

**DEVELOPMENT REGULATIONS
CAPE ST. GEORGE**

In Effect: February 21, 2013
(Date of publication in Newfoundland and Labrador Gazette)

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF CAPE ST. GEORGE DEVELOPMENT REGULATIONS 2012**

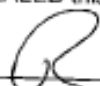
Under the authority of Section 16, Section 17 and Section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Cape St. George

- a) adopted the Town of Cape St. George Development Regulations 2012 on the 1st day of November, 2013.
- b) gave notice of the adoption of the Town of Cape St. George Development Regulations 2012 by advertisement inserted on the 12th day of November, 2013 and the 18th day of November, 2013 in the Georgian newspaper.
- c) set the 28th day of November, 2013 at 7:30 p.m. at the Town Hall, Cape St. George for the holding of a public hearing to consider objections and submissions.

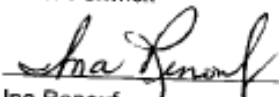
Now under the authority of section 23 of the *Urban and Rural Planning Act 2000*, on the 20th day of December, 2013 the Town Council of Cape St. George approves the Town of Cape St. George Development Regulations 2012.

SIGNED AND SEALED this 20th day of December, 2013

Mayor:


Peter Fenwick

Clerk:


Ina Renouf

Development Regulations Amendment	
REGISTERED	
Number	<u>0916-2014-001</u>
Date	<u>February 6, 2014</u>
Signature	<u>[Signature]</u>

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF CAPE ST. GEORGE DEVELOPMENT REGULATIONS 2012**

Under Section 16 of the Urban and Rural Planning Act 2000, the Town Council of Cape St. George adopts the Town of Cape St. George Development Regulations 2012.

Adopted by the Town Council of Cape St. George on the 1st day of November, 2013.

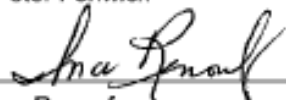
Signed and sealed this 20th day of December, 2013.

Mayor:



Peter Fenwick

Clerk:



Ina Renouf

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

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

MCIP:



TABLE OF CONTENTS

1.	Short Title	1
2.	Interpretation	1
3.	Commencement	1
4.	Urban and Rural Planning Act 2000 - Ministerial Development Regulations.....	1
5.	Municipal Code and Regulations.....	1
6.	Town	1
7.	Compliance with Regulations	2
8.	Permit Required	2
9.	Permit to be Issued	2
10.	Permit not to be Issued in Certain Cases.....	2
11.	Discretionary Powers of Town.....	2
12.	Variances by Town.....	3
13.	Service Levy.....	3
14.	Financial Guarantees by Developer	4
15.	Dedication of Land for Park Land or Public Use	4
16.	Reinstatement of Land	4
17.	Form of Application	5
18.	Register of Application	5
19.	Deferment of Application.....	5
20.	Approval in Principle.....	5
21.	Development Permit	6
22.	Development Permit – Temporary Use	6
23.	Reasons for Refusing Permit.....	7
24.	Notice of Application.....	7
25.	Right of Entry	7
26.	Record of Violations	7
27.	Stop Work Order and Prosecution	7
28.	Appeals	7
PART II - GENERAL DEVELOPMENT STANDARDS		8
29.	Access to Adjoining Properties	8
30.	Accesses and Driveways	8
31.	Accessory Buildings	8
32.	Accessory Uses	8
33.	Advertisements	9
34.	Archaeological Sites	9
35.	Building Line and Setback.....	9
36.	Building Near Highways Regulation – Highways 460 and 463.....	9
37.	Family and Group Care Centres	9
38.	Forestry Development.....	10
39.	Groundwater Supply Assessment – New and Existing Subdivisions.....	10
40.	Home Business Accessory Use	10
41.	Livestock and Agriculture	10
42.	Lot Area	10
43.	Lot Area and Size Exceptions	11
44.	Lot Frontage	11
45.	Mineral Exploration.....	11
46.	Non-Conforming Uses	12
47.	Offensive and Dangerous Uses	13
48.	Recreational Trails and Walkways.....	13
49.	Residential and Non-Residential Development	14
50.	Screening and Landscaping	14
51.	Site Development Considerations – Environment, Hazards, Marine Coastline.....	14
52.	Site Development – Fill and Landscaping Permit Requirements	15
53.	Site Development – Quarry and Soil Removal.....	15
54.	Street Construction Standards	15
55.	Subsidiary Apartment	15
56.	Unsubdivided Land.....	16
57.	Uses Permitted In All Zones	16

58.	Utilities – Wind Mills, Wind Farms, Other Energy Sources	16
59.	Waterways and Wetlands	16
PART III – ADVERTISEMENTS		18
60.	Advertisements and Signs.....	18
(1)	Permit Required	18
(2)	Form of Application	18
(3)	Advertisements in Street Reservation	18
(4)	Permit Valid for Limited Period.....	18
(5)	Advertisements, Non-Compliant.....	18
(6)	Removal of Hazardous Advertisements.....	18
(7)	Advertisements - Non-Conforming Uses.....	18
(8)	Prohibition.....	19
(9)	Signs or Advertisements Not Specifically Covered	19
61.	Advertisements Exempt from Control.....	19
62.	Advertisements and Signs near Highways	20
PART IV - SUBDIVISION OF LAND		21
63.	Permit Required and Sureties	21
64.	Services to be Provided	21
65.	Payment of Service Levies and Other Charges.....	21
66.	Issue of Permit Subject to Considerations.....	21
67.	Groundwater Supply Assessment – New and Existing Subdivisions.....	21
68.	Building Permits Required.....	22
69.	Form of Application	22
70.	Subdivision Subject to Zoning	22
71.	Building Lines	22
72.	Land for Park Land or Other Public Use	22
73.	Structure in Street Reservation.....	23
74.	Subdivision Design Standards.....	23
75.	Engineer to Design Works and Certify Construction Layout	23
76.	Developer to Pay Engineer's Fees and Charges	23
77.	Street Works May Be Deferred	23
78.	Transfer of Streets and Utilities to Town.....	24
79.	Restriction on Sale of Lots.....	24
80.	Use Zones.....	25
81.	Use Classes.....	25
82.	Permitted Uses	25
83.	Discretionary Uses.....	25
84.	Uses Not Permitted.....	25
SCHEDULE A – DEFINITIONS		26
SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS		33
SCHEDULE C – USE ZONE SCHEDULES		37
	TOWN (TN) ZONE.....	38
	RURAL RESIDENTIAL (RR) ZONE	40
	RURAL (RU) ZONE	42
	ENVIRONMENTAL PROTECTION (EP) ZONE	47
	PROTECTED PUBLIC WATER SUPPLY (PPWS) ZONE	48
	HIGHWAY RESERVE (HR) ZONE AND OVERLAY	50
SCHEDULE D - WATERWAYS AND WETLANDS – W.R. 97-1 AND W.R. 97-2.....		51

Maps – Land Use Zoning Maps 1 and 2 (A, B, C)

**TOWN OF CAPE ST. GEORGE MUNICIPAL PLAN
DEVELOPMENT REGULATIONS
APPLICATION**

1. Short Title

These Regulations may be cited as the Cape St. George Development Regulations.

