

TOWN OF NORRIS ARM DEVELOPMENT REGULATIONS

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

List of Development Regulation Amendments

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF NORRIS ARM
MUNICIPAL PLAN AND DEVELOPMENT REGULATIONS
2007-2017**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Norris Arm adopts the Town of Norris Arm Municipal Plan and Development Regulations 2007–2017.

Adopted by the Town Council of Norris Arm on the 10th day of Sept, 2007.

Signed and sealed this 24 day of Oct, 2007.

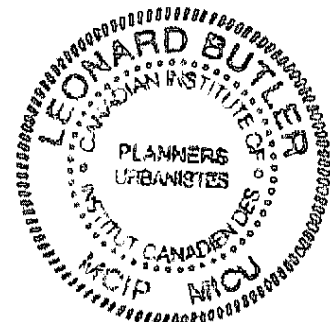
Mayor: Paul Boudreau (Council Seal)

Clerk: Beverly Heyton

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached copy of the Town of Norris Arm Municipal Plan and Development Regulations 2007–2017 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act*.

MCIP: Leonard Buttle (MCIP Seal)



**URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF NORRIS ARM
MUNICIPAL PLAN AND DEVELOPMENT REGULATIONS
2007-2017**

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Norris Arm.

- a) Adopted the Town of Norris Arm Municipal Plan and Development Regulations 2007-2017 on the 10 day of Sept 2007.
- b) Gave Notice of the adoption of the Town of Norris Arm Municipal Plan and Development Regulations 2007-2017 by advertisement inserted on the 19 day and the 26 day of September 2007 in the "PiLoT" newspaper.
- c) Set the 9 day of Oct at 7:30 p.m. at the Town Hall, Norris Arm, for the holding of a public hearing to consider objections and submissions.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Norris Arm approves the Town of Norris Arm Municipal Plan and Development Regulations 2007-2017, as adopted.



SIGNED AND SEALED this 24 day of Oct, 2007.

Mayor: Frank Badger (Council Seal)

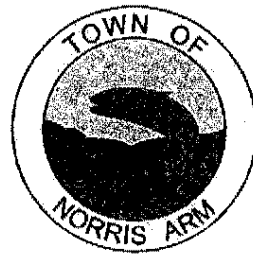
Clerk: Bonnie Peyton

Municipal Plan/Amendment REGISTERED
Number <u>3505-2008-001</u>
Date <u>Dec. 11 2008</u>
Signature <u>Colin Muir</u>

Development Regulations/Amendment REGISTERED
Number <u>3505-2008-001</u>
Date <u>Dec. 11 2008</u>
Signature <u>Colin Muir</u>

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**TOWN OF NORRIS ARM
DEVELOPMENT REGULATIONS
2007 – 2017**



PART 1 TO 5

**TOWN OF NORRIS ARM
DEVELOPMENT REGULATIONS
2007 - 2017**



Prepared By:

PLAN-TECH



ENVIRONMENT

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**TOWN OF NORRIS ARM
LAND USE, ZONING, SUBDIVISION AND
ADVERTISEMENT REGULATIONS
(DEVELOPMENT REGULATIONS)**

APPLICATION

1. Short Title

These Regulations may be cited as the Town of Norris Arm 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 Norris Arm 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 Norris Arm, shall, under these Regulations apply to the entire Planning Area. The Town of Norris Arm does not have a Building Inspector; therefore compliance with the above mentioned building codes is the responsibility of the Applicant.

5. Council

In these Regulations, "Council" means the Council of the Town of Norris Arm.

PART I - GENERAL REGULATIONS

6. Compliance with Regulations

No development shall be carried out within the Planning Area except in accordance with 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;
- (e) the standards of design and appearance established by the Council.

9. Permit Not to be Issued in Certain Cases

Neither a permit nor approval in principle shall be issued for development within the Planning Area when, in the opinion of the 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 the 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, the 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, availability of utilities, public safety and convenience, and any other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of these Regulations, the 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) A 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 the Council's regulations as discretionary, permitted or prohibited uses for that area

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

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

- (2) The Council shall not allow a variance from development standards set out in development regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10% variance even though the individual variances are separately no more than 10%.
- (3) The 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 (Refer to Minister's Development Regulations, Section 13, January 2, 2001)

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

13. Service Levy

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

14. Financial Guarantees by Developer

- (1) The 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 Regulation 14(1) may be made in the form of:
 - (a) a cash deposit from the developer, to be held by the 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 the Council, or;
 - (e) another form of financial guarantee that the Council may approve.

15. Dedication of Land for Public Use

In addition to the requirements for dedication of land under Regulation 78, the 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 the 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, the 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 the Council and shall put the site in a clean and sanitary condition to the satisfaction of the Council.

17. Form of Application

- (1) An application for a development permit or for approval in principle shall be made only by the owner or by a person authorized by the owner to the Council on such form as may be prescribed by the Council, and every application shall include such plans, specifications and drawings as the Council may require, and be accompanied by the permit fee required by the Council.

- (2) The Council shall supply to every applicant a copy of the application forms referred to in Regulation 17(1) and a description of the plans, specifications and drawings required to be provided with the application and any information or requirements applicable to the application.

18. Register of Application

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

19. Deferment of Application

- (1) The 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 the Council and on which a decision has not been communicated to the applicant within eight weeks of the receipt thereof by the Council, and on which consideration has not been deferred in accordance with Regulation 18(1), shall be deemed to be refused.

20. Approval in Principle

- (1) The 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 the 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 approval in principle.

21. Development Permit

- (1) A plan or drawing which has been approved by the 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) The Council may attach to a permit or to approval in principle such conditions as it deems fit in order to ensure that the proposed development will be in accordance with the purposes and intent of these Regulations.

- (3) Where the 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 the 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 the 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) The 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 the 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

The 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 the Council makes a decision that may be appealed under section 42 of the Act, the 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 Appeal Board at the Department of Municipal and Provincial Affairs, Main Floor, Confederation Building (West Block), P.O. Box 8700, St. John's, Nfld., A1B 4J6 is the secretary to all Appeal Boards in the province and an appeal filed with that secretary within the time period referred to in subsection 42(4) of the Act shall be considered to have been filed with the appropriate 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 the Council of the appeal and shall provide to the Council a copy of the appeal and the documentation related to the appeal.
- (3) Where the Council has been notified of an appeal that Council shall within one week of notification forward to the appropriate board a copy of the application being appealed, all correspondence, council minutes, plans and other relevant information relating to the appeal including the names and addresses of the applicant and other interested persons of whom the Council has knowledge.
- (4) Upon receipt of the information under subsection (3), the secretary of the board shall publish in a newspaper circulated in the area of the appropriate Council, a notice that the appeal has been registered.
- (5) A notice published under subsection (4) shall be published not fewer than 2 weeks before the date upon which the appeal is to be heard by the board.

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

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

27. Appeal Board

- (1) 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 the 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 the Council to carry out its decision or make the necessary order to have its decision implemented.
- (11) Notwithstanding subsection (10), where the 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 and 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 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 regulation 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 subsection 43(2) of the Act respecting a visit to and viewing of a property shall be considered to have been provided in the same manner as evidence directly provided at the hearing of the 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 regulation 24(2) shall be paid to him or her by the Council.

32. Right of Entry

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

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

The Council may, and when a variance is necessary under Regulation 11 and the Council wishes to consider whether to authorize such a variance, when a change in nonconforming use is to be considered under Regulation 49, or when the development proposed is listed as a discretionary use in Schedule C of the Regulations shall, at the expense of the applicant, give notice of an application for a permit or for approval in principle, by public advertisement in a newspaper circulating in the area or by any other means deemed necessary, and under Regulation 12 and the Council shall give written notice of the proposed variance from development standards to all persons whose land is in the immediate vicinity of the land that is the subject of the variance, and allow a minimum period of 7 days for response.

34. Record of Violations

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

35. Stop Work Order and Prosecution

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

- (2) A person who does not comply with an order made under Regulation 35(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)

The Council shall, where designating employees to whom a power is to be delegated under subsection 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 the Council so as to ensure the greatest possible convenience and safety of the street system and the Council may prescribe the construction of service streets to reduce the number of accesses to collector and arterial streets.
- (2) No vehicular access shall be closer than 12 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 buildings in character, use and size, and shall be contained on the same lot.
- (2)
 - (a) No accessory building shall be located closer to the street line than the main building.
 - (b) Notwithstanding Section 38 (2) (a), the Council may approve the location of an accessory building closer to the street line than is the main dwelling where the Council considers that the location of an accessory building as required under Section 38 (2)(a) would pose a severe inconvenience or hazard, and provided that the location of the accessory building would not pose a threat to road safety.
- (3) The sideyard requirements set out in the use zone tables in these Regulations shall apply to accessory buildings wherever they are located on the lot.

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 the Council and shall be maintained by the owner or occupier to the satisfaction of the Council.

40. Advertisements

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

41. Building Height

The 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 (1) above plus 6 metres.

42. Building Line and Setback

The 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. Family and Group Care Centres

Family group care centre use may be permitted in any dwelling or apartment that is adequate in size to accommodate the number of persons living in the group, inclusive of staff, provided that in the opinion of the 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. The Council may require special access and safety features to be provided for the occupants before occupancy is permitted.

44. 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, or chimneys, but any such waiver which results in an increase of more than 10% the permitted height of the structure shall only be authorized under the provisions of Regulation 11.

45. Livestock Structures and Uses

- (1) No structure designed to contain more than five animal units shall be erected or used unless it complies with the following requirements:
 - (a) The structure shall be at least 610 m from a residence, (except a farm residence or a residence which is a non-conforming use in any zone in which agriculture is a permitted use class in the Use Zone Tables in Schedule C of these Regulations), and, from an area designated for residential use in an approved Plan, and, from a Provincial or Federal Park.
 - (b) The structure shall be at least 60 m from the boundary of the property on which it is to be erected.
 - (c) The structure shall be at least 90 m from the centre line of a street.
 - (d) The erection of the structure shall be approved by the Department of Natural Resources and the Department of Environment and Conservation.

- (2) No development for residential use shall be permitted within 610 m of an existing structure designed to contain more than five animal units unless the development is first approved by the Department of Natural Resources.

46. Lot Area

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

47. Lot Frontage

Except where specifically provided for in the Use Zone Tables in Schedule C of these Regulations, no residential or commercial building shall be erected unless the lot on which it is situated fronts directly onto a public street or forms part of a Comprehensive Development Scheme.

48. Lot Area and Size Exceptions

Where, at the time of coming into effect of these Regulations, one or more lots already exist and are infill lots in any residential zone, with insufficient frontage or area to permit the owner or purchaser of such a lot or lots to comply with the provisions of these Regulations, then these Regulations shall not prevent the issuing of a permit by the Council for the erection of a dwelling thereon provided the lot can meet all other standards set out in these Regulations.

49. Non-Conforming Use

- (1) Notwithstanding the Municipal Plan, scheme or regulations made under this Urban and Rural Planning Act, 2000, the 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 12 months after that discontinuance.
- (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 the 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 the Council to a use that is, in the Council's opinion, more compatible with the plan and regulations applicable to it;
 - (e) may have the existing building extended by approval of the Council where, in the 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;

- (g) where a building, structure or development does not meet the development standards included in development regulations, the building, structure or development shall not be expanded if the expansion would increase the non-conformity and an expansion must comply with the development standards applicable to that building, structure or development.
 - (h) where the building or structure is primarily zoned and used for residential purposes, 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.
- (4) Where considering a non conforming building, structure or development and before making a decision to vary an existing use of that non-conforming building, structure or development, the 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. Offensive and Dangerous Uses

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

51. Offstreet Parking Requirements

- (1) For every building, structure or use to be erected, enlarged or established, there shall be provided and maintained a quantity of off-street parking spaces sufficient to ensure that the flow of traffic on adjacent streets is not impeded by the on-street parking of vehicles associated with that building, structure or use.

- (2) The number of parking spaces to be provided for any building, structure, use of occupancy shall conform to the standards set out in Schedule D of these Regulations.
- (3) Each parking space, except in the case of one or two-family dwellings, shall be made accessible by means of a hard surfaced right-of-way at least 3 m in width. Parking required in a Residential Zone shall be provided on the same lot as the dwelling or dwellings. Parking space for apartments shall be provided in the rear yard where possible. In a Non-Residential Zone, parking spaces shall be provided within the limits of the zone in which the use is situated and not more than 200 m distant from the use concerned.
- (4) The parking facilities required by this Regulation shall, except in the case of single or attached dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.
- (5) Where, in these Regulations, parking facilities for more than four vehicles are required or permitted:
 - (a) parking space shall mean an area of land, not less than 15 m² in size, capable of being used for the parking of a vehicle without the need to move other vehicles on adjacent areas;
 - (b) the parking area shall be constructed and maintained to the specifications of the 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) a structure, not more than 3 m in height and more than 5 m² in area may be erected in the parking area for the use of attendants in the area;
 - (e) 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;

- (h) where a parking area is in or abuts a residential zone, a natural or structural barrier at least 1 m in height shall be erected and maintained along all lot lines;
- (i) where, in the opinion of the Council, strict application of the above parking requirements is impractical or undesirable, the 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 the Council for the provision and upkeep of alternative parking facilities within the general vicinity of the development.

