

TOWN OF COME BY CHANCE DEVELOPMENT REGULATIONS

Gazetted: January 10, 2003

Consolidation Date: n/a

Amendments: To see if there were any amendments to this document since it came into effect, please refer to:

[List of Amendments](#)

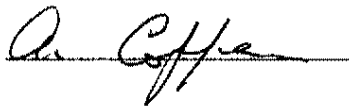
Urban and Rural Planning Act
Resolution to Adopt
Town of Come By Chance
Development Regulations

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

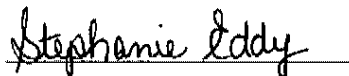
Adopted by the Town Council of Come By Chance on the 02 day of , October 2001.

Signed and sealed this 02 day of October , 2001.

Mayor:

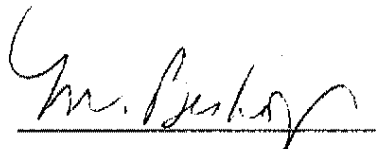


Clerk:



Canadian Institute of Planners Certification

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



M. Bishop, M.C.I.P.

Urban and Rural Planning Act
Resolution to Approve
Town of Come By Chance
Development Regulations

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Come By Chance

- a) adopted the Come By Chance Development Regulations on the 02 day of October, 2001.
- a) gave notice of the adoption of the Come By Chance Development Regulations by advertisement, inserted on the 22nd day and the 29th day of October, 2001 in the Packet newspaper.
- c) set the 8th day of NOV. at 7 p.m. at the Town Hall, Come By Chance, for the holding of a public hearing to consider objections and submissions.

Now under the authority of section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Come By Chance approves the Come By Chance Development Regulations as adopted

SIGNED AND SEALED this 02 day of October, 2001.

Mayor: *A. Coffin*

Clerk: *Stephanie Eddy*

Development Regulations/Amendment	
REGISTERED	
Number	<i>1135-2002-001</i>
Date	<i>23 Dec 02</i>
Signature	<i>[Signature]</i>

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APPLICATION

1. Short Title

These Regulations may be cited as the Come By Chance Development Regulations.

2. Interpretation

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

3. Commencement

These Regulations come into effect throughout the Come By Chance 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. Municipal Code and Regulations

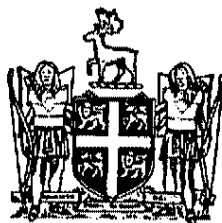
The Building Code including the Plumbing Code, the Fire Code, the Electrical Code, and any other ancillary code and any Building Regulations, Waste Disposal Regulation and/or any other municipal regulations regulating or controlling the development, conservation and use of land in force in the Town of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

5. Authority

In these Regulations, "Authority" means the Council of the Town of Come By Chance.

PART I - PROVINCIAL DEVELOPMENT REGULATION

Newfoundland Regulations 3/01 Development Regulations Under the *Urban and Rural Planning Act, 2000*.



Published by Authority

NEWFOUNDLAND REGULATION 3/01

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

(Filed January 2, 2001)

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

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

Joan Marie Aylward
Minister of Municipal and Provincial Affairs

REGULATIONS

Analysis

- | | |
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- Short title 1. These regulations may be cited as the *Development Regulations*.
- Definitions 2. In these regulations,
- (a) "Act", unless the context indicate otherwise, means the *Urban and Rural Planning Act, 2000*;
- (b) "applicant" means a person who has applied to an authority for an approval or permit to carry out a development;
- (c) "authority" means a council, authorized administrator or regional authority; and
- (d) "development regulations" means these regulations and regulations and by-laws respecting development that have been enacted by the relevant authority.
- Application 3. (1) These regulations shall be included in the development regulations of an authority and shall apply to all planning areas.
- (2) Where there is a conflict between these regulations and development regulations or other regulations of an authority, these regulations shall apply.
- (3) Where another Act of the province provides a right of appeal to the board, these regulations shall apply to that appeal.
- Interpretation 4. (1) In development regulations and other regulations made with respect to a planning area the following terms shall have the meanings indicated in this section
- (a) "access" means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street;
- (b) "accessory building" includes

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

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

or a use that an authority specifies as not permitted within a use zone;

- (q) "sign" means a word, letter, model, placard, board, device or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement or direction and excludes those things employed wholly as a memorial, advertisements of local government, utilities and boarding or similar structures used for the display of advertisements;
- (r) "rear yard depth" means the distance between the rear lot line and the rear wall of the main building on a lot;
- (s) "side yard depth" means the distance between the side lot line and the nearest side wall of a building on the lot;
- (t) "street" means a street, road, highway or other way designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles;
- (u) "street line" means the edge of a street reservation as defined by the authority having jurisdiction;
- (v) "use" means a building or activity situated on a lot or a development permitted on a lot;
- (w) "use zone" or "zone" means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply;
- (x) "variance" means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the authority's regulations; and
- (y) "zoning map" means the map or maps attached to and forming a part of the authority's regulations.

(2) An authority may, in its discretion, determine the uses that may or may not be developed in a use zone and those uses shall be

listed in the authority's regulations as discretionary, permitted or prohibited uses for that area.

Notice of right to appeal

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

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

Appeal requirements

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

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

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

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

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

Appeal registration

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

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

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

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

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

Development prohibited

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

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

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

Hearing notice and meetings

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

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

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

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

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

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

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

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

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

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

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

- Residential non conformity** **14.** A residential building or structure referred to in paragraph 108(3)(g) of the Act must, where being repaired or rebuilt, be repaired or rebuilt in accordance with the plan and development regulations applicable to that building or structure.
- Notice and hearings on change of use** **15.** Where considering a non conforming building, structure or development under paragraph 108(3)(d) of the Act and before making a decision to vary an existing use of that non-conforming building, structure or development, an authority, at the applicant's expense, shall publish a notice in a newspaper circulating in the area or by other means give public notice of an application to vary the existing use of a non-conforming building, structure or development and shall consider any representations or submissions received in response to that advertisement.
- Non-conformance with standards** **16.** Where a building, structure or development does not meet the development standards included in development regulations, the building, structure or development shall not be expanded if the expansion would increase the non-conformity and an expansion must comply with the development standards applicable to that building, structure or development.
- Discontinuance of non-conforming use** **17.** An authority may make development regulations providing for a greater period of time than is provided under subsection 108(2) of the Act with respect to the time by which a discontinued non-conforming use may resume operation.
- Delegation of powers** **18.** An authority shall, where designating employees to whom a power is to be delegated under subsection 109(3) of the Act, make that designation in writing.
- Commencement** **19.** These regulations shall be considered to have come into force on January 1, 2001.

PART I I - GENERAL REGULATIONS

1. Compliance With Regulations

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

2. 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 Authority.

3. Decisions of the Authority

Decisions made by the Authority with respect to a permit required by these Regulations shall be made in writing, and state the reasons for a refusal of, or conditions placed upon, a permit. The Authority shall also advise the person to whom the decision applies of their right to appeal, in accordance with Section 42 of the *Act* and the requirements of Section 5, Part I of these Regulations.

4. Permit to be Issued

Subject to Regulations 5 and 6, a permit shall be issued for development within the Planning Area that conforms to:

- (1) the general development standards set out in Part III of these Regulations, the requirements of Part VI of these Regulations, and the use classes, standards, requirements, and conditions prescribed in Schedule C of these Regulations for the use zone in which the proposed development is located;
- (2) the standards set out in the Building Code and/or other ancillary codes, and any Building Regulations, Waste Disposal Regulations, and/or any other municipal regulation in force in the Planning Area regulating or controlling development, conservation and use of land and buildings;
- (3) the standards set out in Part IV of these Regulations in the case of signs;
- (4) the standards set out in Part V of these Regulations in the case of subdivision;
- (5) the standards of design and appearance established by the Authority.

5. Permit Not to be Issued in Certain Cases

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

6. Discretionary Powers of Authority

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

7. Form of Application

- (1) Applications for a development permit or for approval in principle shall be
 - (a) made only by the owner or by a person authorized by the owner to the Authority
 - (b) made on a form as may be prescribed by the Authority, including such plans, specifications and drawings as the Authority may require; and
 - (c) be accompanied by the appropriate fee set out in a Schedule of fees as required by the Authority.
- (2) The Authority shall, on request, supply to every applicant a copy of the application forms referred to in Regulation 7(1) and a description of the plans, specifications and drawings required to be provided with the application.

8. Register of Application

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

9. Deferment of Application

- (1) The Authority may, with the written agreement of the applicant, defer consideration of an application.
- (2) Applications properly submitted in accordance with these Regulations which have not been determined by the Authority and on which a decision has not been communicated to the applicant within eight weeks of the receipt thereof by the Authority, and on which consideration has not been deferred in accordance with Regulation 9(1), shall be deemed to be refused.

10. Approval in Principle

- (1) The Authority may grant approval in principle for the erection, alteration or conversion of a building if, after considering an application for approval in principle made under these Regulations, it is satisfied that the proposed development is, subject to the approval of detailed plans, in compliance with these Regulations.

- (2) Where approval in principle is granted under this Regulation, it shall be subject to the subsequent approval by the Authority of such details as may be listed in the approval in principle, which shall also specify that further application for approval of these details shall be received not later than two years from the grant of approval in principle.

11. Development Permit

- (1) A plan or drawing which has been approved by the Authority and which bears a mark and/or signature indicating such approval together with a permit shall be deemed to be permission to develop land in accordance with these Regulations but such permission shall not relieve the applicant from full responsibility for obtaining permits or approvals under any other regulation or statute prior to commencing the development; from having the work carried out in accordance with these Regulations or any other regulations or statutes; and from compliance with all conditions imposed thereunder.
- (2) The Authority may attach to a permit or to approval in principle such conditions as it deems fit in order to ensure that the proposed development will be in accordance with the purposes and intent of these Regulations.
- (3) Where the Authority deems necessary, permits may be issued on a temporary basis for a period not exceeding two years, which may be extended in writing by the Authority for further periods not exceeding two years.
- (4) A permit is valid for such period, not in excess of two years, as may be stated therein, and if the development has not commenced, the permit may be renewed for a further period not in excess of one year, but a permit shall not be renewed more than once, except in the case of a permit for a sign, which may be renewed in accordance with Part IV of these Regulations.
- (5) The approval of any application and plans or drawings or the issue of a permit shall not prevent the Authority from thereafter requiring the correction of errors, or from ordering the cessation, removal of, or remedial work on any development being carried out in the event that the same is in violation of this or any other regulations or statute.
- (6) The Authority may revoke a permit for failure by the holder of it to comply with these Regulations or any condition attached to the permit or where the permit was issued in error or was issued on the basis of incorrect information.
- (7) No person shall erase, alter or modify any drawing or specifications upon which a permit to develop has been issued by the Authority.
- (8) There shall be kept available on the premises where any work, matter or thing is being done for which a permit has been issued, a copy of the permit and any plans, drawings or specifications on which the issue of the permit was based during the whole progress of the work, or the doing of the matter or thing until completion.

12. Notice of Application

- (1) The Authority shall provide public notice for a period of not less than
 - (a) 7 days - when considering a variance in accordance with Section 12 of Part I;
 - (b) 14 days - when considering a change in a non-conforming use in accordance with Section 15 of Part I; or development which is listed as a Discretionary use in Schedule C of these Regulations.
- (2) Where public notice is required, the costs of that notice shall be borne by the applicant.

13. Licenses, Permits and Compliance with Other Bylaws

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

14. Right of Entry

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

15. Record of Violations

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

16. Stop Work Order and Prosecution

- (1) Where a person begins a development contrary or apparently contrary to these Regulations, the Authority may order that person to pull down, remove, stop construction, fill in or destroy that building or development and may order the person restore the site or area to its original state, pending final adjudication in any prosecution arising out of the development.
- (2) A person who does not comply with an order made under Regulation 16(1) is guilty of an offence under the provisions of the Act.

17. Service Levy

- (1) The Authority may require a developer to pay a service levy where development is made possible or where the density of potential development is increased, or where the value of property is enhanced by the carrying out of public works either on or off the site of the development.
- (2) A service levy shall not exceed the cost, or estimated cost, including finance charges to the Authority of constructing or improving the public works referred to in Regulation 17(1) that are necessary for the real property to be developed in accordance with the standards required by the Authority and for uses that are permitted on that real

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

18. Financial Guarantees by Developer

- (1) The Authority may require a developer before commencing a development to make such financial provisions and/or enter into such agreements as may be required to guarantee the payment of service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit or licence.
- (2) The financial provisions pursuant to Regulation 18(1) may be made in the form of:
 - (a) a cash deposit from the developer, to be held by the Authority, or;
 - (b) a guarantee or irrevocable letter of credit by a bank, or other institution acceptable to the Minister, for expenditures by the developer, or;
 - (c) a performance bond provided by an insurance company or a bank, or;
 - (d) an annual contribution to a sinking fund held by the Authority.

