

TOWN OF EASTPORT DEVELOPMENT REGULATIONS

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

List of Development Regulation Amendments

TRIM COR 2011 10534-02

TOWN OF EASTPORT

**LAND USE ZONING, SUBDIVISION AND
ADVERTISEMENT REGULATIONS 2011-21
(DEVELOPMENT REGULATIONS)**

URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO APPROVE

**TOWN OF EASTPORT
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 Eastport

- a) adopted the Eastport Development Regulations on the 10th day of June, 2009.
- b) gave of the adoption of the Eastport Development Regulations by advertisement inserted on the 22nd day and the 29th day of October, 2009 in the Beacon newspaper.
- c) set the 7th day of November, 2009 at 9:30 a.m. at the SUF Hall, Eastport for the holding of a public hearing to consider objections and submissions.

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

SIGNED AND SEALED this 29th day of November, 2011

Mayor: Genevieve Spivey

(Council Seal)

Clerk: [Signature]

Development Regulations/Amendment	
REGISTERED	
Number	<u>1490.2012.001</u>
Date	<u>January 30 2012</u>
Signature	<u>[Signature]</u>

URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO ADOPT

TOWN OF EASTPORT
DEVELOPMENT REGULATIONS

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

Adopted by the Town Council of Eastport on the 10th day of June, 2009.

Signed and sealed this 29th day of November, 2011

Mayor: Genevieve Spurr

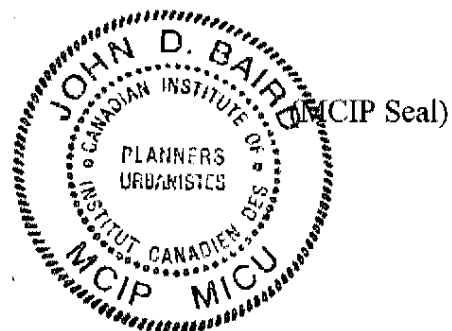
(Council Seal)

Clerk: ABull

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

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

MCIP: John Baird
John Baird



TOWN OF EASTPORT

DEVELOPMENT REGULATIONS

BACKGROUND

The Town of Eastport has adopted the proposed Eastport Development Regulations, which were prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

In accordance with Section 14 of the *Act*, public consultation for the proposed Development Regulations included an open house at the Town Hall on August 25, 2008 from 3:00 PM to 8:30 PM.

In accordance with Section 15 of the *Act*, the proposed Development Regulations were reviewed and released by the Department of Municipal Affairs.

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TOWN OF EASTPORT MUNICIPAL PLAN

LAND USE, ZONING, SUBDIVISION AND ADVERTISEMENT REGULATIONS (DEVELOPMENT REGULATIONS)

APPLICATION

1. Short Title

These Regulations may be cited as the Eastport Development Regulations.

2. Interpretation

(1) Words and phrases used in these Regulations shall have the meanings ascribed to them in Schedule A.

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

3. Commencement

These Regulations come into effect throughout the Eastport 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 Eastport, shall, under these Regulations apply to the entire Planning Area.

5. Council

In these Regulations, "Council" means the Municipal Council of the Town of Eastport.

PART I - GENERAL REGULATIONS

6. Compliance With Regulations

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

7. 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 Council.

8. Permit to be Issued

Subject to Regulations 9 and 10, a permit shall be issued for development within the Planning Area that conforms to:

- (a) the general development standards set out in Part II of these Regulations, the requirements of Part V of these Regulations, and the use classes, standards, requirements, and conditions prescribed in Schedule C of these Regulations for the Use Zone in which the proposed development is located;
- (b) the standards set out in the 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;
- (c) the standards set out in Part III of these Regulations in the case of advertisement;
 - (d) the standards set out in Part IV of these Regulations in the case of subdivision; and
 - (e) the standards of design and appearance established by the Council.

9. Permit Not to be Issued in Certain Cases

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

10. Discretionary Powers of Council

- (1) In considering an application for a permit or for approval in principle to carry out development, Council 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, potential environmental effects, 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, Council may, in its discretion, and as a

result of its consideration of the matters set out in this Regulation, conditionally approve or refuse the application.

- (2) Council 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 Council's regulations as discretionary, permitted or prohibited uses for that area

11. Variances by Council (*Refer to Minister's Development Regulations, Section 12, January 2, 2001*)

- (1) Where Council cannot grant a permit because the proposed development does not comply with these Regulations, Council may in its discretion vary the applicable development standards to a maximum of 10% if, in Council's opinion, the requirements would prejudice the proper development of the land, buildings, or structure in question, or would be contrary to the public interest.
- (2) Council shall not allow a variance from development standards set out in the 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) Council shall not permit a variance from development standards where the proposed development would increase the non-conformity of an existing development.

12. Notice of Variance Application (*Refer to Minister's Development Regulations, Section 13, January 2, 2001*)

Where Council receives an application for a variance, Council shall give written notice of the proposed variance from the development standards to all persons whose land is in the immediate vicinity of the land that is the subject of the variance, and allow a minimum period of seven (7) days for response.

13. Service Levy

- (1) Council may require a developer to pay a service levy where development is made possible, 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 Council of constructing or improving the public works referred to in subsection (1) that are necessary for the real property to be developed in accordance with the standards required by Council and for uses that are permitted on that real property.
- (3) A service levy shall be assessed on the real property based on:
 - (a) the amount of real property benefited by the public works related to all the real property so benefited; and
 - (b) the density of development made capable or increased by the public work.
- (4) Council may require a service levy 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 Council may decide.

14. Financial Guarantees by Developer

- (1) Council may require a developer before commencing a development to make such financial provisions and/or enter into such agreements as may be required to guarantee the payment of service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit or licence.
- (2) The financial provisions pursuant to subsection (1) may be made in the form of:
 - (a) a cash deposit from the developer, to be held by Council; or
 - (b) a guarantee 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 Council; or
 - (e) another form of financial guarantee that Council may approve.

15. Dedication of Land for Public Use

In addition to the requirements for dedication of land under Regulation 87, Council may require the dedication of a percentage of the land area of any subdivision or other development for public use, and such land shall be conveyed to Council in accordance with the provisions of the Act.

16. Reinstatement of Land

Where the use of land is discontinued or the intensity of its use is decreased, Council 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 Council and shall put the site in a clean and orderly condition to the satisfaction of Council.

17. Form of Application

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

18. Register of Application

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

19. Deferment of Application

- (1) Council may, with the written agreement of the applicant, defer consideration of an application.

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

20. Approval in Principle

- (1) Council 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 Council 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 the approval in principle.

21. Development Permit

- (1) A plan or drawing which has been approved by Council and which bears a mark and/or signature indicating such approval together with a permit shall be deemed to be permission to develop 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 there under.

- (2) Council may attach to a permit or to an 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 Council deems necessary, permits may be issued on a temporary basis for a period not exceeding two years, which may be extended in writing by Council for further periods not exceeding two years.
- (4) A permit is valid for such period, not in excess of two years, as may be stated therein, and if the development has not commenced, the permit may be renewed for a further period not in excess of one year, but a permit shall not be renewed more than once, except in the case of a permit for an advertisement, which may be renewed in accordance with Part III of these Regulations.
- (5) The approval of any application and plans or drawings or the issue of a permit shall not prevent Council from thereafter requiring the correction of errors, or from ordering the cessation, removal of, or remedial work on any development being carried out in the event that the same is in violation of this or any other regulations or statute.

- (6) Council may revoke a permit for failure by the holder of it to comply with these Regulations or any condition attached to the permit or where the permit was issued in error or was issued on the basis of incorrect information.
- (7) No person shall erase, alter or modify any drawing or specifications upon which a permit to develop has been issued by Council.
- (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.

22. Reasons for Refusing Permit

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

23. Notice of Right to Appeal (*Refer to Minister's Development Regulations, Section 5, January 2, 2001*)

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

- (a) person's right to appeal the decision to the 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.

24. Appeal Requirements (*Refer to Minister's Development Regulations, Section 6, January 2, 2001*)

- (1) The secretary of the Board at the Department of Municipal 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 Appeal Board.
- (2) The fee required under section 44 of the Act shall be paid to the Appeal Board that hears the decision being appealed by filing it with the secretary referred to in subsection (1) or (2) within the 14 days referred to in subsection 42(4) of the Act.
- (3) The Appeal Board that hears the decision being appealed shall, subject to subsection 44(3) of the Act, retain the fee paid to the Appeal Board.
- (4) Where an appeal of a decision and the required fee is not received by an Appeal 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.

25. Appeal Registration (*Refer to Minister's Development Regulations, Section 7, January 2, 2001*)

- (1) Upon receipt of an appeal and fee as required under the Act and these regulations, the secretary of the Appeal Board as referred to in subsections 24(1) and (2), shall immediately register the appeal.

- (2) Where an appeal has been registered the secretary of the Appeal Board shall notify Council of the appeal and shall provide to Council a copy of the appeal and the documentation related to the appeal.
- (3) Where Council has been notified of an appeal, Council shall within one week of notification forward to the Appeal 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 Council has knowledge.
- (4) Upon receipt of the information under subsection (3), the secretary of the Appeal Board shall publish in a newspaper circulated in the Eastport area, 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 Appeal Board.

26. Development Prohibited (*Refer to Minister's Development Regulations, Section 8, January 2, 2001*)

- (1) Immediately upon notice of the registration of an appeal Council 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 the Council 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, Council shall not carry out work related to the matter being appealed.

27. Appeal Board

The minister may, by order, establish an Appeal Board and shall assign to the Appeal Board a specific area of the province over which it shall have jurisdiction, as outlined in section 40 of the Act.

28. Appeals

- (1) A person or an association of persons aggrieved of a decision that, under the regulations, may be appealed, may appeal that decision to the appropriate Appeal Board where the decision is with respect to:
 - (a) an application to undertake a development;
 - (b) a revocation of an approval or a permit to undertake a development;
 - (c) the issuance of a stop work order; and
 - (d) a decision permitted under the Act or another Act to be appealed to the board.
- (2) A decision of Council to adopt, approve or proceed with a municipal plan, a scheme, development regulations and amendments and revisions of them is final and not subject to an appeal.
- (3) An Appeal Board shall not make a decision that does not comply with the municipal plan, a scheme and development regulations that apply to the matter being appealed.

