.
- b) Where, upon expiration of the first permit year a person wants the continued placement of that sign, that person shall apply to the Town for a renewed permit.
- c) The Town may issue a renewed permit and that renewed permit shall be valid for a period of three years, and this must subsequently be renewed for further three year periods if the sign is to remain in place.
- d) A renewed permit shall not be issued until the Town is satisfied that the sign has been maintained to its satisfaction and conforms to these Regulations and the conditions attached to the permit.

(5) Removal of Advertisements

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

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

(6) Signs - Non-Conforming Uses

A permit may be used for the erection or display of advertisements on a building or within the courtyard of a building or on a parcel of land, the use of which is a non conforming use, provided that the advertisement does not exceed the size and type of advertisement which could be permitted if the development was in a Use Zone appropriate to its use, and subject to any other conditions deemed appropriate by the Town.

(7) Prohibition

A sign shall not be erected, posted or placed:

- a) where in the opinion of the Town, that sign would be hazardous to road traffic by reason of its siting, illumination or structural condition;
- b) where in the opinion of the Town that sign would be detrimental to the amenities of surrounding areas or length of highway or road;
- c) where that sign is not maintained to the satisfaction of the Town;
- d) within or over a highway or street intersection unless otherwise approved by the Town for Town roads, or by the Department of Transportation and Works for roads under Provincial jurisdiction;
- e) with the exception of premises advertisements, within 300 metres, or a distance specified by the Department of Transportation and Works, or the Town of the intersection of two or more highways and/or for Town roads, or from the crossing of a public road;
- f) at a location that is objectionable to residents of the immediate area; and
- g) on a sign erected by the Department of Transportation and Works.

(8) Signs or Advertisements Not Specifically Covered

If for some reason an application is received for a sign or advertisement that does not fall into one of the categories set out under these Regulations, then subject to the other applicable requirements of these Regulations the Town may approve, approve with conditions, or refuse to approve the sign or advertisement.

**32. Advertisements Exempt from Control**

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

- a) a posting of a candidate in a federal, provincial or municipal election or a regional school board election;
- b) a temporary sign relating to federal, provincial or municipal public works;
- c) a notice required by law to be posted;
- d) a regulatory, warning, directional, guide or informational sign erected by the Department of Transportation and Works;
- e) a sign placed by a telephone, telegraph or electric power company to indicate danger;
- f) a sign, not exceeding 0.5 square metres, advertising the sale or rental of a building or lot upon which the sign is located;
- g) a flag, emblem or insignia of a nation, country or province;
- h) one temporary sign related to building construction located on a site on which the work is being carried out;
- i) on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.28 m<sup>2</sup> in area;
- j) on an agricultural holding or farm, a notice board not exceeding 1.5 m<sup>2</sup> in area and relating to the operations being conducted on the land;
- k) on land used for forestry purposes, signs or notices not exceeding 1 m<sup>2</sup> in area and relating to forestry operations or the location of logging operations conducted on the land;
- l) on land used for mining or quarrying operations, a notice board not exceeding 1 m<sup>2</sup> in area relating to the operation conducted on the land;
- m) on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.28 m<sup>2</sup> in area in connection with the practice of a business carried on in the premises;
- n) on any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board placed no closer than 3 metres from a street line;
- o) on the principal facade of any commercial, industrial or public building, the name of the building or the name of the occupants of the building, in letters not exceeding one-tenth of the height of that facade or 3 m, whichever is the lesser;
- p) on any parking lot directional signs and one sign not exceeding 1 m<sup>2</sup> in size, identifying the parking lot; and,
- q) a sign indicating the location of a municipal or municipal planning area boundary, located beyond the back slope of a highway ditching.

### **33. Advertisements - Temporary and/or Portable Signs**

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



- a) does not exceed 4 square metres in area;
- b) does not create or aggravate a traffic hazard, such as by blocking a sight-line;
- c) does not interfere with other lawful signs, including directional signs;
- d) is of a location, materials, design and colour in keeping with the character and appearance of the area;
- e) if necessary, is approved by the Department of Government Services, together with the Town.

The sign shall be immediately removed upon expiry of the permit.

A renewal permit for a temporary and/or portable sign may only be issued thirty days after the expiry of the original permit.

#### **34. Advertisements and Signs near Highways**

Pursuant to Newfoundland Regulation 85/99 as amended, the Provincial Government has designated "control lines" alongside each provincially maintained route. These lines extend 400 metres from the highway centre lines, except that the control area is reduced within the within Municipal Boundaries and built up areas of incorporated communities to 100 metres from the centre line of a provincial highway.

Advertisements and signs falling within the designated control lines of any highway must be referred to and approved or exempted by the Government Services office serving the area.

#### **35. Advertisements Relating to Onsite Uses**

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

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

These requirements also apply to premises signs.

### **36. Advertisements Relating to Offsite Uses**

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

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

### **37. Agriculture and Farming**

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

### **38. Buffers - Non-Residential**

Where any non-residential use abuts a residential use or area, the owner of the site of the non-residential development may be required to provide a buffer strip between any non-residential building or activity and the residential use. The buffer

shall include the provision of grass strips, hedges, trees or shrubs, or structural barriers as may be required by the Town, and shall be maintained by the owner or occupier to the satisfaction of the Town.

**39. Building Line and Setback**

- (1) The Town may by resolution establish building lines on an existing or proposed street or service street and may require any new buildings to be located on those building lines, whether or not such building lines conform to the standards set out in the tables in Schedule C of these Regulations.
- (2) The building line setback is measured from the front property line.
- (3) In accordance with the Building Near Highways Regulations 1997, the building line along Provincial highways shall not be less than that specified under the Building Near Highways Regulations. The minimum building line is 20 metres from the centre-line of the Southern Shore Highway, Route 10.

**40. Buildings on a Lot**

Unless it is a subsidiary dwelling, not more than one single dwelling shall be permitted on a lot. However, more than one double dwelling or commercial or other non-residential building can be permitted on a lot.

**41. Discretionary Use Classes**

The discretionary use classes listed in Schedule C may be permitted at the discretion of the Town provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses.

**42. Family and Group Care Centres**

Family group care centre use is permitted in any dwelling or apartment that is adequate in size to accommodate the number of persons living in the group, inclusive of staff, provided that in the opinion of the Town, the use of the dwelling does not materially differ from, nor adversely affect, the amenities of the adjacent residences, or the neighbourhood in which it is located. The Town may require special access and safety features to be provided for the occupants before occupancy is permitted.

### **43. Fences**

- (1) Except as otherwise set out in Schedule C, or in a Fence Regulation adopted under the Municipalities Act, the requirements of this Regulation shall apply to all fences.
- (2) For the purpose of this Regulation a fence includes a vertical physical barrier constructed out of typical fencing materials, and includes hedges, shrubs and landscaping features used for these purposes, and, that portion of a retaining wall which projects above the surface of the ground which it supports.
- (3) The provision of these Regulations shall apply to all public authorities except in those cases where an exception from the Regulations is require to respond to an emergency or for a public purpose.
- (4) The Town shall not be liable for any damages for the repair of any fence whatsoever where the Town, its employees or agents or otherwise have acted without negligence. In particular, the Town shall not be liable for any damages or repairs of any fence whatsoever during the normal operation of snow clearing on streets or sidewalks located within the Municipal Planning Area.

#### Order to Remove Fence

- (5) When in the opinion of the Town, a fence creates a safety hazard or obstruction or impedes snow-clearing due to its location, height or construction material, the Town may issue an order to the property owner stating that the fence or portions thereof be removed, reconstructed or repaired within a specified time in order to correct the safety hazard or obstruction and the cost to remove, construct or repair said fence or part thereof will be at the owner's expense. In the event that the property owner does not remove the fence within the specified time as ordered, the Town may remove the fence and the cost to remove, reconstruct or repair said fence will be at the owner's expense.

#### Fence Maintenance

- (6) Every person who owns a fence shall maintain such fence in a good state of repair. For the purpose of this Regulation, "good state of repair" shall mean:

- a) the fence is complete and in a structurally sound condition and plumb and securely anchored;
- b) protected by weather -resistant materials;
- c) fence components are not broken, rusted, rotten or in a hazardous condition;
- d) all stained or painted fences are maintained free of peeling; and
- e) that the fence does not present an unsightly appearance deleterious to abutting land or to the neighbourhood.

#### Fence Materials

- (7) The material or materials used in the erection and repair of a fence, shall only be of a type which meets the approval of the Council.

#### Fence Height - Sight Lines

- (8) Except as otherwise provided no fence shall be erected with a height of greater than 0.75 metres above the grade of the street line within the triangle formed by two street lines and a line connecting two points on the two street lines located 15 metres from the point of intersection of the two street lines where one of the streets is an arterial or collector street, or 8 metres from the point of intersection of the two street lines where the two streets are local streets.
- (9) Except as otherwise provided, no fence shall be erected with a height of greater than 0.75 metres above the grade of the street line at the intersection of a driveway and a road where in the opinion of the Council it impedes sight lines.

#### Maximum Height

- (10) Unless required for screening, no fence shall be greater than 0.75 metres in height between the building line and the street line.
- (11) The maximum height of a fence shall not exceed 1.8 metres in the Mixed Use Development Zone.
- (12) The maximum height of a fence in all other zones shall not exceed 2.4 metres.