19. Dedication of Land for Public Use

In addition to the requirements for dedication of land under Regulation 92 Part V, the Authority may require the dedication of not more than 10% of the land area of any subdivision or other development for public use, and such land shall be conveyed to the Authority in accordance with the Section 37 of the *Act*.

20. Reinstatement of Land

Where the use of land is discontinued or the intensity of its use is decreased, the Authority may order the developer, the occupier of the site, or the owner or all of them to reinstate the site, to remove all or any buildings or erections, to cover or fill all wells or excavations, and to close all or any accesses, or to do any of these things or all of them, as the case may be, and the developer, occupier or owner shall carry out the order of the Authority and shall put the site in a clean and sanitary condition to the satisfaction of the Authority.

PART III - GENERAL DEVELOPMENT STANDARDS

21. Accesses and Service Streets

Access shall be located to the specification of the Authority so as to ensure the greatest possible convenience and safety of the street system and the Authority may prescribe the construction of service streets to reduce the number of accesses to collector and arterial streets. No vehicular access shall be closer than 10 metres to the street line of any street intersection.

22. Accessory Buildings

- (1) Accessory buildings may be located on the same lot as the main building(s) to which it is accessory; or on a lot adjoining the lot which contains the main building, where both lots are under the same ownership.
- (2) No accessory building or part thereof shall project in front of any building line.

23. Accessory Uses Permitted

Where these regulations provide for any land to be used, or building to be erected or used for a purpose, the purpose shall include any accessory use. Such uses shall be clearly incidental and complementary to the use of the main building, be contained on the same lot and be balanced with the main building in terms of exterior finish, roof line and pitch.

24. Advertisements

Advertisements shall not be erected or displayed except in accordance with Part IV of these Regulations and the Use Zones tables in Schedule C of these regulations.

25. Alterations to the Natural Environment

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

26. Archaeological Assessment

The Authority may require an archaeological assessment for development in any use zone where archaeological resources are known to exist, or where they are likely to exist based on location and historical evidence. In such cases, applications for development will be forwarded to the Historic Resources Division, Department of Tourism, Culture and Recreation, for review and consideration under the *Historic Resources Act*.

27. Bed and Breakfast Establishments

A Bed and Breakfast establishment, where permitted shall be subject to the following conditions:

- (1) The use is in a single dwelling occupied as a residence by the operator of the business.
- (2) No addition or alteration shall be undertaken which changes the roof line; increases the height of the building; or extends into the front or sideyards of the lot, except for dormers and/or structures necessary for public safety such as fire escapes.
- (3) The nature and scale of the proposed use is consistent with the adjoining development and the use does not detract from the residential character of the neighbourhood.
- (4) That a minimum of one (1) paved parking space per room, in addition to those required for the residential use, be provided on the lot.
- (5) A parking area abutting a residential lot shall be appropriately screened by a fence, wall, or hedge of height not less than one (1) metre and located a minimum distance of 1 metre from the edge of the parking area.
- (6) A single non-illuminated free standing sign not exceeding 0.28 square metres in area and a fascia sign not exceeding 0.20 square metres in area shall be permitted provided that the design of the sign is consistent with the residential character and amenity of the area.
- (7) That the use is approved and licenced under the *Tourist Establishment Regulations*, 1996, of the Provincial Department of Tourism, Recreation and Culture.

28. Buffer Strips

Where any industrial development permitted in any Use Zone abuts an existing or proposed residential area, or is separated from it by a road only, the owner of the site of the industrial development shall provide a buffer strip not less than ten (10) metres wide between any residential activity and the industrial area. The buffer shall include the provision of such natural or structural barrier as may be required by the Authority and shall be maintained by the owner or occupier to the satisfaction of the Authority

29. Building Accessibility

All public and institutional buildings shall be constructed in conformity with the *Buildings Accessibility Act* and *Regulations* to ensure accessibility for persons with physical and/or sensory disabilities.

30. Building Height

The Authority may permit the erection of buildings of a height greater than that specified in Schedule C, but in such cases the building line setback and rearyard requirements shall be varied as follows:

- (1) The building line setback shall be increased by 2 metres for every 1 metre increase in height.
- (2) The rearyard shall not be less than the minimum building line setback calculated as described in (1) above plus 6 metres.

31. Building Line and Setback

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

32. Easements and Emergency Access

Where land is required for utility easements or emergency access, such land may be obtained for the appropriate agency (eg. Newfoundland Power) in the course of approving subdivision or other development applications.

33. Environmental Site Assessment

The Authority may require an environmental site assessment as a condition of approval for development of lands which were previously used for commercial or industrial purposes. Where such an assessment indicates the presence of hazardous materials, no development will be permitted until a full environmental site assessment has been undertaken and remediation measures implemented by a firm qualified to perform such work to the satisfaction of the Department of Environment and Labour and the Authority.

34. Home Childcare Service

Where permitted by the Town of Come By Chance, Childcare as a Home Occupation shall conform to the requirements of the *Childcare Services Act* and *Regulations*. Where required, a licence to operate shall be obtained from the Director of Child Care Services, Department of Health and Community Services.

35. Home Occupations

- (1) The following conditions shall apply to the use of a dwelling for a home occupation:
 - (a) The residence is occupied by the operator of the Home Occupation;
 - (b) The use is clearly subsidiary to the residential use, does not alter the residential character of the property, and does not detract from the residential character of the neighbourhood. The external appearance of the dwelling shall not be changed by the home occupation;
 - (c) There are no more than 2 assistant employees employed on site in addition to a resident of the dwelling;
 - (d) Not more than 25 percent of the total floor area of the dwelling to a maximum of 45 m² is devoted to the home occupation; There is no increase in the Gross Floor area of the dwelling unit.
 - (e) One off-street parking space, other than that required for the dwelling, is provided for every 18.5 m² of floor space occupied by the home occupation;
 - (f) No wholesale, outdoor storage of goods or equipment is carried out, any retail sales are incidental and subsidiary to the approved use,

- (g) On-site advertisements shall be non-illuminated with a maximum sign face area of 0.2 square metres and shall meet the requirements of the Authority in terms of shape and material construction.
- (h) No change shall be made in the type, class, or extent of the occupation without a permit.
- (i) The use shall not generate traffic, parking, sewage or water use in excess of what is normal in the residential area.
- (j) No regular parking of commercial vehicles except for one vehicle with a gross weight of no greater than one tonne will be permitted on the lot or on the road reservation adjacent to the lot.
- (k) The residential lot has sufficient area to accommodate the parking requirements of the dwelling unit and the home occupation.

(2) **Home Occupations in Accessory Buildings**

In addition to the requirements set out in Regulation 35(1), a Home Occupation where permitted in a building subsidiary to a residential dwelling (i.e. an accessory building) shall

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

36. Landscaping

All land except that used for customer parking and vehicle access shall be landscaped and maintained by the owner or occupier to the satisfaction of the Authority.

37. Livestock Structures and Uses

Where permitted, no structure designed to contain more than five *animal units* (See No. 8, Schedule A: Definitions) shall be erected or used unless it complies with the following requirements:

- (1) The structure shall be at least 600 m from a residence, (except a farm residence or a residence which is a non-conforming use in any zone in which agriculture is a permitted use class in the Use Zone Tables in Schedule C of these Regulations), and, from an area designated for residential use in an approved Plan, and, from a Provincial or Federal Park.
- (2) The structure shall be at least 60 m from the boundary of the property on which it is to be erected.
- (3) The structure shall be at least 90 m from the centre line of a street.
- (4) The erection of the structure shall be approved by the Department of Forest Resources and Agrifoods and the Department of Environment & Labour.

No development for residential use shall be permitted within 600 m of an existing structure designed to contain more than five animal units unless the development is first approved by the Department of Forest Resources and Agrifoods.

38. 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.

39. 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 Authority 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.

40. Lot Frontage

Except where specifically provided for in the Use Zone Tables in Schedule C of these Regulations, no residential or commercial building shall be erected unless the lot on which it is situated fronts directly onto a street which has been constructed to standards established by the Authority.

41. Mineral Exploration

Where permitted, Mineral exploration activities shall meet the following conditions:

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

42. Multiple Uses

In any use zone where any land or building is used for more than one use, each use shall be required to meet the provisions of these regulations. Where there is a conflict such as in the case of lot size or lot frontage, the higher or more stringent standard shall prevail.

43. Municipal Public Works and Utilities

The Authority shall ensure that municipal and public utility works such as telephone, water treatment, pollution control and electric utility facilities are constructed so that no adverse effect on adjacent land uses is created. In this regard, the size and appearance of such works shall be in keeping with adjacent uses and buffering, in the form of landscaped areas between any such works and adjacent uses is required.

44. Off-Street Loading Requirements

- (1) For every building, structure or use to be erected, enlarged or established requiring the shipping, loading or unloading of animals, goods, wares or merchandise, there shall be provided and maintained for the premises loading facilities on land that is not part of a street comprised of one or more loading spaces, 15 m long, 4 m wide, and having a vertical clearance of at least 4 m with direct access to a street or with access by a driveway of a minimum width of 6 m to a street.
- (2) The number of loading spaces to be provided shall be determined by the Authority.
- (3) The loading facilities required by this Regulation shall be so arranged that vehicles can manoeuvre clear of any street and so that it is not necessary for any vehicle to reverse onto or from a street.

45. Offstreet Parking Requirements

- (1) For every building, structure or use to be erected, enlarged or established, there shall be provided and maintained a quantity of off-street parking spaces sufficient to ensure that the flow of traffic on adjacent streets is not impeded by the on-street parking of vehicles associated with that building, structure or use.
- (2) The number of parking spaces to be provided for any building, structure, use of occupancy shall conform to the standards set out in Schedule D of these Regulations.
- (3) Each parking space, except in the case of one or two-family dwellings, shall be made accessible by means of a hard surfaced right-of-way at least 3 m in width. Parking required in a Residential Zone shall be provided on the same lot as the dwelling or dwellings. Parking space for apartments shall be provided in the rear yard where possible. In a Non-Residential Zone, parking spaces shall be provided within the limits of the zone in which the use is situated and not more than 200 m distant from the use concerned.

- (4) The parking facilities required by this Regulation shall, except in the case of single or attached dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.
- (5) Where, in these Regulations, parking facilities for more than four vehicles are required or permitted
 - (a) parking space shall mean an area of land, not less than 15 m² in size, capable of being used for the parking of a vehicle without the need to move other vehicles on adjacent areas,
 - (b) the parking area shall be constructed and maintained to the specifications of the Authority;
 - (c) the lights used for illumination of the parking area shall be so arranged as to divert the light away from adjacent development;
 - (d) a structure, not more than 3 m in height and more than 5 m² in area may be erected in the parking area for the use of attendants in the area;
 - (e) no part of any off-street parking area shall be closer than 1.5 m to the front lot line in any zone;
 - (f) access to parking areas in non-residential zones shall not be by way of residential zones;
 - (g) where a parking area is in or abuts a residential zone, a natural or structural barrier at least 1 m in height shall be erected and maintained along all lot lines;
 - (h) where, in the opinion of the Authority, strict application of the above parking requirements is impractical or undesirable, the Authority may as a condition of a permit require the developer to pay a service levy in accordance with these Regulations in lieu of the provision of a parking area, and the full amount of the levy charged shall be used by the Authority for the provision and upkeep of alternative parking facilities within the general vicinity of the development.

46. Outdoor Storage

Outdoor storage will not be permitted in front yards unless it is clearly demonstrated that such storage is a necessary function of a commercial or industrial operation in terms of display and access to the storage area (i.e. building supply operations, etc). Outdoor storage may be permitted in side yards and/or rear yards. Council may require fencing or other forms of screening where quantity and/or type of material would lead to unsightly appearance.

47. Outdoor Swimming Pools

Where a swimming pool is an accessory use to a residential or commercial use it shall:

- (1) Be enclosed by a fence having a minimum height of 1.8 metres (6 ft) from the established grade and located a minimum of 1.8 metres from the water surface perimeter, and have a gate, equipped with self-closing; self-latching devices placed at the top and on the inside of the gate.

- (2) Not exceed 7.0% of the area of the lot.
- (3) Not encroach upon any easement
- (4) Not be placed over any existing, on-site septic system.