- (4) An appeal shall be filed with the Appeal Board not more than 14 days after the person who made the original application appealed from has received the decision being appealed.
- (5) An appeal shall be made in writing and shall include
 - (a) a summary of the decision appealed from;
 - (b) the grounds for the appeal; and
 - (c) the required fee.
- (6) A person or group of persons affected by the subject of an appeal or their representatives may appear before an Appeal Board and make representations concerning the matter under appeal.
- (7) An Appeal Board may inform itself of the subject matter of the appeal in the manner it considers necessary to reach a decision.
- (8) An Appeal Board shall consider and determine appeals in accordance with the Act and the municipal plan, scheme and regulations that have been registered under section 24 of the Act, and having regard to the circumstances and merits of the case.
- (9) A decision of the Appeal Board must comply with the plan, scheme or development regulations that apply to the matter that has been appealed to that board.
- (10) In determining an appeal, an Appeal Board may confirm, reverse or vary the decision appealed from and may impose those conditions that the board considers appropriate in the circumstances and may direct Council

to carry out its decision or make the necessary order to have its decision implemented.

- (11) Notwithstanding subsection (10), where Council may, in its discretion, make a decision, an Appeal Board shall not make another decision that overrules the discretionary decision.
- (12) The decision of a majority of the members of an Appeal Board present at the hearing of an appeal shall be the decision of the Appeal Board.
- (13) An Appeal Board shall, in writing notify the appellant and the appropriate Council of the decision of the Appeal Board.

29. Hearing Notice & Meetings (*Refer to Minister's Development Regulations, Section 9, January 2, 2001*)

- (1) An Appeal Board shall notify the appellant, applicant, Council and other persons affected by the subject of an appeal of the date, time and place for the appeal not fewer than seven (7) days before the date scheduled for the hearing of the appeal.
- (2) An Appeal Board may meet as often as is necessary to conduct its work in an expeditious manner.

30. Hearing of Evidence (*Refer to Minister's Development Regulations, Section 10, January 2, 2001*)

- (1) An Appeal Board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under subsection

29(1) or their representative may appear before the Appeal Board and make representations with respect to the matter being appealed.

- (2) An Appeal Board shall hear an appeal in accordance with section 43 of the Act and these regulations.
- (3) A written report submitted under section 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 Appeal Board.
- (4) In the conduct of an appeal hearing, the Appeal Board is not bound by the rules of evidence.

31. Return of Appeal Fee

Where an appeal made by an appellant under section 42 of the Act, is successful, an amount of money equal to the fee paid by that appellant under subsection 24(2) shall be paid to him or her by Council.

32. Right of Entry

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 Council is empowered to regulate

33. Notice of Application (*Refer to Minister's Development Regulations, Section 13 and 15, January 2, 2001*)

- (1) When a change in non-conforming use is to be considered under section 49, or when the development proposed is listed as a discretionary use in Schedule C of the Regulations, Council shall, at the expense of the applicant, give notice of an application for a permit or for approval in principle by public advertisement and allow a minimum period of seven (7) days for response.
- (2) When a variance is necessary under section 11, before making a decision on the proposed variance, Council shall give written notice of the proposed variance to all persons whose land is in the immediate vicinity of the land that is the subject of the variance, and allow a minimum period of seven (7) days for response.

34. Record of Violations

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

35. Stop Work order and Prosecution

- (1) Where a person begins a development contrary or apparently contrary to these regulations, Council may order that person to stop the development or work connected therewith.
- (2) A person who does not comply with an order made under subsection (1) is guilty of an offence under the provisions of the Act.

36. Delegation of Powers (*Refer to Minister's Development Regulations, Section 18, January 2, 2001*)

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

PART II - GENERAL DEVELOPMENT STANDARDS

37. Accesses and Service Streets

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

38. Accessory Buildings

- (1) Accessory buildings shall be clearly incidental and complementary to the use of the main building(s) and shall be contained on the same lot.
- (2) No accessory building or part thereof shall project closer to the front streetline than the main building.
- (3) Notwithstanding Paragraph (2), Council in its discretion may approve an accessory building closer to the front streetline than the main building where:

- (a) A rearyard or sideyard location as required under Paragraph (2) would not be physically feasible or would be pose a major hazard or inconvenience for the property owner,
- (b) A rearyard or sideyard location as required under Paragraph (2) would adversely affect the view or other amenities in the rearyards of neighbouring properties,
- (c) The proposed frontyard location would not pose a threat to road safety,
- (d) The proposed frontyard location, size, appearance, and use of the accessory building would not have an adverse effect on the character or other amenities of adjacent properties and the neighbourhood,
- (e) Council has notified neighbours of the proposed frontyard location, size, appearance, and use of the accessory building and duly considered comments and objections received.

39. Buffer Strips

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

40. Advertisements

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

41. Building Height

Council 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 subsection (1) above plus 6 metres.

42. Building Line and Setback

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

43. Height Exceptions

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

44. Minimum Distance Separations for Large Livestock Operations

- (1) No new livestock facility, planned to accommodate more than ten (10) animal units, shall be located within:
 - (a) 300 metres of a public building, commercial building, or a dwelling other than a dwelling located on the same lot as the livestock operation,
 - (b) 300 metres of the boundary of the Residential, Mixed Use, and Commercial/Industrial zones
 - (b) 70 metres of the boundary of the property on which it is to be erected, and
 - (c) 90 metres of the centre line of a public street.
- (2) Subsection (1) does not apply to the expansion, conversion, or replacement of a livestock facility existing on the registration date of this Municipal Plan as long as the expansion, conversion, replacement, or addition does not reduce the existing separation distance between the livestock facility and the subject dwelling, public building, commercial building, property boundary, or public street.
- (3) No new public building, commercial building, or dwelling, except a dwelling or commercial use located on the same lot as the agricultural operation, may be located within 300 metres of an existing livestock facility that accommodates more than five (5) animal units.
- (4) The construction of new dwellings on lots in existence on the date of the registration of this Municipal Plan, which cannot meet the required minimum distance separation, will be permitted where they meet all other provisions of this Municipal Plan.

- (5) In addition to the above requirements, new livestock facilities are subject to applicable Provincial acts and regulations.

45. 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.

46. Lot Frontage

- (1) No residential, commercial or public building shall be erected on a lot that does not front directly onto a public street unless the subject lot has such other access that has been approved at the discretion of Council.

47. Backland Lots

In accordance with the policies for backland development in the Municipal Plan, where a lot is proposed that does not meet the minimum frontage width for the zone, but the rear portion of the lot meets the minimum lot size and width requirements of the zone, Council, at its discretion, may approve the lot with a reduced street frontage of no less than 10 metres if Council is satisfied that:

- (a) the lot will pose no safety risks, particularly in terms of access for emergency;
- (b) the lot will not create undue costs for Council related to the provision of municipal infrastructure and services;
- (c) the lot will not isolate adjacent or nearby backland properties from potential street access, or otherwise preclude these properties from being developed in the future; and
- (d) the lot will meet such terms and conditions that may be required by Council.

48. Lot Area and Size Exceptions

Where, at the time of coming into effect of these Regulations, a lot already exists in any residential zone that has insufficient frontage or area to permit the owner or purchaser of the lot to comply with the provisions of these Regulations, then these Regulations shall not prevent the issuing of a permit by Council for the erection of a dwelling thereon, provided that the lot coverage and height are not greater than, and the yards and floor area are not less than the standards set out in these Regulations and all necessary approvals have been acquired from the Department of Government Services and other applicable Provincial or Federal agencies.

49. Non-Conforming Use (*Refer to Minister's Development Regulations, Section 14, 15, 16, 17, January 2, 2001*)

- (1) Notwithstanding the Municipal Plan, scheme or regulations made under this Urban and Rural Planning Act, 2000, Council shall, in accordance with regulations made under this Act, allow a development or use of land to continue in a manner that does not conform with a regulation, scheme, or plan that applies to that land provided that the non-conforming use legally existed before the registration under section 24 of the Act, scheme or regulations made with respect to that kind of development or use.
- (2) Notwithstanding subsection (1), a right to resume a discontinued non-conforming use of land shall not exceed twelve (12) months after the discontinuance of that use.
- (3) A building, structure or development that does not conform to a scheme, plan or regulations made under the Act that is allowed to continue under subsection (1)
 - (a) shall not be internally or externally varied, extended or expanded unless otherwise approved by Council;
 - (b) shall not be structurally modified except as required for the safety of the building, structure or development;
 - (c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50% or more of the value of that building, structure or development has been destroyed;
 - (d) may have the existing use for that building, structure or development varied by Council to a use that is, in Council's opinion, more compatible with the plan and regulations applicable to it;

- (e) may have the existing building extended by approval of Council where, in Council's opinion, the extension is not more than 50% of the existing building;
 - (f) where the non-conformance is with respect to the standards included in these development regulations, shall not be expanded if the expansion would increase the non-conformity and an expansion must comply with the development standards applicable to that building, structure or development;
 - (g) where the building or structure is primarily zoned and used for residential purposes, it may, in accordance with the Municipal Plan and regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed, but must be repaired or rebuilt in accordance with the development regulations applicable to that building or structure.
- (4) Before making a decision to vary an existing use of a non-conforming building, structure or development, Council, 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.

50. Family and Group Care Centres

A group care centre use is permitted in any dwelling or apartment that is adequate in size to accommodate the number of persons living in the group, inclusive of staff, provided that in the opinion of Council, the use of the dwelling does not materially differ from, nor adversely affect, the amenities of the adjacent residences or the neighbourhood in which it is located. Council may require

special access and safety features to be provided for the occupants before occupancy is permitted.

51. Offensive and Dangerous Uses

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

52. Off-street 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 and 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. In a non-residential zone, parking spaces shall be provided within the limits of the zone in which the use is situated.

- (4) 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 square metres 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 Council;
 - (c) the lights used for illumination of the parking area shall be so arranged as to divert the light away from adjacent development;
 - (d) except in zones in which a service station is a permitted use, no gasoline pump or other service station equipment shall be located or maintained on a parking area;
 - (f) no part of any off-street parking area shall be closer than 1.5 m to the front lot line in any zone;
 - (g) access to parking areas in non-residential zones shall not be by way of residential zones; and
 - (h) where, in the opinion of Council, strict application of the above parking requirements is impractical or undesirable, Council may as a condition of a permit require the developer to pay a service levy in 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 Council for the provision and upkeep of alternative parking facilities within the general vicinity of the development.

53. 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 6m to a street.
- (2) The number of loading spaces to be provided shall be determined by Council.
- (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.

54. 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.