52. Off-Street Loading Requirements

- (1) For every building, structure or use to be erected, enlarged or established requiring the shipping, loading or unloading of animals, goods, wares or merchandise, there shall be provided and maintained for the premises loading facilities on land that is not part of a street comprised of one or more loading spaces, 15 m long, 4 m wide, and having a vertical clearance of at least 4 m with direct access to a street or with access by a driveway of a minimum width of 6 m to a street.
- (2) The number of loading spaces to be provided shall be determined by the 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.

53. 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 that may be hazardous to their use and are not operated for commercial purposes.

54. Screening and Landscaping

The 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 the Council, the landscaping or screening is desirable to preserve amenity, or protect the environment.

55. Services and Public Utilities

The 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 provided that the design and landscaping of any development of any land so used is, in the opinion of the Council, adequate to protect the character and appearance of the area.

56. 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 4 metres from the front lot line.
- (c) Accesses shall not be less than 7 metres 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 10 metres and the lot line between entrances shall be clearly indicated.
- (d) All surface run from the parking lot and around the pump island shall drain into an oil/water separator before being discharging into the natural storm drainage system.

57. Side Yards

A sideyard shall be kept clear of obstruction and shall be provided on the exposed sides of every building in order to provide access for the maintenance of that building. On a corner lot in any zone, no part of any building or accessory building shall be erected closer to the lot line of the flanking street than the front yard requirement of the zone.

58. Street Construction Standards

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

59. Subsidiary Apartments

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

60. 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.

61. Corner Lot Sight Triangle

On a corner lot, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height greater than .6 metres (2 ft.) above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of 6 metres (19.7 ft.) from their point of intersection.

PART III - ADVERTISEMENTS

62. Permit Required

Subject to the provisions of Regulation 67, no advertisement shall be erected or displayed in the Planning Area unless a permit for the advertisement is first obtained from the Council. Permit for erection or display of advertisement on Provincial Highways shall be obtained from the Government Service Centre.

63. Form of Application

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

64. Advertisements Prohibited in Street Reservation

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

65. Permit Valid for Limited Period

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

66. Removal of Advertisements

Notwithstanding the provisions of these Regulations, the 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.

67. Advertisements Exempt from Control

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

- (a) on a dwelling or within the courtyard 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 courtyard of a dwelling, one nameplate not exceeding 0.2 m² in area in connection with the practice of a professional person carried on in the premises;
- (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;
- (h) on any parking lot directional signs and one sign not exceeding 1 m² in size, identifying the parking lot.

68. 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.

69. Non-Conforming Uses

Notwithstanding the provisions of Regulation 62, a permit may be used for the erection or display of advertisements on a building or within the courtyard of a building or on a parcel of land, the use of which is a non conforming use, provided that the advertisement does not exceed the size and type of advertisement which could be permitted if the development was in a Use Zone appropriate to its use, and subject to any other conditions deemed appropriate by the Council.

PART IV - SUBDIVISION OF LAND

70. Permit Required

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

71. Services to be Provided

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

72. Payment of Service Levies and Other Charges

No permit shall be issued for the development of a subdivision until agreement has been reached for the payment of all fees levied by the 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 Regulations 13 and 14.

73. Issue of Permit Subject to Considerations

A permit shall not be issued when, in the opinion of the 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, the 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) such other matters as may affect the proposed development.

74. Building Permits Required

Notwithstanding the approval of a subdivision by the 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.

75. Form of Application

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

76. Subdivision Subject to Zoning

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

77. Building Lines

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

78. Land for Public Open Space

- (1) Before a development commences, the developer shall, if required, dedicate to the Council, at no cost to the Council, an area of land equivalent to not more than 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, the Council shall determine the percentage of land to be dedicated;
 - (b) if, in the opinion of the Council, no public open space is required, the land may be used for such other public use as the 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 the Council but in any case, the Council shall not accept land which, in its opinion is incapable of development for any purpose;
 - (d) the 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;
 - (e) money received by the Council in accordance with Regulation 78(1)(d) above, shall be reserved by the 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 the Council and may be sold or leased by the 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) The 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 the Council, constitute the requirement of land for public use under Regulation 78(1).

79. Structure in Street Reservation

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

80. Subdivision Design Standards

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

- (a) The finished grade of streets shall not exceed 10 percent.
- (b) Every cul-de-sac shall be provided with a turning circle of a diameter of not less than 30m.
- (c) The maximum length of any cul-de-sac shall be:
 - (i) 200m in areas served by or planned to be served by municipal piped water and sewer services, as shown in the map and letter of agreement signed by the Municipality and the Minister of Municipal and Provincial Affairs in connection with municipal five-year capital works program eligibility.
 - (ii) 300m in areas not served by or planned to be served by municipal piped water and sewer services.
- (d) Emergency vehicle access to a cul-de-sac shall be not less than 3 m wide and shall connect the head of the cul-de-sac with an adjacent street.
- (e) No cul-de-sac shall be located so as to appear to terminate a collector street.
- (f) New subdivisions shall have street connections with an existing street or streets.
- (g) All street intersections shall be constructed within 5° of a right angle and this alignment shall be maintained for 30 m from the intersection.
- (h) No street intersection shall be closer than 60 m to any other street intersection.
- (i) No more than four streets shall join at any street intersection.
- (j) No residential street block shall be longer than 490 m between street intersections.
- (k) Streets in residential subdivisions shall be designed in accordance with the approved standards of the Council, but in the absence of such standards, shall conform to the following minimum standards:

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

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

81. Engineer to Design Works and Certify Construction Layout

- (1) Plans and specifications for all water mains, hydrants, sanitary sewers, storm sewers and all appurtenances thereto and all streets, paving, curbs, gutters and catch basins and all other utilities deemed necessary by the Council to service the area proposed to be developed or subdivided shall be designed and prepared by or approved by the Engineer. Such designs and specifications shall, upon approval by the Council, be incorporated in the plan of subdivision.

- (2) Upon approval by the Council of the proposed subdivision, the Engineer shall certify all work of construction layout preliminary to the construction of the works and thereupon the developer shall proceed to the construction and installation, at his own cost and in accordance with the approved designs and specifications and the construction layout certified by the Engineer, of all such water mains, hydrants, sanitary sewers and all appurtenances and of all such streets and other works deemed necessary by the Council to service the said area.

82. Developer to Pay Engineer's Fees and Charges

The developer shall pay to the 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.

83. Street Works May Be Deferred

The construction and installation of all curbs and gutters, catch basins, sidewalks and paving specified by the Council as being necessary, may, at the Council's discretion, be deferred until a later stage of the work on the development of the subdivision but the developer shall deposit with the 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, the 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 the Council the amount of the excess. If the contract price is less than the deposit, the Council shall refund the amount by which the deposit exceeds the contract price. Any amount so deposited with the 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.

84. Transfer of Streets and Utilities to Council

- (1) The developer shall, following the approval of the subdivision of land and upon request of the Council, transfer to the Council, at no cost to the 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 the Council for public uses as streets, or other rights-of-way, or for other public use;
 - (b) all services or public works including streets, water supply and distribution and sanitary and storm drainage systems installed in the subdivision that are normally owned and operated by the Council.
- (2) Before the 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) The 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 the Council.

85. Restriction on Sale of Lots

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

86. Grouping of Buildings and Landscaping

- (1) Each plan of subdivision shall make provision for the grouping of building types and for landscaping in order to enhance the visual aspects of the completed development and to make the most use of existing topography and vegetation.

- (2) Building groupings, once approved by the Council, shall not be changed without written application to and subsequent approval of the Council.

PART V - USE ZONES

87. Use Zones

- (1) For the purpose of these Regulations, the Planning Area is divided into Use Zones which are shown on the Zoning Map attached to and forming part of these Regulations.
- (2) Subject to Regulation 87(3), the permitted use classes, discretionary use classes, standards, requirements and conditions applicable to each Use Zone are set out in the Use Zone Tables in Schedule C of these Regulations.
- (3) Where standards, requirements and conditions applicable in a Use Zone are not set out in the Use Zone Tables in Schedule C, the Council may in its discretion, determine the standards, requirements and conditions which shall apply.

88. Use Classes

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

89. Permitted Uses

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

90. Discretionary Uses

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone Table in Schedule C may be permitted in that Use Zone if the 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 the Council has given notice of the application in accordance with Regulation 332 and has considered any objections or representations which may have been received on the matter.

91. 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.

NEWFOUNDLAND REGULATION 3/01
Development Regulations under the Urban and Rural Planning Act, 2000.

(Filed January 2, 2001)

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

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

Joan Marie Aylward
Minister of Municipal and Provincial Affairs

REGULATIONS

Analysis

1. Short title
2. Definitions
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1. Short title

These regulations may be cited as the Development Regulations.

2. Definitions

In these regulations,

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

3. Application

- (1) These regulations shall be included in the development regulations of an authority and shall apply to all planning areas.
- (2) Where there is a conflict between these regulations and development regulations or other regulations of an authority, these regulations shall apply.
- (3) Where another Act of the province provides a right of appeal to the board, these regulations shall apply to that appeal.

4. Interpretation

- (1) In development regulations and other regulations made with respect to a planning area the following terms shall have the meanings indicated in this section
 - (a) "access" means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street;
 - (b) "accessory building" includes
 - (i) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,

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

- (k) "lot area" means the total horizontal area within the lines of the lot;
- (l) "lot coverage" means the combined area of all building on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot;
- (m) "non-conforming use" means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone;
- (n) "owner" means a person or an organization of persons owning or having the legal right to use the land under consideration;
- (o) "permitted use" means a use that is listed within the permitted use classes set out in the use zone tables of an authority's development regulations;
- (p) "prohibited use" means a use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that an authority specifies as not permitted within a use zone;
- (q) "sign" means a word, letter, model, placard, board, device or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement or direction and excludes those things employed wholly as a memorial, advertisements of local government, utilities and boarding or similar structures used for the display of advertisements;
- (r) "rear yard depth" means the distance between the rear lot line and the rear wall of the main building on a lot;
- (s) "side yard depth" means the distance between the side lot line and the nearest side wall of a building on the lot;
- (t) "street" means a street, road, highway or other way designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles;
- (u) "street line" means the edge of a street reservation as defined by the authority having jurisdiction;
- (v) "use" means a building or activity situated on a lot or a development permitted on a lot;
- (w) "use zone" or "zone" means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply;
- (x) "variance" means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the authority's regulations; and

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

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

5. Notice of right to appeal

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

- (y) 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.

6. Appeal requirements

- (1) The secretary of the board at the Department of Municipal and Provincial Affairs, Main Floor, Confederation Building (West Block), P.O. Box 8700, St. John's, Nfld., A1B 4J6 is the secretary to all boards in the province and an appeal filed with that secretary within the time period referred to in subsection 42(4) of the Act shall be considered to have been filed with the appropriate board.
- (2) Notwithstanding subsection (1), where the City of Corner Brook, City of Mount Pearl or City of St. John's appoints an appeal board under subsection 40(2) of the Act, an appeal shall be filed with the secretary of that appointed board.
- (3) The fee required under section 44 of the Act shall be paid to the board that hears the decision being appealed by filing it with the secretary referred to in subsection (1) or (2) within the 14 days referred to in subsection 42(4) of the Act.
- (4) The board that hears the decision being appealed shall, subject to subsection 44(3) of the Act, retain the fee paid to the board.
- (5) Where an appeal of a decision and the required fee is not received by a board in accordance with this section and Part VI of the Act, the right to appeal that decision shall be considered to have been forfeited.

7. Appeal registration

- (1) Upon receipt of an appeal and fee as required under the Act and these regulations, the secretary of the board as referred to in subsections 6(1) and (2), shall immediately register the appeal.
- (2) Where an appeal has been registered the secretary of the board shall notify the appropriate authority of the appeal and shall provide to the authority a copy of the appeal and the documentation related to the appeal.
- (3) Where an authority has been notified of an appeal that authority shall forward to the appropriate board a copy of the application being appealed, all correspondence, council minutes, plans and other relevant information relating to the appeal including the names and addresses of the applicant and other interested persons of whom the authority has knowledge.
- (4) Upon receipt of the information under subsection (3), the secretary of the board shall publish in a newspaper circulated in the area of the appropriate authority, a notice that the appeal has been registered.
- (5) A notice published under subsection (4) shall be published not fewer than 2 weeks before the date upon which the appeal is to be heard by the board.