48. Parks and Playgrounds, and Conservation Uses

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

49. Provincial T'Railway Park

Applications for and development which crosses the right-of-way of the Newfoundland T'Railway Park shall be referred to the Parks and Natural Areas Division, Department of Tourism, Culture and Recreation for review, comment and approval.

50. Satellite Dish Antenna

Where permitted, Satellite dish antenna shall be a subject to the following conditions:

- (1) There shall be one satellite dish per lot;
- (2) The satellite dish antenna shall not be located in the front yard or flanking side yard of a lot;
- (3) The maximum diameter of the satellite dish is 3 metres;
- (4) The maximum height of:
 - (a) a ground-mounted antenna shall be 4.6 metres measured from the top of the antenna to ground level.
 - (b) a roof-mounted antenna shall be 4.6 metres measured from the top of the antenna to the roof.
 - (c) The satellite dish antenna does not obstruct views from other properties;
- (5) The satellite dish must not obstruct right-of way or encroach any easements.

51. Screening and Landscaping

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

52. Service Stations

Where permitted, development of an automobile service station and garage, shall conform to the following conditions:

- (1) All gasoline pumps shall be located on pump islands designed for such purpose, and to which automobiles may gain access from either side.
- (2) Pump islands shall be set back at least 4 metres from the front lot line.
- (3) A canopy for sheltering pump islands may be erected provided that no part of the canopy is located within 3 m of the street or lot line.
- (4) Accesses shall not be less than 7 metres wide and shall be clearly marked.
- (5) Where a service station is located on a corner lot, the centre line of any access shall be at least 30 metres from the centre line of the junction. The lot line between entrances shall be clearly indicated.

53. Side Yards

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

54. Soils and Drainage

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

55. Soil Removal and Deposit and Site Grading

A development permit is **not** required for removal or deposit of soil, or the excavation and removal of excavated material or grading, if it is part of an approved development project or affects less than 125 cubic metres of soil, sand, gravel, rock or other substance, down to and including bedrock. All other cut or fill work, excavation, removal and deposit of material or grading requires a development permit under these Regulations.

56. Storage and Screening of Refuse Containers

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

57. Storage of Flammable Liquids

All users and structures for the on-site bulk storage of flammable liquids shall conform to the requirements of the Provincial Fire Commissioner and shall be surrounded by such buffers and landscaping as the Authority may require in order to prevent damage to adjacent uses by fire, explosion or spillage of flammable liquid or other dangerous goods.

58. Street Classification

For the purposes of these regulations, streets within the Town of Come By Chance are classified as follows:

Arterial Streets	Collector Streets	Local Streets
Provincial Arterial Trans Canada Highway	Primary Collector Main Road	all remaining streets

59. Subsidiary Apartments

Where permitted, subsidiary apartments shall be limited to single dwellings. Two off-street parking spaces are required. Minimum floor area requirements for a subsidiary apartment are 40 square metres for one bedroom plus 10 square metres for each additional bedroom.

60. Watercourse Protection

No development shall be permitted within 15 meters of the high water mark of any body of water with the exception of conservation structures such as those designed to control flooding and erosion, bridges, pathways, and sewer lines, or where permitted, for the construction of wharves and docks. Such development shall meet provincial environmental guidelines, and be approved by the Water Resources Division, Department of Environment. If fish habitat is affected, approval from Fisheries and Oceans Canada is required. The Authority may require larger buffer areas around watercourses where identified flood plains, steep slopes or unstable soil conditions (for example) could result in damage to watercourses and wildlife habitat as a result of development

61. Water Pressures/Fire Flows

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

62. 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.

63. Zero Lot Line and Other Comprehensive Development

The Authority may, at its discretion, approve the erection of dwellings which are designed to form part of a zero lot line development or other comprehensive layout which does not, with the exception of dwelling unit floor area, meet the requirements of the Use Zone Table in Schedule C, provided that the dwellings are designed to provide both privacy and reasonable access to natural daylight and the overall density within the layout conforms to the regulations and standards set out in the Use Zone Table apply where the layout adjoins other development.

PART IV - SIGNS

64. Permit Required

Subject to the provisions of Regulation 70, no sign shall be erected or displayed in the Planning Area unless a permit for the sign is first obtained from the Authority.

65. Provincial Highway Sign Regulations

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

66. Form of Application

Application for a permit to erect or display a sign shall be made to the authority in accordance with Regulation 7.

67. Signs Prohibited in Street Reservation

No sign shall be permitted to be erected or displayed within, on or over any highway or street reservation.

68. Permit Valid for Limited Period

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

69. Removal of Signs

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

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

70. Signs Exempt from Control

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

- (1) on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.2 m² in area;
- (2) on an agricultural holding or farm, a notice board not exceeding 1 m² in area and relating to the operations being conducted on the land;
- (3) 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;
- (4) 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;
- (5) 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 professional person carried on in the premises;
- (6) on any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board not exceeding 1 m² in area;
- (7) 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;
- (8) on any parking lot directional signs and one sign not exceeding 1 m² in size, identifying the parking lot.

71. Approval Subject to Conditions

A permit may only be issued for the erection or display of signs which comply with the appropriate conditions and specifications set out in the Use Zone Tables in Schedule C of these Regulations.

72. Non-Conforming Uses

Notwithstanding the provisions of Regulation 64, a permit may be issued for the erection and display of signs for a non conforming use. The standards for the size and type of sign will be those which would apply if the development was in a Use Zone appropriate to its use.

73. Signs for Commercial or Industrial Uses

The following standards shall apply to signs erected for any commercial or industrial use which may be permitted in Schedule C of these regulations:

- (1) **On-Site Signs.** One free-standing sign shall be permitted per lot. Additional free standing signs may be permitted at the discretion of the Authority provided that:
 - (a) The size, shape, illumination and material construction is to the satisfaction of the Authority, and does not impair the safety and convenience of users of adjacent sidewalks and the general amenities of the surrounding area.;
 - (b) The signs do not create an obstruction for vehicle access into and out of the lot;
 - (c) The maximum area of the sign face is no greater than 9 square metres.

- (2) **Temporary/Portable Signs** - These conditions apply to temporary or portable signs which erected for a specific purpose and limited duration. Such signs may be permitted provided that:
 - (a) The area of the sign face does not exceed 7.5 square metres.
 - (b) The overall height from ground level does not exceed 3 metres.
 - (c) The sign does not encroach upon easements, right-of-ways or private property, does not obscure other permanent signs, nor impair visibility of traffic, or pedestrians.
 - (d) Approval by the Canadian Standards Association (or other recognized authority as approved by the Town of Come By Chance) for portable lighted signs, and bear the C.S.A. approval decal on the sign. If the sign is considered mobile, it shall be approved and licensed by the Motor Vehicle Registration Division, Department of Works, Services and Transportation.
 - (e) The advertisement is securely anchored as approved by the Town of Come By Chance.

- (3) **Off-site Signs** - Off-site directional signs which direct traffic to a commercial or industrial development or use may be permitted provided that:
 - a) Each advertisement shall not exceed 3 square metres in area.
 - b) The sign show only the name of and distance or direction to the premises being advertised, and shall be located within a reasonable distance from the advertised premises.
 - c) The location, siting and illumination of each sign shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions and nearby buildings, and the preservation of the amenities of the surrounding area.

PART V - SUBDIVISION OF LAND

74. Permit Required

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

75. Services to be Provided

No permit shall be issued for the development of a subdivision unless provisions satisfactory to the Authority 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.

76. Payment of Service Levies and Other Charges

No permit shall be issued for the development of a subdivision until agreement has been reached for the payment of all fees levied by the Authority for connection to services, utilities and streets deemed necessary for the proper development of the subdivision, and all service levies and other charges imposed under Regulations 17 and 18.

77. Issue of Permit Subject to Considerations

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

- (1) the location of the land;
- (2) the availability of and the demand created for schools, services, and utilities;
- (3) the provisions of the Plan and Regulations affecting the site;
- (4) the land use, physical form and character of adjacent developments;
- (5) the transportation network and traffic densities affecting the site;
- (6) the relationship of the project to existing or potential sources of nuisance;
- (7) soil and subsoil characteristics;
- (8) the topography of the site and its drainage;
- (9) natural features such as lakes, streams, topsoil, trees and shrubs;
- (10) prevailing winds;
- (11) visual quality;
- (12) community facilities;
- (13) energy conservation;
- (14) such other matters as may affect the proposed development.

78. Proposals for Subdivision of Land

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

- (1) The physical features of the site including development opportunities and constraints, the location of mature stands of vegetation, including any vegetation to be retained.
- (2) The layout of proposed lots and streets.
- (3) How the proposed subdivision relates to existing development and roads on adjacent lands, and provide for future access to undeveloped lands in the area.
- (4) The compatibility between the subdivision and surrounding land uses, both existing and future.
- (5) The volume and type of traffic that will be generated by the development.
- (6) Proposed servicing, including water and sewer, storm water management, and utilities.
- (7) In residential subdivisions, the locations of neighbourhood mail receptacles.
- (8) A landscaping plan which shows the location of dedicated open space and plantings.

79. Form of Application

Application for a permit to develop a subdivision shall be made to the Authority in accordance with Regulation 7.

80. Subdivision Subject to Zoning

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

81. Building Lines

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

82. Land for Public Open Space

- (1) Before a development commences, the developer shall, if required, dedicate to the Authority, at no cost to the Authority, an area of land equivalent to not more than 10% of the gross area of the subdivision for public open space, provided that:
 - (a) where land is subdivided for any purpose other than residential use, the Authority shall determine the percentage of land to be dedicated;
 - (b) if, in the opinion of the Authority, no public open space is required, the land may be used for such other public use as the Authority may determine;

- (c) the location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of the Authority but in any case, the Authority shall not accept land which, in its opinion is incapable of development for any purpose;
 - (d) the Authority may accept from the developer in lieu of such area or areas of land the payment of a sum of money equal to the value of the land which would otherwise be required to be dedicated;
 - (e) money received by the Authority in accordance with Regulation 92(1)(d), shall be reserved by the Authority for the purpose of the acquisition or development of land for public open space or other public purpose.
- (2) Land dedicated for public use in accordance with this Regulation shall be conveyed to the Authority and may be sold or leased by the Authority for the purposes of any development that conforms with the requirements of these Regulations, and the proceeds of any sale or other disposition of land shall be applied against the cost of acquisition or development of any other land for the purposes of public open space or other public purposes.
- (3) The Authority may require a strip of land to be reserved and remain undeveloped along the banks of any river, brook or pond, and this land may, at the discretion of the Authority, constitute the requirement of land for public use under Regulation 92(1).

83. 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 Authority which shall be satisfied on the question of safe construction and relationship to the adjoining buildings and other structures within the street reservation.

84. Development Agreement

As a condition of approval for new developments, the Authority shall require a developer to enter into an agreement with the Municipality. Such agreements shall include specifications for water and sewer infrastructure, storm drainage, streets, sidewalks, open space, as well as school bus stops and neighbourhood mailboxes, where required.

85. Subdivision Design Standards

Unless otherwise specified in the *Town of Come By Chance Municipal Engineering Standards* the design of a subdivision permitted under these Regulations shall conform to the following standards:

- (1) The finished grade of streets shall not exceed 10 percent.
- (2) Every cul de sac shall be provided with a turning circle of a diameter of not less than 30 m.

- (3) The maximum length of any cul de sac shall be:
- (a) 200m in areas served by or planned to be served by municipal piped water and sewer services, as shown in the map and letter of agreement signed by the Municipality and the Minister of Municipal and Provincial Affairs in connection with municipal five-year capital works program eligibility.
- (4) Emergency vehicle access to a cul de sac shall be not less than 3 m wide and shall connect the head of the cul de sac with an adjacent street.
- (5) No cul de sac shall be located so as to appear to terminate a collector street.
- (6) New subdivisions shall have street connections with an existing street or streets.
- (7) All street intersections shall be constructed within 5° of a right angle and this alignment shall be maintained for 30 m from the intersection.
- (8) No street intersection shall be closer than 60 m to any other street intersection.
- (9) No more than four streets shall join at any street intersection.
- (10) No residential street block shall be longer than 490 m between street intersections.
- (11) Streets in residential subdivisions shall be designed in accordance with the approved standards of the Authority, but in the absence of such standards, shall conform to the following minimum standards:

Type of Street	Street Reservation	Pavement Width	Sidewalk Width	Sidewalk Number
Arterial Streets	30 m	15 m	1.5 m	Discretion of Council
Collector Streets	20 m	15 m	1.5 m	2
Local Residential Streets:				
where more than 50% of the units are single or double dwellings;	15 m	9 m	1.5 m	1
where 50% or more of the units are row houses or apartments	20 m	9 m	1.5 m	2
Service Streets	15 m	9 m	1.5 m	Discretion of Council

- (12) No lot intended for residential purposes shall have a depth exceeding four times the frontage.
- (13) Residential lots shall not be permitted which abut a local street at both front and rear lot lines.
- (14) The Authority may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed.
- (15) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land.