55. Screening and Landscaping

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

be made a condition of any development permit where, in the opinion of Council, the landscaping or screening is desirable to preserve amenity, or protect the environment.

56. Services and Public Utilities

Council may within any zone, permit land to be used in conjunction with the provision of public services and public utilities if the use of that land is necessary to the proper operation of the public service or public utility concerned. The design and landscaping of any development of any land so used must be, in the opinion of Council, adequate to protect the character and appearance of the area.

57. Service Stations

The following requirements shall apply to all proposed service stations:

- (a) All gasoline pumps shall be located on pump islands designed for such purpose, and to which automobiles may gain access from either side.
- (b) Pump islands shall be set back at least 4m from the front lot line.
- (c) Accesses shall not be less than 7m wide and shall be clearly marked, and where a service station is located on a corner lot, the minimum distance between an access and the intersection of street lines at the junction shall be 10m and the lot line between entrances shall be clearly indicated.

58. Sideyards

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

59. Street Construction Standards

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

60. Accessory Apartments

Accessory apartments may be permitted in single dwellings and commercial buildings only, and for the purposes of calculating lot area and yard requirements, shall be considered part of the self-contained dwelling.

61. 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.

62. Multiple Uses on One Lot

Where a single lot contains more than one permitted use, each specific use shall conform to the provisions of these development regulations that are applicable to that use.

63. Site Suitability

No building or structure or other development of land will be permitted on a site where it otherwise would be permitted under these development regulations when, in the opinion of Council, the site is marshy, geologically unstable, excessively steep, or otherwise unsuitable for a proposed purpose by virtue of its soil or topography.

64. Vehicle Bodies

No truck, bus, semi-trailer, freight container, other vehicle body, or a structure of any similar nature, shall be used for human habitation in any zone.

65. Development Adjacent to a Wetland or Watercourse

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

- (a) no building or structure will be permitted, except for:
 - (i) an enlargement or reconstruction of a single-unit dwelling that was in existence on the date of approval of this Municipal Plan
 - (ii) a passive recreational use such as a walking trail or picnic area
 - (iii) a wharf secured to the land,
 - (iv) an accessory building or structure to (i) or (ii) above
- (b) tree removal shall be limited to thirty percent (30%) of the number of trees in any ten (10) year period, and
- (c) grubbing of soil, placing of landfill material, or other altering of the landscape will be limited to a maximum of ten percent (10%) of the area.

66. Development on and Near Steep Slopes

No buildings, structures, or placement or removal of fill will be permitted:

- (a) on slopes that exceed twenty-five percent (25%) over a height of four (4) or more metres, or
- (b) within ten (10) metres of the top or bottom of slopes that exceed twenty-five percent (25%) over a height of four (4) or more metres

67. Stormwater Control

- (1) Land development and the erection of buildings and structures will not be permitted on any site where it would otherwise be permitted under these development regulations, when in the opinion of Council, the development will create or aggravate adverse stormwater impacts, for example, excessive run-off onto adjacent properties, soil erosion, scouring and siltation of streams, or reduction of surface or groundwater quality.
- (2) The grading of land, excavation of ditches, and erection of buildings or structures will not be undertaken in a manner that causes significantly increases stormwater runoff onto adjacent properties or into nearby watercourses.

68. Residential Development near Aggregate Operations

No new dwelling will be permitted within 100 metres of an existing aggregate operation.

69. Line of Vision at Intersections

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

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

70. Camping Tents, Trailers and Recreational Vehicles

The use of tents, camping trailers, and recreational vehicles for overnight camping will not be permitted except in designated campgrounds or as a temporary activity

on private residential properties. Camping trailers and recreational vehicles used temporarily on private residential properties must be mobile and have up-to-date license plates.

PART III - ADVERTISEMENTS

71. Permit Required

No advertisement shall be erected or displayed in the Planning Area unless a permit for the advertisement is first obtained from Council. Permission for the erection or display of advertisement on Provincial Highways shall be obtained from the Government Service Centre.

72. Form of Application

Application for a permit to erect or display an advertisement shall be made to Council in accordance with section 17.

73. Advertisements Prohibited in Street Reservation

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

74. Permit Valid for Limited Period

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

75. Removal of Advertisements

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

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

76. Advertisements Exempt from Control

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

- (a) on a dwelling or within the yard of a dwelling, one nameplate not exceeding 0.2 m² in area;
- (b) on an agricultural holding or farm, a notice board not exceeding 1 m² in area and relating to the operations being conducted on the land;
- (c) on 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;
- (d) 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;
- (e) on a dwelling or within the yard 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;
- (f) on any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board not exceeding 1 m² in area;
- (g) 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; and
- (h) on any parking lot directional signs and one sign not exceeding 1 m² in size, identifying the parking lot.

77. Approval Subject to Conditions

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

78. Non-Conforming Uses

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

PART IV - SUBDIVISION OF LAND

79. Permit Required

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

80. Services to be Provided

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

81. Payment of Service Levies and Other Charges

No permit shall be issued for the development of a subdivision until agreement has been reached for the payment of all fees levied by Council for connection to

services, utilities and streets deemed necessary for the proper development of the subdivision and all service levies and other charges imposed under sections 13 and 14.

82. Issue of Permit Subject to Considerations

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

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

83. Building Permits Required

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

84. Form of Application

Application for a permit to develop a subdivision shall be made to Council in accordance with section 17.

85. Subdivision Subject to Zoning

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

86. Building Lines

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

87. Land for Public Open Space

(1) Before a development commences, the developer shall, if required, dedicate to Council, at no cost to Council, an area of land equivalent to 10% of the gross area of the subdivision or 25 m² for every dwelling unit permitted in the subdivision, whichever is the greater, for public open space, provided that:

- (a) where land is subdivided for any purpose other than residential use, Council shall determine the percentage of land to be dedicated;

- (b) if, in the opinion of Council, no public open space is required, the land may be used for such other public use as Council may determine;
 - (c) the location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of Council but in any case, Council shall not accept land which, in its opinion, is incapable of development for any purpose;
 - (d) Council may accept from the developer in lieu of such area or areas of land the payment of a sum of money equal to the value of the land which would otherwise be required to be dedicated; and
 - (e) money received by Council in accordance with subsection (1) (d) above, shall be reserved by Council for the purpose of the acquisition or development of land for public open space or other public purpose.
- (2) Land dedicated for public use in accordance with this Regulation shall be conveyed to Council and may be sold or leased by Council for the purposes of any development that conforms with the requirements of these Regulations, and the proceeds of any sale or other disposition of land shall be applied against the cost of acquisition or development of any other land for the purposes of public open space or other public purposes.
- (3) Council may require a strip of land to be reserved and remain undeveloped along the banks of any river, brook or pond, and this land may, at the discretion of Council, constitute the requirement of land for public use under subsection (1).

88. Structure in Street Reservation

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

89. Subdivision Design Standards

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

- (a) The finished grade of streets shall not exceed 10%.
- (b) Every cul de sac shall be provided with a turning circle diameter of not less than 30m.
- (c) The maximum length of any cul de sac shall be 350 metres.
- (d) Emergency vehicle access to a cul de sac shall be not less than 3m wide and shall connect the head of the cul de sac with an adjacent street.
- (e) No cul de sac shall be located so as to appear to terminate a collector street.
- (f) New subdivisions shall have street connections with an existing street or streets.
- (g) All street intersections shall be constructed within 15 degrees of a right angle and this alignment shall be maintained for 30m from the intersection.
- (h) No street intersection shall be closer than 60m from any other street intersection.
- (i) No more than four streets shall join at any street intersection.

- (j) No residential street block shall be longer than 490m between street intersections.
- (k) Streets in residential subdivisions shall be designed in accordance with the approved standards of Council, but in the absence of such standards, shall conform to the following minimum standards:

Type of Street	Street Reservation	Pavement Width
Arterial	30 m	15 m
Collector	17.5 m	13.5 m
Local where more than 50% of the units are single or double dwellings;	15 m	9.0 m
where 50% or more of the units are row houses or apartments.	15 m	9.0 m

- (l) Council may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed.
- (m) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land.
- (n) Existing Crown reserve right-of-ways will be maintained free of buildings and other obstructions to ensure future access to backland areas.

90. 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

Council to service the area proposed to be developed or subdivided shall be designed and prepared by a Professional Engineer or approved by the Engineer. Such designs and specifications shall, upon approval by Council, be incorporated in the plan of subdivision.

- (2) Upon approval by Council of the proposed subdivision, the Engineer shall certify the construction layout prior to the construction of the works where 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 Council to service the said area.

91. Developer to Pay Engineer's Fees and Charges

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

92. Street Works May Be Deferred

The construction and installation of all curbs and gutters, catch basins, sidewalks and paving specified by Council as being necessary, may, at Council's discretion, be deferred until a later stage of the work on the development of the subdivision but the developer shall deposit with Council before approval of his application, an

amount estimated by the Engineer as reasonably sufficient to cover the cost of construction and installation of the works. In the later stage of the work of development, Council shall call for tenders for the work of construction and installation of the works, and the amount so deposited by the developer shall be applied towards payment of the contract cost. If the contract cost exceeds the deposit, the developer shall pay to Council the amount of the excess. If the contract price is less than the deposit, Council shall refund the amount by which the deposit exceeds the contract price. Any amount so deposited with Council by the developer shall be placed in a separate savings account in a bank and all interest earned thereon shall be credited to the developer.

93. Transfer of Streets and Utilities to Council

- (1) The developer shall, following the approval of the subdivision of land and upon request of Council, transfer to Council, at no cost to Council, and clear of all liens and encumbrances:
 - (a) all lands in the area proposed to be developed or subdivided which are approved and designated by Council for public uses as streets, or other rights-of-way, or for other public use; and
 - (b) all services or public works including streets, water supply and distribution and sanitary and storm drainage systems installed in the subdivision that are normally owned and operated by Council.
- (2) Before Council shall accept the transfer of lands, services or public works of any subdivision, the Engineer shall, at the cost to the developer, test the streets, services and public works installed in the subdivision and certify his satisfaction with their installation.

- (3) Council shall not provide maintenance for any street, service or public work in any subdivision until such time as such street, service or public work has been transferred to and accepted by Council.

94. Restriction on Sale of Lots

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

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

95. Grouping of Buildings and Landscaping

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

96. Onsite Services

In areas without municipal water and sewer services, no residential lot will be approved that does not have on the same lot a private well water supply and a sewage treatment system that have received the necessary provincial approvals. The use of a single private well or private sewage treatment system to service two or more dwellings located on separate lots will not be permitted.