8. Development prohibited

- (1) Immediately upon notice of the registration of an appeal the appropriate authority shall ensure that any development upon the property that is the subject of the appeal ceases.
- (2) Sections 102 and 104 of the Act apply to an authority acting under subsection (1).
- (3) Upon receipt of a notification of the registration of an appeal with respect to an order under section 102 of the Act, an authority shall not carry out work related to the matter being appealed.

9. Hearing notice and meetings

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

10. Hearing of evidence

- (1) A board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under subsection 9(1) or their representative may appear before the board and make representations with respect to the matter being appealed.
- (2) A board shall hear an appeal in accordance with section 43 of the Act and these regulations.
- (3) A written report submitted under subsection 43(2) of the Act respecting a visit to and viewing of a property shall be considered to have been provided in the same manner as evidence directly provided at the hearing of the board.
- (4) In the conduct of an appeal hearing, the board is not bound by the rules of evidence.

11. Board decision

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

12. Variances

- (1) Where an approval or permit cannot be given by an authority because a proposed development does not comply with development standards set out in development regulations, an authority may, in its discretion, vary the applicable development standards to a maximum of 10% if, in the authority's opinion, compliance with the development standards would prejudice the proper development of the land, building or structure in question or would be contrary to public interest.
- (2) An authority shall not allow a variance from development standards set out in development regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10% variance even though the individual variances are separately no more than 10%.
- (3) An authority shall not permit a variance from development standards where the proposed development would increase the non conformity of an existing development.

13. Notice of variance

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

14. Residential non conformity

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

15. Notice and hearings on change of use

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

16. Non-conformance with standards

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

17. Discontinuance of non-conforming use

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

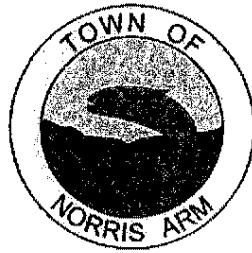
18. Delegation of powers

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

19. Commencement

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

**TOWN OF NORRIS ARM
DEVELOPMENT REGULATIONS
2007 - 2017**



SCHEDULE A

DEFINITIONS

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

ACCESSORY BUILDING includes:

- (a) a detached subordinate building not used as a dwelling, located on the same lot as the main building or use to which it is accessory, and which has a use which is customarily incidental or complimentary to the main use of the building or land:
- (b) for residential uses: domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetable storage cellars, shelters for domestic pets, or radio and television antennae,
- (c) for commercial uses: workshops, garages, and
- (d) for industrial uses: garages, offices, raised ramps and docks.

ACCESSORY DWELLING UNIT means a separate dwelling unit constructed within and subsidiary to the main use. The main use shall not be a single dwelling, double dwelling, row dwelling, and apartment building.

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

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

AGRICULTURE means horticulture, fruit growing, grain growing, crop growing, seed growing, dairy farming, bee keeping, the breeding or keeping of animals for food, skins, or fur, the use of land, meadow land, market gardens and nursery grounds and the use of land for woodlands where that use is ancillary to the farming of the land. Agriculture includes primary processing of onsite products.

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 one of the following animals or groups:

1 Dairy Cow (or calve)	2 Sows
1 Beef Cow (or calve)	1 Hog (operation based on 15-90 kg.)
1 Bull	1 Boars
1 Horse (or foal)	30 Broiler Chickens (less than 1.5 kg)
4 Ewe sheep or lambs	20 Layer Hens (less than 2.3 kg)
10 Foxes (inc. breed females, male & litter)	10 Turkeys
10 Mink (inc. breed females, males & litter)	20 Rabbits (doe includes litter)
1 Sow (farrow to finish)	or as defined by the Council

APARTMENT BUILDING means a building containing three or more dwelling units, but does not include a row dwelling or a single dwelling with a subsidiary apartment.

APPLICANT means a person who has applied to the authority for an approval to carry out a development.

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

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

APPROVAL IN PRINCIPLE means that Council when considering a development application shall evaluate the application to the development requirements within the Town. If the proposed development meets the development requirements of the Town an approval in principle may be given to the application. Final approval and issuance of a permit to commence development are subject to the agreement by the applicant to meet specified conditions as outlined by Council.

AUTHORITY means a council, authorized administrator or regional authority.

BACKLOT means a lot characterized by the location of the residential lot generally at the rear of another residential lot, or otherwise separated from the public street which provides access, and by a narrower area extending from the rear residential lot to the public street.

BED AND BREAKFAST means a detached dwelling occupied by the property owner or the bed and breakfast host as a primary residence in which overnight accommodation and a breakfast meal are offered to registered guests for a fee.

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.

BUFFER means a berm, row of trees or shrubs, hedge, fence, or distance separation that provides a barrier between incompatible sites, uses or districts.

BUILDING means:

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

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

- a) highest point of the roof surface of a flat roof;
- b) deck line of a mansard roof; and
- c) mean height level between the eave and ridge of a gable, hip or gambrel roof.

and in any case, a Building Height shall not include mechanical structures, smokestacks, steeples, and purely ornamental structures above a roof.

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

CHILD CARE FACILITY means a building or part of a building in which services and care are regularly provided to children or adults, but does not include a school as defined by the Schools Act.

CORNER LOT SIGHT TRIANGLE means a corner lot, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height greater than .9 metres (3 ft.) above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of 6 metres (19.7 ft.) from their point of intersection.

COUNCIL means the Municipal Council of the Town of Norris Arm.

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

- (a) making of an access onto a highway, road or way,
- (b) erection of an advertisement or sign,
- (c) construction of a building,
- (d) the parking of a trailer, or vehicle used for the sale of refreshments or merchandise, or as an office, or for living accommodation, and excludes,
- (e) the carrying out of works for the maintenance, improvement or other alteration of a building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building,
- (f) the carrying out by a highway authority of works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation,

- (g) the carrying out by a local authority or statutory undertaker of works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of streets or other land for that purpose,
- (h) the use of a building or land within the courtyard of a dwelling house for a purpose incidental to the enjoyment of a dwelling house as a dwelling.

DEVELOPMENT AGREEMENT means a written agreement between the municipality and a developer which establishes particular circumstances and conditions under which a development may be carried out.

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

DIRECTOR means the Director of Urban and Rural Planning.

DOUBLE DWELLING means one building containing two dwelling units, placed one above the other, side by side, or joined by a carport with separate lot areas dedicated to each unit, but does not include a single dwelling containing a subsidiary apartment.

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

ENGINEER means an engineer who is a member of the Association of Professional Engineers and Geoscientists of Newfoundland, employed or retained by the Council.

ESTABLISHED BUILDING LINE means the average distance from the street line of existing buildings in any block where more than half the frontage has been built upon in the past.

ESTABLISHED GRADE means

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

FAMILY CHILD CARE USE means a building or part of a building in which services and activities are regularly provided for up to six (6) children as defined in the Child Care Services Act, but do not include a school as defined by the Schools Act.

- FLOODWAY** means the inner portion of a flood risk area where the risk of flood is greatest, on average once in twenty years and where the flood depths and water velocities are greatest.
- FLOODWAY FRINGE** means the outer portion of a flood risk area, between the floodway and the outer boundary of the flood risk area, where the risk of flooding is lower, on average once in one hundred years, and flood waters are shallower and slower.
- FLOOD PROOFING** means structural and/or non-structural measures incorporated in the design of a building or structure which reduce or eliminate the risk of flood damage by ensuring that the ground floor elevation is higher than the projected flood level and that the building can be exited without hindrance in the event of a flood.
- FLOOR AREA** means the total area of all floors of a building measured to the outside face of exterior walls.
- FORESTRY** means the use of land for the purpose of forest and woodland management including the felling, cutting, trimming and thinning of forest or woodland for the extraction of timber, and includes reforestation, afforestation and silviculture.
- FRONTAGE** means the horizontal distance between side lot lines measured at the building line.
- FRONT YARD DEPTH** means the distance between the front lot line of a lot and the front wall of the main building on the lot.
- GENERAL GARAGE** means land or buildings used for the repair, maintenance and storage of motor vehicles and may include the sale of petroleum products.
- GENERAL INDUSTRY** means the use of land or buildings for the purpose of storing, assembling, altering, repairing, manufacturing, fabricating, preparing, processing, testing, salvaging, breaking up, demolishing, or treating any article, commodity or substance, and "Industry" shall be construed accordingly.
- GROUP CHILD CARE USE** means a building or part of a building in which services and activities are regularly provided for seven (7) or more children as defined in the Child Care Services Act, but do not include a school as defined by the Schools Act. .
- GROUP HOME** means a dwelling unit accommodating not more than 6 persons, exclusive of staff, in a home-like setting where staff provide care and supervision. This definition includes, but is not limited to, the facilities called "Transition House" and "Foster Home".

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

HOME OCCUPATION means a secondary use of a dwelling unit or its accessory building by at least one of the residents of such dwelling unit to conduct a gainful occupation or business activity, and subsidiary to a residential use. Also referred to as a "Home based Business", and classified as an "Office" use.

HOME OFFICE means a secondary use of a dwelling unit by at least one of the residents of such dwelling unit to conduct a gainful occupation or business activity with such occupation or business activity being restricted to office uses which do not involve visitation by clients, customers, or the general public to the site, nor the employment of non-residents, and subsidiary to a residential use. Also referred to as a "Home Based Business", and classified as an "Office" use.

HOSPITALITY HOME means a dwelling unit in which at least 1 room is regularly rented, and includes the uses commonly referred to as "Bed and Breakfast", and "Boarding House".

INSPECTOR means a person appointed as an inspector by the Council.

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

LANDSCAPING means the development of land by altering the topography and ground cover and may include the use of turf, plants, shrubs, trees, retaining walls and fences.

LIGHT INDUSTRY means the use of land or buildings for 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 OPERATION means a livestock operation of agricultural animals confined in one location which consists of 5 or more animal units at a given point in time.

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

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

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

- LOT COVERAGE** means the combined area of all buildings on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot.
- MINERAL WORKING** means land or buildings used for the working, stockpiling or extraction of rock, mineral, peat or aggregate material, and will include a "quarry".
- MINI HOME** means a factory produced single dwelling complying with the National Building Code and having the appearance of a mobile home.
- MINISTER** shall mean the Minister of Municipal Affairs, unless otherwise specified.
- MOBILE HOME** means a transportable factory-built single family dwelling unit, which complies with space standards substantially equal to those laid down in Part IX of the National Building Code of Canada and is in accordance with the construction standards laid down by the Canadian Standards Association and all other applicable provincial and municipal regulations, and
- which is designed to be transported on its own wheels and chassis to a lot, and subsequently supported on its own wheels, jacks, or posts or a permanent foundation;
- and connected to exterior public utilities approved by the Authority, namely, piped water, piped sewer, electricity and telephone, in order for such mobile home unit to be suitable for year round term occupancy.
- MUNICIPAL PLAN** means a plan adopted by the Council as a Municipal Plan pursuant to the Urban and Rural Planning Act, 2000.
- NON-CONFORMING USE"** means a legally existing use that is not listed as a permitted use or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone.
- OWNER** means a person or an organization or persons owning or having legal right to use the land under consideration.
- PERMITTED USE** means a use that is listed within the permitted use classes set out in the use zone tables of these Development Regulations.
- PLANNING AREA** means a regional planning area and a municipal planning area established under section 6 and 11 of the Act. For the purpose and context of these regulations, the Planning Area shall mean the area within the municipal boundaries of the Town of Paradise.

PROHIBITED USE means a use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that Council specifies as not permitted within a use zone.

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

RESTAURANT means a building or part of a building, licensed for the purpose of serving meals and includes a "Snack Bar".

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

SERVICE STATION means a building, including gas pumps, used for the sale of petroleum products, and may include general merchandise, minor automotive repairs, and washing of vehicles.

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

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

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

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

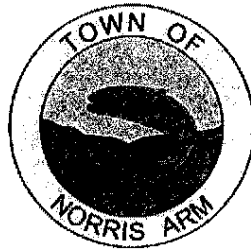
SIDEYARD WIDTH means the distance between a side lot line and the nearest side wall of a building on the lot.

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

SINGLE DWELLING means one building containing a single dwelling unit for the use of one family, placed on its own lot, and can include a subsidiary apartment.