86. Engineer to Design Works and Certify Construction Layout

- (1) Plans and specifications for all water mains, hydrants, sanitary sewers, storm sewers and all appurtenances thereto and all streets, paving, curbs, gutters and catch basins and all other utilities deemed necessary by the Authority 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 Authority, be incorporated in the plan of subdivision.
- (2) Upon approval by the Authority 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 Authority to service the said area.

87. Developer to Pay Engineer's Fees and Charges

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

88. Street Works May Be Deferred

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

89. Transfer of Streets and Utilities to Authority

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

90. Restriction on Sale of Lots

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

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

PART VI - USE ZONES

91. 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 91(3), the permitted and discretionary use classes, standards, requirements and conditions applicable to each Use Zone are set out in the Use Zone Tables in Schedule C of these Regulations.
- (3) Where standards, requirements and conditions applicable in a Use Zone are not set out in the Use Zone Tables in Schedule C, the Authority may in its discretion, determine the standards, requirements and conditions which shall apply.

92. 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 Authority in accordance with the classification and examples set out in Schedule B.

93. 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 Authority in that Use Zone.

94. 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 Authority is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if the Authority has given notice of the application in accordance with Regulation 12 and has considered any objections or representations which may have been received on the matter.

95. Prohibited Uses

Uses that do not fall within the Permitted or Discretionary Use Classes, or are specifically listed as a Prohibited Use in the appropriate Use Zone Tables in Schedule C, shall not be permitted in that Use Zone.

SCHEDULE A

Definitions

1. **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.
2. **Accessory Building** includes
 - (a) a detached subordinate building not used as a dwelling, located on the same lot, or on a lot adjacent to the main building to which it is an accessory, and which has a use that is customarily incidental and complementary to, the main use of the building or land;
 - (b) for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetable storage cellars, shelters for domestic pets or radio and television antennae;
 - (c) for commercial uses, workshops or garages; and
 - (d) for industrial uses, garages, offices, raised ramps and docks.
3. **Accessory Use** means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use.
4. **Act** means the *Urban and Rural Planning Act*.
5. **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.
6. **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.
7. **Animal Hospital** means a place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

8. **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 breeding sow (including weaners and growers based on 453.6 kg = 1 unit);
 - X turkeys, ducks, geese (based on 2,268 kg = 1 unit).
9. **Apartment Building** means a building containing three or more dwelling units, but does not include a row dwelling.
10. **Appeal Board** means the appropriate Appeal Board established under the Act.
11. **Auto Body Shop** means a building or a clearly defined space on a lot used for the storage, repair and servicing of motor vehicles including body repair and painting but does not include an automobile service station or an automobile sales establishment.
12. **Automobile Washing Establishment** means a building or part thereof used for the operation of automobile washing equipment which is automatic or manual.
13. **Bed and Breakfast Establishment** means a single unit dwelling in which the resident supplies, for compensation, bedrooms for the temporary accommodation of travelers.
14. **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.
15. **Boardwalk** means an elevated public pedestrian walkway constructed over a public street or along a hiking trail, ocean front or beach.
16. **Building** means
- (a) a structure, erection, alteration or improvement placed on, over or under land, or attached, anchored or moored to land,
 - (b) mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other similar uses,
 - (c) a part of and fixtures on buildings referred to in (a) and (b), and
 - (d) an excavation of land whether or not that excavation is associated with the intended or actual construction of a building or thing referred to in (a) to (c).

17. **Building Height** means the vertical distance, measured in metres from the established grade to the
- (a) highest point of the roof surface of a flat roof,
 - (b) deck line of a mansard roof,
 - (c) mean height level between the eave and the ridge of a gable, hip or gambrel roof,
- and in any case a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above the roof.
18. **Building Line** means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed. (See Figure 1)

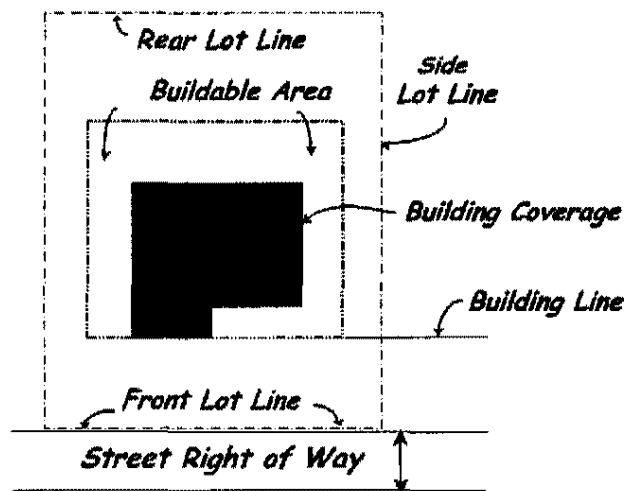


Figure 1. Building and Lot Lines

19. **Business Office** means a room where business may be transacted, a service performed or consultation given but does not include the manufacturing of any product or the on-site retailing or selling of goods.
20. **Campground** means an area of land for the temporary accommodation of travel trailers, motorized homes, tents and trailers used for travel, recreational and vacation purposes but does not include a mobile home park.
21. **Church** means a building dedicated to religious worship and include a church hall, church auditorium, Sunday School, parish hall, rectory, manse and day nursery operated by the church.

22. **Clinic** means a building used for medical, dental, surgical or therapeutical treatment of human patients that does not include overnight facilities and does not include a professional office of a doctor located in his or her residence.
23. **Convenience Store** means a building which is used as a store that serves the primary needs of the adjacent neighbourhood and includes the sale of magazine, confectionary and grocery items, rental of video movies, and a delicatessen or snack bar provided that any eating facility is within a wholly enclosed building.
24. **Craft Shop** means a building which is used for the retailing or wholesaling of arts and handicrafts.
25. **Custom Workshop** means a building or part of a building used by a trade, craft or a guild for the manufacture in small quantities of made-to-measure clothes or articles and includes upholstering, repair, refinishing of antiques and other art objects but does not include metal, spinning or woodworking or furniture manufacturing.
26. **Daycare Centre or Day Nursery** : A building or part of a building in which services and activities are regularly provided to children of pre-school age during the full daytime period as defined under the *Childcare Services Act*, but does not include a school as defined by the *Schools Act*.
27. **Development** means the carrying out of building, engineering, mining or other operations in, on, over, or under land, or the making of a material change in the use, or the intensity of use of land, buildings, or premises and the
- (a) making of an access onto a highway, road or way,
 - (b) erection of an advertisement or sign,
 - (c) construction of a building,
 - (d) parking of a trailer, or vehicle used for the sale of refreshments or merchandise, or as an office, or for living accommodation,
- and excludes the
- (e) carrying out of works for the maintenance, improvement or other alteration of a building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building;
 - (f) carrying out by a highway authority of works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation;
 - (g) carrying out by a local authority or statutory undertakers of works for the purpose of inspecting, repairing or renewing sewers, mains, pipes, cables or other apparatus, including the breaking open of street or other land for that purpose; and
 - (h) use of a building or land within the courtyard of a dwelling house for a purpose incidental to the enjoyment of the dwelling house as a dwelling.
28. **Director** means the Director of Urban and Rural Planning.

29. **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.
30. **Domestic and Household Arts** includes dressmaking, tailoring, hairdressing, instruction in music, dancing, arts and crafts, weaving, painting, sculpturing, or otherwise making household ornaments, articles of clothing, personal effects or toys.
31. **Double Dwelling** (or Duplex) means a building containing two dwelling units, placed one above the other, or side by side, but does not include a self-contained dwelling containing a subsidiary apartment.
32. **Dwelling, Townhouse** means three or more dwelling units, each with a separate entrance, constructed side by side and separated by common vertical walls.
33. **Dwelling Unit** means a self-contained unit consisting of one or more habitable rooms used or designed as the living quarters for one household.
34. **Engineer** means a professional engineer employed or retained by the Authority.
35. **Erect** means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing, shall include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension.
36. **Established Grade** means,
- 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
 - 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 and artificial embankment or entrenchment. (See Figure 2).

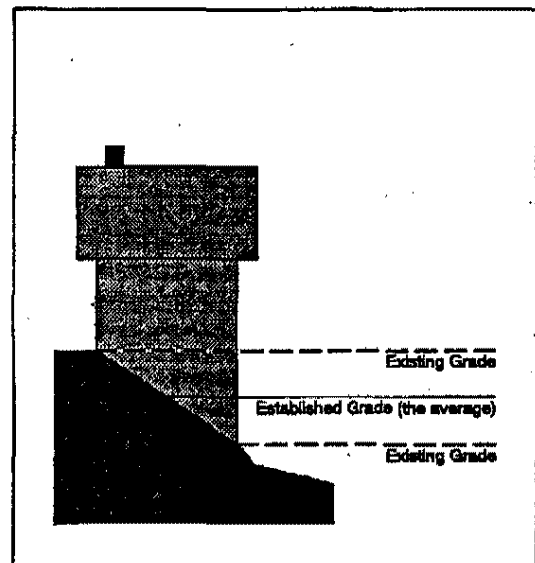


Figure 2. Established Grade of a Building

37. **Existing** means legally existing as of the effective date of these Regulations.
38. **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".
39. **Farm Market** means a building in which farm or garden produce comprises the major portion of goods offered or kept for sale directly to the public at retail value.
40. **Flanking Yard** means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flanking lot line and the nearest main wall of any main building or structure (See Figure 3).
41. **Floor Area** means the total area of all floors in a building measured to the outside face of exterior walls.
42. **Forestry Use** means commercial silviculture and the production of timber or pulp and uses associated with a forestry use, including sawmills, vehicle and equipment storage and maintenance buildings and yards.
43. **Frontage** means the horizontal distance between side lot lines measured at the building line.
44. **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.
45. **Garage** means a building erected for the storage of motor vehicles as an ancillary use to a main building on the lot.
46. **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.
47. **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.
48. **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.

49. **Home Child Care Service** means a service where not more than 6 children receive child care in the home of the person providing the child care.
50. **Home Occupation** means an accessory use of a dwelling and/or accessory building for gainful employment involving the provision or sale of goods and/or services.
51. **Home Office** means a secondary use of a dwelling unit by at least one of the residents of such dwelling unit to conduct a gainful occupation of business activity.
52. **Indoor Recreational Use** means a building for leisure activities such as bowling alleys, fitness clubs and racquet clubs, curling clubs, arenas and gymnasias.
53. **Inspector** means any person appointed and engaged as an Inspector by the Authority or by any federal or provincial authority or the agent thereof.
54. **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.
55. **Kennel** means a building or premise where domestic household animals and birds are boarded for breeding or otherwise.
56. **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.
57. **Landscaping** means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property or to provide a screen between properties in order to mitigate objectionable features between them.
58. **Light Industry** means use of any land or buildings for any general industrial use that can be carried out without hazard or intrusion and without detriment to the amenity of the surrounding area by reason of noise, vibration, smell, fumes, smoke, grit, soot, ash, dust, glare or appearance.
59. **Loading Space** means an area of land provided for use for the temporary parking of a commercial motor vehicle where merchandise or materials are loaded or unloaded from the vehicles.

60. **Local Street** means a street designed primarily to provide access to adjoining land and which is not designated as a collector street or arterial street in the Municipal Plan, or on the Zoning Map.
61. **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.
62. **Lot** means a plot, tract or parcel of land which can be considered as a unit of land for a particular use or building.
63. **Lot Area** means the total horizontal area within the lines of the lot.
64. **Lot Coverage** means the combined area of all buildings on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot.
65. **Main Building** means any building in which is carried on the principal purpose for which the lot is used.
66. **Marina** means a public or private facility operated as a commercial recreational use, used for the docking, mooring and storage of boats, ships and any other marine craft and their accessory equipment.
67. **Mineral Working** means land or buildings used for the working or extraction of any naturally occurring substance.
68. **Mini Home** means a form of mobile home which has a pitched roof and traditional house-type exterior siding, windows and doors, designed to be connected to piped water and sewer, electricity and telephone, with or without basement installation, suitable for year round occupancy.
69. **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 current edition of the **National Building Code of Canada** 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 Authority, namely, piped water, piped sewer, electricity and telephone, in order for such mobile home unit to be suitable for year round term occupancy.