PART V - USE ZONES

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

98. Use Classes

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

99. Permitted Uses

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

100. Discretionary Uses

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone table in Schedule C may be permitted in that Use Zone if Council is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if Council has given notice of the application in accordance with section 33 and has considered any objections or representations which may have been received on the matter.

101. Uses Not Permitted

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

SCHEDULE A

DEFINITIONS

SCHEDULE A DEFINITIONS

ACCESS means a way for vehicles, pedestrians or animals to go from a road, street or highway to land adjacent to it.

ACCESSORY APARTMENT means a separate and complete dwelling unit contained within the structure of a single dwelling or a commercial building.

ACCESSORY BUILDING means a detached subordinate building not used for human habitation, located on the same lot as the main building structure or use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the building, land or structure, and shall include:

- (a) in the case of residential uses: domestic garages, carports, ramps, sheds, greenhouses, cold sheds, vegetable storage cellars, shelters for domestic pets, radio and television antennae, or ;
- (b) in the case of commercial uses: workshops or garages; and
- (c) in the case of industrial uses: garages, offices, raised ramps and docks.

ACT means the Urban and Rural Planning Act.

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

AGRICULTURE means horticulture, vegetable growing, 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.

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

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

- (a) one (1) horse, cow, steer, bull, mule, donkey, bison, buffalo, pig, fox, or mink including offspring until weaning
- (b) 6 sheep or goats including offspring until weaning,
- (c) 10 ostriches, emus or fur bearing animals excluding fox or mink
- (d) 20 chickens, turkeys, ducks or geese, or
- (e) 100 chicks

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

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

BED AND BREAKFAST means an owner-occupied single-unit dwelling in which there is rooms for rent as short-term accommodation, and may include the provision of meals for persons staying temporarily at the establishment, as well as dining facilities for the general public.

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

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

BUILDING LINE means a line established by Council to set the horizontal distance between the closest point of a building and the street line.

CAMPGROUND means an area of land, managed as a unit, for the daily or seasonal accommodation of tents, recreational vehicles, and where the ancillary uses could include an administrative office, clubhouse, snack bar, laundry, convenience store, swimming pool, washrooms, showers, and recreational facilities.

COASTAL FEATURE: means land adjoining or near the ocean that forms part of the coastal environment, including an inter-tidal area, beach, beach bank, dune, coastal marsh, ocean cliff, rock platform, and rock crevice.

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

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

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

CROP AGRICULTURE means horticulture, vegetable growing, fruit growing, grain growing, seed growing, and the use of land as market gardens and nursery grounds.

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

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

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

and shall exclude:

- (d) the carrying out of works for the maintenance, improvement or other alteration or any building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building;
- (e) the carrying out by a highway authority of any works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation;
- (f) the carrying out by any local authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose; and

- (g) the use of any building or yard of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as such.

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

DRINKING ESTABLISHMENT means a commercial operation, assembly hall, or place of entertainment in which the sale and consumption of liquor is licensed.

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

ENGINEER: means a professional engineer employed or retained by Council.

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

FLOOR AREA RATIO means the figure obtained when the total floor area of all buildings on a lot excluding ones used for parking, is divided by the total area of the lot.

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

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

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

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

GENERAL GARAGE means a building used for the maintenance, servicing, storage, or repair of motor vehicles, trucks, or heavy equipment, which has no more than two service bays of a size that can accommodate a semi-truck and trailer and which does not involve the sale of petroleum products.

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. If not stated, the North American Industrial Classification System (NAICS) will apply.

GROUP HOME means a dwelling unit, licensed or approved under Provincial regulations, for the accommodation of a maximum of six (6) people, exclusive of staff, in a home-like setting where staff provide care and supervision.

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.

HEIGHT means the height of a building measured as the vertical distance from the ground level to the highest point of the roof surface.

HOME OCCUPATION means an accessory use conducted for financial gain in a dwelling unit or a accessory building to a dwelling unit, which is compatible with a domestic household and which is carried on by at least one (1) member of the family residing in that dwelling unit.

HOTEL means a tourist establishment that consists of a building, which consists of three or more attached sleeping units grouped under one roof and accessible from the interior or partially from the exterior, is designed to accommodate the traveling public, and may have facilities for serving meals.

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

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

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

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

LIVESTOCK includes cows, horses, mules, donkeys, llamas, alpacas, deer, pigs, sheep, goats, ostriches, emus, fowl, and other animals raised for fur, meat, and dairy.

LIVESTOCK AGRICULTURE means the breeding, raising, maintenance or use of livestock, including the use of land for livestock grazing.

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

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

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

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

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

MEDICAL CLINIC means a building or part thereof, used exclusively by physicians, dentists, nurses or other health professionals, their staff and their patients for the purpose of consultation, diagnosis, and office treatment of humans. Without limiting the generality of the foregoing, a medical clinic may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies, and dispensaries directly associated with the clinic.

MINERAL WORKINGS means the use of land for the surface extraction, processing, crushing, and stockpiling of sand, gravel, clay, shale, bedrock, limestone, or other aggregates, and may include washing and blasting where permitted under Provincial Regulation;

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

- (a) which complies with space standards substantially equal to those laid down in the Canadian Code for Residential Construction and is in accordance with the construction standards laid down and all other applicable Provincial and Municipal Codes and;

- (b) which is designed to be:
 - (i) transported on its own wheels and chassis to a mobile home lot, and subsequently supported on its own wheels, jacks, posts or piers, or on a permanent foundation; and
 - (ii) connected to exterior public utilities approved by Council, namely, piped water, piped sewer, electricity and telephone, in order for such mobile home unit to be suitable for year round term occupancy.

MOTEL means a tourist establishment that consists of one or more buildings containing four or more attached accommodation units, may or may not have facilities for serving meals, and/or is designed to accommodate the traveling public for whom the automobile is the principal means of transportation;

MULTIPLE DWELLING means a dwelling containing more than two dwelling units, such units being constructed with common walls on the same level with individual entrances directly from the outside.

NURSING HOME means a building in which nursing care and room and board are provided to individuals incapacitated in some matter for health or medical reasons.

OWNER means any person, firm or corporation controlling the property under consideration.

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

PLACE OF ENTERTAINMENT means an athletic, recreational, or social club operated for gain or profit, as well as an auditorium, motion picture or other theatre, billiard or pool room, bowling alley, ice or roller skating rink, curling rink, dance hall, or bingo hall, and all other similar places open to the public.

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

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

RECREATIONAL OPEN SPACE means a recreational use conducted outdoors that may be designed and equipped for the conduct of sports and leisure activities, and may include a multi-use trail, a nature interpretation centre, a park or playground , an outdoor skating rink, picnic area, playing field, or similar use.

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, and may include full services and/or take-out services.

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

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.

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

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

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

STREET means any street, road or highway or any other way designed or intended for public use for the passage of vehicles and pedestrians, owned by Council or other public agency and maintained at public expense, and is accessible to Fire Department vehicles and equipment.

STREET LINE means the edge of a street, road or highway reservation as defined by the authority having jurisdiction.

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

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

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

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

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

UTILITY means a service requiring the use of land for such purposes as electricity and telephone transmission lines, water supply and storage, public sanitary sewage disposal, treatment of sewage, and public drainage including storm sewers, as well as any buildings or structures associated with the above-mentioned utilities.

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

SCHEDULE B

**CLASSIFICATION OF
USES OF LAND AND BUILDINGS**

SCHEDULE B
CLASSIFICATION OF USES OF LAND AND BUILDINGS

NOTE: The classification of uses set out in the following table is based on the Classification of Typical Occupancies included as Table 3.1.2.A of the **National Building Code of Canada 1995**.

GROUP	DIVISION	CLASS	EXAMPLES
A. ASSEMBLY USES	1. Assembly Uses for the performing arts.	(a) Theatre	Movie theatres. Concert hall
	2. General Assembly Uses	(a) Cultural and Civic	Libraries Museums Art Galleries Court Rooms Meeting Rooms
		(b) General Assembly	Community Halls Lodge Halls Dance Halls Gymnasia Auditoria Bowling Alleys
		(c) Educational	Schools Colleges (non- residential)
		(d) Place of Worship	Churches and similar places of worship. Church Halls
		(e) Passenger Assembly	Passenger Terminals
		(f) Club and Lodge	Private Clubs and Lodges (non-residential)
		(g) Catering	Restaurants Bars Lounges
		(h) Funeral Home	Funeral Homes and Chapels
		(i) Child Care	Day Care Centres
(j) Amusement	Electronic Games Arcades Pinball Parlours Poolrooms		

CLASSIFICATION OF USES OF LAND AND BUILDINGS

GROUP	DIVISION	CLASS	EXAMPLES
A. ASSEMBLY USES (continued)	3. Arena-type Uses	(a) Indoor Assembly	Arenas Multi-sports centres Ice Rinks Indoor Swimming Pools
	4. Open-air Assembly Uses	(a) Outdoor Assembly	Bleachers Grandstands Outdoor Ice Rinks Outdoor Swimming Pools Amusement Parks Fair-grounds Exhibition Grounds Drive-in Theatres
B. INSTITUTIONAL (CARE OR DETENTION) USES	1. Penal and Correctional Institutional Uses	(a) Penal and Correctional Detention	Jails Penitentiaries Prisons Psychiatric Reformatories
	2. Special Care Institutional Uses	(a) Medical Treatment and Special Care	Children's Homes Convalescent Homes Homes for Aged Hospitals Infirmaries Orphanages Psychiatric Hospitals Sanatoria
C. RESIDENTIAL USES	1. Residential Dwelling Uses	(a) Single Dwelling	Single Detached Dwellings Family & Group Homes
		(b) Double Dwelling	Semi-detached Dwelling Duplex Dwellings Family & Group Homes
		(c) Multi Dwelling	Row Houses Town Houses Family & Group Homes
		(d) Apartment Building	Apartments Family & Group Homes