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- STREET** means a street, road, highway or other way designed for the passage of vehicles and pedestrians, and which is accessible by fire department and other emergency vehicles.
- STREET LINE** means the edge of the right of way of a street reservation as defined by the authority having jurisdiction.
- SUBDIVISION** means the dividing of land, whether in single or joint ownership, into 2 or more pieces (including lots), for the purpose of development.
- SUBSIDIARY APARTMENT** means a separate dwelling unit constructed within and subsidiary to a single dwelling.
- TAKE-OUT FOOD** means a building in which the primary purpose is the preparation and sale of meals and refreshments for consumption off the premises.
- USE** means a building or activity situated on a lot or a development permitted on a lot.
- USE ZONE or ZONE** means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply.
- VARIANCE** means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage, or any other numeric requirement of the applicable use zone table of the Council's regulations.
- ZONING MAP** means the map or maps attached to and forming part of the Council's regulations.

**TOWN OF NORRIS ARM
DEVELOPMENT REGULATIONS
2007 – 2017**



SCHEDULE B

CLASSIFICATION OF USES OF LAND AND BUILDINGS

ASSEMBLY USES	
USE CLASS	EXAMPLES
(a) Theatre	Movie Theatre T.V. and Radio Studio admitting an audience Arts & Culture Centre Theatre (Live)
(b) Cultural and Civic	Library Museum Art Gallery Tourist Chalet Court Room Municipal Office Convention Centre Interpretation Centre
(c) Educational	University School College Private School
(d) General Assembly	Community Halls Lodge Halls Dance Halls Gymnasium Auditorium Bowling Alleys
(e) Place of Worship	Church and similar place of worship Church Hall
(f) Passenger Assembly	Passenger Terminal Bus Terminal
(g) Clubs and Lodges	Service Club Private Club Lodge (non-residential)
(h) Catering	Restaurant/Smack bar Take Out (no seating) Lounges (includes night clubs and bars)
(i) Funeral Home	Funeral Home Crematorium
(j) Child Care	Family child care or Day Nursery Group child care or Day care centre Preschool
(k) Amusement	Electronic Games Arcade Poolroom Youth Centre Bingo Hall Paintball Establishment

ASSEMBLY USES (cont')	
(l) Indoor Assembly	Arena Sports Stadium Rink Swimming Pool Dance Studio (Aerobics) Shooting Range Auditorium Gymnasium
(m) Outdoor Assembly	Sports Field Bleachers Grandstand Rink Swimming Pool Amusement Park Fairground Exhibition Ground Drive-in Theatre R.V. Camping Parks

INSTITUTIONAL USES	
USE CLASS	EXAMPLES
(a) Penal and Correctional Detention	Jail Penitentiary Police Station (with detention quarters) Prison Psychiatric Hospital (with Detention quarters) Reformatory
(b) Medical Treatment and Special Care	Children's Homes Convalescent and Care Homes Personal care Home Hospitals Infirmaries Orphanages Psychiatric Hospitals Sanatorium

RESIDENTIAL USES	
USE CLASS	EXAMPLES
(a) Single Dwelling	Single Detached Dwelling
(b) Double Dwelling	Semi-detached Dwelling Duplex Dwelling

RESIDENTIAL USES (cont')	
USE CLASS	EXAMPLES
(b) Double Dwelling	Family and Group Homes
(c) Row Dwelling	Row House Town House
(d) Apartment Building	Apartments
(e) Collective Residential	Residential Colleges and Schools University and College Halls of Residence Convents and Monasteries Nurses and Hospital Residences
(f) Boarding House Residential	Boarding House Lodging House Bed & Breakfast Home Hospitality Home Tourist Home
(i) Seasonal Residential	Summer Home & Cottage Recreational Cabin Hunting and Fishing Cabins
(j) Commercial Residential	Hotels and Motels Hostels Residential Clubs
(k) Mobile Homes	Mobile Home Mini Home

BUSINESS AND PERSONAL SERVICES USES	
USE CLASS	EXAMPLES
(a) Office	Office Building Office Bank Financial Service
(b) Medical & Professional	Professional Office Medical Office Dental/Denturist Legal Office Optometrist Veterinary Clinic Travel Agency
(c) Personal Service	Barber Hairdresser Beauty Salon Manicurist Health Spa Fitness Gym Tailor Arts & Crafts Instruction

BUSINESS AND PERSONAL SERVICES USES (cont')	
USE CLASS	EXAMPLES
(d) General Service	Laundry Dry Cleaner Small Tool and Appliance Rentals/Repair Upholstery
(e) Communications	TV Station Radio Station Telephone Exchange Telecommunication Facility
(f) Police Station	Police Stations Without Detention quarters
(g) Taxi Stand	Taxi Stands with Waiting Areas
(h) Take Out Food Service	Take Out Food Service
(i) Veterinary	Veterinary Surgeries

COMMERCIAL USES	
USE CLASS	EXAMPLES
(a) Shopping Centre	Shopping Mall Strip Mall (5 Units or more) Mini Mall (5 Units or less)
(b) Shop	Outlet for retailing of a general range of Merchandise Retail Store Showroom Department Store Video Store Pharmacy Crafts Store Gift Store Confectionary Store Building Supply Store
(c) Service Station	Gasoline Service Stations (not including general repair garages) Gas Bars
(d) Indoor Market	Market Hall Auction Hall Flea Market
(e) Outdoor Market	Market Ground Animal Market Flea Market Vehicle Sales Lot & Automotive Sales Lots
(f) Convenience Store	Confectionary Stores Corner Stores Specialty Stores

INDUSTRIAL USES	
USE CLASS	EXAMPLES
(a) Hazardous Industry	Bulk Storage of hazardous liquids and substances. Chemical Plant Distillery Feed Mill Lacquer, Paint, Varnish, and Rubber Factory Fibreglass Fabrication Foundry Pulp & Paper Mill Auto Body Shop Recycling Plant
(b) General Industry (Uses involving limited hazardous substances and processes)	Factory Fish Processing Plant Marine Service Centre Cold Storage Plant Freight Depot General Garage Warehouse Welding Shop
(c) Light, Non-hazardous or non-intrusive industrial uses.	Light Industry Parking Garages Indoor Storage Warehouses Workshops

NON-BUILDING USES	
USE CLASS	EXAMPLES
(a) Agriculture	Piggery Dairy Farm Fur Farm Bees Green House Poultry Farm Apiary Crop Farm Hobby Farm Orchards Fruit Farm Hydroponics Market Garden & Nursery Primary Processing Facility
(b) Forestry	Tree Farming Tree Harvesting Tree Nursery Silviculture

NON-BUILDING USES	
USE CLASS	EXAMPLES
(c) Mineral Working	Quarry and Stockpiling Pit and Stockpiling Topsoil Extraction and Composting Mine Oil Well Mineral Exploration Peat Extraction
(d) Recreational Open Space	Playing Field Sports Grounds Day Park Playground Recreational Trailer Park/ Camping Park Golf Course/Mini Golf Paint Ball Range/Shooting Range Amusement Park/ Theme Park Waterslide Go-Cart Track Bumper Boats Day park Playground Walkways and Trails Recreational Area (No Building) Play Area (No Building)
(e) Conservation	Nature Park/Sanctuary Watershed Steep Slope Buffer Strip Architectural, Historical and Scenic Site Walking and Hiking Trails
(f) Cemetery	Crematorium Cemetery Graveyard
(g) Scrap Yard	Car Wrecking Yard Junk Yard Scrap Yard Automotive Recycle
(h) Solid Waste	Solid Waste Transfer Station Solid Waste Recycling Center Sewage Treatment Plant
(i) Animal	Animal Pound Commercial Kennel Riding/ Boarding Stable Veterinary Hospital
(j) Antenna	TV, Radio & Communications Transmitting, Receiving Masts, Dishes & Antennae

NON-BUILDING USES	
USE CLASS	EXAMPLES
(k) Transportation	Car Park Airfield Helipad Wharf Dock and Harbour Slipway Breakwater

TOWN OF NORRIS ARM

SCHEDULE "C"

USE ZONE TABLES

NOTE

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

The schedule contains tables for the following Use Zones:

Land Use Zone	Abbreviation	Page
Residential	RES	1
Residential Rural	RR	8
Residential Subdivision Area	RSA	14
Mixed Development	MD	16
Commercial Local	CL	22
Commercial Highway	CH	25
Public Use	PU	27
Recreation	REC	30
Industrial	IND	31
Light Industrial	LI	35
Open Space/Conservation	CON	38
Cemetery	CEM	39
Protected Municipal Watershed	W	40
Newfoundland Power Watershed	NP	42
Rural	RUR	44

USE ZONE TABLE

ZONE TITLE				
RESIDENTIAL (RES)				
PERMITTED USES CLASSES – see Regulation 90.				
Single dwelling and recreational open space.				
DISCRETIONARY USES CLASSES – see Regulation 34 and 91.				
Double dwelling, row dwelling, apartment building, boarding house residential (bed and breakfast only), convenience store, child care (family use only), medical and professional, personal service, office, medical treatment and special care (home for the aged only).				
STANDARDS	Single Dwelling	Double Dwelling	Row Dwelling	Single Dwelling (Unserviced)
Minimum Lot Area (m2)	450	390 per d u	270 per d u	1,860
Minimum Corner Lot Area (m2)	630			
Minimum Frontage (m)	15	26	6 per d u	30
Minimum Building Line Set Back (m)	6	6	8	8
Maximum Building Line Set Back (m)	15	15	15	30
Minimum Side Yard (m)	1.5	1.5	3	3
Minimum Flanking Road Side Yard (m)	6	6	8	8
Minimum Rear Yard (m)	9.0	9.0	9.0	14
Maximum Lot Coverage (%)	33	33	33	33
Maximum Height (m)	8	8	8	8
Minimum Floor Area (m2)	80	80	65	80
STANDARDS	Apartment Buildings (including condominiums) (Only in serviced areas)			
	1 Bedroom	2 Bedroom	3 Bedroom	4+ Bedroom
Minimum Lot Area Per Unit (m2)	120	150	170	190
Minimum Floor Area Per Unit (m2)	40	50	60	70
Minimum Frontage (m)	25	25	25	25
Minimum Building Line Set Back (m)	8	8	8	8
Minimum Side Yard (m)	5.0 (Flanking Road – 8) for all apartment buildings			
Minimum Rear Yard (m)	14	14	14	14
Maximum Lot Coverage	33	33	33	33
Maximum Height (m)	10	10	10	10

CONDITIONS**1. Discretionary Uses Classes**

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

2. Discretionary Uses – Site Standards

Unless otherwise specified in the Use Zone Table or in these conditions, discretionary use classes involving buildings shall conform to the frontage, building line setback, sideyard, rearyard, lot coverage and height requirements for a single dwelling.

3. Convenience Stores

Convenience stores will only be permitted as a discretionary use under the following conditions:

- i) Convenience Store may for part of the residential dwelling or be a stand alone building.
- ii) The retail use shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties.
- iii) Adequate provision for on site parking, loading, buffering and landscaping.

4. Accessory Buildings

All accessory buildings shall have a combined maximum lot coverage not exceeding 7 %, up to a maximum floor area of 45 square metres on lots <1860 square meters, whichever is less and a maximum height of 4.4 metres. For lots greater than 1860 sq. m., the size of the accessory building shall be 68 square meters, whichever is less and a maximum height of 5.6 metres. Accessory buildings should not have a negative effect on neighbouring properties and outside appearance shall be to the standards established by the Council.

If physical features on the lot prohibit the development of accessory building in the rear Council may permit the development in the side yard of the lot. An accessory building shall not project in front of a building line. Accessory building shall not be closer than 2.4 metres from another building, nor 1.5 metres from a property line

Accessory buildings are to be used strictly for ancillary purposes to the permitted uses listed in this use zone. Accessory buildings for residential properties shall not be used for non-residential uses without permission of Council. Aside from minor vehicle maintenance, no Person shall use an accessory building for the purpose of performing major repairs, painting, dismantling, or scrapping of vehicles or machinery unless permitted by Council.

5. Boarding House Residential (Bed and Breakfast Only)

A dwelling to be used for the purpose of providing room and board for tourists or the traveling public may be permitted as a discretionary use provided:

- i) The use does not detract from the residential character of the neighbourhood;
- ii) The use is carried out by a resident of the dwelling;
- iii) Provision for off-street parking for each guest room will be required and shall be in the side yards and rear yards of subject properties;
- iv) The dwelling has sufficient onsite water and sewage system or is connected to piped services;
- v) The Hospitality Home shall be licensed under Provincial Tourist Establishment Regulations;

6. Subsidiary Apartments

Subsidiary apartments may be permitted in a self-contained dwelling, subject to the following conditions:

- i) The floor area of the subsidiary apartment shall not exceed fifty percent (50%) of the total floor area of the self-contained dwelling, or eighty (80) square meters, whichever is less.
- ii) No second entrance shall be permitted in the front wall of the self-contained dwelling. External entrances to the subsidiary apartment shall be restricted to the side or rear yards.
- iii) The number of additional off-street parking spaces required shall be determined by Council.