Electrical Fence and Barbed Wire Fence

- (13) No person shall erect an electrical or barbed wire fence.

Snow Fence

- (14) No person shall erect or maintain a snow fence for the period May 1<sup>st</sup> to October 31<sup>st</sup> in any year on land used for residential or commercial purposes.

Swimming Pool Fence

- (15) A fence with a minimum height of 1.8 metres shall be erected and maintained around an open swimming pool.

**44. Forestry Development and Cottage Development**

- (1) Forestry uses shall be approved by both the Department of Natural Resources and the Town, together with other appropriate agencies.
- (2) Development within lands shown as Domestic Cutting Areas on the map "Town of Cape Broyle Development Regulations 2009, Domestic Cutting Areas and Cottage Development Areas" which overlap other designations shall be referred to the Department of Natural Resources, Forestry Resources Branch for approval before a permit is issued by the Town.
- (3) Development within lands shown as Cottage Development Areas on the map "Town of Cape Broyle Development Regulations 2009, Domestic Cutting Areas and Cottage Development Areas" which overlap other designations shall be referred to the Department of Environment and Conservation, Land Management Division for approval before a permit is issued by the Town.
- (4) The map "Town of Cape Broyle Development Regulations 2009, Domestic Cutting Areas and Cottage Development Areas" can be altered without amending the Development Regulations.

**45. Heritage Resources**

- (1) The Town shall conserve and develop its heritage resources and landscapes. This will include a process whereby historic buildings and landscapes are identified and preserved, and new developments are

reviewed by Council to ensure that they are compatible with the character of the area between Highway 10 and Cape Broyle Harbour – particularly along Harbour Road. Part of the process may include the establishment of committee to assist Council in design review.

- (2) Archaeological sites and discoveries are protected under the *Historic Resources Act, 1985*. If such a site is discovered, development shall stop and the Provincial Archaeology Office of the Department of Tourism, Culture and Recreation consulted. Also, if any major development is proposed, this Office shall be advised before an approval is granted by the Town so that the necessary research can be carried out before construction begins.
- (3) Municipal, Provincial or Federal heritage sites and properties shall be protected under the relevant legislation. Permits for alteration shall conform with the intent of the designations, and no demolition shall occur without Town approval and the approval of the designating authorities.

Development adjacent heritage sites shall be reviewed by the Town to ensure that there is no negative visual or other impact on a designated heritage site.

#### **46. Lot Area**

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

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

Where, at the time of coming into effect of these Regulations, one or more lots already exist in any zone, with insufficient frontage or area to permit the owner or purchaser of such a lot or lots to comply with the provisions of these Regulations, then these Regulations shall not prevent the issuing of a permit by the Town for the

erection of a dwelling thereon, provided that the lot coverage and height are not greater than, and the yards and floor area are not less than the standards set out in these Regulations.

**48. Lot Frontage**

Except as it relates to uses such as transportation uses or agriculture, fishery, forestry and recreational uses and their accessory uses where frontage on a public road is not feasible, or unless otherwise provided for in the Use Zone Tables in Schedule C of these Regulations, no residential or commercial building shall be erected unless the lot on which it is situated fronts directly onto a publicly owned and maintained road or forms part of a Comprehensive Development.

**49. Mineral Exploration**

- (1) Subject to the other provisions of these Development Regulations, mineral exploration which is not classed as development by virtue of appreciable soil disturbance, construction of access roads, noise, odour and appearance can be permitted anywhere in the Town, provided that adequate notification is provided to the Town.
- (2) Mineral exploration which is classed as development can only be permitted if adequate provision is made for buffering /and or other means of reducing or eliminating the impacts of the exploration on uses of land such as agricultural operations, residential uses including farm dwellings, tourist accommodation facilities and important waterways and wetlands.

Where there is soil disturbance, the developer shall provide a site restoration or landscaping surety and/or other satisfactory guarantees of site restoration or landscaping to the Town.

No permit shall be issued by the Town for mineral exploration until the 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.

**50. Non-Conforming Uses**

- (1) This Regulation is based upon Section 108 (2) of the Urban and Rural Planning Act 2000, and Sections 14, 15, and 16 of the Ministerial Development Regulations.



- (2) Notwithstanding a plan, scheme or regulations made under the Urban and Rural Planning Act 2000, the Town shall, in accordance with regulations made under this Act, allow a development or use of land to continue in a manner that does not conform with a regulation, scheme, or plan that applies to that land provided that the non-conforming use legally existed before the registration under Section 24 of the Act of the plan, scheme or regulations made with respect to that kind of development or use.
- (3) Notwithstanding subsection (1), a right to resume a discontinued non-conforming use of land shall not exceed one year. For the purpose of this Regulation, discontinuance of a non-conforming use begins when any one of the following conditions is met:
  - a) the building or use of land is clearly vacated or the building is demolished;
  - b) the owner or tenant has ceased paying business occupancy taxes for that use;
  - c) the owner or tenant has stated in writing that the use has ceased.
- (4) A building, structure or development that does not conform to a scheme, plan or regulations made under this Act that is allowed to continue under subsection (2):
  - a) shall not be internally or externally varied, extended or expanded unless otherwise approved by the Town;
  - b) shall not be structurally modified except as required for the safety of the building, structure or development;
  - c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50% or more of the value of that building, structure or development has been destroyed;
  - d) may have the existing use for that building, structure or development varied by the Town to a use that is, in their opinion more compatible with a plan and regulations applicable to it;
  - e) may have the existing building extended by the Town where, in its opinion that extension is not more than 50% of the existing building;
  - f) where the non-conformance is with respect to the 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.
- g) where the building or structure is primarily zoned and used for residential purposes, may, in accordance with the appropriate plan and regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed; and
  - h). a residential building or structure referred to in the above paragraph must, where being repaired or rebuilt, be repaired or rebuilt in accordance with the plan and development regulations applicable to that building or structure.
- (5) Notice and hearings on change of use – Where considering a non conforming building, structure or development under clause 4 d) of this Regulation and before making a decision to vary an existing use of that non-conforming building, structure or development, an authority, at the applicant's expense, shall publish a notice in a newspaper circulating in the area or by other means give public notice of an application to vary the existing use of a non-conforming building, structure or development and shall consider any representations or submissions received in response to that advertisement.

#### **51. Offensive and Dangerous Uses**

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

#### **52. Parking and Offstreet Loading Requirements**

Parking and offstreet loading requirements are set out in Schedule D of these Regulations.

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

- (1) Parks and playgrounds are permitted in any zone, provided however, that such parks and playgrounds are not located in areas which may be hazardous to their use and are not operated for commercial purposes.

- (2) Nothing in these Regulations shall prevent the designation of conservation areas in any zone.

#### **54. Recreational Trails and Walkways, Track, East Coast Trail**

See also Regulation 64 – Waterways and Wetlands.

- (1) Wherever space and terrain characteristics allow, the appearance and use of well known trails and/or mapped trails (including the Track and the East Coast Trail) shall be protected by natural vegetation buffers that separate the trail and other forms of development and from hazard areas and areas subject to erosion, such as river and brook banks. The vegetation buffer shall be deep enough to prevent shallow rooted trees being knocked over by wind.
- (2) For a trail to be eligible for protection it must be shown on the mapping for the Town as a line on the Land Use Zoning Maps, or on a plan of trails adopted by the Town and/or, as indicated on a plan of a specific trail which has been accepted by the Town.
- (3) Unless it is already shown the Land Use Zoning Maps as a trail and thus adopted as part of the Development Regulations, the designation of a trail or trails for protection shall be advertised in accordance with the provisions of Regulation 23 and an opportunity provided for interested persons to comment on the proposal before a trail or plan of trails is adopted by the Town.
- (4) Within the buffer of a trail, only public utilities and roads may be allowed. No other development is permitted on or near the trail.
- (5) Unless the area is already developed, in which case it may be necessary to reduce the width of a buffer, the minimum corridor width of a trail shall be 30 metres – or 15 metres either direction from the centre of the trail. The Track in undeveloped areas is protected by this corridor.
- (6) In respect of privately owned lands where the land is deeded or assigned to the Town or a non-profit body, the minimum buffer shall be 7.5 metres from the centre-line of the trail to create a 15 metre wide trail corridor. The buffer may be increased in order to secure additional protection or screening.

- (7) East Coast Trail – No development shall take place within 100 metres of the East Coast Trail unless it has been reviewed by the East Coast Trail Association and approved by the Town.
- (8) As a condition of a development permit the Town may require that a trail corridor be deeded to the Town or a non-profit group approved by the Town.

#### **55. Screening and Landscaping**

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

#### **56. Services and Public Utilities**

The Town may within any zone permit land to be used in conjunction with the provision of public services and public utilities if the use of that land is necessary to the proper operation of the public service or public utility.

#### **57. Side Yards**

A side yard which shall be kept clear of obstruction shall be provided on the exposed sides of every building in order to provide access for the maintenance of that building.

#### **58. Site Development**

- (1) Before approving the development of any site, the Town shall take into consideration the adequacy of site grading, drainage and landscaping and the potential of the development to cause erosion onto and pollution of adjacent development and lands and bodies of water receiving drainage from the site, along with other similar matters.
- (2) The Town shall ensure that the proposal is not inappropriate by reason of:
  - a) precipitating or contributing to a pollution problem in the area; or,
  - b) causing erosion and/or sedimentation.