70. **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 Authority.
71. **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.
72. **Nursing Home** means a building where nursing care and room and board are provided to individuals incapacitated in some manner for medical reasons and approved by the Departments of Government Services and Lands, and Health and Community Services.
73. **Outdoor Storage** means the storage of merchandise, goods, inventory, materials or equipment or other items which are not intended for immediate sale, by locating them outside.
74. **Owner** means a person or an organization of persons owning or having the legal right to use the land under consideration.
75. **Parking Lot** means an open area of land other than a street or an area within a structure for the parking of vehicles.
76. **Parking Space** means an area of land or building for the temporary parking or storage of motor vehicles.
77. **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.
78. **Pit and Quarry Working** carries the same meaning as Mineral Working.
79. **Private Club** means a building used as a meeting place for members of an organization and may include a fraternity, a labour union hall, a lodge and recreational or service club.
80. **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.
81. **Public Use** means any lands, structure or building which is constructed for use by the general public, including but not limited to parks, playgrounds, trails, paths and other recreational and open spaces, scenic and historic sites, publicly funded buildings such as schools, hospitals, libraries and other public buildings and structures.

82. **Rear Yard Depth** means the distance between the rear lot line and the rear wall of the main building on a lot (See Figure 3).
83. **Recreational Use** means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, athletic fields, golf courses, picnic areas, swimming pools, day camps, walking trails, and similar uses.
84. **Recycling Depot** means premises on which recoverable materials such as newspaper, glassware, and metal cans are separated prior to shipment but does **not** include any processing of the materials or a salvage yard.
85. **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.
86. **Rest/Retirement Home** means a residential facility or part thereof which is not a nursing home or group home, in which, for hire or gain, lodging is supplied in at least 10 retirement dwelling units. Meals are supplied for the occupants in a common kitchen and dining facility and other communal facilities, such as nursing care, may be provided. Accommodation shall be intended for the lodging of retired or elderly persons.
87. **Row Dwelling** means three or more dwelling units at ground level in one building, each unit separated vertically from the others.
88. **Salvage Yard** means an area of land used for the storage, handling or processing of and sale of scrap material, and without limiting the generality of the foregoing, may include waste paper, rags, bones, used bicycles, vehicles, tires, metals or other scrap material or salvage, but shall **not** include a hazardous waste material storage or disposal site.
89. **Satellite Dish Antenna** means a device or instrument designed or used for the reception of television or other electronic communications signal broadcast or relayed from an earth satellite. It may be solid, open mesh, or bar-configured structure in the shape of a shallow dish or parabola.
90. **Screening** means the method by which a view of one site from another adjacent site is shielded, concealed or hidden.
91. **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.
92. **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.

93. **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.
94. **Sideyard Depth** means the distance between the side lot line and the nearest side wall of a building on the lot. (See Figure 3)
95. **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.
96. **Street** means a street, road, highway or other way designed for the passage of vehicles and pedestrians, and which is accessible by fire department and other emergency vehicles.
97. **Street Line** means the edge of a street reservation as defined by the authority having jurisdiction.
98. **Street Right-of-Way** means a strip of land acquired by reservation, dedication or forced dedication intended to be occupied or occupied by a public street, road or highway (See Figure 1).
99. **Structure** means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure, including buildings, walls, signs and fences.
100. **Subdivision** means the dividing of land, whether in single or joint ownership, into two or more pieces for the purpose of development.
101. **Subsidiary Apartment** means a separate dwelling unit constructed within and subsidiary to a self-contained dwelling.
102. **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.
103. **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.
104. **Tourist Trailer Park** means an establishment comprising land or premises under single ownership used or intended to be used for the parking of tourist trailers on a temporary or seasonal basis, such as for a day, a week or for a season.

105. **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.
106. **Utility** means any public or private system, works, plant, equipment or services which furnishes services at approved rates to or for the use of the general public.
107. **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.
108. **Veterinary Clinic** means a facility for the medical care and treatment of animals and includes provisions for their overnight accommodation but does not include any outdoor facilities such as kennels, pen runs and enclosures.
109. **Warehouse** means a building used primarily for the storage of goods and materials.
110. **Warehousing and Distribution Centre** means a building used for the storage, wholesaling and distribution of goods and materials.
111. **Watercourse** means any lake, pond, river, stream or other body of water.
112. **Wetland** means the land usually or at any time occupied by water, where the water table is at or is just above the surface of the land either permanently or intermittently, depending upon the class of the wetland which includes bogs, fens, marshes, swamps and shallow water zones along shorelines of bodies of water.
113. **Watershed** means the area of land drained by a given stream, river or lake.

114. **Yard** means an open uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in these Regulations (See Figure 3).

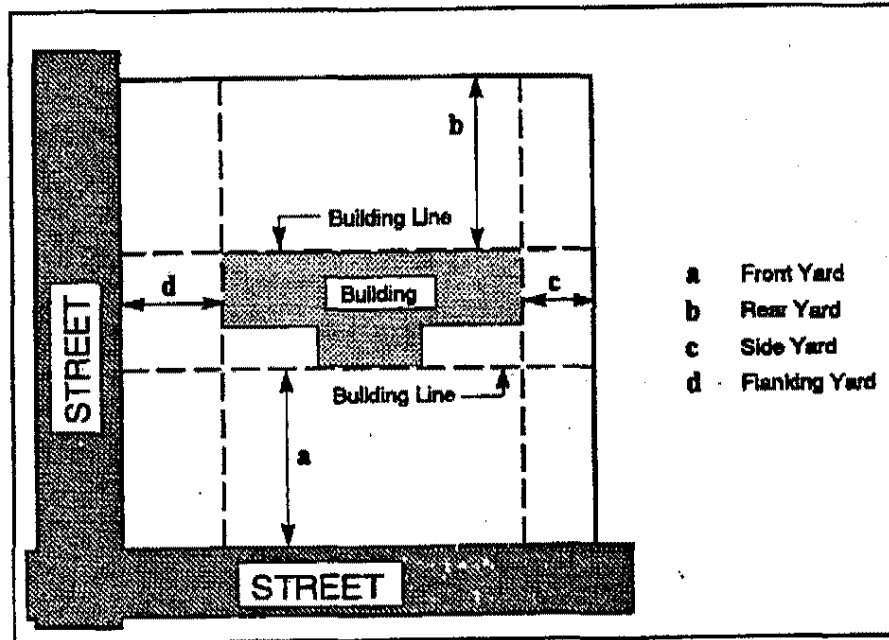


Figure 3. Yards¹

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

¹

Figures 2 and 3 reprinted with permission from Nova Scotia Department of Municipal Affairs, Model Land Use Bylaw, 1993.

SCHEDULE B

CLASSIFICATION OF USES OF LAND AND BUILDINGS

1. Residential Uses		
Division	Use Class	Examples
1. Residential Dwelling Uses	Single Dwelling	<ul style="list-style-type: none"> • Single Detached Dwellings
	Double Dwelling	<ul style="list-style-type: none"> • Duplex Dwellings • Semi-detached Dwelling
	Row Dwelling	<ul style="list-style-type: none"> • Row Houses • Town Houses
	Apartment Building	<ul style="list-style-type: none"> • Apartments • Rest /Retirement Home • Sponsored Seniors Residence
2. General Residential Uses	Collective Residential	<ul style="list-style-type: none"> • Convents & Monasteries • Dormitories • Nurses & Hospital Residences • Residential Colleges & Schools • University & College Halls of Residence
	Boarding House Residential	<ul style="list-style-type: none"> • Bed & Breakfast Establishment • Boarding Houses • Lodging Houses
	Commercial Residential	<ul style="list-style-type: none"> • Hostels • Hotels & Motels • Residential Clubs
	Seasonal Residential	<ul style="list-style-type: none"> • Hunting & Fishing Cabins • Summer Homes & Cabins
	Manufactured Housing	<ul style="list-style-type: none"> • Mini Home • Mobile Homes • Mobile Home Park

2. Assembly Uses

Division	Use Class	Examples
1. Assembly Uses for the production & viewing of the performing arts.	Theatre	<ul style="list-style-type: none"> • Motion Picture Theatres • Opera Houses • Television Studios admitting an Audience • Theatres
2. General Assembly Uses	Cultural & Civic	<ul style="list-style-type: none"> • Art Galleries • Council Chambers • Court Rooms • Libraries • Meeting Rooms • Museums
	General Assembly	<ul style="list-style-type: none"> • Auditoria • Bowling Alleys • Community Halls • Dance Halls • Exhibition Halls • Fitness Clubs • Gymnasias • Lodge Halls
	Educational	<ul style="list-style-type: none"> • Colleges (non- residential) • Private Schools • Public Schools
	Place of Worship	<ul style="list-style-type: none"> • Church Halls • Churches & similar places of worship • Manse
	Passenger Assembly	<ul style="list-style-type: none"> • Passenger Stations & Depots • Recreational Piers/Docks
	Club & Lodge	<ul style="list-style-type: none"> • Private Clubs & Lodges (non-residential)
	Catering	<ul style="list-style-type: none"> • Bars • Lounges • Restaurants • Taverns
	Funeral Home	<ul style="list-style-type: none"> • Crematoria • Funeral Homes & Chapels
	Child Care	<ul style="list-style-type: none"> • Day Care Centres • Home Child Care Service

	Amusement	<ul style="list-style-type: none"> • Electronic Games Arcades • Pinball Parlours • Poolrooms
3. Arena-type Uses	Indoor Assembly	<ul style="list-style-type: none"> • Arenas • Armouries • Ice Rinks • Indoor Swimming Pools
4. Open-air Assembly Uses	Outdoor Assembly	<ul style="list-style-type: none"> • Amusement Parks & Fair-grounds • Bleachers • Drive-in Theatres • Exhibition Grounds • Grandstands • Outdoor Ice Rinks & Swimming Pools • Stadia

3. Business & Personal Service Uses

Division	Use Class	Examples
1. Business, Professional, & Personal Service Uses	Office	<ul style="list-style-type: none"> • Banks • Business & Government Office • Home Office
	Medical & Professional	<ul style="list-style-type: none"> • Clinic • Dental Offices & Surgeries • Legal Offices • Medical Offices & Consulting Rooms • Similar Professional Offices
	Personal Service	<ul style="list-style-type: none"> • Barbers • Beauty Parlours • Domestic & Household Arts • Hairdressers • Small Appliance Repairs
	General Service	<ul style="list-style-type: none"> • Automobile Washing Establishment • Dry Cleaners (not using flammable or explosive substances) • Self-service Laundries • Small Tool & Appliance Service & Rentals
	Communications	<ul style="list-style-type: none"> • Radio Stations • Telephone Exchanges
	Police Station	<ul style="list-style-type: none"> • Police Stations without detention quarters
	Taxi Stands	<ul style="list-style-type: none"> • Taxi Stands
	Take-out Food Service	<ul style="list-style-type: none"> • Take-out Food Service
	Veterinary	<ul style="list-style-type: none"> • Animal Hospital • Veterinary Clinic

4. Institutional Uses

Division	Use Class	Examples
1. Penal & Correctional Institutional Uses	Penal & Correctional Detention	<ul style="list-style-type: none"> • Jails • Penitentiaries • Police Stations (with detention quarters) • Prisons • Psychiatric Hospitals (with detention quarters) • Reformatories
2. Special Care Institutional Uses	Medical Treatment & Special Care	<ul style="list-style-type: none"> • Children's Homes • Convalescent Homes • Family & Group Care Home/Centre • Hospitals • Infirmarys • Orphanages • Nursing Home • Reformatories

5. Retail Uses

Division	Use Class	Examples
1. Retail Sale & Display Uses	Shopping Centre	<ul style="list-style-type: none"> • Shopping Centres
	Shop	<ul style="list-style-type: none"> • Automobile Sales Establishment • Department Stores • Retail Shops • Stores and Showrooms • Supermarket
	Indoor Market	<ul style="list-style-type: none"> • Auction Halls • Exhibition Hall • Market
	Outdoor Market	<ul style="list-style-type: none"> • Animal Markets • Fish Stalls • Market Grounds • Produce & Fruit Stands
	Convenience Store	<ul style="list-style-type: none"> • Confectionary Stores • Corner Stores • Gift Shops • Specialty Shops • Video Stores