- iv) The single dwelling and apartment, if new construction, shall require the approval of onsite septic system by the Department of Government Services if development can not be connected to piped services.

7. Medical, Professional, Personal Services and Office Uses

Medical, professional, personal service, and office uses may be permitted as a discretionary use in a dwelling unit in the form of doctors consulting rooms, personal services, small business services, small appliance repair, sporting goods repair service, home office and similar uses provided that:

- i) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use and that no repairs to vehicles or heavy equipment are carried out.
- ii) Activities associated with the use are not hazardous and do not cause noticeable noise, odor, dust or fumes, or inconvenience and are not a nuisance to occupants of adjoining residences.
- iii) No more than forty (40) percent of the total floor area of the dwelling up to a maximum of eighty (70) square metres is devoted to the use.
- iv) Provision for off-street parking will be required as per the off-street parking requirements of these Regulations;
- v) There will be no storage of unsightly materials or waste outdoors;
- vi) No change will be made in the type, class, intensity or extent of the business or service without a permit; and
- vii) The development and operation of uses will be subject to conditions outlined in a permit issued by the Council.

8. Buffer (around waterways and waterbodies)

No development will be permitted within 15 metres of the high water mark of rivers or streams, or within 15 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services. Development of marine or water related uses such as wharfs, slipways, boathouse, etc. may be permitted. All development occurring within these limits is subject to the approval of Council and the Department of Environment and Conservation.

9. Child Care

A day care or day nursery is subject to the following conditions:

- i) The operation is in accordance with all applicable provincial laws and regulations;
- ii) The use will only be permitted in a residential dwelling;
- iii) The use will not occupy more than 80 square metres or 40% of the floor area, whichever is less;
- iv) Any on-site, outdoor play space will have a fence erected around its perimeter, with a gate in case of emergency;
- v) Provision for off-street parking will be required as per the off-street parking requirements of these Regulations;
- vi) The drop-off and pick-up of children will not interfere with the free flow of vehicular traffic;
- vii) The use is not located adjacent to or near hazardous, dangerous, or incompatible uses. These include, but are not limited to, heavy industrial uses, service stations, garages, taverns, night clubs, and amusement uses;
- viii) The development and operation of the child care use will be subject to conditions outlined in a permit issued by the Council.

10. Advertisements Relating to Onsite Uses

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

Advertisement on Building

- i) The sign on the building shall be inconspicuous and blend in with the residential property and the general amenities of the surrounding area. The sign shall not rise above the roof line or be situated on the roof of a building. Sign shall be constructed of materials as required by the Council.
- ii) The size, illumination and materials of construction for on site business on residential building shall be determined by Council.

Advertisement on Site

- i) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding residential area.
- ii) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential zone.
- iii) Not subject to (ii) portable illuminated signs may be allowed for advertising special events on a temporary basis at the discretion of the Council.
- iv) Signs shall blend into the residential area and landscaping.
- iii) Size of advertising on site, on residential building shall be determined by Council.

11. Lot Area

Subject to the requirements of the Department of Health and Community Services or Department of Government Services, the area of land required per dwelling unit shall be determined, in accordance with the water and sewer services available, as follows:

With a municipal piped water and connection to a municipal sewer or to a private sewer discharging directly into the sea.	450 m ²
With a municipal piped water supply and sewage disposal by septic tank and tilefield.	1400 m ²
With a well water supply and connection to a municipal sewer.	1400 m ²
With a well water supply and sewage disposal by septic tank and tilefield.	1860 m ²

12. Medical Treatment and Special Care (Home for the Aged Only)

The use class will be limited to a residential home for the aged.

13. Office Uses

Commonly referred to as "Home Based Businesses", an office uses may be permitted as a discretionary uses within a residential dwellings. It shall not be permitted as separate uses. The following conditions shall apply:

- i) The dwelling unit is occupied as a residence by the professional or business user;
- ii) The use is clearly subsidiary to the residential use, and does not detract from the residential character of the surrounding area;
- iii) No more than 25% of the total floor area, up to a maximum of 45 square metres, is devoted to such a use;
- iv) No wholesale sales or storage of goods is carried out, no retail sales, no repairs to vehicles or heavy machinery is carried out;
- v) There will be no non-resident employees working in the dwelling;
- vi) Activities associated with the use are not hazardous, and do not cause noticeable noise, odour, dust, fumes, night lights, or other inconvenience or nuisance to the neighbouring residents;
- vii) There will be no storage of unsightly materials or waste outdoors;
- viii) No change will be made in the type, class, intensity or extent of the business or service without a permit;
- ix) The development and operation of the home based business will be subject to conditions outlined in a permit issued by the Council.

USE ZONE TABLE

ZONE TITLE	RESIDENTIAL RURAL (RR)
PERMITTED USES CLASSES – see Regulation 90. Single dwelling and recreational open space.	
DISCRETIONARY USES CLASSES – see Regulation 34 and 91. Boarding house residential (bed and breakfast only), convenience store, child care, medical and professional, personal service, office.	
STANDARDS	Single Dwelling(Unserviced)
Minimum Lot Area (m2)	4,040
Minimum Frontage (m)	45
Minimum Building Line Set Back (m)	10
Maximum Building Line Set Back (m)	32
Minimum Side Yard (m)	3
Minimum Flanking Road Side Yard (m)	8
Minimum Rear Yard (m)	14
Maximum Lot Coverage (%)	33
Maximum Height (m)	8
Minimum Floor Area (m2)	80

CONDITIONS**1. Discretionary Uses Classes**

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

2. Discretionary Uses – Site Standards

Unless otherwise specified in the Use Zone Table or in these conditions, discretionary use classes involving buildings shall conform to the frontage, building line setback, side yard, rear

yard, lot coverage and height requirements for a single dwelling.

3. Convenience Stores

Convenience stores will only be permitted as a discretionary use under the following conditions:

- i) Convenience Store may for part of the residential dwelling or be a stand alone building.
- ii) The retail use shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties.
- iii) Adequate provision for on site parking, loading, buffering and landscaping.

4. Accessory Buildings

All accessory buildings shall have a combined maximum lot coverage not exceeding 7 %, up to a maximum floor area 68 square meters, and a maximum height of 5.6 metres. Accessory buildings should not have a negative effect on neighboring properties and outside appearance shall be to the standards established by the Council.

If physical features on the lot prohibit the development of accessory building in the rear yard Council may permit the development in the side yard of the lot. An accessory building shall not project in front of a building line. Accessory building shall not be closer than 2.4 metres from another building, nor 1.5 metres from a property line

Accessory buildings are to be used strictly for ancillary purposes to the permitted uses listed in this use zone. Accessory buildings for residential properties shall not be used for non-residential uses without permission of Council. Aside from minor vehicle maintenance, no Person shall use an accessory building for the purpose of performing major repairs, painting, dismantling, or scrapping of vehicles or machinery unless permitted by Council.

5. Boarding House Residential (Bed and Breakfast Only)

A dwelling to be used for the purpose of providing room and board for tourists or the traveling public may be permitted as a discretionary use provided:

- i) The use does not detract from the residential character of the neighborhood;
- ii) The use is carried out by a resident of the dwelling;
- iii) Provision for off-street parking for each guest room will be required and shall be in the

side yards and rear yards of subject properties;

- iv) The dwelling has sufficient onsite water and sewage system for the increase in persons;
- v) The Hospitality Home shall be licensed under Provincial Tourist Establishment Regulations;

6. Subsidiary Apartments

Subsidiary apartments may be permitted in a self-contained dwelling, subject to the following conditions:

- i) The floor area of the subsidiary apartment shall not exceed fifty percent (50%) of the total floor area of the self-contained dwelling, or eighty (80) square meters, whichever is less.
- ii) No second entrance shall be permitted in the front wall of the self-contained dwelling. External entrances to the subsidiary apartment shall be restricted to the side or rear yards.
- iii) The number of additional off-street parking spaces required shall be determined by Council.
- iv) The single dwelling and apartment, if new construction, shall require the approval of onsite septic system by the Department of Government Services if development can not be connected to piped services.

7. Medical, Professional, Personal Services and Office Uses

Medical, professional, personal service, and office uses may be permitted as a discretionary use in a dwelling unit in the form of doctors consulting rooms, personal services, small business services, small appliance repair, sporting goods repair service, home office and similar uses provided that:

- viii) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use and that no repairs to vehicles or heavy equipment are carried out.
- ix) Activities associated with the use are not hazardous and do not cause noticeable noise, odor, dust or fumes, or inconvenience and are not a nuisance to occupants of adjoining residences.
- x) No more than forty (40) percent of the total floor area of the dwelling up to a maximum

of eighty (70) square metres is devoted to the use.

- xi) Provision for off-street parking will be required as per the off-street parking requirements of these Regulations;
- xii) There will be no storage of unsightly materials or waste outdoors;
- xiii) No change will be made in the type, class, intensity or extent of the business or service without a permit; and
- xiv) The development and operation of uses will be subject to conditions outlined in a permit issued by the Council.

8. Buffer (around waterways and waterbodies)

No development will be permitted within 15 metres of the high water mark of rivers or streams, or within 15 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services. Development of marine or water related uses such as wharfs, slipways, boathouse, etc. may be permitted. All development occurring within these limits is subject to the approval of Council and the Department of Environment and Conservation.

9. Child Care

A day care or day nursery is subject to the following conditions:

- ix) The operation is in accordance with all applicable provincial laws and regulations;
- x) The use will only be permitted in a residential dwelling;
- xi) The use will not occupy more than 80 square metres or 40% of the floor area, whichever is less;
- xii) Any on-site, outdoor play space will have a fence erected around its perimeter, with a gate in case of emergency;
- xiii) Provision for off-street parking will be required as per the off-street parking requirements of these Regulations;
- xiv) The drop-off and pick-up of children will not interfere with the free flow of vehicular traffic;

- xv) The use is not located adjacent to or near hazardous, dangerous, or incompatible uses. These include, but are not limited to, heavy industrial uses, service stations, garages, taverns, night clubs, and amusement uses;
- xvi) The development and operation of the child care use will be subject to conditions outlined in a permit issued by the Council.

10. Advertisements Relating to Onsite Uses

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

Advertisement on Building

- iv) The sign on the building shall be inconspicuous and blend in with the residential property and the general amenities of the surrounding area. The sign shall not rise above the roof line or be situated on the roof of a building. Sign shall be constructed of materials as required by the Council.
- v) The size, illumination and materials of construction for on site business on residential building shall be determined by Council.

Advertisement on Site

- i) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding residential area.
- ii) Free standing portable illuminated signs ("yellow" or "Light Up Portable Signs") will not be allowed in the residential zone.
- v) Not subject to (ii) portable illuminated signs may be allowed for advertising special events on a temporary basis at the discretion of the Council.
- vi) Signs shall blend into the residential area and landscaping.
- vi) Size of advertising on site, on residential building shall be determined by Council.

11. Office Uses

Commonly referred to as “Home Based Businesses”, an office uses may be permitted as a discretionary uses within a residential dwellings. It shall not be permitted as separate uses. The following conditions shall apply:

- i) The dwelling unit is occupied as a residence by the professional or business user;
- ii) The use is clearly subsidiary to the residential use, and does not detract from the residential character of the surrounding area;
- iii) No more than 25% of the total floor area, up to a maximum of 45 square metres, is devoted to such a use;
- iv) No wholesale sales or storage of goods is carried out, no retail sales, no repairs to vehicles or heavy machinery is carried out;
- v) There will be no non-resident employees working in the dwelling;
- vi) Activities associated with the use are not hazardous, and do not cause noticeable noise, odour, dust, fumes, night lights, or other inconvenience or nuisance to the neighbouring residents;
- vii) There will be no storage of unsightly materials or waste outdoors;
- viii) No change will be made in the type, class, intensity or extent of the business or service without a permit;
- ix) The development and operation of the home based business will be subject to conditions outlined in a permit issued by the Council.

USE ZONE TABLE

ZONE TITLE	RESIDENTIAL SUBDIVISION AREA	(RSA)
PERMITTED USE CLASSES		
None prior to the preparation of a Comprehensive Development Scheme.		
DISCRETIONARY USE CLASSES - (see Regulations 33 and 90)		
Agriculture, forestry, conservation.		