**59. Site Development Quarry and Soil Removal**

- (1) If, as part of another development, quarry material is to be removed and sold or otherwise disposed of, then a separate quarry permit shall be issued once development approval is granted by the Town. A copy of this permit must be forwarded to the Department of Natural Resources, Mineral Lands Division.
- (2) A site development quarry under this Regulation is permitted wherever the use that the quarry is associated with is permitted.
- (3) A quarry permit issued under this Regulation shall only be valid for the term of the site development.
- (4) When the work is completed, the area affected shall be suitably landscaped and drained in accordance with a plan approved by the Town.
- (5) If the site work is extensive, the Town may require the deposit of a surety in the amount of \$500.00 which shall be returned to the developer upon satisfactory completion of the work.

**60. Street Construction Standards**

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

**61. Subsidiary Apartments**

Subsidiary apartments can be permitted in single dwellings only, and for the purposes of calculating lot area and yard requirements, shall be considered part of the self-contained dwelling. Only one subsidiary apartment is permitted per dwelling.

**62. Subsidiary Dwelling**

See also Regulation 29 – Accessory Buildings.

A subsidiary dwelling is permitted in the rear yard of a single dwelling in a building separate from the single dwelling, subject to the following requirements:

- a) the subsidiary dwelling is located in the rear yard of the single dwelling;
- b) fire and other safety issues are properly addressed in the location, access and design of the subsidiary dwelling, and this may entail the provision of a completely unobstructed side yard wide enough to provide access for

- emergencies which is greater than the minimum side yard for single dwellings in this zone;
- c) unless it is only used as a separate sleeping quarters, the subsidiary dwelling shall be connected to municipal water and sewer services or other suitable water supply and waste disposal services approved by the Government Service Centre of the Department of Government Services;
  - d) the maximum floor area shall be 60 square metres;
  - e) the minimum distance from the side and rear property boundaries is 3 metres;
  - f) maximum height is 6 metres.

### **63. Unsubdivided Land**

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

### **64. Waterways and Wetlands**

- (1) Except where zoned Environmental Protection on the Land Use Zoning Maps, the minimum width of a buffer along a waterway or wetland shall be 15 metres from the highwater mark, or 1 in 100 year flood zone, of the stream, river, pond or other body of water or wetland.
- (2) If the toe of an embankment with an average slope of 30% or more lies within 15 m of the highwater mark, or 1 in 100 year flood zone of the waterway, then the buffer shall be measured from the top of the embankment.
- (3) The only uses that can be permitted in the buffer area of a waterway are roads, driveways, public utilities, recreational open space and trails and uses requiring direct access to a body of water, such as wharves and docks and other marine related uses.
- (4) Development, and this includes placing fill or other materials, within a waterway and the buffer area of a waterway is subject to the approval of the Town, the Provincial Government, and where necessary, the Government of Canada.
- (5) The Town or the Provincial Government may subject development within the buffer area of a watercourse to an environmental review, and may approve,

approve subject to conditions, or refuse such development. The matter of adequate and usable legal public access to the waterway shall be a consideration in the review of an application for a structure within a buffer and/or waterway.

- (6) Any development within a body of water or involving the alteration of a body of water must be approved by or exempted by the following agencies:
- Department of Environment and Conservation for Crown Lands and referrals;
  - Coast Guard Canada of the Department of Fisheries and Oceans - Navigable Waters Act;
  - Fish Habitat Division of the Department of Fisheries and Oceans;
  - Water Resources Division of the Department of Environment and Conservation;

before a permit is issued by the Town.

Development within a buffer is subject to the approval of the Water Resources Management Division of the Department of Environment and Conservation, Department of Fisheries and Oceans Canada and where applicable, the Government Service Centre of the Department of Government Services.

- (6) Where there is a conflict between Policy Directive W.R. 91-1 and the provisions of the Development Regulations, the more restrictive policies shall apply.
- (7) Wetlands – can only be developed in such a way as to minimize damage and impacts on the hydrology and environment of the area.
- a) The general provincial policy on wetlands is contained in Policy Directive W.R. 97-2 – Development in Wetlands – of the Department of Environment and Conservation. Where there is conflict between the provisions of the Development Regulations and the Policy Directive, the more restrictive policy shall apply.
  - b) Any development within a wetland or the buffer of a wetland shall require the approval of the Minister of Environment and Conservation as well as the Town whether or not that wetland is designated Environmental Protection under the Municipal Plan.

- c) Wetlands which are not subject to the Environmental Protection designation are subject to Policy Directive 97-1 – Development in Wetlands – of the Department of Environment and Conservation.

**65. Wind Mills, Wind Turbines and Wind Farms, Other Energy Sources - Utilities**

Wind mills, wind turbines, wind farms and other energy forms, including solar based and small hydro generating facilities – “Utilities” in Schedule B – and associated facilities and services are subject to the conditions set out below.

Utilities are subject to the approval of relevant provincial and federal departments and agencies and public utilities, including the Mines and Energy Division of the Department of Natural Resources and the design and location of such utilities shall take into consideration their impact on nearby land uses and persons, the environment and archaeological resources within the Town, along with other matters that the Town may deem to be significant. Wind mills utilities within the built-up areas are limited to single wind mills or wind turbines designed to serve particular properties.

To prevent damage to persons and properties due to the failure of windmill or any of its components or the shedding of ice, the Town shall ensure that there is adequate separation distance between the windmill and nearby structures and properties.

Unless specifically exempted by the relevant agencies, the design, construction and location of a utility shall be certified by a professional engineer who has consulted with the required agencies.



### **PART III - SUBDIVISION OF LAND**

#### **66. Permit Required**

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

#### **67. Services to be Provided**

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

#### **68. Payment of Service Levies and Other Charges**

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

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

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

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

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

**70. Building Permits Required**

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

**71. Form of Application**

Application for a permit to develop a subdivision shall be made to the Town.

**72. Subdivision Subject to Zoning**

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

**73. Building Lines**

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

**74. Land for Public Open Space**

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

- d) the Town may accept from the developer in lieu of such area or areas of land the payment of a sum of money equal to the value of the land which would otherwise be required to be dedicated;
  - e) money received by the Town in accordance with Regulation 74(1)(d) above, shall be reserved by the Town for the purpose of the acquisition or development of land for public open space or other public purpose.
- (2) Land dedicated for public use in accordance with this Regulation shall be conveyed to the Town and may be sold or leased by the Town for the purposes of any development that conforms with the requirements of these Regulations, and the proceeds of any sale or other disposition of land shall be applied against the cost of acquisition or development of any other land for the purposes of public open space or other public purposes.
- (3) The Town may require a strip of land to be reserved and remain undeveloped along the banks of any river, brook or pond, and this land may, at the discretion of the Town, constitute the requirement of land for public use under Regulation 75(1).

#### **75. Structure in Street Reservation**

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

#### **76. Subdivision Design Standards**

- (1) The standard for the design and construction of all work related to Subdivision development shall be the Government of Newfoundland and Labrador Municipal Water, Sewer, and Roads Specifications.
- (2) Except as otherwise provided under Schedule C No permit shall be issued for the development of a subdivision under these Regulations unless the design of the subdivision conforms to the standards below.
  - a) The finished grade of streets shall not exceed 10 percent.
  - b) Every cul de sac shall be provided with a turning circle of a diameter of not less than 30 m.

- c) The maximum length of any cul de sac shall be 300 metres. Where a road loops back to itself, such as in a P loop, the distance is measured to the start of the loop. See also clause d).
- d) After review by the Town's Fire Chief, the length of a cul de sac may be extended beyond 300 metres, provided that the Town is satisfied that this will not create additional fire or other hazard risks or unduly increase maintenance costs.
- e) No cul de sac shall be located so as to appear to terminate a collector street.
- f) New subdivisions shall have street connections with an existing street or streets.
- g) All street intersections shall be constructed within 5° of a right angle and this alignment shall be maintained for 30 m from the intersection.
- h) No street intersection shall be closer than 60 m to any other street intersection.
- i) No more than four streets shall join at any street intersection.
- j) Streets in residential subdivisions shall be conform to the following minimum standards:
  - i) Arterial Street
    - Reservation (minimum) 30 metres
    - Pavement Width (minimum) 15 metres
    - Walkways See clause k)
  - ii) Collector Street
    - Reservation (minimum) 15 metres
    - Pavement Width (minimum) 9 metres
    - Walkways See clause k)
  - iii) Local Street
    - Reservation (minimum) 15 metres (see clause n))
    - Pavement Width (minimum) 7 metres
    - Walkways See clause k).

- k) Walkways - clearly identified safe and adequate pedestrian and/or bicycle access may be required along any or all roads.
- l) The Town may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed.
- m) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land.
- n) Where there is potential for additional development, a road reserve of 15 metres shall be provided along the entire length of a cul de sac.

**77. Engineer to Design Works and Certify Construction Layout**

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

**78. Developer to Pay Engineer's Fees and Charges**

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

**79. Street Works May Be Deferred**

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

**80. Transfer of Streets and Utilities to Town**

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

**81. Restriction on Sale of Lots**

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

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

**82. Grouping of Buildings and Landscaping**

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

## **PART IV - USE ZONES**

### **83. Use Zones**

- (1) For the purpose of these Regulations, the Planning Area is divided into Use Zones which are shown on the Zoning Map attached to and forming part of these Regulations.
- (2) Subject to Regulation 83(3), the permitted use classes, discretionary use classes, standards, requirements and conditions applicable to each Use Zone are set out in the Use Zone Tables in Schedule C of these Regulations.
- (3) Where standards, requirements and conditions applicable in a Use Zone are not set out in the Use Zone Tables in Schedule C, the Town may in its discretion, determine the standards, requirements and conditions which shall apply.