2. Interpretation

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

3. Commencement

These Regulations come into effect throughout the Cape St. George 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

Newfoundland Regulation 3/01, Development Regulations under the Urban and Rural Planning Act 2000 (Ministerial Development Regulations), enacted under Section 36 of the Act, shall apply to development within the Planning Area. Where there is a conflict between the Ministerial and the Town's Development Regulations, the Ministerial Development Regulations shall prevail. The Ministerial Development Regulations are included with the Cape St. George 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 St. George, shall, under these Regulations apply to the entire Planning Area.

6. Town

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

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 which conforms to the requirements of these Regulations.

10. Permit not to be Issued in Certain Cases

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, 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:

- a) lacking adequate road access, power, drainage, sanitary facilities, or domestic water supply;
- b) or being beyond the natural development of the area at the time of application.

11. Discretionary Powers of Town

In considering an application for a permit or for approval in principle to carry out development, the Town shall:

- a) Take into account the policies expressed in the Municipal Plan and any further scheme, plan or regulations pursuant thereto; and,
- b) 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,
- c) 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.

However, the exercise of this discretionary power does not enable the Town to allow a permitted use or discretionary use which is not permitted under Schedule C or other Regulation.

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 not permit a variance from the development standards where the proposed development would increase the non conformity of an existing development.
- (5) Public Notice – When a variance is necessary under this Regulation, the Town shall, at the expense of the applicant, give written notice to the property owners in the immediate vicinity 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 at:
 - a) the time the levy is imposed;
 - b) the time development of the real property commences;
 - c) the time development of the real property is completed; or,
 - d) 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.
- (3) Financial Guarantees – Mineral Workings
 - a) The developer shall provide a financial guarantee in the form of a performance bond or unconditional and irrevocable letter of credit or other form acceptable to the Town for an amount to cover the cost of restoring or landscaping the site after the quarry operations have ended or the site is abandoned by the applicant.
 - b) The financial guarantee shall be returned when the Reclamation Plan has been carried out or the development terminated and any conditions attached to the development permit have been met to the satisfaction of the Town.

15. Dedication of Land for Park Land or Public Use

In addition to the requirements for dedication of land under Part IV (Subdivisions), the Town may require the dedication of a percentage of the land area of any subdivision or other development for park land or other public use, and such land shall be conveyed to the Town in accordance with Section 37 of the Act.

Unless the Town decides otherwise, land that is dedicated for park land or other public use will not include land that the Town requires to be set aside for storm water management, roads, public services, public utilities or environmental protection and that this shall be in addition to whatever land the Town may require under Section 37 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 subdivision or any other development, if, after considering an application for Approval in Principle made under these Regulations, it is satisfied that the proposed development is, subject to the approval of detailed plans, in compliance with these Regulations.
- (2) Where Approval in Principle is granted under this Regulation, it shall be subject to the subsequent approval by the Town of such details as may be listed in the Approval in Principle, which shall also specify that further application for approval of these details shall be received not later than two years from the grant of Approval in Principle.
- (3) An Approval in Principle or conditions attached thereto is subject to appeal under the Act.
- (4) 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 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) A permit is valid for a specified period, not to exceed two years. If the development has not commenced, the permit may be renewed for a further period not in excess of one year, but a permit shall not be renewed more than once, except in the case of a permit for an advertisement, which may be renewed in accordance with Part III of these Regulations.
- (4) 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.
- (5) 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.
- (6) No person shall erase, alter or modify any drawing or specifications upon which a permit to develop has been issued by the Town.
- (7) 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.
- (8) A Development Permit or permit or conditions attached thereto is subject to appeal.

22. Development Permit – Temporary Use

The Town may in its discretion issue a permit for a temporary use such as an outdoor market, a temporary shelter for a vehicle or a boat, and other permissible uses which have a limited and fixed term. The permit shall specify its duration, and upon expiry of the permit, the use shall be removed. In no case shall the term of a temporary permit exceed two years, which may be extended in writing by the Town for a further period as specified not exceeding two years. This clause does not apply to advertisements which are covered under Part III of the Development Regulations.

23. 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.

24. Notice of Application

When a change in nonconforming use is to be considered (see also Ministerial Development Regulations), when the development proposed is listed as a discretionary use in Schedule C of the Regulations or where otherwise the Town is exercising its discretion under these Regulations, the Town shall, at the expense of the applicant, or at its own expense where necessary, 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 Development 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.

25. Right of Entry

Any official authorized by the Town 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.

26. 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.

27. 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 27(1) is guilty of an offence under the provisions of the Act.

28. Appeals

See Ministerial Development Regulations- Sections 5 to 11.

Where an appeal lodged under Section 42 of the Urban and Rural Planning Act 2000 has been successful, the fee paid by the appellant shall be reimbursed by the Town.

PART II - GENERAL DEVELOPMENT STANDARDS

29. Access to Adjoining Properties

- (1) In order to facilitate the development of the Town and improved access throughout the community, as a condition of approval of a development and/or a subdivision the Town may require that the developer provide suitable public road access to adjoining properties.
- (2) The right of way shall be deeded to the Town, although this right of way shall not be developed or maintained by the Town until such time as the Town deems necessary.
- (3) See also Part IV – Subdivision of Land.

30. Accesses and Driveways

- (1) An access or driveway to a street from a property shall be located to the specification of the Town so as to ensure the greatest possible convenience and safety of the street system.
- (2) No vehicular access or driveway shall be closer than 10 metres to the street line of any street intersection.
- (3) An access to a Provincial highway shall be approved by the Department of Transportation and Works before a permit is issued by the Town.

31. Accessory Buildings

Accessory buildings shall be incidental and complementary to the main use of the property and shall be contained on the same lot as the main use. Furthermore, the appearance and use of the accessory building shall be compatible with the neighbouring residential and other development.

No accessory building shall project in front of the minimum building line setback as set out in Schedule C.

32. Accessory Uses

See also Schedule A.

Subject to Schedule C, uses accessory to a permitted or discretionary use can be permitted in any zone, for example:

- a) facilities for the serving of food and alcoholic beverages in an arena or other place of assembly, museum, marina, or hotel ('commercial – residential' under Schedule B);
- b) vehicle repair facilities within a shop, such as a major retail outlet, or automobile dealership;
- c) a gift or souvenir shop in a museum, hotel or other establishment;
- d) office and/or a small convenience store or catering establishment in a campground;
- e) a dock or wharf or stage associated with a permitted or discretionary use;
- f) an accessory dwelling or accessory dwelling unit, such as a caretaker's dwelling or dwelling unit;
- g) a subsidiary apartment in a single dwelling;

- h) a business conducted in a dwelling or a building accessory to a dwelling conducted by a resident of a dwelling and compatible with the primary residential use of the property (home business);
- i) a solar panel, satellite dish or similar device attached to a building.