CLASSIFICATION OF USES OF LAND AND BUILDINGS

GROUP	DIVISION	CLASS	EXAMPLES
<p>C. RESIDENTIAL USES (continued)</p>	<p>2. General Residential Uses (continued)</p>	<p>(a) Collective Residential</p>	<p>Residential Colleges University & College Halls Convents & Monasteries Nurses and Hospital Residences</p>
		<p>(b) Boarding House Residential</p>	<p>Boarding Houses Lodging Houses</p>
		<p>(c) Commercial Residential</p>	<p>Hotels & Motels Hostels Tourist Cottages Residential Clubs</p>
		<p>(d) Seasonal Residential</p>	<p>Summer Homes & Cabins Hunting & Fishing Cabins</p>
		<p>(e) Mobile Homes</p>	<p>Mobile Homes</p>
<p>D. BUSINESS & PERSONAL SERVICE USES</p>	<p>1. Business, Professional, and Personal Service Uses</p>	<p>(a) Office</p>	<p>Offices (including Government Offices) Banks</p>
		<p>(b) Medical & Professional</p>	<p>Medical Offices and Consulting Rooms Dental Offices & Surgeries Legal Offices Similar Professional Offices</p>
		<p>(c) Personal Service</p>	<p>Barbers Hairdressers Beauty Parlours Small Appliance Repairs</p>
		<p>(d) General Service</p>	<p>Self-service Laundries Dry Cleaners Tool and Appliance Rentals Travel Agents</p>

CLASSIFICATION OF USES OF LAND AND BUILDINGS

GROUP	DIVISION	CLASS	EXAMPLES
D. BUSINESS & PERSONAL SERVICE USES (continued)	1. Business, Professional & Personal Service Uses (continued)	(e) Communications	Radio Stations Telephone Exchanges
		(f) Police Station	Police Stations
		(g) Taxi Stand	Taxi Stands
		(h) Take-out Food Service	Take-out Food Service
		(i) Veterinary	Veterinary Clinics
E. MERCANTILE USES	1. Retail Sale and Display Uses	(a) Shopping Centre	Shopping Centres
		(b) Shop	Retail Shops and Stores Showrooms Department Stores
		(c) Indoor Market	Market Halls Auction Halls
		(d) Outdoor Market	Market Grounds Animal Markets Produce Stands Fish Stalls
		(e) Convenience Store	Confectionary Stores Corner Stores Gift Shops Specialty Shops
F. INDUSTRIAL USES (HIGH, MEDIUM AND LOW HAZARD)	1. Industrial uses involving highly combustible and hazardous substances and processes.	(a) Hazardous Industry	Bulk Storage of hazardous liquids and substances. Chemical Plants Distilleries Feed Mills Lacquer, Paint, Varnish, and Rubber Factories Spray Painting

CLASSIFICATION OF USES OF LAND AND BUILDINGS

GROUP	DIVISION	CLASS	EXAMPLES
F. INDUSTRIAL USES (continued)	2. General Industrial Uses involving Limited Hazardous Substances and Processes.	(a) General Industry	Factories Cold Storage Plants Freight Depots General Garages Warehouses Workshops Laboratories Laundries Sawmills and planing mills Printing Plants Contractors' Yards
		(b) Service Station	Gasoline Service Stations
	3. Light, Non-hazardous or Non-intrusive Industrial Uses.	(a) Light Industry	Light Industry Parking Garages Indoor Storage Warehouses Workshops
	G. NON-BUILDING USES	1. Uses not directly related to building	(a) Agriculture
(b) Forestry			Tree Nurseries Silviculture Harvesting
(c) Mineral Working			Pits and Quarries Mines Oil Wells
(d) Recreational Open Space			Sports Grounds Parks Playgrounds Trails
(e) Conservation			Watersheds Buffer Strips Flood Plains Steep Slopes Wildlife Sanctuaries
(f) Cemetery			Cemeteries Graveyards
(g) Scrap Yard			Car Wrecking Yards Junk Yards Scrap Dealers

CLASSIFICATION OF USES OF LAND AND BUILDINGS

GROUP	DIVISION	CLASS	EXAMPLES
G. NON-BUILDING USES (continued)	1. Uses not directly related to building. (continued)	(h) Solid Waste	Solid Waste Disposal Sanitary Land Fill Incinerators
		(i) Animal	Animal Pounds Kennels Zoos
		(j) Antenna	TV, Radio and Communications Transmitting and Receiving Masts Antennae
		(k) Transportation	Airfields Railway Yards Marine facilities Docks and Harbours

SCHEDULE C

USE ZONE TABLES

SCHEDULE C
USE ZONE TABLES

This schedule contains tables for the following Use Zones:

<u>Zone Title</u>	<u>Zone Symbol</u>	<u>Page</u>
ENVIRONMENTAL PROTECTION	EP	1
RESIDENTIAL	R	4
RURAL RESIDENTIAL	RR	9
MIXED USE	MU	14
COMMERCIAL/INDUSTRIAL	CI	20
OPEN SPACE	OS	23
RURAL	RU	24

ZONE TITLE: ENVIRONMENTAL PROTECTION (EP)
PERMITTED USES (See Regulation 99) Conservation, maintenance and operation of existing uses
DISCRETIONARY USES (see Regulation 33 and 100) Recreational open space, antenna, wharf, slipway, marine facility, fisheries facility, accessory building or structure.

CONDITIONS

1. **Zone Boundaries**

For clarity, the boundaries of the Environmental Protection zone include:

- (a) All coastal features such as beaches, beach banks, dunes, salt marshes, and rock platforms,
- (b) A 15-metre coastal buffer from the inland edge of all coastal features, and
- (c) A 15-metre buffer from the watercourse vegetation line or the top of a stream bank of a watercourse.

2. **Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at the discretion of Council provided Council is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, and the public interest.

3. **Recreational Open Space**

Recreational open space uses will generally be limited to passive recreational uses such as a hiking trail, picnic area, or interpretative display.

4. **Fisheries and Marine Developments**

A fisheries or marine facility will be permitted only if it is deemed by Council to be coastal location essential and not contrary to the public interest.

5. **Development Adjacent to a Wetland or Watercourse**

All portions of a lot located within 15 metres of a wetland or the top of the stream bank of a watercourse will be subject to the following:

- (a) No building or structure will be permitted, except for:
 - (i) the maintenance or reconstruction of an existing building or structure that was in existence on the registration date of this Municipal Plan
 - (ii) an accessory building or structure to (i) above

- (b) tree removal shall be limited to thirty percent (30%) of the number of trees in any ten (10) year period, and
- (c) grubbing of soil, placing of landfill material, or other altering of the landscape will be limited to a maximum of ten percent (10%) of the area.

6. Coastal Embankments

Eastport has a number of steep embankments overlooking the coastal shoreline that are vulnerable to erosion and slope failures. Many of these areas have mature trees and are densely vegetated. In some cases this helps to stabilize the embankment by preventing erosion, while in other areas mature trees can act as levers in high winds to pry soil away from the slope.

All areas of a lot located closer than 15 metres to the edge of an embankment slope exceeding 25% grade (i.e. 1m vertical/4 m horizontal) will be subject to the following:

- (a) No building or structure will be permitted, except for:
 - (i) The maintenance or reconstruction of an existing building or structure that was in existence on the registration date of this Municipal Plan
 - (ii) An accessory building or structure to (i) above
- (b) Tree removal shall be subject to the following:
 - (i) No trees will be removed except with the approval of Council,
 - (ii) Where in the judgment of Council a tree(s) is considered to be a hazard to soil stability on or close to an embankment, Council will approve the removal of the tree(s),
 - (iii) Where in the judgment of Council a tree(s) is considered to be a soil stabilizing factor, Council will not approve the removal of the tree(s).
- (c) Grubbing of soil, placing of landfill material, and other altering of the landscape will not be permitted except as necessary to carry out public works aimed at improving the stability of embankments.

7. Recreational Open Space

The development of a recreational open space facility, if permitted as a discretionary use, will be limited to uses that accommodate passive recreational activities such as trails, boardwalks, and small picnic shelters. It will not include structures such as buildings, parking lots, tennis courts, or other impervious land uses.

8. Accessory Buildings and Structures

The development of an accessory building or structure, if permitted as a discretionary use, will be limited to one light structure such as a gazebo, viewing deck, or small shed with maximum ground coverage of 14 square metres, and will be subject to such terms and conditions as Council deems necessary to minimize environmental concerns.

8. Environmental Control

- (1) All approved developments and associated utilities must be designed and constructed in accordance with high environmental standards.
- (2) Where it deems necessary, Council shall require a proposed discretionary use to undergo an appropriate assessment to ensure that the development will be undertaken in a way that minimizes potential environmental effects.

ZONE TITLE:		RESIDENTIAL		(R)	
PERMITTED USES (See Regulation 99) Single dwelling, accessory apartment, conservation, crop agriculture					
DISCRETIONARY USES (see Regulation 33 and 100) Double dwelling, multiple dwelling up to 4 units, bed and breakfast, boarding house, recreational open space use, home occupation, daycare centre, nursing home, group home, kennel, shop, livestock agriculture					
STANDARDS	Single Dwelling	Double Dwelling (per unit)	3 & 4 Unit Dwelling (per unit)		
			End Unit	Interior Unit	
Fully Serviced Areas (both municipal water and municipal sewer)					
Minimum lot area	470 m ²	390 m ²	270 m ²	185 m ²	
Minimum lot width	15 m	13 m	9 m	6 m	
Semi Serviced Areas (municipal water only or municipal sewer only)					
Minimum lot area	1400 m ²	1400 m ²	1400 m ²	1400 m ²	
Minimum lot width	23 m	23 m	23 m	23 m	
No Municipal Services (on-site water and sewer services only)					
Minimum lot area	3000 m ²	n/a	n/a	n/a	
Minimum lot width	30 m	n/a	n/a	n/a	
All Areas					
Minimum floor area (excl. basement)	65 m ²	65 m ²	65 m ²	65 m ²	
Minimum frontyard setback	6 m	6 m	6 m	6 m	
Minimum sideyard setback	2.5 & 2 m	2.5 m	2.5 m	n/a	
Minimum rearyard setback	6 m	6 m	6 m	6 m	
Minimum distance between buildings	3 m	3 m	3 m	3 m	
Maximum building height	12 m	12 m	12 m	12 m	

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council provided Council is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, and the public interest.

2. Double and Multiple Dwellings

Double and multiple dwellings will not be permitted in areas without municipal water services.

3. Municipal Services

In areas accessible to municipal piped services, new developments must be connected to these services.

4. Developments without Access to Municipal Services

A proposed development in an area without municipal water and/or sewer will be approved only if it has on the same lot a private well and sewage treatment system that has received the necessary provincial approvals. The use of a private well or private sewage treatment system to service two or more dwellings located on separate lots will not be permitted.

5. Street Access

Unless otherwise authorized by Council, the frontage of each lot shall be on a publicly owned and maintained street and access to the lot must be obtainable from this street.