### **84. Use Classes**

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

### **85. Permitted Uses**

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

### **86. 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 the Town is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if the Town has given notice of the application in accordance with Regulation 23 and has considered any objections or representations which may have been received on the matter.



**87. Uses Not Permitted - Prohibited Uses**

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

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## SCHEDULE A

### DEFINITIONS

#### GENERAL NOTE:

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

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

**ACCESSORY BUILDING\*** includes:

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

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

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

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

**AGRICULTURE** means horticulture, fruit growing, grain growing, seed growing, dairy farming, the breeding or rearing of livestock, including any creature kept for the production of food, wool, skins, or fur, or for the purpose of its use in the farming of land, the use of

land as grazing land, meadow land, osier land, market gardens and nursery grounds and the use of land for woodlands where that use is ancillary to the farming of land for any other purpose. "Agricultural" shall be construed accordingly.

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

**ANIMAL UNIT** means any one of the following animals or groups of animals:

- 1 bull;
- 1000 broiler chickens or roosters (1.8 - 2.3 kg each);
- 1 cow (including calf);
- 100 female mink (including associated males and kits);
- 4 goats;
- X hogs (based on 453.6 kg = 1 unit);
- 1 horse (including foal);
- 125 laying hens;
- 4 sheep (including lambs);
- 1 sow or breed sow (including weaners and growers based on 453.6 kg = 1 unit);
- X turkeys, ducks, geese (based on 2,268 kg = 1 unit).

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

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

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

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

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

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

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

**BUILDING\*** means

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

**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 an authority that runs parallel to a street line and is set at the closest point to a street that building may be placed.

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

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

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

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

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

and shall exclude:

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

**DEVELOPMENT REGULATIONS\*** means these regulations and regulations and by-laws respecting development that have been enacted by the relevant authority.

**DIRECTOR** means the Director of Urban and Rural Planning.

**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.

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

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

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

**ESTABLISHED GRADE\*** means,

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

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

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

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

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

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

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

**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.

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

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

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

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

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

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

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

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

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

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

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

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

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

**MINERAL EXPLORATION** 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 development - that is visible and appreciable disturbance to soil.

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

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

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

- a) which complies with space standards substantially equal to those laid down in the Canadian Code for Residential Construction and is in accordance with the construction standards laid down and all other applicable Provincial and Municipal Codes and;
- b) which is designed to be:
  - (i) transported on its own wheels and chassis to a mobile home lot, and subsequently supported on its own wheels, jacks, posts or piers, or on a permanent foundation and;
  - (ii) connected to exterior public utilities approved by the Town, namely, piped water, piped sewer, electricity and telephone, in order for such mobile home unit to be suitable for year round term occupancy.

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

**MOBILE HOME SUBDIVISION** means a mobile home development requiring the subdivision of land whether in single or joint ownership into two or more pieces or parcels of land for the purpose of locating thereon mobile home units under either freehold or leasehold tenure and where the maintenance of streets and services is the responsibility of a municipality or public authority, and where the mobile home development is classified as a mobile home subdivision by the Town.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

**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.

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

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

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

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

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

**TAVERN:** includes a nightclub and means a building licensed or licensable under the Liquor Control Act wherein meals and food may be served for consumption on the premises and in which entertainment may be provided.

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

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

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

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

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

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

| <b>GROUP</b>  | <b>CLASS</b>       | <b>EXAMPLES</b>   |
|---------------|--------------------|---|
| ASSEMBLY USES | Theatre            | Motion Picture Theatres<br>T.V. Studios admitting an audience.                  |
| ASSEMBLY USES | Cultural and Civic | Libraries, Museums, Art Galleries, Court Rooms, Meeting Rooms, Council Chambers |
| ASSEMBLY USES | Protection         | Police and Fire Stations  |
| ASSEMBLY USES | General Assembly   | Community Halls, Lodge Halls, Dance Halls, Gymnasias, Auditoria, Bowling Alleys |
| ASSEMBLY USES | Educational        | Schools, Colleges (non-residential)   |
| ASSEMBLY USES | Place of Worship   | Churches and similar places of worship, Church Halls                            |
| ASSEMBLY USES | Passenger Assembly | Passenger Terminals   |
| ASSEMBLY USES | Club and Lodge     | Private Clubs and Lodges (non-residential)                                      |
| ASSEMBLY USES | Catering           | Restaurants, Bars, Lounges  |
| ASSEMBLY USES | Funeral Home       | Funeral Homes and Chapels   |
| ASSEMBLY USES | Child Care         | Day Care Centres  |
| ASSEMBLY USES | Amusement          | Electronic Games Arcades, Pinball Parlours, Poolrooms                           |
| ASSEMBLY USES | Indoor Assembly    | Arenas, Armouries, Ice Rinks, Indoor Swimming Pools                             |

| <b>SCHEDULE B<br/>                 CLASSIFICATION OF USES OF LAND AND BUILDINGS</b> |                                    |  |
|---|------------------------------------|--|
| <b>GROUP</b>  | <b>CLASS</b>                       | <b>EXAMPLES</b>  |
| ASSEMBLY USES   | Outdoor Assembly                   | Bleachers, Grandstands, Outdoor Ice Rinks and Swimming Pools, Amusement Parks and Fairgrounds, Exhibition Grounds, Drive-in Theatres       |
| ASSEMBLY USES   | Campground                         | Campgrounds, Recreational Vehicle and Travel Trailer Campgrounds   |
| INSTITUTIONAL USES  | Penal and Correctional Detention   | Jails, Penitentiaries, Police Stations (with detention quarters), Prisons, Psychiatric, Hospitals (with detention quarters), Reformatories |
| INSTITUTIONAL USES  | Medical Treatment and Special Care | Children's Homes, Convalescent Homes, Homes for Aged, Hospitals, Infirmarys  |
| RESIDENTIAL USES  | Single Dwelling                    | Single Detached Dwellings, Family & Group Homes  |
| RESIDENTIAL USES  | Double Dwelling                    | Semi-detached Dwelling, Duplex Dwellings, Family & Group Homes   |
| RESIDENTIAL USES  | Row Dwelling                       | Row Houses, Town Houses, Family & Group Homes  |
| RESIDENTIAL USES  | Apartment Building                 | Apartments, Family & Group Homes   |

| <b>SCHEDULE B<br/>                     CLASSIFICATION OF USES OF LAND AND BUILDINGS</b> |   |   |
|---|---|---|
| GROUP   | CLASS   | EXAMPLE   |
| RESIDENTIAL USES  | Collective Residential                              | Residential Colleges & Schools, University & College Halls of Residence, Convents & Monasteries, Nurses and Hospital Residences     |
| RESIDENTIAL USES  | Boarding House Residential and/or Bed and Breakfast | Boarding Houses, Lodging Houses, Bed and Breakfast  |
| RESIDENTIAL USES  | Commercial Residential                              | Hotels & Motels, Hostels, Residential Clubs   |
| RESIDENTIAL USES  | Seasonal Residential                                | Summer Homes & Cabins, Hunting & Fishing Cabins   |
| RESIDENTIAL USES  | Mobile Homes  | Mobile Homes  |
| BUSINESS & PERSONAL SERVICE USES  | Office  | Offices (including Government Offices), Banks   |
| BUSINESS & PERSONAL SERVICE USES  | Medical and Professional                            | Medical Offices and Consulting Rooms, Dental Offices & Surgeries, Legal Offices & Similar Professional Offices                      |
| BUSINESS & PERSONAL SERVICE USES  | Personal Service                                    | Barbers, Hairdressers, Beauty Parlours, Small Appliance Repairs   |
| BUSINESS & PERSONAL SERVICE USES  | General Service                                     | Self-service Laundries, Dry Cleaners (not using flammable or explosive substances), Small Tool and Appliance Rentals, Travel Agents |

| <b>SCHEDULE B<br/>                 CLASSIFICATION OF USES OF LAND AND BUILDINGS</b> |                       |   |
|---|-----------------------|---|
| <b>GROUP</b>  | <b>CLASS</b>          | <b>EXAMPLES</b>   |
| BUSINESS & PERSONAL SERVICE USES  | Communications        | Radio Stations, Telephone Exchanges                                   |
| BUSINESS & PERSONAL SERVICE USES  | Police Station        | Police Stations without detention quarters                            |
| BUSINESS & PERSONAL SERVICE USES  | Taxi Stand            | Taxi Stands   |
| BUSINESS & PERSONAL SERVICE USES  | Take-out Food Service | Take-out Food Service   |
| BUSINESS & PERSONAL SERVICE USES  | Veterinary            | Veterinary Surgeries  |
| MERCANTILE USES   | Shopping Centre       | Shopping Centres  |
| MERCANTILE USES   | Shop                  | Retail Shops and Stores and Showrooms, Department Stores              |
| MERCANTILE USES   | Indoor Market         | Market Halls, Auction Halls   |
| MERCANTILE USES   | Outdoor Market        | Market Grounds, Animal Markets, Produce and Fruit Stands, Fish Stalls |
| MERCANTILE USES   | Convenience Store     | Confectionary Stores, Corner Stores, Gift Shops, Specialty Shops      |