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.

33. Advertisements

Advertisements shall not be erected or displayed except in accordance with Part III of these Regulations.

34. Archaeological Sites

- (1) If an archaeological site or historical artefacts are discovered during construction, development shall stop and the Provincial Archaeology Office of the Department of Tourism, Culture and Recreation consulted. Development shall not proceed until the Provincial Archaeology Office has evaluated the site.
- (2) Before approval is granted for a major development, such as a subdivision, or a new commercial or public building, the application shall be referred to the Provincial Archaeology Office for investigation.

35. Building Line and Setback

- (1) The Town, by resolution, may establish building lines on an existing or proposed street and may require any new buildings to be located on those building lines, whether or not such building lines conform to the standards set out in the tables under Schedule C of these Regulations.
- (2) The building line setback is measured from the property line along a road.
- (3) The building line along Provincial highways shall not be less than that specified under the Provincial Building Near Highways Regulations.

36. Building Near Highways Regulation – Highways 460 and 463

No development within 20 metres of the centre-line of Highway 460 or 15 metres of the centre-line of Highway 463 shall be allowed unless permission is obtained from the Department of Transportation and Works.

Access to Highways 460 and 463 must be approved by the Department of Transportation and Works before a permit is issued by the Town.

37. Family and Group Care Centres

Family group care centre use is permitted in any dwelling 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.

38. Forestry Development

Forestry development, including timber cutting, is subject to the approval of the Forestry Division of the Department of Natural Resources and the Town.

39. Groundwater Supply Assessment – New and Existing Subdivisions

The approval of new unserviced subdivisions or the addition of unserviced lots to existing unserviced subdivisions require that a groundwater assessment be done to determine with high probability that acceptable quality and quantity drinking water will be available to homeowners for both the short and long term. This shall be done in accordance with the Provincial Land Use Policy – *‘Groundwater Supply Assessment and Reporting Guidelines - for Subdivisions Serviced by Individual Private Wells’* – as from time to time amended and administered by the Department of Environment and Conservation, Water Resources Management Division.

No approval shall be granted by the Town for a new unserviced subdivision or the addition of unserviced lots to an existing unserviced subdivision until such time as a groundwater assessment has been carried out in accordance with the provincial land use policy referred to in the preceding paragraph and which assessment has been approved by the Department of Environment and Conservation, Water Resources Management Division.

40. Home Business Accessory Use

A Home Business shall only be permitted as an accessory use in a dwelling and/or accessory building if:

- a) the primary use of the property remains residential and the scope and intensity of the use classes is compatible with the residential uses of the property and neighbourhood; and,
- b) the business is operated by a resident of the dwelling.

41. Livestock and Agriculture

Livestock operations and other agricultural uses shall where necessary be approved by both the Agrifoods Development Branch of the Department of Natural Resources and the Town, together with other appropriate agencies.

42. 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.

43. Lot Area and Size Exceptions

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

44. Lot Frontage

Except as otherwise determined by the Town or specifically provided for in 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 street. Before exempting a development from the requirement for frontage on a publicly owned and maintained road, the Town shall be satisfied that there is adequate access for emergency vehicles and suitable provision for municipal services and that it conforms to all other requirements of Schedule C.

45. Mineral Exploration

- (1) No permit shall be issued by the Town for mineral exploration until the necessary permits and approvals have been obtained from the Department of Natural Resources and other relevant Provincial and Federal agencies.
- (2) Subject to the other provisions of the Development Regulations, mineral exploration which is not classed as development by virtue of appreciable ground disturbance, construction of access roads, noise, odour and appearance can be permitted anywhere in the Planning Area, provided that adequate notification is provided to the Town.
- (3) Mineral exploration which is classed as development shall or may be permitted in certain zones provided that adequate provision is made for buffering and/or other mitigations of impacts where needed and provided that all necessary approvals are obtained.
- (4) Higher impact mineral exploration classed as development shall be subject to conditions that control noise, appearance, duration of the drilling or excavating program and the control of other impacts that may arise. The precise nature of these controls will depend upon the location of the mineral exploration in respect to built-up and environmentally sensitive areas, such as residential neighbourhoods, watersheds, waterways and wetlands.
- (5) Where there is to be ground disturbance, the developer shall provide a site restoration surety and/or other satisfactory guarantees of site landscaping to the Town.

46. Non-Conforming Uses

- (1) This Regulation is derived from 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, it 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.

47. 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.

48. Recreational Trails and Walkways

See also Waterways and Wetlands.

- (1) As a condition of an Approval in Principle and/or 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. Where applicable, this may be considered part of the open space requirement set out in Regulation 15.
- (2) Wherever space and terrain characteristics allow, the appearance and use of well known trails and/or mapped trails 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 the coastline or riverbanks.
- (3) The vegetation buffer shall be deep enough to prevent shallowly rooted trees being blown over.
- (4) The buffer is included within the trail corridor that includes the trail and the buffer.
- (5) The minimum width of a trail corridor shall be 30 metres –15 metres either direction from the centre of the trail. However, the trail corridor may be reduced where the area adjacent the trail is already developed or in the opinion of the Town it is necessary to reduce the corridor width due to reasons of site conditions, ownership, or other pertinent factors.
- (6) For a trail to be eligible for protection it must be shown on the Land Use Zoning Maps, and/or on a plan of trails adopted by the Town and/or as indicated on a plan of a trail which has been accepted by the Town.
- (7) Unless it is already shown on the Land Use Zoning Maps or other plan approved by the Town as a trail, the designation of a trail or trails for protection shall be advertised in accordance with the provisions of Regulation 24 and an opportunity provided for persons to comment before a trail or plan of trails is adopted by the Town.
- (8) Within the trail corridor, only accessory recreational uses, public utilities and roads can be allowed. No other development is permitted on or near the trail.

49. Residential and Non-Residential Development

Before approving any non-residential development near existing or proposed residential development or zones that accommodate residential development, the Town must be satisfied that the proposed non-residential development:

- a) will not give rise to excessive noise or other forms of pollution;
- b) will not generate vehicle traffic which is above the level acceptable to adjacent residential amenities;
- c) will not cause an unacceptable nuisance or hazard to adjacent residential uses; and,
- d) in general, can be considered acceptable to the amenity of residential uses.