6. Development Standards for Non-Residential Uses

A non-residential development permitted as a discretionary use will be subject to the following criteria:

- (a) It must meet the minimum lot development standards established for a single dwelling or such higher standards as Council may require,
- (b) It must be located and designed to minimize the impact of traffic, noise, lighting, and signage on surrounding residential uses. Where necessary, Council may require screening through the provision of trees, shrubs, berms, landscaping, or fencing.
- (c) It must be designed and maintained to a high standard with regard to safety, appearance, and compatibility with surrounding land uses.
- (d) It must provide for adequate off-street parking in accordance with "Schedule D".
- (e) Permission to develop the non-residential use will be in accordance with a development permit issued by Council, and
- (f) No change in the type or scale of the use will be permitted except in accordance with a development permit.

7. Accessory Buildings on Residential Lots

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

- (1) The maximum combined lot coverage of accessory buildings on a lot will equal no more than 7 percent of the area of the lot.
- (2) The maximum floor area of an accessory building will be in accordance with the following table.

Permitted Size of Accessory Buildings	
Lot Area	Maximum Floor Area
Up to 700 m ²	65 m ²
701 m ² to 1400 m ²	95 m ²
1401 m ² to 2100 m ²	120 m ²
Over 2100 m ²	145 m ²

- (3) The maximum height of an accessory building will be 6.0 metres.
- (4) No part of an accessory building will be permitted in the frontyard of the main building (i.e. closer to the streetline) than the main building except as otherwise authorized by Council in accordance with Regulation 38 of Part II of these Regulations.
- (5) An accessory building will be no closer than 3.0 metres from another building and no closer than 2.0 metre from any property line.
- (6) No truck, bus, semi-trailer, freight container, or other vehicle body shall be used as an accessory building or structure.
- (7) No self-contained apartment or other type of dwelling unit will be permitted in an accessory building.

9. Home Occupations

At Council's discretion, a home occupation may be permitted within a residential dwelling or an accessory building on the same lot subject to the following provisions:

- (a) The use will be clearly secondary to the residential use,
- (b) The use must be operated by an occupant of the dwelling,

- (c) The use will not employ more than three (3) people on the premises including normal occupants of the dwelling,
- (d) The use will occupy no more than twenty-five percent (25%) of the total floor area of the dwelling unit, including the basement,
- (e) The use will not generate sewage in excess of what can be accommodated by the existing sewage disposal system,
- (f) No hazardous materials will be used,
- (g) The activities will not cause noise, odours, fumes, electrical interference, or other unreasonable nuisances that significantly impact neighbouring properties,
- (h) Parking requirements are set out in "Schedule D", however, a minimum of one additional space will be required for a home occupation. The required parking for a dwelling unit must continue to be met.
- (i) One building only, separate from the dwelling unit, may be used in connection with the home occupation and it shall conform to the Accessory Building condition for this use zone,
- (j) No sign will be permitted other than a name plate not exceeding 0.2 m² in area which is attached to the principal building. Illumination of the sign is not permitted,
- (k) The use will not include automobile or heavy equipment repair, auto body repair, or automobile sales,
- (l) The use must meet such other conditions and standards as may be required by Council,
- (m) Permission to develop the home occupation will be in accordance with a development permit issued by Council, and
- (n) No change in the type, class, or extent of the home occupation will be permitted except in accordance with a development permit.

10. Bed and Breakfast

A bed and breakfast operation may be conducted in a single dwelling, subject to the following requirements:

- (a) It is clearly secondary to a residential use,

- (b) It is permitted only in a single dwelling,
- (c) It fully complies with relevant Provincial regulations and standards,
- (d) It meets such other conditions and standards as may be required by Council for a home occupation,
- (e) Permission to develop the bed and breakfast will be in accordance with a development permit issued by Council, and
- (f) No change in the type or scale of the bed and breakfast operation will be permitted except in accordance with a development permit.

11. Kennel

The establishment of a new kennel will be subject to:

- (a) A minimum lot size of 1 hectare, and
- (b) Terms and conditions as set by Council to minimize or mitigate potential noise or other impacts on neighbouring land uses. These terms and conditions will be limited to design and location provisions related to the building site and associated features.

13. Advertisements Relating to Offsite Uses

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

- (a) No advertisement will exceed 3 m² in area.
- (b) When the advertisement relates to a specific land use, it will be located within a reasonable distance of, and only show thereon the name and nature of and the distance and direction to, the premises to which they relate.
- (c) The location, siting, and illumination of each advertisement will be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street intersections, the location of nearby buildings, and the preservation of the amenities of the surrounding area.
- (d) The advertisement will not be situated in whole or in part within the right-of-way of a public street.

14. Advertisements on Provincial Roads

On roads under Provincial jurisdiction, applications to erect advertisements will require referral to and approval from the Department of Government Services and other applicable authorities.

ZONE TITLE:	COMMERCIAL / INDUSTRIAL	“CI”
PERMITTED USES (See Regulation 99)		
Shop, indoor market, outdoor market, shopping centre, office, light industry, convenience store, communications, veterinary, public building, office, general service, personal service, medical and professional, office, truck/heavy equipment garage, warehouse, conservation, antenna, crop agriculture		
DISCRETIONARY USES (see Regulation 33 and 100)		
General industry, service station, general garage, auto body shop, trucking/heavy equipment operation, , land-extensive retail use such as a garden centre or building supply yard, recreation facility, recreational open space use, funeral home, hotel, motel, tourist cottage establishment, restaurant, drinking establishment, place of entertainment, place of worship, campground, livestock agriculture, cemetery, accessory apartment		
STANDARDS	All Uses	
Minimum Lot Area (m ²)	470	
Minimum Floor Area (m ²)	No Minimum	
Minimum Lot Width	18 m	
Minimum Frontyard Setback	10 m (Council may require higher setbacks)	
Minimum Sideyard Setback	5 m & 2 m (may be waived for buildings with adjoining walls)	
Minimum Rearyard	10 m	
Maximum Lot Coverage	40%	
Maximum Height	15 m	

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council provided Council is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, and the public interest.

2. Services

In areas accessible to municipal piped services, new developments must be connected to these services.

3. Street Access

Unless otherwise authorized by Council, the frontage of each lot shall be on a publicly owned and maintained street and access to the lot must be obtainable from this street.

4. Development Criteria

A development will be subject to the following criteria:

- (a) It must meet the minimum lot development standards or such higher standards as Council may require,
- (b) It must be located and designed to minimize the impact of traffic, noise, lighting, and signage on surrounding residential uses. Where necessary, Council may require screening through the provision of trees, shrubs, berms, landscaping, or fencing.
- (c) It must be designed and maintained to a high standard with regard to safety, appearance, and compatibility with surrounding land uses.
- (d) It must provide for adequate off-street parking in accordance with "Schedule D".
- (e) Permission to develop will be in accordance with a development permit issued by Council, and
- (f) No change in the type or scale of the use will be permitted except in accordance with a development permit.

5. Accessory Buildings

- (1) An accessory building will be permitted as an accessory use to a main use of land.
- (2) No truck, bus, semi-trailer, freight container, or other vehicle body shall be used as an accessory building or structure.

6. Accessory Apartments

An accessory apartment will be subject to the following:

- (a) It will be clearly secondary to a main use,
- (b) One only accessory apartment will be permitted in a single building,
- (c) The accessory apartment will be completely self-contained, with facilities for cooking, sleeping and bathing, and
- (d) Other such conditions as may be required by Council.

7. Advertisements Relating to Onsite Uses

The conditions for the erection or display of an advertisement on any lot or site occupied by a permitted use or a legal non-conforming use shall be as follows:

- (a) The size, shape, illumination, and material construction of the advertisement will meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks and the general amenities of the surrounding area.
- (b) No advertisement will exceed 5 square metres in area.

8. Advertisements Relating to Offsite Uses

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

- (a) No advertisement will exceed 3 m² in area.
- (b) When the advertisement relates to a specific land use, it will be located within a reasonable distance of, and only show thereon the name and nature of and the distance and direction to, the premises to which they relate.
- (c) The location, siting, and illumination of each advertisement will be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street intersections, the location of nearby buildings, and the preservation of the amenities of the surrounding area.
- (d) The advertisement will not be situated in whole or in part within the right-of-way of a public street.

9. Advertisements on Provincial Roads

On roads under Provincial jurisdiction, applications to erect advertisements will require referral to and approval from the Department of Government Services and other applicable authorities.

ZONE TITLE:	OPEN SPACE	“OS”
PERMITTED USES (See Regulation 99) Recreational open space, conservation.		
DISCRETIONARY USES (see Regulation 33 and 100) Indoor assembly, general assembly, outdoor assembly, indoor assembly, daycare, catering, take-out restaurant, full service restaurant, recreation facility, cemetery, single dwelling, antenna.		

CONDITIONS

1. Development Standards

- | | | |
|-----|---------------------------|------|
| (1) | Minimum frontyard setback | 8 m |
| (2) | Minimum sideyard setback | 5 m |
| (3) | Minimum rearyard setback | 6 m |
| (4) | Maximum height | 12 m |

2. Discretionary Use Classes

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

3. Site Layout and Buffering

Council will ensure that proposed developments will not adversely affect the natural and scenic quality of surrounding areas by requiring appropriate site layout, buffering, screening and landscaping.

4. Single Dwellings

- (1) At the discretion of Council, a single dwelling may be permitted only on a lot that was in existence on the registration date of this Municipal Plan, subject to any terms and conditions that may be set by Council.
- (2) No dwellings will be permitted on any lots in the Open Space zone that were created after the registration date of this Municipal Plan.

ZONE TITLE:	RURAL	“RURAL”
PERMITTED USES (See Regulation 99)		
Agriculture, conservation, forestry, mineral exploration, recreational open space		
DISCRETIONARY USES (see Regulation 33 and 100)		
Mineral working, wind generator, salvage yard, general industrial, light industrial, construction yard, campground, outdoor tourism, single dwelling, cemetery, antenna.		

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council provided Council is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, and the public interest.