| <b>SCHEDULE B<br/>                 CLASSIFICATION OF USES OF LAND AND BUILDINGS</b> |                     |   |
|---|---------------------|---|
| <b>GROUP</b>  | <b>CLASS</b>        | <b>EXAMPLES</b>   |
| INDUSTRIAL USES   | Hazardous Industry  | Bulk Storage of hazardous liquids and substances, Chemical Plants, Distilleries Feed Mills, & Lacquer, Mattress, Paint, Varnish, and Rubber Factories, Spray Painting |
| INDUSTRIAL USES   | General Industry    | Factories, Cold Storage Plants, Freight Depots General Garages, Warehouses, Workshops, Laboratories, Laundries, Planing Mills, Printing Plants, Contractors' Yards    |
| INDUSTRIAL USES   | Service Station     | Gasoline Service Stations, Gas Bars   |
| INDUSTRIAL USES   | Light Industry      | Light Industry, Parking Garages, Indoor Storage, Warehouses, Workshops  |
| NON-BUILDING USES   | Agriculture         | Commercial Farms, Hobby Farms, Market Gardens & Nurseries   |
| NON-BUILDING USES   | Forestry            | Tree Nurseries, Silviculture  |
| NON-BUILDING USES   | Mineral Exploration | Mineral Exploration   |
| NON-BUILDING USES   | Mineral Working     | Quarries, Pits  |
| NON-BUILDING USES   | Mining              | Mining, Oil Wells   |



| <b>SCHEDULE B<br/>CLASSIFICATION OF USES OF LAND AND BUILDINGS</b> |                         |   |
|--|-------------------------|---|
| <b>GROUP</b>   | <b>CLASS</b>            | <b>EXAMPLES</b>   |
| NON-BUILDING USES  | Recreational Open Space | Playing Fields, Sports Grounds, Parks, Playgrounds, Recreational Trails   |
| NON-BUILDING USES  | Conservation            | Watersheds, Buffer Strips, Flood Plains, Architectural, Historical and Scenic Sites, Steep Slopes, Wildlife Sanctuaries |
| NON-BUILDING USES  | Cemetery                | Cemeteries, Graveyards  |
| NON-BUILDING USES  | Scrap Yard              | Car Wrecking Yards, Junk Yards, Scrap Dealers   |
| NON-BUILDING USES  | Solid Waste             | Solid Waste Disposal, Sanitary Land Fill Incinerators   |
| NON-BUILDING USES  | Animal                  | Animal Pounds, Kennels, Zoos  |
| NON-BUILDING USES  | Antenna                 | TV, Radio and Communications Transmitting and Receiving Masts and Antennae  |
| NON-BUILDING USES  | Utilities               | Wind Mills, Wind Turbines, Wind Farms, & related facilities   |
| NON-BUILDING USES  | Transportation          | Airfields, Docks and Harbours   |
| NON-BUILDING USES  | Marina                  | Marina, Yacht Club, Boating Club, Boat House, Fishing Stage   |

**SCHEDULE C  
USE ZONE TABLES**

**NOTE:** This schedule contains tables showing the use classes which may be permitted or which may be treated as discretionary use classes for the purpose of these Regulations. The tables also indicate the required standards of development and may also include conditions affecting some or all of the use classes.

The schedule contains tables for the following Use Zones:

Mixed Development (MD)  
Rural (RU)  
Environmental Protection (EP)

**USE ZONE TABLE**  
**MIXED DEVELOPMENT (MD) ZONE**

| <b>ZONE TITLE</b>  | <b>MIXED DEVELOPMENT (MD)</b> | <b>(Cape Broyle)</b> |
|--|-------------------------------|----------------------|
| <b>PERMITTED USE CLASSES - (see Regulation 85)</b>   |                               |                      |
| Bed and Breakfast, Conservation, Child Care, Recreational Open Space and Trails, Single Dwelling, Subsidiary Apartment and Subsidiary Dwelling.  |                               |                      |
| <b>DISCRETIONARY USE CLASSES - (see Regulations 23 and 86)</b>   |                               |                      |
| Agriculture, Animal, Antenna, Business and Personal Service Uses Group, Campground, Catering, Cemetery, Clubs and Lodges, Commercial - Residential, Cultural and Civic, Double Dwelling, Family and Group Care Centre, Fire Station, General Assembly, General Industry, Indoor Market, Light Industry, Mineral Exploration, Mobile Home, Outdoor Market, Place of Worship, Police Station, Public Utility, Service Station, Shop, Transportation and Utility. |                               |                      |

**CONDITIONS FOR THE MIXED DEVELOPMENT ZONE**

In addition to the other Conditions of this Zone, see also Application, Part I – General Regulations, Part II – General Development Standards, Part III – Subdivision of Land, Part IV – Use Zones, Schedule A – Definitions, Schedule B – Classification of Land and Buildings, and Schedule D – Parking and Off-Street Loading Requirements.

**1. General Development Standards**

- (1) Where the development lacks municipal water and sewer services (un serviced) the minimum lot size is as determined by the Department of Government Services or 1860 m<sup>2</sup> per single dwelling and subsidiary apartment, 1,395 m<sup>2</sup> per dwelling unit in a double dwelling, whichever is greater.
- (2) The minimum lot frontage shall be as determined by the Department of Government of Services or 30 metres minimum, whichever is greater.
- (3) Other development, the minimum lot area and frontage is as determined by the Department of Government Services.

## 2. Infilling Adjustment

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

- a) the adjustment amounts to no more than a twenty percent (20%) reduction in the requirements;
- b) the adjustment is not contrary to the general intent and purpose of the policy and procedure as set out in the *Private Sewage Disposal and Water Supply Standards*;
- c) the application of the adjustment would not interfere with the maintenance of required distance separations and sewage system dimensions;
- d) the application of the adjustment would not undermine the quality of adjacent property or pose a hazard to human health;
- e) the application of the adjustment is related to the specific property and is not general to land within the area;
- f) the particular practical difficulties for the owner or developer are distinguishable from a mere inconvenience or desire to acquire monetary gain.

## 3. Other Standards

|  |      |
|--|------|
| (1) Building Line Setback (minimum)      | 8 m  |
| (2) Sideyard (minimum)                   | 2 m  |
| (3) Rearyard (minimum)                   | 10 m |
| (4) Lot Coverage All Buildings (maximum) | 33%  |
| (5) Height (maximum)                     | 8 m  |

## 4. Access Ramps and Stairs, Decks

- (1) Access Ramps and Stairs – Open or partially covered access ramps and stairs are permitted within the minimum front, rear or side yards provided these do not create a safety hazard or block sight lines.

- (2) Decks – An open or partially enclosed deck attached to the dwelling shall not extend into the minimum permissible building line setback and shall not be closer to the side and rear lot lines than 1 metre. A deck is not included in the calculation of lot coverage under Schedule C.
- (3) Non Dwelling Decks – Decks attached to non-dwelling buildings shall not extend into the minimum front, side, or rear yards.
- (4) Stairs – Stairs are permitted within the minimum permissible front, rear and side yards

#### **5. Bed and Breakfast, Boarding House**

Bed and breakfast and boarding house are permitted, provided that the proposed building has an exterior design which is sensitive to the residential character of the surrounding area and respects the scale and density of adjacent dwellings and the development is landscaped in a manner compatible with the surrounding residential area.

#### **6. Campground**

A plan of the campground shall be submitted in a format satisfactory to the Town, showing and specifying the number and location of campsites and all facilities, services, internal roads and measures for buffering and/or screening. The approved plan, together with any other approvals and conditions shall form part of the permit.

#### **7. Child Care**

Child Care is permitted, provided the owner of the business resides in the dwelling and the business is conducted entirely within the dwelling.

#### **8. Comprehensive Development**

Subject to the approval from the Government Service Centre for water and waste disposal services, the Town in its discretion may approve a comprehensive development that is at least two (2) hectares in area and contains two or more separate developments, that only in the use classes and overall density complies with the requirements of this zone.

Provided that the comprehensive development fronts on a publicly owned and maintained road individual developments within the Comprehensive Development

need not front directly on a public road. Where the development adjoins a publicly owned and maintained road, the building line setbacks for this zone shall apply.

A comprehensive development is subject to an Approval in Principle.

## **9. Home Business Accessory Use**

See also Regulation 30 – Accessory Uses.

A Home Business shall only be permitted if:

- a) the primary use of the property remains residential and the scope and intensity of the use classes is entirely compatible with the residential uses of the property and neighbourhood, and the business is operated by a resident of the dwelling;
- b) adequate parking is provided;
- c) no mechanical equipment is used except that reasonably consistent with the use of a dwelling – however, the Town in its discretion and subject to public notification under Regulation 23, may permit the use of an accessory building for a workshop where the equipment so used is not normally associated with a residential use;
- d) no wholesale or retail sale of goods is externally apparent - for example, if sale of crafts occurs it does not occur through walk-in or drive-in trade;
- e) there is no outdoor storage or display;
- f) a non-illuminated identification sign not exceeding 0.28 m<sup>2</sup> in area shall be permitted on the dwelling provided that the sign is consistent with residential character of the neighbourhood.