50. Screening and Landscaping

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

51. Site Development Considerations – Environment, Hazards, Marine Coastline

- (1) The Town shall consider the suitability of the site in terms of steepness of grades, soils and geology, potential land and marine based hazards, and environmentally sensitive areas, including waterways and wetlands, when reviewing a development application.
- (2) The Town shall ensure that the proposed development is not inappropriate by reason of:
 - a) precipitating or contributing to pollution in the area;
 - b) causing erosion and/or sedimentation;
 - c) causing damage to nearby properties;
 - d) contributing to shoreline erosion – marine and freshwater water bodies;
 - e) the likelihood of being affected by landslides, avalanches and rock falls;
 - f) the likelihood of being affected by flood and storm events.
- (3) **Along the marine coastline**, except for marine related activities and temporary or minor structures, new development shall not be permitted at or below 4 metres above mean sea level, unless it can be demonstrated to the satisfaction of the Town and other relevant authorities that the risk is low and/or that the development can withstand the damage that could be incurred by a flood or storm event.
- (4) Wherever possible, natural features that can mitigate or prevent potential marine and land based hazards shall be maintained and other mitigative measures undertaken.

52. Site Development – Fill and Landscaping Permit Requirements

- (1) A permit shall not be required for ordinary landscaping of a property or the creation of a garden and similar activity unless such activity is likely to affect adjacent properties or a water body.
- (2) A permit shall be obtained from the Town before any filling-in or excavation of land takes place. This permit may be the same as the one obtained for the construction of a dwelling or other use.
- (3) Where such filling-in or excavation can affect the buffer of water body or the water body, then a permit may also be required from the Department of Environment and Conservation, and where applicable, the Department of Transportation and/or Fisheries and Oceans Canada (See Regulation 59).
- (4) A landscaping and site grading plan for any new development shall form part of the application for a development permit for a development which entails the development of the entire site or significant portion thereof and to this application shall be attached a plan showing vegetation – particularly trees, water-bodies, rock outcrops and other natural features.

53. 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 permit shall be obtained from the Department of Natural Resources, Mineral Lands Division, for the removal of quarry materials. A copy of the Town's permit must be forwarded to the Mineral Lands Division.
- (2) A site development quarry under this section is permitted wherever the use that this quarry is associated with is permitted.
- (3) A quarry permit issued under this section shall only be valid for a period of one year or the term of the site development, whichever is the lesser. However, if the Town feels that it is warranted, the permit may be renewed for additional one-year periods up to a maximum of three years from the date of the issuance of the first permit.
- (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 surety in accordance with Regulation 14(3) that shall be returned to the developer upon satisfactory completion of the work.

54. Street Construction Standards

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

55. Subsidiary Apartment

A subsidiary apartment can be permitted in a single dwelling only, and for the purposes of calculating lot area and yard requirements, shall be considered part of the single dwelling. See also Regulation 32.

56. 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.

57. Uses Permitted In All Zones

In addition to conservation, which includes architectural, historical and scenic sites under Schedule B, accessory buildings and uses, public services and public utilities, recreational open space, trails, roads, accesses and driveways are allowed in all zones subject to the necessary reviews and compliance with these Regulations and the Municipal Plan.

58. Utilities – Wind Mills, Wind Farms, Other Energy Sources

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 approval of the Town and the conditions set out below.

Utilities are subject to the approval of or exemption by relevant provincial and federal departments and agencies and public utilities, including the Mines and Energy Division of the Department of Natural Resources and Transport Canada. The design and location of such utilities shall take into consideration their impact on nearby land uses and persons, the environment and archaeological resources 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 a 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.

59. Waterways and Wetlands

- (1) Development along the ocean and including streams, ponds and wetlands (defined as water body or body of water) and their buffers is subject to this Regulation and all relevant provincial and federal policies and statutes, including Department of Environment and Conservation Policy Directives W.R. 97-1, Development in Shorewater Zones and 97-2 and, Development in Wetlands.
- (2) Where there is a conflict between the Policy Directives or any other relevant provincial and federal policies and these Development Regulations, the more restrictive standards shall apply.
- (3) **Protected Water Body** – Any development activities, including fording, within 15 metres of the high water mark of a Protected Water Body as shown on Land Use Zoning Map 1 and Land Use Zoning Map 2 must be approved under Section 48 of the Water Resources Act by the Department of Environment and Conservation.

- (4) The minimum width of a buffer along any water body 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. This requirement may be modified or waived where the water body is deemed minor under Clause 12 of this Regulation.
- (5) If the toe of an embankment with an average slope of 30% or more lies within 15 metres of the highwater mark, or 1 in 100 year flood zone of the water body, then the buffer shall be measured from the top of the embankment.
- (6) Subject to the approval of the Department of Environment and Conservation and the Town for a Protected Water Body, *and only the Town if it is not a Protected Water Body unless the Town chooses to refer the development application to the Department of Environment and Conservation*, the only uses that can be allowed in the buffer area of a water body are roads, driveways, public services and 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.
- (7) Any development, and this includes placing fill or other materials, within a water body and the buffer area of a water body is subject to the approval of the Town, and where necessary, the Department of Environment and Conservation and the Government of Canada.
- (8) The Town or the Provincial Government may subject development within the buffer area of a water body to an environmental review, and may approve, approve subject to conditions, or refuse such development.
- (9) 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 water body.
- (10) Any activity that has the potential to affect fish habitat or navigable waters shall be submitted to the relevant provincial and federal agencies for approval before it is approved by the Town.
- (11) Wetlands can only be developed in such a way as to minimize damage and impacts on the hydrology and environment of the area and will require a permit from the Department of Environment and Conservation under Section 48 of the Water Resources Act..
- (12) If a body of water is deemed to be minor, wherever possible such water bodies shall remain undeveloped and protected by a buffer. If a site is to be developed, alternatives to covering over or eliminating such water bodies shall be explored, including relocation of the water bodies and/or redesign of the development.

PART III – ADVERTISEMENTS

60. Advertisements and Signs

Note: 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 unless this sign has been approved by the Town and where necessary, the Department of Government Services and/or other relevant agency.

(4) Permit Valid for Limited Period

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

(5) Advertisements, Non-Compliant

An advertisement presently not in compliance with the Regulations shall be removed or brought into compliance within one year of the date of written notification by the Town.

(6) Removal of Hazardous Advertisements

Notwithstanding the other provisions of these Regulations, the Town may require the removal of any advertisement which, in its opinion, is hazardous to road traffic by reason of its siting, colour, illumination, maintenance or structural condition.

(7) Advertisements - Non-Conforming Uses

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

(8) Prohibition

A sign shall not be erected, posted or placed:

- a) where, in the opinion of the Town, that sign would be hazardous to road traffic by reason of its siting, illumination or structural condition;
- b) where, in the opinion of the Town, that sign would be detrimental to the amenities of surrounding areas or length of highway or road;
- c) where that sign is not maintained to the satisfaction of the Town;
- 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; and
- f) on a sign erected by the Department of Transportation and Works.