6. Industrial Uses

Division	Use Class	Examples
1. Industrial uses involving highly combustible & hazardous substances & processes.	Hazardous Industry	<ul style="list-style-type: none"> • Bulk Plants for Flammable Liquids • Bulk Storage Warehouses for Hazardous Substances • Chemical Manufacturing or Processing Plants • Distilleries • Dry-cleaning Plants • Feed Mills • Lacquer, Mattress, Paint, Varnish, & Rubber Factories • Spray Painting Operations • Wastepaper Processing Plants
2. General Industrial Uses involving Limited Hazardous Substances & Processes.	General Industry	<ul style="list-style-type: none"> • Aggregate-Related Industries • Aircraft Hangars • Autobody Shop • Bulk Storage Facility • Cold Storage Plants • Contractors' Yards • Concrete Plants • Factories • Fish Processing Plants • Freight Depots • General Garages • Laboratories • Laundries • Planing Mills • Printing Plants • Sawmill • Warehouses • Workshops
	Service Station	<ul style="list-style-type: none"> • Automobile Washing Establishment • Gas Bars • Gasoline Service Stations
3. Light, Non- hazardous or Non-intrusive Industrial uses	Light Industry	<ul style="list-style-type: none"> • Custom Workshops • Indoor Storage • Light Industry • Parking Garages • Recycling Depot • Warehouses & Distribution Centres • Wholesale Rooms • Workshops

7. Non-Building Uses

Division	Use Class	Examples
1. Uses not directly related to building	Agriculture	<ul style="list-style-type: none"> • Commercial Farms • Hobby Farms • Market Gardens & Nurseries • Open Market
	Forestry	<ul style="list-style-type: none"> • Silviculture • Sawmills • Tree Nurseries
	Mineral Working	<ul style="list-style-type: none"> • Mineral Exploration • Mines • Oil Wells • Pits • Quarries
	Recreational Open Space	<ul style="list-style-type: none"> • Campgrounds • Golf Courses • Hiking Trails • Parks • Playing Fields • Playgrounds • Sports Grounds • Tourist Trailer Parks
	Conservation	<ul style="list-style-type: none"> • Architectural Historical Sites • Boardwalks • Buffer Strips • Nature Trails • Scenic Lookout Sites • Watersheds • Wildlife Sanctuaries
	Cemetery	<ul style="list-style-type: none"> • Cemeteries • Graveyards
	Scrap Yard	<ul style="list-style-type: none"> • Car Wrecking Yards • Junk Yards • Salvage Yard • Scrap Dealers
	Solid Waste	<ul style="list-style-type: none"> • Incinerators • Recycling Plants • Sanitary Land Fill • Solid Waste Disposal

	Animal	<ul style="list-style-type: none">• Animal Pounds• Kennels• Zoos
	Antenna	<ul style="list-style-type: none">• Cellular Communications Towers• Satellite Dish Antenna• Television, Radio & Communications• Transmitting and Receiving Masts & Antennae
	Transportation	<ul style="list-style-type: none">• Airfields• Boathouses• Docks and Harbours• Wharves and Marinas

SCHEDULE C

USE ZONE TABLES

NOTE: Further to Part II of these Regulations, this schedule contains additional provisions for development in each use zone, as well general provision for specific categories of use zones. The Schedule also contains tables showing the use classes which may be permitted or which may be treated as discretionary use classes for the purpose of these Regulations. The tables also indicate the required standards of development and may also include conditions affecting some or all of the use classes. The schedule contains the following:

	<i>Page</i>
General Provisions for All Use Zones	2
Residential (RES)	4
Urban Reserve (UR)	10
Mixed Development (MD)	11
Highway Commercial (HC)	14
Industrial General (IG)	16
Rural (R)	18
Open Space Conservation (OSC)	22
Watershed - Domestic (WD)	23
Watershed - Refinery (WR)	24
T'Railway Corridor	25

General Provisions for all Use Zones

In addition to the provisions of Part III - General Development Standards of these Regulations, the following provisions will apply to all Use Zones within the Come By Chance Municipal Planning Area:

1. Accessory Buildings

In addition to the requirements set out in Regulation 22, Part III- General Development Regulations, an accessory building shall not be

- a) Used for human habitation.
- b) Placed any closer than 0.5 metre from a side yard line, or 3 m from the main building or any other building.
- c) Higher than the residence, or constructed so as to block a view and/or light from adjoining properties.

2. Alteration of Waterbodies

All applications which would result in the alteration of any body of water or wetland shall be referred to the Water Resources Management Division, Department of Environment.

3. Archaeological Resources

In addition to Regulation 26, Part III - General Development Standards, all applications for development located within 100 m of the shoreline of Come By Chance Harbour and the Come By Chance River shall be forwarded to the Provincial Archaeologist, Department of Tourism, Culture and Recreation for review and recommendation.

4. Building Setbacks

Building setbacks from roads shall be provided to preserve specified road right-of-way widths. Setbacks shall be sufficient to allow space for pedestrians, landscaping, snow plowing and the parking and movement of vehicles clear of any road allowance.

5. Development Along Provincial Highways

All applications for development along the Trans Canada Highway and the Come By Chance Main Street, require approval for access from the Department of Works, Services and Transportation. All applications for development which are located within the Building Control Line (100m of the centre line of the east bound lane of the Trans Canada Highway) require approval from the Department of Government Services and Lands under the **Protected Road Regulations**. All applications for development fronting on, or requiring access to these streets shall be forwarded to the appropriate agency for review and approval.

6. **Parking Areas**

In addition to the requirements for off-street parking set out in Regulation 45, Part III - General Development Standards, the following standards shall apply where a parking lot for more than four vehicles is required or permitted:

- (a) The parking lot shall be constructed with a stable surface that is treated to prevent the rising of dust or loose particles;
- (b) Entrance and exit ramps shall be no closer than 15 m from any corner or street intersection.
- (c) Parking standards to accommodate persons with disabilities shall meet the requirement of the *Buildings Accessibility Act* and *Regulations*.
- (a) Landscaping is provided on 5% of the parking area for lots less than 1,400 m² in size, and 7.5% of the parking area for lots greater than 1,400m².

7. **Reserved Vehicle Access**

The Authority shall preserve from development the vehicle access points and rights-of-way shown on Zoning Map 2.

8. **River Protection**

No development, removal of vegetation or alteration of topography will be permitted within the stream or pond bed, embankment, or in a strip of land 100 horizontal metres from the shoreline of the Come By Chance River until such a proposal is referred to the Habitat Management Section of Fisheries and Oceans Canada for advice regarding impact of the development on fish habitat, and recommendations on mitigation measures where appropriate.

9. **Development on Slopes Greater than 15%**

Before approving development of a site having a slope greater than 15%, the Authority shall require submission of a review of the development proposal by a certified engineer, landscape architect, or similar professional. The review shall evaluate the adequacy of site grading, drainage and landscaping and the potential of the development to cause erosion onto, and pollution of adjacent development, lands and waterbodies receiving runoff from the site.

RESIDENTIAL (RES)	
<p>PERMITTED USE CLASSES - (see Regulation 93)</p> <ul style="list-style-type: none"> ➤ Conservation ➤ Double Dwelling ➤ Office (See Condition 5b) ➤ Single Dwelling (See Condition 2) 	<p>DISCRETIONARY USE CLASSES - (see Regulations 12 Part II and 94)</p> <ul style="list-style-type: none"> ➤ Agriculture ➤ Antenna. ➤ Apartment Building ➤ Boarding House Residential (See Condition 6) ➤ Business, Professional & Personal Service (See Condition 5) ➤ Child Care (See Condition 4) ➤ Convenience Store (See Condition 3) ➤ Educational ➤ Light Industry (See Condition 5) ➤ Manufactured Housing (See Conditions 7 & 8) ➤ Place of Worship ➤ Recreational Open Space ➤ Row Dwelling ➤ Utilities

Refer to Come By Chance Municipal Plan, Section 3.3.1 General Development Policies, and Section 3.3.2 Residential Development Policies.

Conditions

I. Standards (Serviced Development)	Apartment Building (where permitted)						
	Single Dwelling	Double Dwelling	Row Dwelling	1 Bdrm	2 Bdrm	3 Bdrm	4 Bdrm
Lot area (sq.m)(min)	450	330*	165*	160*	170*	250*	250*
Floor area (sq.m) (min)	80	80*	65*	40*	50*	60*	70*
Frontage(m)(min)	15	26	12* Average	36			
Building line setback (m)(min) (max)	6 30	6 30	8 30	8			
Sidyard width (m)(minimum)	1.2	1	1	5			
Rearyard depth (average)	9	9	9	14			

L. Standards (Serviced Development)				Apartment Building (where permitted)
Lot coverage (%) (max)	33	33	33	33
Height (m)(max)	8**	8**	10**	10**
Partially Serviced Lots : Development on partially serviced lots shall require a lot size that is suitable for on-site waste disposal, or an on-site well. Lot size shall be determined by a person certified by the Department of Government Services and Lands to determine site suitability.				

* per dwelling unit

2. Backlot Development

Notwithstanding Regulation 40, Part III-General Development Standards, Council may permit development of a single dwelling on a site without adequate road frontage on a street provided that:

- a) The dwelling is not at a distance of more than 30 m from a public street.
- b) The lot is serviced with municipal water and sewer services.
- c) A right-of-way of sufficient width to construct a public street is acquired to accommodate future development where such development is possible.
- d) Where there is no potential for additional development, the access easement shall be treated as a private driveway.
- e) The development will have no long-term implications for adjacent lands.

3. Convenience Stores

Convenience stores may be permitted under the following conditions:

- a) The store forms part of, or is attached to a self-contained dwelling unit.
- b) The retail use shall be subsidiary to the residential character of the area, and shall not detract from residential amenities of adjoining properties.
- c) Off-street parking for at least five automobiles shall be provided for the use of customers.
- d) Specific attention will be paid to site access and the effects of the store on traffic flow.
- e) A convenience store which is part of or attached to a self-contained dwelling unit shall not have a floor area exceeding twenty-five (25) percent of the total floor area for that unit

4. Home Childcare Service

See Regulation 34, Part III, General Development Standards.

5. Home Occupations

- a) Professional and Personal Service and Light Industry uses may be permitted as Home Occupations where they can meet the requirements of Regulation 35, Part III of these regulations.
- b) **Home Offices** - A home office, shall be permitted in a dwelling unit where it conforms to the following requirements:
 - i) It does not exceed 20 m² in floor area;
 - ii) There is no exterior open storage or display of goods, materials or equipment;
 - iii) It must be operated by a resident of the dwelling unit and non-residents shall not be employed in the Home Office;
 - iv) No signage associated with the Home Office use is permitted;
 - v) No change in the type, class or extent of the Home Office shall be permitted except with the approval of the Authority.

Proposed Office uses which exceed 20 m² in area may be considered as a discretionary use and shall be required to meet the conditions set out in Regulation 35, Home Occupations, Part III of these regulations.

6. Lodging House/ Bed and Breakfast Establishment

A single dwelling may be used for a lodging house or Bed and Breakfast Establishment provided that:

- a) No addition or alteration shall be undertaken which changes the roof line; increases the height of the building; or extends into the front or sideyards of the lot, except for dormers and/or structures necessary for public safety such as fire escapes;
- b) Parking is provided as required in Schedule D and only in the side and/or rear of the lot, but not within the required yard.
- c) For Bed and Breakfast Establishments, the use conforms with the requirements of Regulation 27, Part III of these regulations.

7. Mobile/Mini Homes

A mobile home may be permitted provided the structure meets the following conditions within three months from the date it arrives on the lot:

- a) The home is placed on a permanent foundation or otherwise permanently supported and fixed, with wheels and axles removed, and shall be provided with a visible foundation or skirting acceptably similar in appearance to foundations of dwellings in the immediate area.
- b) The home shall be new, certified as meeting construction standards set by the Canadian Standards Association, or, where a used home, certified as meeting the standards specified above, or such prior standards, found on inspection to be in excellent condition and safe and fit for residential occupancy.
- c) The exterior siding, trim material, and roofing, is uniform and in good repair.

8. Residential Mobile/Mini Home Parks

The following conditions shall apply to the development of a mobile/mini home park or subdivision.

