

# **Town of St. Lewis**

## **Development Regulations 2015-25**

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*Prepared for*  
Town of St. Lewis

*Prepared by*  
Baird Planning Associates

2015

**Gazetted: August 14, 2015**



# Urban and Rural Planning Act Resolution to Approve

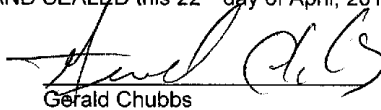
## Town of St. Lewis Development Regulations 2015 - 2025

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

- (a) Adopted by the St. Lewis Municipal Plan on the 31<sup>st</sup> day of March, 2015.
- (b) Gave notice of the adoption of the St. Lewis Municipal Plan by advertisement inserted in the Northern Pen newspaper on the 6<sup>th</sup> day and the 13<sup>th</sup> day of April, 2015.
- (c) Set the 22<sup>nd</sup> day of April, 2015 at St. Lewis Town Hall, St. Lewis for the holding of a public hearing to consider objections and submissions.

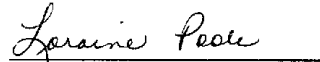
SIGNED AND SEALED this 22<sup>nd</sup> day of April, 2015.

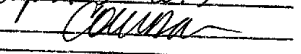
Mayor:

  
Gerald Chubbs

(Council Seal)

Clerk:

  
Loraine Poole

Development Regulations/Amendment	
REGISTERED	
Number	H445-2015-001
Date	August 3, 2015
Signature	



# Urban and Rural Planning Act Resolution to Adopt

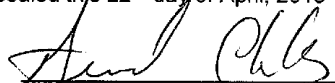
## Town of St. Lewis Development Regulations 2015 - 2025

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

Adopted by the Town Council of St. Lewis on the 31<sup>st</sup> day of March, 2015.


Signed and sealed this 22<sup>nd</sup> day of April, 2015

Mayor:

  
Gerald Chubbs


(Council Seal)

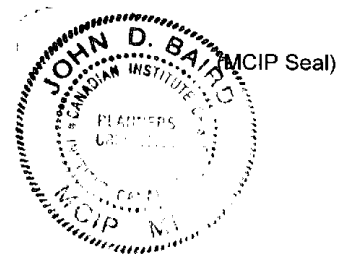
Clerk:

  
Lorraine Poole

### Canadian Institute of Planners Certification

I certify that the attached Municipal Plan has been prepared in accordance with the requirements of the *Urban and Rural Planning Act 2000*.

  
John Baird, MCIP





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**TOWN OF ST. LEWIS MUNICIPAL PLAN**

**DEVELOPMENT REGULATIONS  
APPLICATION**

**1. Short Title**

These Regulations may be cited as the St. Lewis Development Regulations.

**2. Interpretation**

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

**3. Commencement**

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

**4. Ministerial Development Regulations**

The Ministerial Development Regulations (Ministerial Regulations), enacted under Section 36 of the Act, shall apply to development within the Planning Area. Where there is conflict between these and the St. Lewis Development Regulations, the Ministerial Regulations shall prevail. The Ministerial Development Regulations are included with the St. Lewis Development Regulations.

**5. Municipal Code and Regulations**

The building regulations and any other municipal regulations controlling the development, conservation and use of land shall under these Regulations apply to the entire St. Lewis Municipal Planning Area. The National Building Code of Canada, the Fire Code of Canada, and all ancillary codes and regulations, shall also apply to the entire St. Lewis Municipal Planning Area.

**6. Council**

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

## PART I – GENERAL REGULATIONS

### 7. **Compliance with Regulations**

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

### 8. **Permit Required**

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

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

Subject to **Regulation 10 - Permit not to be Issued in Certain Cases** and **Regulation 11 - Discretionary Powers of Council**, a permit shall be issued for development within the Planning Area that conforms to the requirements of these Regulations, including:

- (a) The general development standards set out in Part II of these Regulations, the standards for subdivision of land set out in Part III, the requirements of Part IV, and the use classes, standards, requirements, and conditions prescribed in Schedule C for the use zone in which the proposed development is located.
- (b) The standards set out in the National Building Code or other ancillary codes, 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.
- (d) The standards of design and appearance established by Council.