(9) Signs or Advertisements Not Specifically Covered

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

61. 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 m² in area, 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 0.2 m² in area;
- j) on an agricultural holding or farm, a notice board not exceeding 1.5 m² 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 m² 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 m² 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 0.2 m² 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 m² 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.

62. 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 centrelines, except that the control area is reduced within Municipal Boundaries to 100 metres from the centreline 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.

PART IV - SUBDIVISION OF LAND

63. Permit Required and Sureties

- (1) No land in the Planning Area shall be subdivided into two or more lots unless a permit for the development of the subdivision is first obtained from the Town.
- (2) Before an Approval in Principle or permit is issued for a subdivision requiring the construction and/or upgrading of roads and municipal water and/or sewer services the Town shall require the deposit of surety in a form satisfactory to the Town to ensure the completion of the work in accordance with the approval.

64. 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.

65. 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 the Development Regulations.

66. 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.

67. Groundwater Supply Assessment – New and Existing Subdivisions

See Regulation 39.

68. 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.

69. Form of Application

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

70. Subdivision Subject to Zoning

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

71. Building Lines

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

72. Land for Park Land or Other Public Use

- (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 10% of the gross area of the subdivision for park land or other public use, 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 clause (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 park land or other 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 park land or other public uses.
- (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 park land under Clause (1) of this Regulation.

- (4) Land that the Town requires to be set aside for storm water management, roads, public services, public utilities or environmental protection shall be in addition to whatever land the Town may require under Regulation 15 and Clause (1) of this Regulation.

73. 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.

74. Subdivision Design Standards

Subdivision design standards shall be as determined by the Town, and, where necessary, the Provincial Government.

75. 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.

76. Developer to Pay Engineer's Fees and Charges

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

77. 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.

78. 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.

79. 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.

PART V - USE ZONES

80. 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 80 (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.

81. Use Classes

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

82. Permitted Uses

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

83. Discretionary Uses

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone Table in Schedule C may be permitted in that Use Zone if 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.

84. Uses Not Permitted

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

SCHEDULE A – DEFINITIONS

GENERAL NOTE:

A definition marked with an asterisk is also included in the Ministerial Development Regulations or the Act. Where there is a conflict, the Ministerial Development Regulations or the Act prevails.

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 residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetable storage cellars, shelters for domestic pets, or radio and television antennae,
- (iii) for commercial uses, workshops, or garages, and
- (iv) for 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 means a self-contained dwelling unit attached to residential or non-residential use.

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 a Town 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.

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),
- (iv) an excavation of land whether or not that excavation is associated with the intended or actual construction of a building or thing referred to in subparagraphs (i) to (iii).

BUILDING HEIGHT* 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 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 a 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.

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.

DECK means a raised structure that has a walking surface within one storey of the established

grade at the ground level of that face of the building that may or may not be attached to a main or principal building, and does not have a permanent roof.

DEVELOPMENT* means the carrying out of any building, engineering, mining or other operations in, on, over, or under land, or the making of any material change in the use, or the intensity of use of any land, buildings, or premise and the

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

and excludes the

- (v) carrying out of works for the maintenance, improvement or other alteration of 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,
- (vi) 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,
- (vii) 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 street or other land for that purpose, and
- (viii) 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 a dwelling.

DEVELOPMENT REGULATIONS* means regulations made under sections 34 to 38 (of the Urban and Rural Act 2000).

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

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, under the soil and fixtures that form part of those 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.

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.

MAIN BUILDING – See Principal Building.

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 boat-house or shed associated with a dock or wharf.

MINERAL EXPLORATION means the activity of searching for minerals or mineral occurrences, including oil exploration, where, 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, snow clearing and garbage collection, or any of them, are the responsibility of the mobile home park management, and where the mobile home development is classified as a mobile home park by the Town.

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.

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

PROHIBITED USE* means a use that is not listed 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.

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

SEMI-SERVICED DEVELOPMENT means development which is connected to the municipal water or municipal sewer system, whether or not the sewage is piped directly to a body of water.

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.

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

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

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

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 2 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.

UNSERVICED DEVELOPMENT means development which is not connected to the municipal water and sewer system, whether or not the sewage is piped directly to a body of water.

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 apply.

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.

ZONING MAP* means the map or maps attached to and forming part of the authority's regulations.

SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS		
GROUP	CLASS	EXAMPLES
ASSEMBLY USES	Theatre	Motion Picture Theatres T.V. Studios admitting an audience.
	Cultural and Civic	Libraries, Museums, Art Galleries, Court Rooms, Meeting Rooms, Council Chambers
	General Assembly	Community Halls, Lodge Halls, Dance Halls, Gymnasias, Auditoria, Bowling Alleys
	Educational	Schools, Colleges (non-residential)
	Place of Worship	Churches and similar places of worship, Church Halls
	Passenger Assembly	Passenger Terminals
	Club and Lodge	Private Clubs and Lodges (non-residential)
	Catering	Restaurants, Bars, Lounges
	Funeral Home	Funeral Homes and Chapels
	Child Care	Day Care Centres
	Amusement	Electronic Games Arcades, Pinball Parlours, Poolrooms
	Indoor Assembly	Arenas, Armouries, Ice Rinks, Indoor Swimming Pools
	Outdoor Assembly	Bleachers, Grandstands, Outdoor Ice Rinks and Swimming Pools, Amusement Parks and Fairgrounds, Exhibition Grounds, Drive-in Theatres, Paint Ball
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
	Medical Treatment and Special Care	Children's Homes, Convalescent Homes, Homes for Aged, Hospitals, Infirmaries

GROUP	CLASS	EXAMPLES
RESIDENTIAL USES	Single Dwelling	Single Detached Dwellings, Family & Group Homes
	Double Dwelling	Semi-detached Dwelling, Duplex Dwellings, Family & Group Homes
	Row Dwelling	Row Houses, Town Houses, Family & Group Homes
	Apartment	Apartment
	Apartment Building	Apartments, Family & Group Homes
	Collective Residential	Educational Residences, Nurses and Hospital Residences, etc.
	Boarding House Residential and/or Bed and Breakfast	Boarding Houses, Lodging Houses, Bed and Breakfast
	Commercial Residential	Hotels & Motels, Hostels, Residential Clubs
	Seasonal Residential	Summer Homes & Cabins, Hunting & Fishing Cabins
	Mobile Homes	Mobile Homes
	Seniors' Housing and Personal Care Facilities	Seniors' Housing and Personal Care Facilities
BUSINESS & PERSONAL SERVICE USES	Office	Offices (including Government Offices), Banks
	Medical and Professional	Medical Offices and Consulting Rooms, Dental Offices & Surgeries, Legal Offices & Similar Professional Offices
	Personal Service	Barbers, Hairdressers, Beauty Parlours, Small Appliance Repairs
	General Service	Self-service Laundries, Dry Cleaners (not using flammable or explosive substances), Small Tool and Appliance Rentals, Travel Agents
	Communications	Radio Stations, Telephone Exchanges
	Police Station	Police Stations without detention quarters
	Taxi Stand	Taxi Stands
	Take-out Food Service	Take-out Food Service
	Veterinary	Veterinary Surgeries