2. Mineral Working

A mineral working use will be subject to the following, unless otherwise authorized by Council:

- (a) No extraction will take place in a wetland,
- (b) No extraction will take place within 60 metres of a watercourse or wetland,
- (c) No extraction will take place within 100 metres of a residential, commercial, or public building,
- (d) An undisturbed buffer strip will be maintained at least 30 metres wide between the final perimeter of a pit or quarry and any residential lot boundary, and at least 15 metres wide between the final perimeter of a pit or quarry and any non-residential lot boundary. The minimum buffer width may be reduced by up to 50% with the written consent of the adjacent property owner,
- (e) No extraction will take place within 30 metres of a public road, a highway, or private residential road,
- (f) Topsoil removed prior to extraction will be appropriately stockpiled for future rehabilitation of the site,
- (g) Unless otherwise authorized by Council, no extraction, processing, or trucking activities shall take place on Sundays, statutory holidays, or between 9 PM and 7 AM on other days,

- (h) The operator will keep the site clean of construction residue, domestic garbage, abandoned vehicles, and all other scrap and waste materials,
- (i) During extended periods of shutdown, the slope of any sand and/or gravel embankment shall not have a gradient steeper than 60% for the full depth thereof,
- (j) During extended periods of shutdown, access roads to a mineral working site shall be barred by a gate or such other means that are satisfactory to Council.
- (k) Site rehabilitation will be in accordance with a rehabilitation plan submitted with the development application and approved by Council. Council may require the rehabilitation plan to include a process for progressive, or staged, rehabilitation, and
- (l) Other such conditions as Council considers necessary.

3. Livestock Facilities

- (1) No new livestock facility shall be located within:
 - (a) 300 metres of a dwelling, public or commercial building, other than a dwelling located on the same lot as the livestock operation,
 - (b) 70 metres of the boundary of the property on which it is to be erected, and
 - (c) 90 metres of the centre line of a public street.
- (2) Subsection (1) does not apply to the expansion, conversion, or replacement of a livestock facility existing on the registration date of this Municipal Plan as long as the expansion, conversion, replacement, or addition does not reduce the existing separation distance between the livestock facility and the subject dwelling, public building, commercial building, property boundary, or public street.
- (3) No new dwelling, commercial, or public building use, except a dwelling or commercial use located on the same lot as the agricultural operation, may be located within 300 metres of a livestock facility planned to accommodate more than five (5) animal units.
- (4) In addition to the above requirements, new livestock facilities are subject to applicable Provincial acts and regulations.

4. Single Dwellings

At Council's discretion, a single dwelling may be permitted only as a subsidiary use to a commercial agricultural operation subject to the following:

- (a) It is clearly demonstrated to Council that the agricultural operation is a bona fide operation from which the owner derives a major portion of his or her income,
- (b) It is clearly demonstrated to Council that full-time habitation on the site is necessary for the successful operation of the agricultural operation, and
- (c) The dwelling must have a minimum floor area of 80m² and a minimum building line setback of 10 metres.

5. Temporary Dwelling

At Council's discretion, a temporary dwelling may be permitted as a subsidiary use to a main use subject to the following:

- (a) It will not be the full-time residence of any person,
- (b) It will not be used for any purpose other than as a subsidiary dwelling to the main use,
- (c) It will have a maximum floor area of 40 m²,
- (d) It will be erected only on the ground surface and will not have any portion of its foundation underground,
- (e) It will be erected and located in such a manner that in the opinion of Council, it can be easily dismantled or removed upon termination of the operation, and
- (f) It will be removed from the site as soon as the permitted use ceases to operate.

6. Accessory Buildings

- (1) An accessory building will be permitted as an accessory use to a main use of land.
- (2) No truck, bus, semi-trailer, freight container, or other vehicle body shall be used as an accessory building or structure.

7. Advertisements Relating to Onsite Uses

The conditions for the erection or display of an advertisement on any lot or site occupied by a permitted use or a legal non-conforming use shall be as follows:

- (a) The size, shape, illumination, and material construction of the advertisement will meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks and the general amenities of the surrounding area.
- (b) No advertisement will exceed 5 square metres in area.

8. Advertisements Relating to Offsite Uses

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

- (a) No advertisement will exceed 3 m² in area.
- (b) When the advertisement relates to a specific land use, it will be located within a reasonable distance of, and only show thereon the name and nature of and the distance and direction to, the premises to which they relate.
- (c) The location, siting, and illumination of each advertisement will be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street intersections, the location of nearby buildings, and the preservation of the amenities of the surrounding area.
- (d) The advertisement will not be situated in whole or in part within the right-of-way of a public street.

9. Advertisements on Provincial Roads

On roads under Provincial jurisdiction, applications to erect advertisements will require referral to and approval from the Department of Government Services and other applicable authorities.

SCHEDULE D

**OFF-STREET PARKING
REQUIREMENTS**

SCHEDULE D

OFF-STREET PARKING REQUIREMENTS

1. The off-street parking requirements for uses in the various use classes set out 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 off-street provision for drop-off and pick-up of persons shall be provided in developments where required, such as uses within the educations, passenger assembly, child care, medical treatment and special care, commercial residential and take-out food service-use classes.

G R O U P	D I V I S I O N	CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
A	1	(a) Theatre	One space for every 5 seats.
	2	(a) Cultural and Civic	One space for every 50 square metres of gross floor areas.
		(b) General Assembly	One space for every 10 square metres of gross floor area.
		(c) Educational	Schools - 2 spaces for every class room. Further education - 1 space for every 5 persons using the facilities (students, faculty and staff).
		(d) Place of Worship	One space for every 5 seats.
		(e) Passenger Assembly	As specified by Council.
		(f) Club and Lodge	One space for every 3 persons that may be accommodated at one time.
		(g) Catering	One space for every 3 customers that may be accommodated at one time.
		(h) Funeral Home	One space for every 10 square metres of gross floor area.
		(i) Child Care	One space for every 20 square metres of gross floor area.
		(j) Amusement	One space for every 10 square metres of gross floor area.

G R O U P	D I V I S I O N	CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
	3	(a) Indoor Assembly	One space for every 10 spectators that may be accommodated at one time.
	4	(a) Outdoor Assembly	As specified by Council.
B	1	(a) Penal and Correctional Detention	As specified by Council.
C	2	(a) Medical Treatment and Special Care	One space for every 2 patients.
	1	(a) Single Dwelling	Two spaces for every dwelling unit.
		(b) Double Dwelling	Two spaces for every dwelling unit.
		(c) Row Dwelling	Two spaces for every dwelling unit.
		(d) Apartment Building	Three spaces for every 2-dwelling units.
	2	(a) Collective Residential	As specified by Council.
		(b) Commercial Residential	One space for every guest room.
		(c) Seasonal Residential	One space for every residential unit.
		(d) Mobile Home	Two spaces for every dwelling unit.
D	1	(a) Office	One space for every 20 square metres of gross floor area.
		(b) Medical and Professional	One space for every 20 square metres of gross floor area.
		(c) Personal Service	One space for every 20 square metres of gross floor area.
		(d) General Service	One space for every 20 square metres of gross floor area.
		(e) Communications	As specified by Council.
		(f) Police Station	As specified by Council.
		(g) Taxi Stand	As specified by Council.
		(h) Take-out Restaurant	One space for every 20 square metres of gross floor area.
		(i) Veterinary	One space for every 20 square metres of gross floor area.

G R O U P	D I V I S I O N	CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
E	1	(a) Shopping Centre	One space for every 15 square metres of gross floor area.
		(b) Shop	One space for every 20 square metres of gross floor area.
		(c) Indoor Market	As specified by Council.
		(d) Outdoor Market	As specified by Council.
		(e) Convenience Stores	One space for every 20 square metres of gross floor area.
F	1	(a) Hazardous Industry	One space for every employee.
	2	(a) General Industry	One space for every employee.
		(b) Service Station	One space for every 20 square metres of gross floor area.
	3	(a) Light Industry	One space for every employee.

ZONE TITLE: RURAL RESIDENTIAL (RR)	
PERMITTED USES (See Regulation 99) Single dwelling, conservation, crop agriculture	
DISCRETIONARY USES (see Regulation 33 and 100) Bed and breakfast, accessory apartment, home occupation, recreational open space, kennel, livestock agriculture	
STANDARDS	Single Dwelling
Conventional Subdivision Design	
Minimum lot area	3000 m ²
Minimum lot width	40 m
Conservation Subdivision Design (see Condition 2)	
Minimum lot area	2000 m ²
Minimum lot width at building line	30 m
Minimum lot width at street line	8 m
All Areas	
Minimum floor area (excl. basement)	65 m ²
Minimum frontyard setback	6 m
Minimum sideyard setback	2.5 m
Minimum rearyard setback	6 m
Minimum distance between buildings	3 m
Maximum building height	12 m

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council provided Council is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, and the public interest.

2. Onsite Services

A proposed development in an area without municipal water and/or sewer will be approved only if it has on the same lot a private well and sewage treatment system that has received the necessary provincial approvals. The use of a private well or private sewage treatment system to service two or more dwellings located on separate lots will not be permitted.

3. Conservation Subdivisions

Conservation subdivision design differs from conventional subdivision design in that a substantial proportion of the buildable land area is designated as undivided, permanent open space. The central aim of this approach is to preserve natural lands by reducing the size of the development footprint. The most important step in designing a conservation subdivision is to identify the land that is to be preserved.

Council at its discretion may approve residential lots in accordance with Conservation Subdivision Design principles subject to the following conditions.

- (a) An appropriate area of land within the proposed subdivision area must be designated as permanent open space and approved by Council. This land must be located entirely within the Rural Residential zone and cannot include lands within a road reservation or where development otherwise would not be permitted for environmental protection reasons (e.g. wetlands, shoreline buffers, slopes steeper than 25%),
- (b) A site plan must be submitted to Council delineating the area of land to be designated as permanent open space and the layout of roads and individual lots,
- (c) The combined total area of land included in proposed lots and in dedicated open space must be equivalent to at least 4,000 m² per lot,
- (d) Each residential lot must receive necessary Provincial approvals for on-site water and sewer services,
- (e) Development in the designated open space area will be in accordance with the provisions of the Environmental Protection zone,
- (f) A homeowners association must be established to own, manage, and maintain the open space area,
- (g) A homeowners' association agreement must be prepared, which will be binding on all purchasers and subsequent owners of residential lots in the subdivision,
- (h) The homeowners association must enter into a legal agreement with the Town of Eastport to the effect that the commonly owned open space will not be developed except in accordance with the provisions of the Environmental Conservation zone, and

- (i) Legal and other costs incurred by the developer or homeowners association to prepare the legal agreement as per subsection (h) will be wholly the responsibility of the developer and/or the homeowners association.