CONDITIONS**1. Area Concept Plan**

An Area Concept Plan shall be developed for a proposed subdivision development and shall include adjacent lands within the area defined on the zoning map as a Residential Subdivision Area. The requirements for an Area Concept Plan are outlined in the Municipal Plan policy sections 4.4.1, section 12. The Area Concept Plan shall be advertised within a local newspaper and shall be placed on public display for five (5) days at the Town Hall, during regular business hours, for public viewing so that residents may be provided comments on the proposed development to Council in writing. Council shall review all written submissions and take these submissions into consideration before approving the Area Concept Plan and any Development Regulations Amendment to rezoning the Residential Subdivision Area to the appropriate land use zones on the Land Use Zoning Maps. Once the Area Concept Plan and Development Regulations Amendment are approved by Council, the amendment shall be forwarded to the Department of Municipal Affairs for registration and publishing in the Newfoundland and Labrador *Gazette*. Note, under *The Urban and Rural Plan Act, 2000*, no public hearing is required for a Development Regulations Amendment

2. Subdivision Development Plan

A Subdivision Development in this zone will be considered only if it is in accordance to the requirements outlined in the Municipal Plan policy sections 4.4.1, section 12, 13 and 14. The subdivision development plan shall conform to the general design and layout of the area concept plan. The subdivision development plan does not require public consultation, but is required to be submitted to the Council for development approval and the issuing of any development

permits.

3. Discretionary Use

Discretionary uses permitted in this zone prior to the preparation and approval of an Area Concept Plan shall not include the development of any permanent structure.

4. Onsite Water Supply and Sewage

All unserviced developments must have their water and sewage services designed by an "Approved Designer" licensed by the Department of Government Services. The Department of Government Services shall approve the onsite services designs before a permit to build will be granted by Council. If the minimum lot area prescribed in the standards above is deemed by the appropriate agency to be insufficient to ensure adequate onsite sanitary water supply and sewage disposal, the Council will require a larger lot area as prescribed by the agency.

USE ZONE TABLE

ZONE TITLE	MIXED DEVELOPMENT	(MD)
PERMITTED USE CLASSES - (see Regulation 89)		
Single dwelling, recreational open space, and conservation.		
DISCRETIONARY USE CLASSES - (see Regulations 33 and 90)		
Row dwelling, double dwelling, apartment building, boarding house, cultural and civic, general assembly, passenger assembly, club and lodge, catering, funeral home, child care, indoor assembly, medical & professional, personal service, general service, communications, taxi stand, police station, medical treatment and special care (home for the aged only), take-out food service, shop, convenience store, light industry, antenna, office.		

CONDITIONS

1. Development Standard

a) The development standards for this zone shall be as follows:

Minimum Building Line Setback Or the established building line in the area whichever is greater)	6 m
Minimum Sideyard Width	5 m
Minimum Rearyard Depth	10 m
Maximum Height	10 m

b) All Residential development with the Mixed Development (MD) zone shall conform to the standards, condition or other requirements of the Residential (RES) Zone.

2. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of the 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 uses.

3. Accessory Building

All accessory buildings shall have a combined maximum lot coverage not exceeding 7 %, up to a maximum floor area of 45 square metres on lots <1860 square meters, whichever is less and a maximum height of 4.4 metres. For lots greater than 1860 sq. m., the size of the accessory building shall be 68 square meters, whichever is less and a maximum height of 5.6 metres. Accessory buildings should not have a negative effect on neighbouring properties and outside appearance shall be to the standards established by the Council.

If physical features on the lot prohibit the development of accessory building in the rear Council may permit the development in the side yard of the lot. An accessory building shall not project in front of a building line. Accessory building shall not be closer than 2.4 metres from another building, nor 1.5 metres from a property line

Accessory buildings are to be used strictly for ancillary purposes to the permitted uses listed in this use zone. Accessory buildings for residential properties shall not be used for non-residential uses without permission of Council. Aside from minor vehicle maintenance, no Person shall use an accessory building for the purpose of performing major repairs, painting, dismantling, or scrapping of vehicles or machinery unless permitted by Council.

4. Boarding House Residential

A dwelling to be used for the purpose of providing room and board for tourists or the traveling public may be permitted as a discretionary use provided:

- i) The use does not detract from the residential character of the neighbourhood;
- ii) The use is carried out by a resident of the dwelling;
- iii) Provision for off-street parking for each guest will be required and shall be in the side yards and rear yards of subject properties;
- iv) The dwelling has sufficient onsite water and sewage system;
- v) The Hospitality Home shall be licensed under Provincial Tourist Establishment Regulations;

5. Convenience Stores

Convenience stores will only be permitted as a discretionary use under the following conditions:

- i) The retail use shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties.
- ii) The adequate provision of on site parking, loading, buffering and landscaping.

6. Child Care

A day care or day nursery may be permitted as a discretionary use, subject to the following conditions:

- i) The operation is in accordance with all applicable provincial laws and regulations;
- ii) The building shall be designed so that its type, massing and visual appearance is general appropriate to the residential neighborhood and is acceptable to the Council;
- iii) Any on-site, outdoor play space will have a fence erected around its perimeter, with a gate in case of emergency;
- iv) Provision for off-street parking will be required as per the off-street parking requirements of these Regulations;
- v) The drop-off and pick-up of children will not interfere with the free flow of vehicular traffic;
- vi) The use is not located adjacent to or near hazardous, dangerous, or incompatible uses. These include, but are not limited to, heavy industrial uses, service stations, garages, taverns, night clubs, and amusement uses;
- vii) The development and operation of the child care use will be subject to conditions outlined in a permit issued by the Council.
- viii) Day care with seven or more children shall be licensed under provincial Child Care Services Act and comply with all applicable Regulations.

7. Medical Treatment and Special Care (Home for the Aged Only)

The use class will be limited to a residential home for the aged.

8. Child Care

A day care or day nursery is subject to the following conditions:

- i) The operation is in accordance with all applicable provincial laws and regulations;
- ii) The use will only be permitted in a residential dwelling;
- iii) The use will not occupy more than 80 square metres or 40% of the floor area, whichever is less;
- iv) Any on-site, outdoor play space will have a fence erected around its perimeter, with a gate in case of emergency;
- v) Provision for off-street parking will be required as per the off-street parking requirements of these Regulations;
- vi) The drop-off and pick-up of children will not interfere with the free flow of vehicular traffic;
- vii) The use is not located adjacent to or near hazardous, dangerous, or incompatible uses. These include, but are not limited to, heavy industrial uses, service stations, garages, taverns, night clubs, and amusement uses;
- viii) The development and operation of the child care use will be subject to conditions outlined in a permit issued by the Council.

9. Medical, Professional, Office, and Personal Service Uses

Medical, professional, office, and personal service uses may be permitted as a discretionary use in a dwelling unit in the form of doctors' consulting rooms, personal services, small business services, office, small appliance repair and sporting goods repair service and similar uses provided that:

- i) No wholesale sales or storage of goods is carried out; any retail sales are incidental and subsidiary to the approved use.
- ii) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust or fumes, or inconvenience and are not a nuisance to the occupants of adjoining residences.

- iii) Not more than fifty (50) percent of the total floor area of the dwelling up a maximum of eighty -five square metres is devoted to the use.
- iv) No change shall be made in the type, class or extent of service provide without a permit.

10. Buffer (around waterways and waterbodies)

No development will be permitted within 15 metres of the high water mark of rivers or streams, or within 15 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services. Development of marine or water related uses such as wharfs, slipways, boathouse, etc. may be permitted. All development occurring within these limits is subject to the approval of Council and the Department of Environment and Conservation.

11. General and Light Industrial Uses

General industrial uses shall be small scale light industrial uses such as small workshops and warehouses, and autobody repair shops in this zone, shall be restricted to developed residential lots, provided that;

- i) The use shall constitute entirely or partly the livelihood of a person living in the specified dwelling;
- ii) Activities associated with the use shall be carried on in building separate from the residential dwelling;
- iii) One building only, separate from the dwelling, and located in the rear or side yard a minimum of 2 m from any lot line, and having a maximum floor area of 75 m² and a height of no more than 6 m, may be used in connection with the general or light industrial use;
- iv) Activities associated with the use are not hazardous and do not create a nuisance by reason of noticeable noise, odour, dust or flames, or result in electrical interference;
- v) Retail sales are incidental and subsidiary to the approved use and there is no outdoor storage of equipment or materials.
- vi) No change is made in the type, class or extent of the use without a permit.
- vii) Adequate on-site parking, loading, buffering and landscaping is provided.

12. Service Station

A Service Station may be permitted only in the form of pump islands to dispense motor vehicle fuel and only in conjunction with a Convenience Store on the same site.

13. Advertisements

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

Advertisement on Building

- i) The sign on the building shall be inconspicuous and blend in with the residential property and the general amenities of the surrounding area. The sign shall not rise above the roof line or be situated on the roof of a building.
- ii) Sign on building shall be constructed of materials as required by the Council.
- iii) Illumination of sign on building will be specified by the Council.
- iv) Size of advertising for on site business on building shall be determined by Council.

Advertisement on Site

- i) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding residential area.
- ii) Signs shall blend into the residential area and landscaping.
- iii) Size of advertising on site shall be determined by Council.

USE ZONE TABLE

ZONE TITLE	COMMERCIAL LOCAL	(CL)
PERMITTED USE CLASSES - (see Regulation 89)		
Catering (restaurant only), child care (group only), office, commercial residential, medical and professional, personal service, shop, and convenience store.		
DISCRETIONARY USE CLASSES - (see Regulations 33 and 90)		
Outdoor market, catering (take out food service and lounges), general assembly, clubs and lodges, general services, taxi stand, police station, amusement, passenger assembly, veterinary, service station, funeral home, light industry, recreational open space.		

CONDITIONS

1. Development Standards

The development standards for this zone shall be as follows:

Minimum Building Line Setback	6 metres
Minimum Sideyard Width	3 metres
Minimum Rearyard Depth	9 metres
Maximum Height	14 metres

2. Discretionary Use Classes

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

3. Buffer (around waterways and waterbodies)

No development will be permitted within 15 metres of the high water mark of rivers or streams, or within 15 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services. Development of marine or water related uses such as wharfs, slipways, boathouse, etc. may be permitted. All development occurring within these limits is subject to the approval of Council and the Department of Environment and Conservation.

4. Child Care (Group)

A day care or day nursery (ie: a child care operation in which services are regularly provided up to seven or more children), subject to the following conditions:

- i) The operation is in accordance with all applicable provincial laws and regulations;
- ii) The building shall be designed so that its type, massing and visual appearance is general appropriate to the residential neighborhood and is acceptable to the Council;
- iii) Any on-site, outdoor play space will have a fence erected around its perimeter, with a gate in case of emergency;
- iv) Provision for off-street parking will be required as per the off-street parking requirements of these Regulations;
- v) The drop-off and pick-up of children will not interfere with the free flow of vehicular traffic;
- vi) The use is not located adjacent to or near hazardous, dangerous, or incompatible uses. These include, but are not limited to, heavy industrial uses, service stations, garages, taverns, night clubs, and amusement uses;
- vii) The development and operation of the child care use will be subject to conditions outlined in a permit issued by the Council.

5. Catering

Catering shall be permitted only as restaurant. Catering uses such as lounges or take out food service may be permitted provided that these uses do not have negative impacts on surrounding land uses. Council shall take into consideration any concerns identified by adjoining property owners in its decision to approve such discretionary uses.

6. Advertisements Relating to Onsite Uses

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

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

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 another zone, or not relating to a specific land use, shall be as follows:

- i) Each advertisement shall not exceed three square metres in area.
- ii) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show therein the name and nature of the distance or direction to the premises to which they relate.
- iii) The location, siting and illumination of each advertisement shall be to the satisfaction of the Council, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

USE ZONE TABLE

ZONE TITLE	COMMERCIAL HIGHWAY	(CH)
PERMITTED USE CLASSES - (see Regulation 89)		
Catering, commercial residential, medical and professional, personal service, shop, and convenience store.		
DISCRETIONARY USE CLASSES - (see Regulations 33 and 90)		
Outdoor market, indoor market, office, shopping centre, general services, taxi stand, police station, veterinary, service station, funeral home, passenger assembly, general industry, light industry, recreational open space, antenna.		

CONDITIONS

1. Development Standards

The development standards for this zone shall be as follows:

Minimum Building Line Setback	10 metres
Minimum Sideyard Width	4 metres
Minimum Rearyard Depth	9 metres
Maximum Height	14 metres

2. Discretionary Use Classes

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

3. Buffer (around waterways and waterbodies)

No development will be permitted within 15 metres of the high water mark of rivers or streams, or within 15 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services. Development of marine or water related uses such as wharfs, slipways, boathouse, etc. may be permitted. All development occurring within these limits is subject to the approval of Council and the Department of Environment and Conservation.