GROUP	CLASS	EXAMPLES
MERCANTILE USES	Shopping Centre	Shopping Centres
	Shop	Retail Shops and Stores and Showrooms, Department Stores
	Indoor Market	Market Halls, Auction Halls
	Outdoor Market	Market Grounds, Animal Markets, Produce and Fruit Stands, Fish Stalls
	Convenience Store	Confectionary Stores, Corner Stores, Gift Shops, Specialty Shops
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
	General Industry	Factories, Cold Storage Plants, Freight Depots General Garages, Warehouses, Workshops, Laboratories, Laundries, Planing Mills, Printing Plants, Contractors' Yards
	Service Station	Gasoline Service Stations, Gas Bars, Car Wash
	Light Industry	Light Industry, Parking Garages, Indoor Storage, Warehouses, Workshops

GROUP	CLASS	EXAMPLES
NON-BUILDING USES	Agriculture	Commercial Farms, Hobby Farms, Market Gardens & Nurseries
	Forestry	Tree Nurseries, Silviculture
	Mineral Exploration	Mineral Exploration
	Mineral Working	Quarries, Pits
	Mining	Mining, Oil Wells
	Recreational Open Space	Playing Fields, Sports Grounds, Parks, Playgrounds, Recreational Trails
	Conservation	Watersheds, Buffer Strips, Flood Plains, Architectural, Historical and Scenic Sites, Steep Slopes, Wildlife Sanctuaries
	Cemetery	Cemeteries, Graveyards
	Scrap Yard	Car Wrecking Yards, Junk Yards, Scrap Dealers
	Solid Waste	Solid Waste Disposal, Sanitary Land Fill Incinerators
	Animal	Animal Pounds, Kennels, Zoos
	Antenna	TV, Radio and Communications Transmitting and Receiving Masts and Antennae
	Transportation	Airfields, Docks, Marina, Yacht Club, Boating Club, Boat House and Harbours
Utilities	Windmills, Wind Turbines, Solar, and other energy sources not classed as a Public Utility under the Public Utilities Act.	

SCHEDULE C – USE ZONE SCHEDULES

Schedule C 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.

Before issuing an Approval in Principle or a permit for a development, the Town shall review the application to ensure that it is in compliance with Application, Parts I – General Regulations, II – General Development Standards, III – Advertisements, IV – Subdivision of Land; and Schedules A – Definitions, B – Classification of Uses of Land and Buildings and C – Use Zone Schedules.

Schedule C contains tables for the following Use Zones:

Town	TN
Rural Residential	RR
Rural	RU
Environmental Protection	EP
Protected Public Water Supply	PPWS

USE ZONE TABLE

TOWN (TN) ZONE

ZONE TITLE	TOWN (TN)	CAPE ST. GEORGE
<p>PERMITTED USE CLASSES (see Regulation 82)</p> <p>Apartment, Boarding House Residential and Bed and Breakfast, Child Care, Conservation, Double Dwelling, Mobile Home, Recreational Open Space, Single Dwelling.</p>		
<p>DISCRETIONARY USE CLASSES - (see Regulations 24 and 83)</p> <p>Agriculture, Animal, Antenna, Campground, Catering, Cemetery, Commercial – Residential, Communications, Club and Lodge, Convenience Store, Cultural and Civic, Educational, General Industry, General Service, Indoor Assembly, Indoor Market, Light Industry, Medical and Professional, Office, Mineral Exploration, Mineral Working, Outdoor Assembly, Outdoor Market, Personal Service, Place of Worship, Protection (police and fire stations), Senior’s Housing and Personal Care Facilities, Service Station, Shop, Take-Out Food Service, Transportation, Utilities, Veterinary.</p>		
<p style="text-align: center;">STANDARDS ALL USES WHERE APPLICABLE</p>		
<p>Lot Area (Minimum) – As determined by the Town and/or Department of Government Services</p>		
<p>Lot Frontage (Minimum) – As determined by the Department of Government Services</p>		
<p>Building Line and Setback (Minimum) Except Highways 460 and 463 – 8 m</p>		
<p>Building Line and Setback (Minimum) Highways 460 and 463 – 10 m, or if 10 m is not feasible, the minimum specified in the Building Near Highways Regulation and approved by the Department of Transportation and Works</p>		
<p>Side Yard Width (Minimum) – 2 m</p>		
<p>Side Yard Width (Minimum) Corner Lot Flanking Road Except Highways 460 and 463 – 8 m</p>		
<p>Side Yard Width (Minimum) Corner Lot Flanking Road Highways 460 and 463 – 10 m, or if 10 m is not feasible, the minimum specified in the Building Near Highways Regulation and approved by the Department of Transportation and Works</p>		
<p>Rear Yard Depth (Minimum) –14 m</p>		
<p>Lot Coverage (Maximum) all buildings combined – 33%</p>		
<p>Height (Maximum) – as determined by the Town</p>		

CONDITIONS FOR TOWN ZONE

1. **General**

All development in this zone is subject to the approval of the Department of Government Services, and where necessary, the Department of Transportation and Works before a permit is issued by the Town.

Development shall not be connected to the Town's municipal water system.

Access to Highways 460 and 463 shall be approved by the Department of Transportation and Works before a permit is issued by the Town.

2. **Home Business Accessory Use**

Home Business Accessory Use (Regulation 40) is permitted in this zone.

3. **Mineral Working**

See Condition 6 of the Rural Zone.

4. **Non Residential Uses**

Non-residential uses shall be compatible with nearby existing and proposed residential and other uses.

5. **Open Storage**

The Town will not permit open dry storage of materials, goods and machinery, on sites abutting a residential property unless properly screened and maintained in accordance with the Town's requirements.

6. **Subsidiary Apartment Accessory Use**

A subsidiary apartment accessory (Regulation 55) use is permitted in this zone.