## **10. Mineral Working Buffer**

No new dwelling may be permitted within 300 metres of a Mineral Working unless it has been approved by the Department of Natural Resources.

## **11. Permitted and Discretionary Uses**

Within this Zone the predominant use of the land shall be residential except along the Southern Shore Highway, areas along the developed sections of the Harbour,

and other areas suited for commercial and industrial development and marine related industries.

Hazardous industry (fuel storage tanks, chemical storage tanks, manufacturing processes that emit toxic fumes or waste, etc.) is not permitted except as accessory to a use such as a fish plant or service station or other permitted or discretionary use.

## **12. Protected Road Zoning Plan**

Within the Town's municipal boundary development within 100 metres of the centre-line of the Southern Shore Highway, Route 10, is subject to review by the Government Service Centre of the Department of Government Services before a permit is issued by the Town.

Outside the Town boundary, but within the Municipal Planning Area boundary, development within 150 metres of the centre-line of the Southern Shore Highway, Route 10, is subject to review by the Government Service Centre of the Department of Government Services before a permit is issued by the Town.

**USE ZONE TABLE  
 RURAL (RU) ZONE**

| ZONE TITLE   | RURAL (RU) | (Cape Broyle) |
|--|------------|---------------|
| <b>PERMITTED USE CLASSES - (see Regulation 85)</b>   |            |               |
| Agriculture, Conservation, Forestry, Mineral Exploration, Public Utilities and Recreational Open Space and Trails.   |            |               |
| <b>DISCRETIONARY USE CLASSES - (see Regulations 23 and 86)</b>   |            |               |
| Animal, Antenna, Bed and Breakfast, Campground, Cemetery, General Industry, Light Industry, Outdoor Assembly, Outdoor Market, Seasonal Residential, Single Dwelling, Transportation, Utility and Veterinary. |            |               |

**CONDITIONS FOR THE RURAL ZONE**

In addition to the other Conditions of this Zone, see also Application, Part I – General Regulations, Part II – General Development Standards, Part III – Subdivision of Land, Part IV – Use Zones, Schedule A – Definitions, Schedule B – Classification of Land and Buildings, and Schedule D – Parking and Off-Street Loading Requirements.

**1. General Development Standards**

Lot Area: As determined by the and/or the Agrifoods Development Branch or Forest Resources Branch of the Department of Natural Resources and the Government Service Centre in consultation with the Town or 2 hectares, whichever is greater. See also Regulation 38.

Lot Frontage: As determined by the Agrifoods Development Branch and/or Forest Resources Branch of the Department of Natural Resources and the Government Service Centre in consultation with the Town or 30 metres, whichever is greater. See also Regulation 38.

Building Line Setback (minimum) 10 m



|                                  |      |
|----------------------------------|------|
| Sideyard (minimum)               | 5 m  |
| Sideyard Flanking Road (minimum) | 5 m  |
| Rearyard (minimum)               | 10 m |

## 2. **Bed and Breakfast**

Bed and breakfast and boarding house are permitted, provided that the use is located in an accessory single dwelling, the proposed building has an exterior design which is sensitive to the residential character of the surrounding area and respects the scale and density of adjacent dwellings and the development is landscaped in a manner compatible with the surrounding residential area.

## 3. **General Industry**

- (1) General industry shall be restricted to the maintenance and repair of equipment, processing and storage related to agriculture, forestry or mineral working uses.
- (2) Unless the Town is satisfied that the general industry use will not create a nuisance and will not adversely affect the amenity of the surrounding area, the Town shall require the provision of buffering by the developer to the satisfaction of the Town.

## 4. **Home Business Accessory Use**

See also Regulation 30 - Accessory Uses.

A Home Business shall only be permitted in accessory single dwelling and provided that f:

- a) the scope and intensity of the use classes is entirely compatible with the residential use of the accessory dwelling, and the business is operated by a resident of the dwelling;
- b) adequate parking is provided;
- c) no mechanical equipment is used except that reasonably consistent with the use of a dwelling – however, the Town in its discretion and subject to public notification under Regulation 23, may permit the use of an accessory building for a workshop where the equipment so used is not normally associated with a residential use;

- d) no wholesale or retail sale of goods is externally apparent - for example, if sale of crafts occurs it does not occur through walk-in or drive-in trade;
- e) there is no outdoor storage or display;
- f) a non-illuminated identification sign not exceeding 0.28 m<sup>2</sup> in area shall be permitted on the dwelling provided that the sign is consistent with residential character of the neighbourhood;
- g) no change in the type, class or extent of the home occupation shall be permitted except with the approval of the Town.

## 5. Mineral Working

Mineral workings are subject to this Regulation, any other applicable regulations and the approval of the Department of Natural Resources.

- (1) Separation from Adjacent Uses - Unless the Town is satisfied that the working will not create a nuisance and will not adversely affect the amenity of the specified development or natural feature, no mineral working shall be located closer than the minimum distances set out below to the specified development or natural feature:

- a) Existing or Proposed Residential Development
  - where no blasting is involved 300 metres
  - where blasting is involved 1000 metres
- b) Any Other Existing or Proposed Development 150 metres
- c) Public Highway or street 50 metres
- d) Protected Road 90 metres
- e) Body of water or watercourse 50 metres

- (2) Screening - A mineral working shall be properly screened where it is visible from a public street or highway, developed area, or area likely to be developed during the life of the use.

Where natural topography creates a visual screen between mineral workings and adjacent public highways and streets or other land uses (excepting forestry and agriculture), additional screening may not be required.

- (3) Fencing - The Town may require the mineral working site or excavated areas of a pit or quarry working to be enclosed by a fence designed and constructed to its specifications and no less than 1.8 metres in height.
- (4) Water Pollution - No mineral working or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any body of water or watercourse. Any access road to a pit or quarry working which crosses a brook or stream shall be bridged or culverted at the crossing in accordance with the Acts and Regulations of the Department of Environment and Conservation.
- (5) Water Ponding - No mineral working or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any body of water or watercourse. Any access road to a pit or quarry working which crosses a brook or stream shall be bridged or culverted at the crossing in accordance with the Regulations of the Department of Environment and Conservation.
- (6) Erosion Control - No mineral working shall be carried out in a manner so as to cause erosion of adjacent land.
- (7) Site Maintenance - The mineral working shall be kept clean of refuse, abandoned vehicles, and abandoned equipment and any derelict buildings.
- (8) Access Roads - During extended periods of shutdown, access roads to a mineral working shall be ditched or barred to the satisfaction of the Town.
- (9) Operating Plant and Associated Processing and Manufacturing - The Town may permit processing and manufacturing use associated with mineral workings provided that, in the opinion of the Town, the use does not create a nuisance nor is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of fumes, dust, dirt, objectionable odour, or by reason of unsightly storage of materials.
- (10) Termination and Site Rehabilitation - Upon completion of the mineral working, the following work shall be carried out by the operation:
  - a) all buildings, machinery and equipment shall be removed;
  - b) all pit and quarry slopes shall be graded to slopes less than 20° or to the slope conforming to that existing prior to the mineral working;
  - c) topsoil and any organic materials shall be re-spread over the entire quarried area;
  - d) the access road to the working shall be ditched or barred to the satisfaction of the Town;

- e) if the mineral working contains reserves of material sufficient to support further extraction operations, the Town may require the work described above to be carried out only in areas of the site where extraction has depleted aggregate reserves.

**6. Protected Road Zoning Plan**

Within the Town's municipal boundary development within 100 metres of the centre-line of the Southern Shore Highway, Route 10, is subject to review by the Government Service Centre of the Department of Government Services before a permit is issued by the Town.

Outside the Town boundary, but within the Municipal Planning Area boundary, development within 150 metres of the centre-line of the Southern Shore Highway, Route 10, is subject to review by the Government Service Centre of the Department of Government Services before a permit is issued by the Town.

**7. Seasonal Residential**

Seasonal residential development in this zone is limited to remote cottages, that is, cottages which are only accessed by ATV trail or other similar non publicly owned and maintained road.

**8. Single Dwelling**

See also Regulation 30 – Accessory Uses.

A single dwelling may only be permitted if it is accessory to a resource-based use, that is, forestry or agriculture, and is subject to the approval of the Department of Government Services and the Town.

**9. Transportation Use**

A transportation use in this zone is limited to a wharf, dock, slipway together with ancillary facilities such as boat-houses and fishing stages and a marina.

**USE ZONE TABLE  
ENVIRONMENTAL PROTECTION (EP) ZONE**

| <b>ZONE TITLE</b>  | <b>ENVIRONMENTAL PROTECTION (EP) (Cape Broyle)</b>                                       |
|--|--|
| <b>PERMITTED USE CLASSES - (see Regulation 85)</b>             | Conservation.  |
| <b>DISCRETIONARY USE CLASSES - (see Regulations 23 and 86)</b> | Driveways, Public Utility, Roads, Recreational Open Space and Trails and Transportation. |

**CONDITIONS FOR THE ENVIRONMENTAL PROTECTION ZONE**

In addition to the other Conditions of this Zone, see also Application, Part I – General Regulations, Part II – General Development Standards, Part III – Subdivision of Land, Part IV – Use Zones, Schedule A – Definitions, Schedule B – Classification of Land and Buildings, and Schedule D – Parking and Off-Street Loading Requirements.