4. Advertisements Relating to Onsite Uses

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

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

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 another zone, or not relating to a specific land use, shall be as follows:

- i) Each advertisement shall not exceed three square metres in area.
- ii) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show therein the name and nature of the distance or direction to the premises to which they relate.
- iii) The location, siting and illumination of each advertisement shall be to the satisfaction of the Council, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

USE ZONE TABLE

ZONE TITLE	PUBLIC USE	(PU)
PERMITTED USE CLASSES - (see Regulation 89)		
Educational, general assembly, place of worship, child care (group), recreational open space, cultural and civic, and conservation.		
DISCRETIONARY USE CLASSES - (see Regulations 33 and 90)		
Indoor assembly, outdoor assembly, catering, office, medical treatment and special care (Home for aged), and antenna.		

CONDITIONS

1. Development Standards

The development standards for this zone shall be as follows:

Minimum Building Line Setback	6 metres
Minimum Sideyard Width	5 metres
Minimum Rearyard Depth	15 metres
Maximum Height	14 metres

2. Discretionary Use Classes

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

3. Buffer (around waterways and waterbodies)

No development will be permitted within 15 metres of the high water mark of rivers or streams, or within 15 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services. Development of marine or water related uses such as wharfs, slipways, boathouse, etc. may be permitted. All development occurring within these limits is subject to the approval of Council and the Department of Environment and Conservation.

4. Child Care (Group)

A day care or day nursery (ie: a child care operation in which services are regularly provided up to seven or more children), may be permitted as a discretionary use, subject to the following conditions:

- viii) The operation is in accordance with all applicable provincial laws and regulations;
- ix) The building shall be designed so that its type, massing and visual appearance is general appropriate to the residential neighborhood and is acceptable to the Council;
- x) Any on-site, outdoor play space will have a fence erected around its perimeter, with a gate in case of emergency;
- xi) Provision for off-street parking will be required as per the off-street parking requirements of these Regulations;
- xii) The drop-off and pick-up of children will not interfere with the free flow of vehicular traffic;
- xiii) The use is not located adjacent to or near hazardous, dangerous, or incompatible uses. These include, but are not limited to, heavy industrial uses, service stations, garages, taverns, night clubs, and amusement uses;
- xiv) The development and operation of the child care use will be subject to conditions outlined in a permit issued by the Council

5. Medical Treatment and Special Care (Home for the Aged Only)

The use class will be limited to a residential home for the aged.

6. Advertisements Relating to Onsite Uses

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

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

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 another zone, or not relating to a specific land use, shall be as follows:

- i) Each advertisement shall not exceed three square metres in area.
- ii) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show therein the name and nature of the distance or direction to the premises to which they relate.
- iii) The location, siting and illumination of each advertisement shall be to the satisfaction of the Council, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

7. Catering

Catering may be permitted in association with a permitted use such as church functions, weddings, parties, etc. Catering use will only be permitted on temporary bases by Council.

8. Office

An office may be permitted in association with a permitted use.

USE ZONE TABLE

ZONE TITLE	RECREATION	(REC)
PERMITTED USE CLASSES - (see Regulation 89)		
Recreational open space, outdoor assembly, club and lodge, indoor assembly, and conservation.		
DISCRETIONARY USE CLASSES - (see Regulations 33 and 90)		
Office, amusement (youth centre only), personal service (gym).		

CONDITIONS

1. Development Standard

The development standards for this zone shall be as follows:

Minimum Building Line Setback (or the established building line in the area whichever is greater)	6 m
Minimum Sideyard Width	3 m
Minimum Rearyard Depth	8 m
Maximum Height	14 m

2. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of the 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 uses.

USE ZONE TABLE

ZONE TITLE	INDUSTRIAL	(IND)
PERMITTED USE CLASSES - (see Regulation 89)		
General industry, general service, and light industry.		
DISCRETIONARY USE CLASSES - (see Regulations 33 and 90)		
Office, transportation, shop, hazardous industry, scrap yard, antenna.		

CONDITIONS

1. Development Standard

The development standards for this zone shall be as follows:

Minimum Building Line Setback (or the established building line in the area whichever is greater)	8 m
Minimum Sideyard Width	5 m
Minimum Rearyard Depth	10 m
Maximum Height	14 m

2. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of the 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 uses.

3. General Service Uses

General Service uses shall be small workshops and repair shops, in this zone;

- i) Activities associated with the use shall be carried on inside the building.
- ii) Activities associated with the use are not hazardous and do not create a nuisance by reason of noticeable noise, odour, dust or flames, or result in electrical interference;
- iii) No outdoor storage of equipment or materials.
- iv) Adequate on-site parking, loading, buffering and landscaping is provided.

4. Light Industrial Uses

These uses shall be such as workshops and repair shops, indoor storage, and warehouses in this zone;

- i) Activities associated with the use shall be carried on inside the building.
- ii) Activities associated with the use are not hazardous and do not create a nuisance by reason of noticeable noise, odour, dust or flames, or result in electrical interference;
- iii) Adequate on-site parking, loading, buffering and landscaping is provided.

5. Advertisements**Relating to Onsite Uses**

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

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

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:

- i) Each advertisement shall not exceed 3 square metres in area.
- ii) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show therein the name and nature of the distance or direction to the premises to which they relate.
- iii) The location, siting and illumination of each advertisement shall be to the satisfaction of the Council, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

6. Buffer (around waterways and waterbodies)

No development will be permitted within 15 metres of the high water mark of rivers or streams, or within 15 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services. Development of marine or water related uses such as wharfs, slipways, boathouse, etc. may be permitted. All development occurring within these limits is subject to the approval of Council and the Department of Environment and Conservation.

7. Residential Buffer

Where any industrial development 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 30 metres wide between any industrial or light industrial building or activity and the residential area. The buffer shall include the provision of grass strips, hedges, trees or shrubs and shall be maintained by the owner or occupier to the satisfaction of the Council.

8. Storage of Materials

No business or operation shall store materials, vehicles, heavy equipment or stock pile waste materials within the front yard of any property. Storage shall be permitted behind the building or along the side yard, provided a screen or buffer is provided to reduce visibility of the storage area

9. Hazardous Industry

Hazardous industry uses may be permitted at the discretion of Council. The following conditions shall apply to any uses that are permitted;

- i) Hazardous industry uses shall not be permitted in this zone unless adequate water and sewer services, and fire fighting capability designed to meet the needs of the particular hazardous industrial uses are available.
- ii) Adequate off-street parking for all employees. Loading and off loading facilities shall not interfere or obstruct movement of traffic along public streets.
- iii) Use must be located and designed to minimize the impact of traffic, noise, odors, smoke, lighting, and signage on surrounding uses. Where necessary, screening will be required through the provision of trees, shrubs, berms, landscaping, fencing or any other provision that Council may require.
- iv) Use must be designed and maintained to a high standard with regard to safety, appearance, and compatibility with surrounding land uses;
- v) All uses and structures for the storage of bulk and flammable materials shall conform to the requirements of the Provincial Fire Commissioner Office, and shall be surrounded by such buffers and landscaping as Council may require to prevent damage to adjacent uses by fire, explosion, or spillage.
- vi) Access points to the street must be limited in number and designed for maximum safety of pedestrians and vehicles

10. Shop

Retail use may be permitted in conjunction with a permitted or discretionary use. Retail shall be for products produced onsite or assembled onsite.

USE ZONE TABLE

ZONE TITLE	LIGHT INDUSTRIAL	(LI)
PERMITTED USE CLASSES - (see Regulation 89)		
Light industrial.		
DISCRETIONARY USE CLASSES - (see Regulations 33 and 90)		
Service station, office, general services, communications, and antenna.		

CONDITIONS

1. Development Standard

The development standards for this zone shall be as follows:

Minimum Building Line Setback (Or the established building line in the area whichever is greater)	6 metres
Minimum Sideyard Width	3 metres
Minimum Rearyard Depth	8 metres
Maximum Height	10 metres

2. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of the 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 uses.

3. Services Stations and Garages

The following requirements shall apply to all proposed service stations and garages:

- i) All gasoline pumps shall be located on pump islands designed for such purposes, and to which automobiles may gain access from either side.
- ii) Pump islands shall be set back at least 4 metres from the front lot line.
- iii) Accesses shall not be less than 7 metres wide and shall be clearly marked, and where a service station is located on a corner lot, the centre line of any access shall be at least 30 metres from the centre line of the junction.
- iv) Surface run-off shall be directed to an oil/water separator before discharging into any storm sewer or any other surface or sub-surface drainage system

4. Storage of Materials

No new business or commercial operation shall store materials, vehicles, heavy equipment or stock pile waste materials within the front yard of any property. Storage shall be permitted behind the building or along the side yard, provided a screen or buffer is provided to reduce visibility of the storage area..

5. Advertisements**Relating to Onsite Uses**

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

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

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:

- i) Each advertisement shall not exceed 3 square metres in area.
- ii) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show therein the name and nature of the distance or direction to the premises to which they relate.
- iii) The location, siting and illumination of each advertisement shall be to the satisfaction of the Council, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

6. Buffer (around waterways and waterbodies)

No development will be permitted within 15 metres of the high water mark of rivers or streams, or within 15 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services. Development of marine or water related uses such as wharfs, slipways, boathouse, etc. may be permitted. All development occurring within these limits is subject to the approval of Council and the Department of Environment and Conservation.

USE ZONE TABLE

ZONE TITLE	OPEN SPACE/CONSERVATION	(CON)
PERMITTED USE CLASSES - (see Regulation 89)		
Conservation and recreational open space (passive).		
DISCRETIONARY USE CLASSES - (see Regulations 33 and 90)		
Agriculture, antenna.		

CONDITIONS

1. Discretionary Use classes

The discretionary use classes listed in this table may be permitted at the discretion of the 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 uses.

2. Agricultural Use

Traditional small scale hobby and subsistence agricultural uses may be permitted such as vegetable gardens. Areas of steep slope where soil erosion may occur shall not be developed for agriculture uses, unless an soil erosion program can be developed and implemented.

USE ZONE TABLE

ZONE TITLE	CEMETERY	(CEM)
<p>PERMITTED USE CLASSES - (see Regulation 89)</p> <p>Cemetery, conservation.</p>		

CONDITIONS**1. Accessory Building**

An accessory building may be permitted in association with a permitted use. The building will have an area no greater than 20 square metres, and a height of 4 metres. It shall be located no closer than 3 metres from any property line, nor 3.0 metres from another building. The location of an accessory building requires the approval of Council.

2. Landscaping and Screening

Landscaping and screening may be required for any development in a manner determined by Council in order to provide for the following:

- A visual screen between different or incompatible land uses.
- To maintain visual continuity between developments

3. Advertisement Requirements

Any signage within this use zone may be permitted at the discretion of Council. The size, material, illuminations, and any other standards shall be established by Council

USE ZONE TABLE

ZONE TITLE	PROTECTED MUNICIPAL WATERSHED	(W)
PERMITTED USE CLASSES - (see Regulation 89)		
Conservation and recreational open space.		
DISCRETIONARY USE CLASSES - (see Regulations 33 and 90)		
Forestry, mineral workings, and antenna.		

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of the Authority provided that they are compatible or complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses. Discretionary uses will only be permitted if the Department of Environment and Conservation has determined they will not cause pollution of any area of land or water body or cause erosion of land to take place within the protected watershed area.

2. Forestry

Forest harvesting activities and Silviculture may be permitted within the Protected Municipal Watershed Area (Mill Pond). A permit shall be obtained from Department of Natural Resources and the Department of Environment and Conservation.

3. Recreation

Only passive recreational activities such as hiking and skiing shall be permitted in the protected watershed area.

4. Mineral Workings

Mineral workings shall be limited to mineral exploration uses only within the Protected Municipal Watershed area. Any proposed mineral exploration development shall be approved by Department of Natural Resources and the Department of Environment and Conservation as well as the Council.

USE ZONE TABLE

ZONE TITLE	NEWFOUNDLAND POWER WATERSHED	(NP)
PERMITTED USE CLASSES - (see Regulation 89)		
Conservation and recreational open space.		
DISCRETIONARY USE CLASSES - (see Regulations 33 and 90)		
Forestry, mineral workings, and antenna.		

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of the Authority provided that they are compatible or complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses. Discretionary uses will only be permitted if the Department of Environment and Conservation has determined they will not cause pollution of any area of land or water body or cause erosion of land to take place within the protected watershed area.

2. Forestry

Forest activities and Silviculture uses may be permitted within the Newfoundland Power Watershed Area. A permit shall be obtained from Department of Natural Resources and approval from the Department of Environment and Conservation.

3. Recreation

Recreational activities shall be permitted in the Newfoundland Power Watershed area. Any recreation use shall not present any risk or damage to the infrastructure associated with the facilities.