USE ZONE TABLE

RURAL RESIDENTIAL (RR) ZONE

ZONE TITLE	RURAL RESIDENTIAL (RR)	CAPE ST. GEORGE
PERMITTED USE CLASSES (see Regulation 82)		
Boarding House and Bed and Breakfast, Conservation, Mobile Home, Recreational Open Space, Seasonal Residential, Single Dwelling		
DISCRETIONARY USE CLASSES (see Regulations 24 and 83)		
Agriculture, Antenna, Campground, Forestry, Mineral Exploration, Outdoor Assembly, Seasonal Residential, Utilities		
<p align="center">STANDARDS ALL USES WHERE APPLICABLE</p>		
Lot Area (Minimum) – As determined by the Department of Government Services		
Lot Frontage (Minimum) – As determined by the Department of Government Services		
Building Line and Setback (Minimum) Except Highways 460 and 463 – 8 m		
Building Line and Setback (Minimum) Highways 460 and 463 – 10 m, or if 10 m is not feasible, the minimum specified in the Building Near Highways Regulation and approved by the Department of Transportation and Works		
Side Yard Depth (Minimum) – 2 m		
Side Yard Width (Minimum) Corner Lot Flanking Road Except Highways 460 and 463 – 8 m		
Side Yard Width (Minimum) Corner Lot Flanking Road Highways 460 and 463 – 10 m, or if 10 m is not feasible, the minimum specified in the Building Near Highways Regulation and approved by the Department of Transportation and Works		
Rear Yard Depth (Minimum) –14 m		
Lot Coverage (Maximum) all buildings combined– 33%		
Height (Maximum) – as determined by the Town		

CONDITIONS FOR RURAL RESIDENTIAL ZONE

All development in this zone is subject to the approval of the Department of Government Services, and where necessary, the Department of Transportation and Works before a permit is issued by the Town.

Development shall not be connected to the Town's municipal water system.

Access to Highways 460 and 463 shall be approved by the Department of Transportation and Works before a permit is issued by the Town.

Home Business Accessory Use (Regulation 40) is permitted in this Zone.

Subsidiary Apartment Accessory Use (Regulation 55) is permitted in this Zone.

USE ZONE TABLE

RURAL (RU) ZONE

ZONE TITLE	RURAL (RU)	CAPE ST. GEORGE
PERMITTED USE CLASSES (see Regulation 82) Agriculture, Antenna, Conservation, Forestry, Mineral Exploration, Recreational Open Space		
DISCRETIONARY USE CLASSES (see Regulations 24 and 83) Animal, Campground, Cemetery, General Industry, Light Industry, Mineral Working, Mining, Outdoor Assembly, Seasonal Residential, Transportation, Utilities		

CONDITIONS FOR RURAL ZONE

1. **Development Standards**

Development standards in this zone will be determined by the Town, and the Department of Government Services, and other departments.

All development in this zone shall be approved by the Department of Government Services and the Department of Natural Resources, and other agencies or departments as required, before a permit is issued by the Town.

Access to Highway 460 shall be approved by the Department of Transportation and Works before a permit is issued by the Town.

Development in this zone shall not be connected to municipal water and/or sewer services.

2. **Campground**

A campground may only be permitted as a discretionary use, provided a plan of the development is submitted in a format satisfactory to the Town.

4. **General Industry**

General industrial uses shall be restricted to the maintenance and repair of equipment, processing and storage related to agriculture, forestry or mineral working uses. Only an office may be allowed as an accessory use.

5. **Light Industry**

Light Industry is restricted to indoor and open storage, with the only accessory use being an office. Light industrial development may only take place on a site or sites approved by the Town and shown on a plan which is approved by the Town.

6. Mineral Working

Mineral Working uses shall meet the conditions set out below:

6.1. 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.

	<u>Minimum Buffer Distance of Pit or Quarry Working</u>
Hardrock quarry and Urban Development	1,000 metres
Other than hardrock quarry and existing or proposed residential development	300 metres
Any other development area, or area likely to be developed during the life of the pit or quarry working	150 metres
Public highway or street	50 metres
Protected Road	90 metres
Waterbody or watercourse	50 metres

6.2. Screening

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

- a) Where tree screens exist between the mineral working and adjacent public highways and streets or other land uses (excepting forestry and agriculture), the tree screens shall be retained in a 30-metre wide strip of vegetation so that visibility of any part of the operation from the surrounding uses or streets will be prevented. The tree screens must be maintained by the owner or occupier of the mineral working to retain 30 metres in a forested appearance. Where vegetation dies or is removed from the 30-metre strip, the Town may require new trees of a minimum height of 1 metre to be planted to fill in the area affected to the satisfaction of the Authority or, at the discretion of the Town, condition 6.2(b) must be undertaken.
- b) Where no tree screens exist of sufficient width and density to constitute a visual screen, earthen berms shall be constructed to a height sufficient to prevent visibility from any part of the mineral working operation from adjacent uses (excepting forestry and agriculture) or adjacent public highways and streets. The berms shall be landscaped to the Town's satisfaction.
- c) 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.
- d) Where effective screening for any mineral working or associated processing or manufacturing use cannot be installed or located as required in 6.2(a) - 6.2(c) above, the Town may refuse to permit the mineral working or associated activity.

6.3. Fencing

The Town may require the mineral working site or excavated area 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.

6.4. Water Pollution

No mineral working or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any waterbed or watercourse. Any access road to a pit and quarry working which crosses a brook or stream shall be bridged or culverted at the crossing in accordance with the Regulations of the Department of Environment and Conservation.

6.5. Water Ponding

No mineral working shall result in the excavation of areas below the level of the water table nor in any way cause the accumulation or ponding of water in any part of the site. Settling ponds may be permitted with the approval of the Department of Environment and Conservation.

6.6. Erosion Control

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

6.7. Site Maintenance

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

6.8. Access Roads

No quarry may be developed where the access road passes through a residential neighbourhood.

During extended periods of shutdown, access roads to a mineral working shall be ditched or barred to the satisfaction of the Town.

6.9. Stockpiling Cover Material

All stumps, organic material and topsoil, including the rusty coloured and iron stained layer, shall be stripped and stockpiled at least 5 metres from uncleared areas and 10 metres from active quarry or stockpile areas. The owner or operator shall ensure that the quality of the topsoil is not affected by dilution with other materials.

6.10. 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.

All permanent or temporary buildings, plants and structures associated with processing and manufacturing will be located so as not to interfere with the present or future extraction of aggregate resources.

The Town may specify a minimum separation distance between operating plant or associated processing and manufacturing structure or equipment and adjacent developed areas likely to be developed during the life of the mineral working.

6.11. 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 percent or to the slope conforming to that existing prior to the mineral working.
- c) Topsoil and many organic materials shall be respread over the entire quarried area.
- d) The access road to the working shall be ditched or barred to the satisfaction of the Town.

If the mineral working contains reserve 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.

6.12. Security

The Town may require the posting of a bond or other type of financial guarantee as security to ensure the rehabilitation of quarry sites to acceptable standard.

6.13. Buffers

No cutting of timber or mineral working will occur within 50 m of any tributary of any body of water.

6.14. Extraction & Rehabilitation Plan

As a condition of approval, the Town may require the developer:

- a) to submit for the consideration and approval of the Town a Mineral Working Development Plan for the proposed Mineral Working use which shall include a site plan showing the location of physical site features and extraction and processing features; and
- b) to submit for the consideration and approval of the Town a Mineral Working Reclamation Plan for the proposed mineral working use which shall explain, illustrate and show to the satisfaction of the Town a plan for restoration of the site which includes final ground contours, slopes, depth of topsoil, and vegetation and a phasing plan if necessary in the form of a grading and landscape plan or plans.