**1. Protected Road Zoning Plan**

Within the Town's municipal boundary development within 100 metres of the centre-line of the Southern Shore Highway, Route 10, is subject to review by the Government Service Centre of the Department of Government Services before a permit is issued by the Town.

Outside the Town boundary, but within the Municipal Planning Area boundary, development within 150 metres of the centre-line of the Southern Shore Highway, Route 10, is subject to review by the Government Service Centre of the Department of Government Services before a permit is issued by the Town.

**2. Transportation**

Transportation uses are limited to wharves and docks and slipways.

## SCHEDULE D PARKING AND OFFSTREET LOADING REQUIREMENTS

### 1. General

- (1) For every building, structure or use to be erected, enlarged or established, there shall be provided and maintained a quantity of off-street parking spaces sufficient to ensure that the flow of traffic on adjacent streets is not impeded by the on-street parking of vehicles associated with that building, structure or use.
- (2) The number of parking spaces to be provided for any building, structure, use of occupancy shall conform to the standards set out in this Schedule.
- (3) Each parking space, except in the case of single or double-family dwellings, shall be made accessible by means of a hard surfaced right-of-way at least 3 m in width. Parking required in a residential zone shall be provided on the same lot as the dwelling or dwellings. Parking space for apartments shall be provided in the rear yard where possible. In a non-residential zone, parking spaces shall be provided within the limits of the zone in which the use is situated and not more than 200 m distant from the use concerned.
- (4) The parking facilities required by this Regulation shall, except in the case of single or double dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.
- (5) Where, in these Regulations, parking facilities for more than four vehicles are required or permitted, with parking perpendicular to the curb the minimum dimensions shall be as follows:
  - a) parking stall width - 2.75 metres
  - b) parking stall length or depth - 5.80 metres
  - c) aisle width, parking stalls across from each other - 7.30 metres
  - d) aisle width, other obstruction - 7.30 metres
  - e) driveway width 7.00 metres.

Where the parking stall is horizontal to the curb, the minimum length of the stall shall be 7.00 metres, and the minimum aisle width (if applicable) shall be at least 4 metres, more if deemed necessary by the Town.

For any other parking lot configuration, the requirements shall as be as specified by the Town, 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 shall be constructed and maintained to the specifications of the Town;
  - b) the lights used for illumination of the parking area shall be so arranged as to divert the light away from adjacent development;
  - c) a structure, not more than 3 m in height and more than 5 m<sup>2</sup> in area may be erected in the parking area for the use of attendants in the area;
  - d) except in zones in which a service station is a permitted use, no gasoline pump or other service station equipment shall be located or maintained on a parking area;
  - e) no part of any off-street parking area shall be closer than 1.5 m to the front lot line in any zone;
  - f) access to parking areas in non-residential zones shall not be by way of residential zones;
  - g) where a parking area is in or abuts a residential zone, a natural or structural barrier at least 1 m in height shall be erected and maintained along all lot lines;
  - h) where, in the opinion of the Town, strict application of the above parking requirements is impractical or undesirable, the Town may as a condition of a permit require the developer to pay a service levy in accordance with these Regulations in lieu of the provision of a parking area, and the full amount of the levy charged shall be used by the Town for the provision and upkeep of alternative parking facilities within the general vicinity of the development.

## 2. Offstreet Parking Spaces

The offstreet parking requirements for uses in the various use classes set out in Schedule B shall be as set out in the following table.

In case of developments including uses in more than one class, these standards shall be regarded as cumulative.

Adequate offstreet provision for drop-off and pick-up of persons shall be provided in developments where required, such as uses within the education, passenger assembly, child care, medical treatment and special care, commercial-residential and take-out food service classes.

| <b>CLASS</b>       | <b>MINIMUM OFF-STREET PARKING REQUIREMENT</b>   |
|--------------------|---|
| Theatre            | One space for every 5 seats.  |
| Cultural and Civic | One space for every 50 square metres of gross floor areas.  |
| General Assembly   | One space for every 10 square metres of gross floor area.   |
| Educational        | Schools - 2 spaces for every class-room.<br>Further education - 1 space for every 5 persons using the facilities (students, faculty and staff). |
| Place of Worship   | One space for every 5 seats.  |
| Passenger Assembly | As specified by the Town.   |
| Club and Lodge     | One space for every 3 persons that may be accommodated at one time.   |
| Catering           | One space for every 3 customers that may be accommodated at one time.   |
| Funeral Home       | One space for every 10 square metres of gross floor area.   |
| Child Care         | One space for every 20 square metres of gross floor area  |
| Amusement          | One space for every 10 square metres of gross floor area.   |
| Indoor Assembly    | One space for every 10 spectators that may be accommodated at one time.   |
| Outdoor Assembly   | As specified by the Town.   |



|                                    |  |
|------------------------------------|--|
| Campground                         | As specified by the Town.                              |
| Penal and Correctional Detention   | As specified by the Town.                              |
| Medical Treatment and Special Care | One space per 20 m <sup>2</sup> of suite or ward area. |

|              |   |
|--------------|---|
| <b>CLASS</b> | <b>MINIMUM OFF-STREET PARKING REQUIREMENT</b> |
|--------------|---|

|   |  |
|---|--|
| Single Dwelling                                     | Two spaces for every dwelling unit.                        |
| Double Dwelling                                     | Two spaces for every dwelling unit.                        |
| Row Dwelling  | Two spaces for every dwelling unit.                        |
| Apartment Building                                  | Three spaces for every two dwelling units.                 |
| Collective Residential                              | As specified by the Town.                                  |
| Boarding House Residential and/or Bed and Breakfast | As specified by the Town.                                  |
| Commercial Residential                              | One space for every guest room.                            |
| Seasonal Residential                                | One space per dwelling unit.                               |
| Mobile Homes  | Two spaces for every dwelling unit.                        |
| Office  | One space for every 20 m <sup>2</sup> of gross floor area. |
| Medical and Professional                            | One space for every 20 m <sup>2</sup> of gross floor area. |
| Personal Service                                    | One space for every 20 m <sup>2</sup> of gross floor area. |
| General Service                                     | One space for every 20 m <sup>2</sup> of gross floor area. |
| Communications                                      | As specified by the Town.                                  |
| Police Station                                      | As specified by the Town.                                  |
| Taxi Stand  | As specified by the Town.                                  |
| Take-out Food Service                               | One space for every 20 m <sup>2</sup> of gross floor area. |
| Veterinary  | One space for every 20 m <sup>2</sup> of gross floor area. |
| Shopping Centre                                     | One space for every 15 m <sup>2</sup> of gross floor area. |
| Shop  | One space for every 20 m <sup>2</sup> of gross floor area. |

|                   |  |
|-------------------|--|
| Indoor Market     | As specified by the Town.                                  |
| Outdoor Market    | As specified by the Town.                                  |
| Convenience Store | One space for every 20 m <sup>2</sup> of gross floor area. |

| <b>CLASS</b>            | <b>MINIMUM OFF-STREET PARKING REQUIREMENT</b>  |
|-------------------------|--|
| Hazardous Industry      | As specified by the Town, but not less than one space per 100 m <sup>2</sup> of gross floor area or 10 parking spaces, whichever is greater. |
| General Industry        | As specified by the Town, but not less than one space per 100 m <sup>2</sup> of gross floor area or 10 parking spaces, whichever is greater. |
| Service Station         | One space for every 20 m <sup>2</sup> of gross floor area.   |
| Light Industry          | As specified by the Town, but not less than one space per 50 m <sup>2</sup> of gross floor area or 5 parking spaces, whichever is greater.   |
| Agriculture             | Not specified.   |
| Forestry                | Not specified.   |
| Mineral Working         | Not specified.   |
| Mining                  | Not specified.   |
| Recreational Open Space | Not specified.   |
| Conservation            | Not specified.   |
| Cemetery                | Not specified.   |
| Scrap Yard              | Not specified.   |
| Solid Waste             | Not specified.   |
| Animal                  | Not specified.   |
| Antenna                 | Not specified.   |
| Transportation          | As determined by the Town, taking into consideration associated uses.  |

Marina

As determined by the Town, taking into consideration associated uses.

**SCHEDULE E**  
**POLICY DIRECTIVES – WATERWAYS AND WETLANDS**  
W.R. 97-1 AND W.R. 97-2

*NOTE: Schedule F sets out the applicable policy directives under the Water Resources Act concerning development in and near bodies of water – waterways and wetlands – as described in Part II of the Development Regulations. These directives were obtained from the Government of Newfoundland and Labrador Department of Environment and Conservation Website and may be amended or changed without notice.*

**WATERWAYS**

Development in Shore Water Zones – Policy Directive W.R. 97-1

**1.0 INTRODUCTION**

The shore water zone is the interface between land and water, and includes the land along the edge of an ocean, or a fresh water body. The shore water zone owes its unique ecological attributes to the area encompassing both the land draining into the water body and the water body itself. Unplanned and imprudent development on shore water zones, including infilling and waste disposal, may have detrimental effects on water quality, water quantity, and on terrestrial and aquatic life and habitat. Human impacts on salt water shore zones, caused by, for example, untreated sewage disposal, surface runoff from urban and industrial sites, etc., has led to closures of bays to aquaculture and shellfish harvesting. The economic impacts of environmental damage of fresh water shore zones include loss of recreational opportunities, depreciation of land values, etc. Shore water zones are also areas that are subject to flooding, with possible adverse impacts on life and property along the zones.