4. Accessory Buildings on Residential Lots

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

- (1) The maximum combined lot coverage of accessory buildings on a lot will equal no more than 7 percent of the area of the lot.
- (2) The maximum floor area of an accessory building will be 145 m².
- (3) The maximum height of an accessory building will be 6.0 metres.
- (4) No part of an accessory building will be permitted in the frontyard of the main building (i.e. closer to the streetline) than the main building except as otherwise authorized by Council in accordance with Regulation 38 of Part II of these Regulations.
- (5) An accessory building will be no closer than 3.0 metres from another building and no closer than 2.0 metres from any property line.
- (6) No truck, bus, semi-trailer, freight container, or other vehicle body shall be used as an accessory building or structure.
- (7) No self-contained apartment or other type of dwelling unit will be permitted in an accessory building.

5. Accessory Apartments

An accessory apartment will be subject to the following:

- (a) It will be clearly secondary to a single dwelling,
- (b) One only accessory apartment will be permitted in a single dwelling, and
- (c) The accessory apartment will be completely self-contained, with facilities for cooking, sleeping and bathing.

6. Home Occupations

At Council's discretion, a home occupation may be permitted within a residential dwelling or an accessory building on the same lot subject to the following provisions:

- (a) The use will be clearly secondary to the residential use,
- (b) The use must be operated by an occupant of the dwelling,
- (c) The use will not employ more than three (3) people on the premises including normal occupants of the dwelling,
- (d) The use will occupy no more than twenty-five percent (25%) of the total floor area of the dwelling unit, including the basement,
- (e) The use will not generate sewage in excess of what can be accommodated by the existing sewage disposal system,
- (f) No hazardous materials will be used,
- (g) The activities will not cause noise, odours, fumes, electrical interference, or other unreasonable nuisances that significantly impact neighbouring properties,
- (h) Parking requirements are set out in "Schedule D". A minimum of one additional space will be required for a home occupation. The required parking for a dwelling unit must continue to be met.
- (i) One building only, separate from the dwelling unit, may be used in connection with the home occupation and it shall conform to the Accessory Building condition for this use zone,
- (j) No sign will be permitted other than a name plate not exceeding 0.2 m² in area which is attached to the principal building. Illumination of the sign is not permitted,
- (k) The use will not include automobile or heavy equipment repair, auto body repair, or automobile sales,
- (l) The use must meet such other conditions and standards as may be required by Council,
- (m) Permission to develop the home occupation will be in accordance with a development permit issued by Council, and
- (o) No change in the type, class, or extent of the home occupation will be permitted except in accordance with a development permit.

7. Bed and Breakfast

A bed and breakfast operation may be conducted in a single dwelling, subject to the following requirements:

- (a) It is clearly secondary to a residential use,
- (b) It is permitted only in a single dwelling,
- (c) It fully complies with relevant Provincial regulations and standards,
- (d) It meets such other conditions and standards as may be required by Council for a home occupation,
- (e) Permission to develop the bed and breakfast will be in accordance with a development permit issued by Council, and
- (f) No change in the type or scale of the bed and breakfast operation will be permitted except in accordance with a development permit.

8. Kennel

The establishment of a new kennel will be subject to:

- (a) A minimum lot size of 1 hectare, and
- (b) Terms and conditions as set by Council to minimize or mitigate potential noise or other impacts on neighbouring land uses. These terms and conditions will be limited to design and location provisions related to the building site and associated features.

ZONE TITLE:		MIXED USE		“MU”	
PERMITTED USES (See Regulation 99) Single dwelling, accessory apartment, conservation, antenna, crop agriculture					
DISCRETIONARY USES (see Regulation 33 and 100) Double dwelling, multiple dwelling up to 4 units, apartment building, nursing home, group home, hotel, motel, tourist cottage establishment, convenience store, shop, full service restaurant, take-out restaurant, shopping centre, theatre, cultural and civic, indoor market, office, daycare centre, medical and professional, personal service, general service, communications, veterinary, public building, office, place of worship, club and lodge, general assembly, indoor assembly, outdoor assembly, bed and breakfast, boarding house, drinking establishment, recreation facility, recreational open space, place of entertainment, light industrial, service station, general garage, funeral home, kennel, campground, cemetery, livestock agriculture					
STANDARDS	Single Dwelling	Double Dwelling (per unit)	3 & 4 Unit Dwelling (per unit)		
			End Unit	Interior Unit	
Areas with Municipal Water and/or Sewer Services					
Minimum lot area	470 m ²	390 m ²	270 m ²	185 m ²	
Minimum lot width	15 m	13 m	9 m	6 m	
Areas with On-Site Water and Sewer Services					
Minimum lot area	4000 m ²	n/a	n/a	n/a	
Minimum lot width	45 m	n/a	n/a	n/a	
All Areas					
Minimum floor area (excl. basement)	65 m ²	65 m ²	65 m ²	65 m ²	
Minimum frontyard setback	6 m	6 m	6 m	6 m	
Minimum sideyard setback	2.5 & 2 m	2.5 m	2.5 m	n/a	
Minimum rearward setback	6 m	6 m	6 m	6 m	
Minimum distance between buildings	3 m	3 m	3 m	3 m	
Maximum building height	12 m	12 m	12 m	12 m	

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council provided Council is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, and the public interest.

2. Services

In areas accessible to municipal piped services, new developments must be connected to these services.

3. Developments without Access to Municipal Services

A proposed development in an area without municipal water and/or sewer will be approved only if it has on the same lot a private well and sewage treatment system that has received the necessary provincial approvals. The use of a private well or private sewage treatment system to service two or more dwellings located on separate lots will not be permitted.

4. Street Access

Unless otherwise authorized by Council, the frontage of each lot shall be on a publicly owned and maintained street and access to the lot must be obtainable from this street.

5. Development Standards for Non-Residential Uses

A commercial or other non-residential development will be subject to the following criteria:

- (a) It must meet the minimum lot development standards established for a single dwelling or such higher standards as Council may require,
- (b) It must be located and designed to minimize the impact of traffic, noise, lighting, and signage on surrounding residential uses. Where necessary, Council may require screening through the provision of trees, shrubs, berms, landscaping, or fencing.
- (c) It must be designed and maintained to a high standard with regard to safety, appearance, and compatibility with surrounding land uses.
- (d) It must provide for adequate off-street parking in accordance with "Schedule D".
- (e) Permission to develop the non-residential use will be in accordance with a development permit issued by Council, and
- (f) No change in the type or scale of the use will be permitted except in accordance with a development permit.

6. Accessory Buildings

An accessory building will be permitted as an accessory use to a main use of land.

7. Accessory Buildings on Residential Lots

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

1. The maximum combined lot coverage of accessory buildings on a lot will equal no more than 7 percent of the area of the lot.
2. The maximum floor area of an accessory building will be in accordance with the following table.

Permitted Size of Accessory Buildings	
Lot Area	Maximum Floor Area
Up to 700 m ²	65 m ²
701 m ² to 1400 m ²	95 m ²
1401 m ² to 2100 m ²	120 m ²
Over 2100 m ²	145 m ²

- (3) The maximum height of an accessory building will be 6.0 metres.
- (4) No part of an accessory building will be permitted in the frontyard of the main building (i.e. closer to the streetline) than the main building except as otherwise authorized by Council in accordance with Regulation 38 of Part II of these Regulations.
- (5) An accessory building will be no closer than 3.0 metres from another building and no closer than 2.0 metre from any property line.
- (6) No truck, bus, semi-trailer, freight container, or other vehicle body shall be used as an accessory building or structure.
- (7) No self-contained apartment or other type of dwelling unit will be permitted in an accessory building.

8. Accessory Apartments

An accessory apartment will be subject to the following:

- (a) It will be clearly secondary to a single dwelling or a permitted commercial use,
- (b) One only accessory apartment will be permitted in a single dwelling or a single commercial building, and
- (c) The accessory apartment will be completely self-contained, with facilities for cooking, sleeping and bathing.

9. Home Occupations

At Council's discretion, a home occupation may be permitted within a residential dwelling or an accessory building on the same lot, subject to the following provisions:

- (a) The use will be clearly secondary to the residential use,
- (b) The use must be operated by an occupant of the dwelling,
- (c) The use will not employ more than three (3) people on the premises including normal occupants of the dwelling,
- (d) The use will occupy no more than twenty-five percent (25%) of the total floor area of the dwelling unit, including the basement,
- (e) The use will not generate sewage in excess of what can be accommodated by the existing sewage disposal system,
- (f) No hazardous materials will be used,
- (g) The activities will not cause noise, odors, fumes, electrical interference, or other unreasonable nuisances that significantly impact neighbouring properties,
- (h) Parking requirements are set out in "Schedule D"; however, a minimum of one additional space will be required for a home occupation. The required parking for a dwelling unit must continue to be met.
- (i) One building only, separate from the dwelling unit, may be used in connection with the home occupation and it shall conform to the Accessory Building condition for this use zone,
- (j) No sign will be permitted other than a name plate not exceeding 0.2 m² in area which is attached to the principal building. Illumination of the sign is not permitted,
- (k) The use will not include automobile or heavy equipment repair, auto body repair, or automobile sales,
- (l) The use must meet such other conditions and standards as may be required by Council,
- (m) Permission to develop the home occupation will be in accordance with a development permit issued by Council, and

- (o) No change in the type, class, or extent of the home occupation will be permitted except in accordance with a development permit.

10. Bed and Breakfast

A bed and breakfast operation may be conducted in a single dwelling, subject to the following requirements:

- (a) It is clearly secondary to a residential use,
- (b) It is permitted only in a single dwelling,
- (c) It fully complies with relevant Provincial regulations and standards,
- (d) It meets such other conditions and standards as may be required by Council for a home occupation,
- (e) Permission to develop the bed and breakfast will be in accordance with a development permit issued by Council, and
- (f) No change in the type or scale of the bed and breakfast operation will be permitted except in accordance with a development permit.

11. Kennel

The establishment of a new kennel will be subject to:

- (a) A minimum lot size of 1 hectare, and
- (b) Terms and conditions as set by Council to minimize or mitigate potential noise or other impacts on neighbouring land uses. These terms and conditions will be limited to design and location provisions related to the building site and associated features.

12. Advertisements Relating to Onsite Uses

The conditions for the erection or display of an advertisement on any lot or site occupied by a permitted use or a legal non-conforming use shall be as follows:

- (a) The size, shape, illumination, and material construction of the advertisement will meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks and the general amenities of the surrounding area.
- (b) No advertisement will exceed 5 square metres in area.