6.15. Permit Fee

The development permit fee for a mineral working shall be determined by the Town in an amount sufficient to cover the review of any required Development and Reclamation Plans by a professional engineer, ongoing inspection of the site for conformity with any required Plans and with the conditions of the development permit, and inspection of the site to determine acceptable reclamation, and, where applicable, for purposes of return or cancellation of the financial guarantee required in 6.12 above.

7. Seasonal Residential

Seasonal Residential is limited to 'remote cottages', that is cabins or cottages not having frontage on a publicly owned and maintained road.

USE ZONE TABLE

ENVIRONMENTAL PROTECTION (EP) ZONE

ZONE TITLE	ENVIRONMENTAL PROTECTION (EP)	CAPE ST. GEORGE
PERMITTED USE CLASSES (see Regulation 82)		
Conservation		
DISCRETIONARY USE CLASSES (see Regulations 24 and 83)		
Forestry, Mineral Exploration, Recreational Open Space, Transportation, Utilities		

CONDITIONS FOR THE ENVIRONMENTAL PROTECTION ZONE

All development in this zone is subject to the approval of the Department of Environment and Conservation and other relevant agencies along with the Town.

Before a permit is issued for development within the Environmental Protection designation, the Town and other appropriate agencies shall ensure that the development, including domestic cutting, will not negatively affect the rare plants sites as indicated on Land Use Zoning Map 1.

Forestry activity is limited to domestic cutting only.

Transportation uses are limited to wharves, docks, fishing stages, marinas, boat houses and similar uses.

USE ZONE TABLE

PROTECTED PUBLIC WATER SUPPLY (PPWS) ZONE

ZONE TITLE	PROTECTED PUBLIC WATER SUPPLY(PPWS)	CAPE ST. GEORGE
PERMITTED USE CLASSES (see Regulation 82)		
Conservation		
DISCRETIONARY USE CLASSES (see Regulations 24 and 83)		
Antenna, Mineral Exploration, Recreational Open Space, Utilities		

CONDITIONS FOR THE PROTECTED PUBLIC WATER SUPPLY ZONE

1. General Conditions and Referrals

In addition to any other approvals or requirements by the Town, all development in this zone shall be subject to the approval of the Minister of Environment and Conservation.

Conditions 1, 2, 3, 4, and 5 are based upon Department of Environment and Conservation Policy Directive W.R. 95-01 - Water Resources Division as modified.

2. Activities Not Permitted

The following activities shall not be permitted in this zone:

- a) placing, depositing or discharging or permitting the placing, depositing or discharging into a body of water any sewage, refuse, chemicals, municipal and industrial wastes or any other material which impairs or has potential to impair water quality;
- b) using a waterway or wetland or specified buffer zones for any activity detrimental to water quality, and not permitted in the Environment Act;
- c) using ice covered water body for transporting logs or wood, riding skidoos/motor vehicles/all terrain vehicles, leading of animals, or any other activity, including littering, which impairs or has potential to impair water quality;
- d) using or operating existing facilities in such a manner that impairs or has potential to impair water quality;
- e) storage and disposal of pesticides and manure, application of manure and chemicals in specified buffer zones, extensive land clearing, and peat land drainage without adequate treatment.
- f) application of herbicides in the right-of-way, and use of chemically treated utility poles and other related structures; and,
- g) any other storage or disposal facilities that the Minister of Environment and Conservation considers environmentally unacceptable.

3. Activities Regulated

Subject to the other provisions of these Regulations, in this zone no person shall undertake any of the following activities without obtaining prior written approval from the Minister of Environment and Conservation and a permit from the Town:

- a) expansion and upgrading of the existing activities, operations or facilities;
- b) land clearing or drainage, construction of access roads, servicing of lands for subsequent use, or extension and upgrading of existing buildings or facilities;
- c) installation of storm or sanitary sewer pipelines, pipelines for transmission of water for hydroelectric generation, agriculture uses, or any other purposes;
- d) construction of roads, bridges, culverts, and other stream crossings, and installation of power and telecommunication transmission lines;
- e) modification to intake structures, pump house, reservoir; and
- f) any other development or activity which, in the opinion of the Minister of Environment and Conservation, has caused impairment or has potential to impair water quality.

4. Approval Process

- (1) The proponent shall submit a detailed development plan along with maps, drawings and specifications and other information as required by the Town and the Minister of Environment and Conservation for approval.
- (2) The Minister of Environment and Conservation may, on the recommendation of his/her officials, issue a certificate of approval for the proposed development on such terms and conditions as the Minister considers necessary to protect water quality.
- (3) The proponent shall obtain separate approvals from the Minister of Environment and Conservation for all permanent or temporary stream crossings or for alteration to bodies of water that may be necessary to carry out the approved development.
- (4) The proponent shall also obtain licences, permits or approvals under other Acts and Regulations, including the Development Regulations as required prior to commencing the approved work.
- (5) The proponent of the approved development shall notify the Town by providing a copy of the approval issued under this policy before commencing the work.
- (6) The proponent shall maintain adequate liaison and consultation with the person or authority responsible for the operation and maintenance of the waterworks during the implementation and operation of the approved work.
- (7) The Minister of Environment and Conservation may require the inspection of the approved development from time to time by his/her officials to ensure that the development is carried out in an environmentally acceptable manner and the proponent is complying with the terms and conditions of the approval.
- (8) The Minister of Environment and Conservation may require a proponent to monitor water quality according to a monitoring program approved by the Minister in order to evaluate the impact of the approved development on public water supply.

USE ZONE TABLE

HIGHWAY RESERVE (HR) ZONE AND OVERLAY

ZONE TITLE	HIGHWAY RESERVE (HR)
PERMITTED USE CLASSES (see Regulation 82)	
Conservation, Transportation	
DISCRETIONARY USE CLASSES (see Regulations 24 and 83)	
Mineral Exploration	

CONDITIONS FOR THE HIGHWAY RESERVE ZONE AND OVERLAY

All development in this Zone is subject to the approval of the Department of Transportation and Works and other relevant agencies along with the Town.

Where the Highway Reserve crosses over the Public Protected Water Supply Zone at Rouze's Brook, it becomes an overlay to that Zone and is subject to the approval of the Minister of Environment and Conservation to ensure that there are no negative impacts on the Town's water supply.

SCHEDULE D - WATERWAYS AND WETLANDS – W.R. 97-1 AND W.R. 97-2

NOTE: Schedule E 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 campgrounds, 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

- 5.1.1 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.
- 5.1.2 Developments of wetlands which are located within the recharge zones of domestic, municipal or private groundwater wells will not be permitted.
- 5.1.3 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 topsoil 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 campgrounds, 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.