- a) Mobile/mini home parks shall be a minimum of 1.5 hectares in size.

b) Dwelling Standards	Permitted Uses	Discretionary Uses
Lot area (sq.m)(min)	375	540
Frontage (m)(min)	12	18
Front Yard (m)(min)	3	3
Sideyard width (m)(min)		
Major	2.75	
Minor	1.5	
Rearyard depth (m)(min)	1.5	3
Lot coverage (%)(max)		10

c) Housing Form

Mobile Home Parks intended to include manufactured homes placed on purchased, rented or leased lots.

d) Application Requirements

Applications to develop or expand a mobile home park must obtain a development permit before proceeding with the development. Applications shall be accompanied by a plan drawn to an appropriate scale and showing:

- i) Accurate dimensions of the site;
- ii) The location and details of the proposed water source and location of servicing lines.
- iii) Detailed plans of proposed roads and drainage systems.
- iv) The proposed location and dimensions of parking areas, parking spaces, recreation areas, landscaping, open space and fencing.
- v) The proposed lot layout for residential and other uses by specific use (storage yard, clubhouse, etc.).

After the development for which the permit has been completed, a new development permit must be obtained for any substantive changes to land uses and locations as shown on the original site plan contained in the application form in the Development Permit.

e) Accessory Buildings

Accessory buildings to the principal residential use shall be permitted on any home site but shall not:

- i) Be built closer to the front lot line than manufactured home.

- ii) Be located within 1.2 m of the manufactured home.
- iii) Have a height greater than the height of the main dwelling on the lot.

f) **Parking**

The following general provisions will apply to all parking requirements:

- i) Parking shall be provided upon the lot, or within 8 meters of the use for which the parking is required;
- ii) Individual parking spaces shall have minimum dimensions of 2.7m by 5.5m.
- iii) **Parking Space Requirements** for one and two-family dwellings and multiple dwellings other than apartment requirements - one space for each dwelling unit plus one visitor parking space for each four dwellings

g) **Open Space Requirements**

The owner of a mobile home park, whether to be leased or in private ownership, shall provide a minimum of 8 percent of the gross land area as common recreational open space for the residents. Areas containing storage areas, roadways and streets, open space on home sites, and parking spaces shall not be considered as forming any part of the open space requirement. These amenity areas may include playgrounds, walking trails, a community center, sports fields and waterways.

h) **Signs**

A maximum of two identification signs for the Mobile Home Park having a maximum height 3 meters above the ground and a maximum area of 5 square meters may be permitted, as well as a lighted sign showing lot layout and numbers of dwellings as a means of assisting emergency vehicles.

i) **Landscaping Areas**

The developer of the mobile/mini home park shall landscape the front yard of the main building and the main access/entryway to the park.

j) **Permitted Encroachments**

The following encroachments will be permitted into required side yards:

- a) Sills, eaves, canopies or other architectural features - 61 cm.
- b) Porches, sundecks and steps - 1.5 m.

On a corner where yards are required no fence, sign, hedge, bush or tree or any other structure, vehicle or vegetation shall be placed or permitted to grow higher than 0.6 m (2 ft.) above the grade of the center line of the streets that abut the home site within the triangular area included within the street lines for a distance of 6 m, (19,7 ft.) from their point of intersection.

k) Streets and Roadways

Streets and roadways within a mobile home park shall be developed to the following standards:

Street Width	Right of Way	Driving surface
Main access road from public street	12	10.5
No parking	12	10.5
Parking - 1 side	12	10.5

URBAN RESERVE (UR)	
<p>PERMITTED USE CLASSES - (see Regulation 93)</p> <p>➤ Conservation</p>	<p>DISCRETIONARY USE CLASSES -(see Regulations 12 Part II and 94)</p> <p>➤ Antenna</p> <p>➤ Agriculture <i>(See Condition 1)</i></p> <p>➤ Forestry <i>(See Condition 1)</i></p> <p>➤ Mineral Working <i>(See Condition 1)</i></p> <p>➤ Utilities</p>

Refer to Come By Chance Municipal Plan, Section 3.3.1 General Development Policies, and Section 3.3.3 Urban Reserve area policies.

CONDITIONS

1. **Resource Uses** - All resource uses shall be subject to the appropriate conditions set out in the Rural Land Use Zone.

MIXED DEVELOPMENT (MD)	
<p>PERMITTED USE CLASSES - (see Regulation 93)</p> <ul style="list-style-type: none"> ➤ Business, Professional and Personal Service ➤ Childcare ➤ Double Dwelling (<i>See Condition 1</i>) ➤ Office ➤ Recreational open space ➤ Single Dwelling (<i>See Condition 1</i>) 	<p>DISCRETIONARY USE CLASSES - (see Regulations 12 Part II and 94)</p> <ul style="list-style-type: none"> ➤ Antenna ➤ Apartment Building (<i>See Condition 1</i>) ➤ Boarding House Residential ➤ Catering ➤ Commercial Residential (<i>See Condition 4</i>) ➤ General Assembly Division (<i>all use classes</i>) ➤ Light Industry (<i>See Condition 6</i>) ➤ Manufactured Housing (<i>See Condition 7</i>) ➤ Medical Treatment and Special Care ➤ Place of Worship ➤ Retail Sale and Display ➤ Row Dwelling (<i>See Condition 1</i>) ➤ Service Station (<i>See Condition 10</i>) ➤ Theatre ➤ Transportation ➤ Utilities

Refer to *Come By Chance Municipal Plan*, Section 3.3.1 General Development Policies, and Section 3.3.4 Mixed Development area policies.

CONDITIONS

L. Development Standards	Standard (metres)
Building Line Setback (m)	4 (min), 30 (max)
Side Yard (min)	4
Rear Yard (min)	6
Building Height (max)	15
For multiple dwelling units and other non-residential uses where on-site services are proposed, or where partial services are available, lot size and frontage requirements will be approved in consultation with the Department of Government Services and Lands.	
Residential development shall conform to the standards and conditions of the Residential Use Zone.	

2. **Abutting Zone Provisions**

Where a lot located within the Mixed Development zone abuts a lot in the Residential, Open Space Conservation use zones, or the Trailway Corridor, the following standards shall apply:

- a) The minimum setback of the commercial use from the abutting lot line shall be 10 m.
- b) No open storage or outdoor display shall be permitted in an abutting yard in the commercial use zone.
- c) No portion of a parking space within a commercial zone shall be permitted in any abutting yard except where a 2 m high fence is provided in which case there shall be no parking within 1.5 m of the side or rear lot line in the commercial zone.

3. **Buffer for Residential Uses**

Where a proposed non-residential use abuts a residential use within the Mixed Development Use Zone, Council may require a screen or barrier such as a fence, landscaped embankment, or trees to be erected on the non-residential site along the lot lines, consistent with the visibility requirements for traffic safety. Alternatively, Council may increase the sideyard and rearyard requirements on the non-residential site to provide additional separation from the abutting residential use.

4. **Commercial Residential**

Commercial residential uses shall be limited to accommodations for use by the travelling public.

5. **Landscaping and Surfacing**

Lots shall be landscaped or provided with a stable surface to prevent raising or movement of dust, clay, mud and loose particles.

6. **Light Industry**

Light Industry uses may be permitted as Home Occupations where they can meet the requirements of Regulation 35, Part III of these regulations.

7. **Mobile Homes**

Mobile homes will be limited to development on single lots according in accordance with Condition 7 of the Residential Use Zone Table.

8. Outdoor Storage

In addition to Regulation 46, Part III of these Regulations, the Authority may permit open storage of materials, goods and machinery, provided the following conditions are met:

- i) Open storage shall not occupy more than 50% of the site area and shall not be located in the front yard or in any required buffer areas.
- ii) Open storage areas shall be enclosed by a wall or fence not less than 2 metres in height constructed of uniform materials approved by the Authority.
- iii) Open storage shall be maintained with a stable surface to prevent raising or movement of dust, clay, mud and loose particles.
- iv) Open storage of vehicles and equipment shall not be permitted except that transport vehicles may be parked in the open.

9. Service Stations

See Regulation 52, Part III - General Development Standards.

10. Signs

In addition to the requirements of Part IV of these regulations, no sign shall exceed 3 square metres in area.

HIGHWAY COMMERCIAL (HC)	
<p>PERMITTED USE CLASSES - (see Regulation 93)</p> <ul style="list-style-type: none"> ➤ Antenna ➤ Catering (See Condition 2) ➤ Commercial Residential (See Condition 3) ➤ Conservation ➤ Passenger Assembly ➤ Service Station 	<p>DISCRETIONARY USE CLASSES - (see Regulations 12 Part II and 94)</p> <ul style="list-style-type: none"> ➤ Convenience Store (See Condition 4) ➤ Recreational Open Space (See Condition 7) ➤ Utilities

Refer to *Come By Chance Municipal Plan, Section 3.3.1 General Development Policies, and Section 3.3.5 Highway Commercial area policies.*

Conditions

1. Development Standards	Standard (metres)
Building Line Setback (m)	10 (min)
Side Yard (min) (except where buildings are built with adjoining party walls)	5 and 1
Rear Yard (min)	10
Building Height (max)	15
For uses where on-site services are proposed, or where partial services are available, lot size and frontage requirements will be approved in consultation with the Department of Government Services and Lands.	

2. **Catering**
Taverns and lounges shall be permitted only where they are to be included as part of, and within the building envelope, of a commercial accommodations establishment.
3. **Commercial Residential**
Commercial residential uses shall be limited to hotels and motels.
4. **Convenience Store**
Convenience stores may be permitted as part of Service Station where the convenience store is located within the building envelope of the service station.

5. Servicing

All unserviced development proposals require approval from the Department of Government Services and Lands for on-site well and septic systems.

6. Signs

In addition to the requirements of Part IV of these regulations, no sign shall exceed 5 square metres in area.

7. Trailer Establishments

A campground in the form of a trailer establishment as defined in the *Tourist Establishment Regulations* may be permitted provided that

- a) the Establishment is located to the rear of a permitted use in the zone and is buffered from other uses in the zone by natural vegetation, landscaped areas, screens or fences, accessory buildings and other means as may be required by the Authority.
- b) The establishment shall not be visible from areas designated primarily for residential, commercial, or recreational uses in the Municipal Plan.
- c) The establishment shall be buffered from any use or source of activity which generates excessive noise or movement by a noise buffer in the form of a separation distance, berm or other type which reduces noise levels on the establishment site to acceptable levels.
- d) The establishment shall be sited so that no nuisance or hazard is created for residential uses because of traffic to and from the establishment.

Where direct access to the Trans Canada Highway is proposed, such access must be approved by the Highway Design and Construction Division of the Department of Works, Services and Transportation.

INDUSTRIAL GENERAL (IG)	
<p>PERMITTED USE CLASSES - (see Regulation 93)</p> <ul style="list-style-type: none"> ➤ Apartment (See Condition 2) ➤ General Industry ➤ Light Industry ➤ Office ➤ Service Station (See Condition 8) 	<p>DISCRETIONARY USE CLASSES - (see Regulations 12 Part II and 94)</p> <ul style="list-style-type: none"> ➤ Antenna ➤ Shop (See Condition 9) ➤ Catering (see Condition 9) ➤ Educational (See Condition 3) ➤ General Service (See Condition 9) ➤ Hazardous Industry (See Condition 4) ➤ Recreational Open Space ➤ Solid Waste (See Condition 4) ➤ Utilities

Refer to *Come By Chance Municipal Plan, Section 3.3.1 General Development Policies, and Section 3.3.6 Industrial area policies.*

Conditions

1. Development Standards

1. Development Standards	Standard (metres)
Building Line Setback (m)	10 (min)
Side Yard (min) (except where buildings are built with adjoining party walls)	5 and 1
Rear Yard (min)	15
Building Height (max)	15
For uses where on-site services are proposed, or where partial services are available, lot size and frontage requirements will be approved in consultation with the Department of Government Services and Lands.	

2. Apartments

A single apartment dwelling unit shall be permitted provided it is occupied by a person(s) whose continuous presence on the premises is essential for the safety and security of the use.

3. Educational

Educational uses shall be limited to industrial/trade training schools and facilities.