**2.0 OBJECTIVES**

This policy will establish the criteria for issuing a permit under Section 48 of the *Water Resources Act*, SNL 2002 cW-4.01, for all development activities in and affecting shore water zones. The objective of the policy is to permit developments of shore water zones such that potential economic losses and impacts on water quantity, water quality, and terrestrial and aquatic habitats and life are minimized.

### 3.0 LEGISLATION

*Water Resources Act*, SNL 2002 cW-4.01, ("the Act") sections 30, 48 and 64

### 4.0 DEFINITIONS

**Body of Water -**

(Statutory definition from the Act) "body of water" means a surface or subterranean source of fresh or salt water within the jurisdiction of the province, whether that source usually contains liquid or frozen water or not, and includes water above the bed of the sea that is within the jurisdiction of the province, a river, stream, brook, creek, watercourse, lake, pond, spring, lagoon, ravine, gully, canal, wetland and other flowing or standing water and the land occupied by that body of water

**Shore Water Zone -**

"Shore Water Zone" means the land that is intermittently occupied by water as a result of the naturally fluctuating surface water level in a body of water which can be either a fresh or salt water body and, in either case, the low water mark and high water mark of the water body defining the edges of the shore water zone.

**Development -**

"Development" means the carrying out of an activity or operation which includes construction of wharves, moorings, jetties, other docking facilities, marinas, boathouses, etc., mechanical disturbance of the land, infilling, drainage, dredging, channelization, erosion control works, and removal of vegetation on shore water zones for social or economic benefits, or any change in the use or the intensity of use of any shore water zone.

### 5.0 POLICIES

#### 5.1 High Water Level of a Water Body

The high water level of a water body is taken to be the 1:100 year return period water level. For a fresh water body, this level includes water levels caused strictly by storm runoff or hydraulic effects of ice or both. In marine situations, the level must include maximum waves, wind setup, storm surge, and ultimate mean sea levels under current global climatic forecasts for a 1:100 year design.

#### 5.2 Developments Not Permitted

5.2.1 Infilling, drainage, dredging, channelization, or removal of surface or underwater vegetation on or along shore water zones which could aggravate flooding problems will not be permitted.

5.2.2 Infilling, drainage, dredging, channelization, or removal of surface or underwater vegetation on or along shore water zones which have unmitigable adverse water quality impacts on the shore water zones will not be permitted.

5.2.3 Infilling, drainage, dredging, channelization, or removal of surface or underwater vegetation on or along shore water zones which have significant impacts on water circulation patterns within the shore water zones or on sediment deposition or accretion or removal rates along the shore water zones will not be permitted.

5.2.4 Placing, depositing or discharging into shore water zones of any raw sewage, refuse, municipal and industrial wastes, fuel or fuel containers, pesticides, herbicides or other chemicals or their containers, or any other material which impairs or has the potential to impair the water quality of the shore water zones will not be permitted.

5.2.5 Construction of extensive paved surfaces along a shore water zone which changes the intrinsic character of the shore water zone will not be permitted.

### **5.3 Developments Requiring Written Permission**

The following developments on or along shore water zones will be permitted subject to the prior written permission of the Minister of Environment and Conservation (the "Minister") in accordance with the *Act*:

5.3.1 Limited removal of surface vegetation cover for the construction of marinas, boathouses, jetties, wharves, moorings, and other docking facilities.

5.3.2 Construction of marinas, boathouses, jetties, wharves, moorings and other docking facilities which would require only minor disturbances to water circulation patterns within the shore water zone and which have limited impacts on sediment deposition or accretion rates along the shore water zone.

5.3.3 Extension and upgrading of existing buildings, structures and facilities within shore water zone areas.

5.3.4 Development related to recreational activities including the setting up of camp grounds, permanent and semi-permanent facilities, etc., along shore water zones.

### **5.4 Implementation of Mitigative Measures**

All developments which are permitted within shore water zones and which could result in potentially adverse changes to water quantity or water quality of the shore water zone will require the implementation of mitigative measures to be specified in the terms and conditions for the environmental approval.

### **5.5 Restoration Measures**

The terms and conditions of the environmental approval will specify the restoration measures to be implemented upon cessation of activities or abandonment of facilities on shore water zones.

## **WETLANDS**

### **Subject:**

Development in Wetlands

### **1.0 INTRODUCTION**

Wetlands, which include bogs, fens, marsh, swamps, and shallow water, collect and store runoff, moderate and attenuate downstream flood flows, reduce downstream flooding and erosion, clean and purify water, recharge groundwater zones, and provide unique habitat for plants and animals. The wetlands of Newfoundland and Labrador are increasingly being altered from their natural state to support alternative land uses such as agriculture, urbanization, industrial development, and recreation. Unplanned and imprudent development of wetlands, including drainage, infilling, and channelization, have detrimental effects on the wetlands' and downstream water quality and water quantity, and on terrestrial and aquatic habitat, life, flora and fauna. The potential consequences of impacts on water resources include structural damage to bridges and culverts from increased flood flows; river bed erosion causing siltation; and detrimental impacts on fish resources, drinking water quality and recreational uses of water bodies.

The problem facing wetland management is that the ecological and socio-economic benefits of these ecosystems are usually not directly measurable and in many instances are not recognized until it is too late. The extensive nature of wetlands, peatlands in particular, in this province means that there is room for more developments to occur to meet social and economic needs, as long as hydrologic and environmental impacts are minimized.

### **2.0 OBJECTIVES**

This policy will establish the criteria for issuing a permit under Section 48 of the *Water Resources Act*, SNL 2002 cW-4.011, for all development activities in and affecting wetlands. The objective of the policy is to permit developments in wetlands which do not adversely affect the water quantity, water quality, hydrologic characteristics or functions, and terrestrial and aquatic habitats of the wetlands.

### **3.0 LEGISLATION**

*Water Resources Act*, SNL 2002 cW-4.01, ("the Act") sections 30, 48 and 64

#### 4.0 DEFINITIONS

- Body of Water -** (Statutory definition from the Act) "body of water" means a surface or subterranean source of fresh or salt water within the jurisdiction of the province, whether that source usually contains liquid or frozen water or not, and includes water above the bed of the sea that is within the jurisdiction of the province, a river, stream, brook, creek, watercourse, lake, pond, spring, lagoon, ravine, gully, canal, wetland and other flowing or standing water and the land occupied by that body of water
- Wetland -** (Statutory definition from the Act) "wetland" means land that has the water table at, near or above the land surface and includes bogs, fens, marshes, swamps and other shallow open water areas
- Wetland development -** "Wetland development" means the carrying out of an activity or operation which includes the construction of ditches, mechanical disturbance of the ground, alteration of normal water level fluctuations, infilling, drainage, dredging, channelization, and removal of vegetation cover and/or organic matter on a wetland for social or economic benefits, or the making of any change in the use or the intensity of use of any wetland which affects its hydrologic characteristics or functions.

#### 5.0 POLICIES

##### 5.1 Developments Not Permitted

5.5.1 Infilling, drainage, dredging, channelization, removal of vegetation cover or removal of soil or organic cover of wetlands which could aggravate flooding problems or have unmitigable adverse water quality or water quantity or hydrologic impacts will not be permitted.

5.5.2 Developments of wetlands which are located within the recharge zones of domestic, municipal or private groundwater wells will not be permitted.

5.5.3 Placing, depositing or discharging any raw sewage, refuse, municipal and industrial wastes, fuel or fuel containers, pesticides, herbicides or other chemicals or their containers, or any other material which impairs or has the potential to impair the water quality of wetlands will not be permitted.

##### 5.2 Developments Requiring Written Permission

The following developments affecting wetlands will be permitted subject to the prior written permission of the Minister of Environment and Conservation (the "Minister") in accordance

with the Act:

5.2.1 Removal of the surface vegetation cover of wetlands for extraction of peat, or for preparing the area for agricultural or forestry activities.

5.2.2 Construction of ditches, tile fields and other types of flow conveyances to drain wetlands for extraction of peat, or for preparing the area for agricultural or forestry operations.

5.2.3 Removal of the top soil or organic cover of wetlands for use as horticultural or fuel peat, or for preparing the area for agricultural or forestry activities.

5.2.4 Infilling, dredging, or any other disturbance of wetlands for the construction of permanent or temporary roads, bridges, culverts, trails, power and telecommunication transmission lines, pipelines, etc., through wetlands which would necessitate only minor disturbances to the vegetation and organic cover, the flow drainage pattern of the area and ground slope.

5.2.5 Infilling, dredging or other disturbance of wetlands for the construction of residential, commercial, industrial and institutional facilities or extension and upgrading of existing buildings and facilities within wetland areas.

5.2.6 Development related to recreational activities including the setting up of camp grounds, permanent and semi-permanent facilities, etc., on wetland areas.

5.2.7 Construction of flow control structures to alter the normal water level fluctuations of wetlands for the purposes of enhancing the quality or quantity of fish and other wildlife habitat.

### **5.3 Implementation of Mitigative Measures**

All uses and developments of wetlands resulting in potentially adverse changes to water quantity or water quality or hydrologic characteristics or functions of the wetlands will require the implementation of mitigative measures to be specified in the terms and conditions for the environmental approval.

### **5.4 Restoration Measures**

The terms and conditions of the environmental approval will specify the restoration measures to be implemented upon cessation of activities or abandonment of facilities on wetland areas.