4. Mineral Workings

Mineral workings shall be limited to mineral exploration uses only within the Newfoundland Power Watershed area. Any proposed mineral exploration development shall be approved by Department of Natural Resources and the Department of Environment and Conservation as well as the Council.

USE ZONE TABLE

ZONE TITLE	RURAL	(RUR)
PERMITTED USE CLASSES - (see Regulation 89)		
Agriculture, forestry, recreational open space, conservation.		
DISCRETIONARY USE CLASSES - (see Regulations 33 and 90)		
Outdoor assembly, single dwelling, seasonal residential, veterinary, outdoor market, service station, light industrial, industrial, mineral working and exploration, cemetery, animal, antenna.		

CONDITIONS

1. Development Standards

The development standards for this zone shall be as follows:

Minimum Building Line Setback	15 metres
Minimum Sideyard Width	5 metres

2. Advertisements Relating to Onsite Uses

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

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

3. 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 shall be as follows:

- i) Each advertisement shall not exceed 3 square metres in area.
- ii) The advertisements shall be located within a reasonable distance of and only the distance or direction to the premises to which they relate.
- iii) The location siting and illumination of each advertisement shall be to the satisfaction of the Council, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

4. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of the Council provided they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses, and in the case of general industry, that they be restricted to maintenance and repair of equipment, processing and storage related to resource uses.

5. Accessory Buildings

Accessory buildings total floor area and height shall be determined by Council under its discretion on a lot by lot application. Accessory buildings for residential properties shall not be used for non-residential uses without permission of Council. Accessory buildings should not have a negative effect on neighbouring properties and outside appearance shall be to the standards established by the Council.

6. Seasonal Residential

Seasonal residential use and recreation cottage use shall only be permitted within one of the two designated Cottage areas within the Town of Norris Arm Planning Area. Approval for development within Big eel Lake Cottage Areas shall be obtained from the Regional Crown Lands Office, Department of Environment and Conservation and by application to the Council.

7. Single Dwelling

Single residential dwelling may be permitted in conjunction with permitted use such as agriculture or discretionary use such as veterinary. The residence shall be required to meet development standard of 1 acre lot. The Council under its discretion may allow the development to occur on lands that do not front onto a public road.

8. Buffer (around waterways and waterbodies)

No development will be permitted within 15 metres of the high water mark of rivers or streams, or within 15 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services. Development of marine or water related uses such as wharfs, slipways, boathouse, etc. may be permitted. All development occurring within these limits is subject to the approval of Council and the Department of Environment and Conservation.

9. Separation from Adjacent Uses

Unless the Council is satisfied that the working will not create a nuisance and will not adversely affect the amenity of the specified development or natural feature, no mineral working shall be located closer than the minimum distances set out below to the specified development or natural feature:

Type of Development	Minimum Distance from Mineral Working
Existing or proposed residential development	300 metres
Any other developed area or area likely to be developed during the life of pit or quarry working for any purpose other than residential	150 metres
Public highway or street	50 metres
Protected Road	90 metres
Any of the above, with regard to a mineral working operation in which blasting may take place (or any bedrock quarry or reserve)	1000 metres
Waterbody or watercourse	50 metres

10. Screening

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

- (a) Where tree screens exist between the mineral working and adjacent public highways and streets or other land uses (excepting forestry and agriculture), the tree screens shall be retained in a 30-metre wide strip of vegetation so that visibility of any part of the use from the surrounding uses or streets will be prevented. The tree screens must be maintained by the owner or occupier of the use to retain 30 metres in a forested appearance. Where vegetation dies or is removed from the 30-metre strip, the Council may require new trees of a minimum height of 1 metre be planted to fill in the areas affected to the satisfaction of the Council or, at the discretion of the Council, condition 4(b) must be undertaken.
- (b) Where no tree screens exist of sufficient width and density to constitute a visual screen, earthen berms shall be constructed to a height sufficient to prevent visibility of any part of the mineral working from adjacent uses (excepting forestry and agriculture), or adjacent public highways and streets. The berms shall be landscaped to the Council's satisfaction.
- (c) Where natural topography creates a visual screen between mineral workings and adjacent public highways and streets or other land uses (excepting forestry and agriculture), additional screening may not be required.
- (d) Where effective screening for any mineral working or associated processing or manufacturing use cannot be installed or located as required in (a) - (c) above, the Council may refuse to permit the use or associated activity.

11. Fencing

The Council may require the mineral working site or excavated areas of a pit or quarry working to be enclosed by a fence designed and constructed to its specifications and no less than 1.8 metres in height.

12. Water Pollution

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

13. Erosion Control

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

14. Water Ponding

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

15. Site Maintenance

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

16. Access Roads

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

17. Stockpiling Cover Material

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

18. Operating Plant and Associated Processing and Manufacturing

The Council may permit processing and manufacturing use associated with mineral workings provided that, in the opinion of the Council, the use does not create a nuisance nor is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of fumes, dust, dirt, objectionable odour, or by reason of unsightly storage of materials.

19. Building Location

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

20. Buffer Area

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

21. Additional Extraction

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

22. Termination and Site Rehabilitation

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

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

23. Short-term Mineral Workings

The following conditions shall apply to a Mineral Working which is subject to a Department of Natural Resources Quarry Permit or which is proposed for duration of less than five years. The Council may require an applicant for a development permit under this condition to meet the stipulations set out in condition 18 below, if the Council determines that the size of the parcel or of the proposed mineral working, or the size of the aggregate resource in the surrounding area is sufficiently large or the duration is sufficiently long to warrant the application of condition 18.

- a) An application for a development permit for the proposed Mineral Working use shall be accompanied by a detailed sketch or sketches satisfactory to the Council which shall show the location of physical site features and extraction and processing features required by the Council, including but not limited to:
 - i) The general area of the location of the mineral working;
 - ii) Boundaries of the parcel to be mined (ie. land covered by the development application);
 - iii) Extent of the site area to be mined;
 - iv) Roads, parking and loading areas and entrance and exit to the site;

- v) Waterbodies within the boundaries;
 - vi) Waterbodies within 250 metre radius of the boundary;
 - vii) Channels or ponds to be removed, shifted and created; and
 - viii) The location of any building or structure and equipment which will be located on the site.
- b) Upon completion of the mineral working operations on the site, the developer shall meet the conditions set out above and any other condition(s) stated in the development permit that the Council deems necessary for restoration of the site.
- c) A temporary development permit may be issued for a maximum of one year and may not be renewed after five consecutive years. Upon expiry of the development permit the Council shall inspect the site to confirm compliance with the development permit and development regulations.

24. Long-term Mineral Workings

The following conditions shall apply to a Mineral Working subject to a Department of Natural Resources Quarry Lease or of duration of 5 years or greater.

- a) An application for a development permit shall include a Mineral Working Development Plan satisfactory to the Council for the proposed Mineral Working use, which shall include a site plan showing the location of physical site features and extraction and processing features required by the Council including but not limited to:
- i) Boundaries of the parcel to be mined;
 - ii) Extent of site area(s) to be mined;
 - iii) Buildings and structures on the site;
 - iv) Roads, parking and loading areas and entrance and exit to the site;
 - v) Fences, berms and landscaping provided for screening;

- vi) Waterbodies and channels to be removed, shifted and created;
 - vii) Location and expected maximum height of stockpiles of mined ores, sand and gravel;
 - viii) Location of major machinery and conveyors for receiving and processing raw ores including machinery for sifting, washing and grading ores, and the manufacturing of concrete and stone products;
 - ix) The probable location of storage piles of topsoil and overburden removed from earlier phases of mined areas and temporarily being stored for replacement under the Reclamation plan; and
 - x) Intended phases of mining operations to be carried out over all portions of the site.
- b) An application for a development permit shall include a Mineral Working Reclamation Plan satisfactory to the Council for the proposed mineral working use which shall explain, illustrate and show to the satisfaction of the Council a plan for restoration of the site which includes final ground contours, slopes, depth of topsoil, and vegetation and a phasing plan if necessary in the form of a grading and landscape plan or plans.

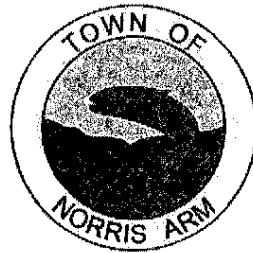
25. Financial Guarantee

- 1) The developer shall provide a financial guarantee in the form of a performance bond or unconditional and irrevocable letter of credit or other form acceptable to the Council.
- 2) The financial guarantee shall be the greater of (a) \$5,000 per hectare, prorated on the basis of area to a minimum of \$500, or (b) an amount to cover the costs of restoring or landscaping the site after the quarry operations have ended or the site is abandoned by the applicant.
- 3) The financial guarantee shall be returned when the Reclamation Plan has been carried out or the development terminated and any conditions attached to the development permit have been met to the satisfaction of the Council."

26. Permit Fee

The development permit fee for a Mineral Working use shall be determined by the Council in an amount sufficient to cover the review of the Development and Reclamation Plans or the detailed sketch as required above, and determination of the amount of the financial guarantee described in section 25 above by a professional engineer, ongoing inspection of the site for conformity with the named Plans or sketches and with the conditions of the development permit, and inspection of the site to determine acceptable reclamation for purposes of return or cancellation of the financial guarantee.

TOWN OF NORRIS ARM
DEVELOPMENT REGULATIONS
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SCHEDULE D

OFF-STREET PARKING REQUIREMENTS

CLASS ASSEMBLY USES	
(a) Theatre	Two spaces for every 5 seats.
(b) Cultural and Civic	One space for every 50m ² of gross floor area.
(c) Educational	K - 12 - 3 spaces for every classroom. Other facilities - 1 space for every 5 persons using the facilities (students, faculty and staff).
(d) Place of Worship	Two spaces for every 5 seats.
(e) Passenger Assembly	As specified by the Council.
(f) Private Club	One space for every 3 persons that may be accommodated at one time.
(g) Catering	One space for every 3 persons that may be accommodated at one time.
(h) Lounges and Bars	One space for every 3 persons that may be accommodated at one time.
(i) Funeral Home	One space for every 10m ² of gross floor area.
(j) Child Care	One space for every 20m ² of gross floor area.
(k) Amusement	One space for every 10m ² of gross floor area.
(l) Indoor Assembly	One space for every 10 persons that may be accommodated at one time.
(m) Outdoor Assembly	As specified by the Council.

CLASS INSTITUTIONAL USES	
(a) Detention Centre	As specified by the Council.
(b) Medical Treatment and Special Care	One space for every 20m ² of gross floor area
(c) Special Care	One space for every bed.
(d) Collective Residential	As specified by the Council.

CLASS RESIDENTIAL USES	
(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
(e) Subsidiary Apartment	One space for every apartment unit.
(f) Hospitality Home	As specified by the Council.
(g) Boarding House Residential	One space for every residential unit.
(h) Mobile Home	Two spaces for every residential unit.

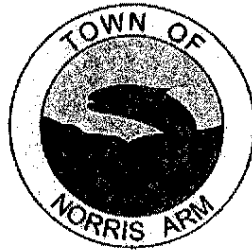
CLASS BUSINESS AND PERSONAL SREVICES	
(a) Office	One space for every 20m ² of gross floor area.
(b) Professional Service	One space for every 20m ² of gross floor area.
(c) Personal Service	One space for every 20m ² of gross floor area.
(d) General Service	One space for every 20m ² of gross floor area
(e) Communications	As specified by the Council.
(f) Home Occupation	Minimum of 1 space per non-resident employee

CLASS COMMERCIAL USES	
(a) Shopping Centre	One space for every 20m ² of gross floor area.
(b) Shop	Minimum of 2 spaces plus one space for every 20m ² of gross floor area.
(c) Convenience Store	Minimum of 2 spaces plus one space for every 20m ² of gross floor area.
(d) Take-Out Food	Minimum of 2 spaces plus one space for every 15m ² of gross floor area.
(e) Vending Stand	Minimum of 2 spaces plus additional as specified by the Council.
(f) Indoor Market	As specified by the Council.
(g) Outdoor Market	As specified by the Council
(h) Service Station	One space for every 20m ² of gross floor area.
(i) Commercial Residential	One space for every rental room.

CLASS	
INDUSTRIAL USES	
(a) Hazardous Industry	One space for every employee, plus 3.
(b) General Industry	One space for every employee, plus 3.
(c) Light Industry	One space for every employee, plus 3.

CLASS	
NON-BUILDING USES	
(a) Outdoor Recreation	As specified by the Council.
(b) Conservation	As specified by the Council.
(c) Cemetery	As specified by the Council.
(d) Scrap Yard	As specified by the Council.
(e) Animal	Minimum of 2 spaces plus one space for every 20m ² of gross floor area.
(f) Transportation	As specified by the Council.

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SCHEDULE E