4. **Hazardous Industry, Recycling Uses**
Hazardous industrial, recycling uses shall be required to submit and upon approval, implement an environmental protection plan to minimize any environmental impacts on the community and other surrounding land uses.
5. **Industrial Streets and Services**
All industrial and light industrial uses must be provided with streets and municipal services designed for industrial use including fire fighting capability. Any industrial establishment must provide adequate off-street parking facilities for all employees. Customer parking may be provided in the street right-of-way by the construction of suitable bays in which parked vehicles will not interfere with moving traffic.
6. **Landscaping**
All land except that used for customer parking and vehicle access shall be landscaped and maintained by the owner or occupier to the satisfaction of the Authority.
7. **Outdoor Storage**
Storage is not permitted in front yards. It may be permitted in side yards and/or backyards. Council may require fencing or other form of screening where quantity and/or type of material would lead to unsightly appearance.
8. **Service Stations**
See Regulation 52, Part III - General Development Standards.
9. **Shop, Catering and General Service Commercial Uses**
Retail sales outlets, general service and catering uses shall only be permitted if they are accessory to an industrial use or they directly service the industrial uses or their employees.
10. **Signs**
In addition to the requirements of Part IV of these regulations, no sign shall exceed 5 square metres in area.
11. **Storage and Screening of Refuse Containers**
No portion of any lot in a commercial use zone shall be used for the collection or storage of refuse unless the refuse container is screened by fence or similar structure.
12. **Storage of Flammable Liquids**
All uses and structures for the on-site bulk storage of flammable liquids shall conform to the requirements of the Provincial Fire Commissioner and shall be surrounded by such buffers and landscaping as the Authority may require in order to prevent damage to adjacent uses by fire, explosion or spillage of flammable liquids.

RURAL (R)	
<p>PERMITTED USE CLASSES - (see Regulation 93)</p> <ul style="list-style-type: none"> > Agriculture > Conservation > Forestry 	<p>DISCRETIONARY USE CLASSES - (see Regulations 12 Part II and 94)</p> <ul style="list-style-type: none"> > Antenna > Cemetery > General Industry (See Condition 1) > Mineral Working (See Condition 2) > Outdoor Assembly > Recreational Open Space > Transportation (See Condition 4) > Utilities

Refer to Come By Chance Municipal Plan, Section 3.3.1 General Development Policies, and Section 3.3.7 Rural and Resource Uses.

Conditions

1. **General Industry**

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

- a) Do not require municipal services
- b) Are extensive users of land for open storage and handling of materials, goods and equipment.
- c) Would create nuisances if located in an urban area because of appearance, noise, heavy truck traffic, or other features of the operations.

No warehousing or wholesale and retail sales activities shall be permitted.

2. **Mineral Workings**

The following conditions shall apply to the development of mineral workings in the Rural Use Zone:

- a) **Separation from Adjacent Uses** - Unless the Authority 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 permitted to locate or expand, closer than the minimum distances set out below to the specified development or natural feature:

Type of Development	Minimum Separation Distance
Existing or proposed Residential Development	300 metres (985 ft)
Any other developed area or area likely to be developed during the life of the pit or quarry working	150 metres (500 ft)
Public highway or street	50 metres (165 ft)
Protected Road	90 metres (300 ft)
Waterbody or watercourse	50 metres (165 ft)
Recreational Trail or other recreational facilities	50 metres (165 ft)

- b) Effective tree screens of a minimum of 30m shall be constructed and maintained around the periphery of any mineral working. Where trees are not present to create an effective screen, Council may require the installation of a landscaped embankment or fence, particularly where the workings are visible from the Trans Canada Highway.
- c) **Fencing** - The Authority may require the mineral working site or excavated areas of a pit or quarry to be enclosed by a fence designed and constructed to its specifications and no less than 1.8 m in height.
- d) Topsoil removed for mineral working shall be retained for restoration of the site.
- e) No mineral working shall be conducted which causes danger or nuisance to the public.
- f) Proposed mineral working operations will be evaluated carefully by Council in conjunction with the Department of Mines and Energy.
- g) No mineral working or associated storm or sanitary drainage shall unacceptably reduce the quality of water in a watercourse or water body. Any access road which crosses a watercourse shall be bridged or culverted according to the regulations of the Department of Environment.
- h) No mineral working shall result in the excavation of land below the level of the water table nor cause the ponding of water. However, settling ponds may be permitted with the approval of the Department of Environment.
- i) No mineral working shall be carried out in a manner which causes the erosion of adjacent land.
- j) The mineral working shall be kept clean of refuse, abandoned vehicles and equipment, and derelict buildings.

- k) Upon completion of mineral working, and when there is no intention to re-open such operations, all buildings and machinery shall be removed from the site, the site restored so as not to constitute a danger to the public or present an unsightly appearance, and access roads ditched or barred to the satisfaction of the Authority.

Operating Plan and Associated Processing and Manufacturing

The Authority may permit processing and manufacturing use associated with mineral workings provided that, in the opinion of the Authority, the use does not create a nuisance now 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 Authority may specify a minimum separation distance between operating plant or associated processing and manufacturing structure or equipment and adjacent developed areas likely to be developed during the life of the mineral working.

Termination and Site Rehabilitation

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

- a) All buildings, machinery and equipment shall be removed.
- b) All pit and quarry slopes shall be graded to slopes less than 20° or to the slope conforming to that existing prior to the mineral working.
- c) Topsoil and any organic materials shall be respread over the entire quarried area.
- d) The access road to the working shall be ditched or barred to the satisfaction of the Authority.

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

3. Screening

The Authority may require scrap yard or solid waste storage or disposal site to be enclosed by a fence designed and constructed to its specifications and no less than 1.8 meters in height.

4. Transportation

Transportation uses shall be limited to docks and wharves.

5. Waste Disposal Site

Applications for development located within 1.6 km of the Come By Chance Municipal Waste Disposal Site shall be forwarded to the Department of Government Services and Lands for review and approval.

6. Waterways

No development will be permitted within 15 metres of rivers or streams or within 30 metres of the shoreline of any waterbody.

- a) Where natural topography creates a visual screen between a scrap yard or solid waste storage or disposal site and adjacent public highways and streets or other land uses (excepting forestry and agriculture), additional screening may not be required.
- b) Where effective screening for any scrap yard or solid waste disposal or storage use cannot be installed or located as required in (a) - (c) above, or where the site is highly visible from a distance the Authority may refuse to permit the use or associated activity.

7. Mineral Exploration

See Regulation 41, Part III General Development Standards.

OPEN SPACE/CONSERVATION (OSC)	
<p>PERMITTED USE CLASSES - (see Regulation 93)</p> <p>➤ Conservation</p>	<p>DISCRETIONARY USE CLASSES -(see Regulations 12 Part II and 94)</p> <p>➤ Antenna</p> <p>➤ Recreational Open Space <i>(See Condition 1)</i></p> <p>➤ Transportation <i>(See Condition 3)</i></p> <p>➤ Utilities</p>

Refer to Come By Chance Municipal Plan, Section 3.3.1 General Development Policies, Section 3.3.8 Conservation.

Conditions

1. **Recreational Open Space**
Recreational open space uses shall be limited to passive recreation use as nature parks, which may include facilities such as picnic grounds, parking areas and small playgrounds.
2. **Wetland Stewardship Area**
All applications for development within the area included in the Municipal Wetland Stewardship Agreement Area shall be considered in consultation with the Wildlife Division, Department of Forest Resources and Agrifoods.
3. **Wharves and Docks**
Wharves and docks may be permitted along the coastline of Come By Chance Bay and in Come By Chance Gut where it can be shown that the development will not have a negative impact on the environment or reduce or harm fish and waterfowl habitat. Such development will require a referral to the Department of Fisheries and Oceans and the Wildlife Division, Department of Forest Resources and Agrifoods.

WATERSHED - DOMESTIC (WD)	
<p>PERMITTED USE CLASSES - (see Regulation 93)</p> <p>➤ Conservation</p>	<p>DISCRETIONARY USE CLASSES - (see Regulations 12 Part II and 94)</p> <p>➤ Antenna (<i>See Condition 1</i>)</p> <p>➤ Recreational Open Space (<i>See Condition 1</i>)</p> <p>➤ Utilities (<i>See Condition 1</i>)</p>

Refer to Come By Chance Municipal Plan Section 3.3.1 General Development Policies, and Section 3.3.9 Watershed Protection.

Conditions

1. **Referral to Department of Environment**

Proposals for development in the Come By Chance Protected Water Supply Watershed shall be referred to the Water Resources Division, Department of Environment for evaluation of the effect of the proposal on water quality. No development shall be permitted which has the potential to impair the quality and safety of the public water supply.

WATERSHED - REFINERY (WP)	
<p>PERMITTED USE CLASSES - (see Regulation 93)</p> <p>➤ Conservation</p>	<p>DISCRETIONARY USE CLASSES - (see Regulations 12 Part II and 94)</p> <p>➤ Agriculture</p> <p>➤ Antenna</p> <p>➤ Forestry</p> <p>➤ General Industry (<i>See Condition 1</i>)</p> <p>➤ Mineral Working (<i>See Condition 2</i>)</p> <p>➤ Recreational Open Space</p>

Refer to Come By Chance Municipal Plan Section 3.3.1 General Development Policies, and Section 3.3.9 Watershed Protection.

Conditions

1. **General Industry**
The Authority shall consult with the Refinery Operator or other industrial users of the Refinery watershed prior to making a decision on any application for general industry use within the refinery watershed. General industry uses within the refinery watershed shall be limited to sites that front on the Refinery Road.
2. **Mineral Working**
Mineral Workings shall conform to the applicable conditions set out in the Rural Use Zone table.
4. **Referral of Applications**
All applications for development within the refinery watershed shall be referred to the North Atlantic Refinery Limited for recommendation on the impact of the proposed use on the refinery watershed.

T'RAILWAY CORRIDOR	
<p>PERMITTED USE CLASSES - (see Regulation 93)</p> <p>➤ Conservation</p>	<p>DISCRETIONARY USE CLASSES - (see Regulations 12 Part II and 94)</p> <p>➤ Recreational Open Space (<i>See Condition 1</i>)</p>

Refer to Come By Chance Municipal Plan, Section 3.3.1 General Development Policies, and Section 3.3.10. T'Railway Recreation Corridor.

Conditions

1. **Referral to Department of Tourism, Culture and Recreation**
Proposals for development in the Newfoundland T'Railway Provincial Park shall be referred to the Parks and Natural Areas Division, Department of Tourism, Culture and Recreation for review and recommendation. No development shall be permitted within the T'Railway right-of-way without the permission of the Parks and Natural Areas Division.

2. **Referral to the Department of Environment**
Proposals for development of the Newfoundland T'Railway Provincial Park where it passes through the Come By Chance Protected Water Supply Area shall be referred to the Water Resources Division, Department of Environment.

SCHEDULE D

OFF-STREET PARKING REQUIREMENTS

1. Unless otherwise specified in the Use Zone Tables in Schedule C, the offstreet parking requirements for uses in the various use classes listed in Schedule B shall be as set out in the following table.
2. In the case of developments including uses in more than one use class, these standards shall be regarded as cumulative.
3. Adequate offstreet provision for drop-off and pick-up of persons shall be provided in developments where required, such as uses within the education, passenger assembly, child care, medical treatment and special care, commercial residential and take-out food service use classes.

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

USE CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
Amusement	One space for every 10 square metres of gross floor area.
Indoor Assembly	One space for every 10 spectators that may be accommodated at one time.
Outdoor Assembly	As specified by the Authority.
Institutional	
Penal and Correctional Detention	As specified by the Authority.
Medical Treatment and Special Care	One space for every 2 patients.
Residential	
Single Dwelling	Two spaces for every dwelling unit.
Double Dwelling	Two spaces for every dwelling unit.
Row Dwelling	Two spaces for every dwelling unit.
Apartment Building	Three spaces for every 2-dwelling units.
Collective Residential	As specified by the Authority.
Commercial Residential	One space for every guest room.
Seasonal Residential	One space for every residential unit.
Manufactured Housing	Two spaces for every dwelling unit.
Business and Personal Service Uses	
Office	One space for every 20 square metres of gross floor area.
Medical and Professional	One space for every 20 square metres of gross floor area.
Personal Service	One space for every 20 square metres of gross floor area.
General Service	One space for every 20 square metres of gross floor area.
Communications	As specified by the Authority.

USE CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
Police Station	As specified by the Authority.
Taxi Stand	As specified by the Authority.
Take-out Food Service	One space for every 20 square metres of gross floor area.
Veterinary	One space for every 20 square metres of gross floor area.
Retail Uses	
Shopping Centre	One space for every 15 square metres of gross floor area.
Shop	One space for every 20 square metres of gross floor area.
Indoor Market	As specified by the Authority.
Outdoor Market	As specified by the Authority.
Convenience Stores	One space for every 20 square metres of gross floor area.
Industrial Uses	
Hazardous Industry	One space for every employee.
General Industry	One space for every employee.
Service Station	One space for every 20 square metres of gross floor area.
Light Industry	One space for every employee.

SCHEDULE E

Land Use Zoning Maps 1&2