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

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

### 11. **Discretionary Powers of Council**

- (1) In considering an application for a development permit or approval in principle, Council shall take into account the policies of the Municipal Plan and any further scheme, plan or regulations pursuant thereto, and shall assess the general

appearance of the development, the amenity of the surroundings, availability of utilities, public safety and convenience, and other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of these Regulations, Council may, in its discretion, and as a result of its consideration of the matters set out in this Regulation, conditionally approve or refuse the application.

- (2) When approving an application for a discretionary use, Council shall state in writing the basis for its approval.

**12. Variances (Refer to Ministerial Development Regulations, Section 12)**

- (1) Where an approval or a permit cannot be given by Council because a proposed development does not comply with development standards set out in these Regulations, Council may, at its discretion, vary the applicable development standards to a maximum of 10%, if, in its opinion, compliance with the development standards would prejudice the proper development of the land, building or structure in question or would be contrary to the public interest.
- (2) Council shall not allow a variance from development standards set out in these Regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10% variance even though the individual variances are separately not greater than 10%.
- (3) Council shall not permit a variance from the development standards where the proposed development would increase the non-conformity of an existing development or would result in the creation of non-conformity of any existing legal development.

**13. Notice of Variance (Refer to Ministerial Development Regulations, Section 13)**

Where Council is to consider a proposed variance, 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.

**14. Service Levy**

- (1) In accordance with Section 149(2) of the *Municipalities Act* 1999, where Council carries out a public work that enables a real property to be developed or developed to a higher density, or enhances the value of a property, Council may charge a service levy on the property.

- (2) The amount of a service levy shall be determined by Council, but shall not exceed the cost, including finance charges, to Council of constructing or improving the public works that are necessary for the real property to be developed in accordance with the standards required by Council and for uses that are permitted on that real property.
- (3) A service levy shall be assessed on the real property based on:
  - (a) The amount of real property benefited by the public works related to all the real property so benefited; and,
  - (b) The density of development made capable or increased by the public work.
- (4) Council may require a service levy to be paid by the owner of the property benefited and may specify the time for payment.

**15. Financial Guarantees by Developer**

- (1) Council may require a developer before commencing a development to make such financial provisions and/or enter into such agreements as may be required to guarantee the payment of service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit or licence.
- (2) The financial provisions pursuant to Paragraph (1) may be made in the form of:
  - (a) A cash deposit from the developer, to be held by Council,
  - (b) A guarantee by a bank, or other institution acceptable to Council, for expenditures by the developer,
  - (c) A performance bond provided by an insurance company or a bank,
  - (d) An annual contribution to a sinking fund held by Council, or
  - (e) Another form of financial guarantee that the council or regional authority may approve.
- (3) Financial Guarantees – Mineral Workings
  - (a) A developer of a mineral workings site will provide a financial guarantee in the form of a performance bond, unconditional and irrevocable letter of credit, or other form acceptable to Council, for an amount to cover the cost of restoring or landscaping the site after the quarry operations have ended or the site is abandoned by the applicant.

- (b) The financial guarantee will be returned when the site has been restored and any conditions attached to the development permit have been carried out to Council's satisfaction.
- (4) Financial Guarantees – Mineral Exploration in the Protected Watershed Zone
  - (a) A developer of a mineral exploration use in the Protected Watershed zone will provide a financial guarantee in the form of a performance bond, unconditional and irrevocable letter of credit, or other form acceptable to Council, for an amount to cover the cost of rectifying any contamination of the municipal drinking water supply caused by exploration operations, as well as restoring disturbed sites after the operations have ended.
  - (b) The financial guarantee will be returned when the all conditions attached to the development permit have been carried out to Council's satisfaction.

**16. Dedication of Land for Public Purposes**

Council may require the dedication of a percentage of the land area of any subdivision or other development for public use, and such land shall be conveyed to Council in accordance with Section 37 of the Act.

Unless Council decides otherwise, such land that is dedicated for public use will not include land that Council requires to be set aside from development for the purposes of stormwater drainage or environmental protection, whether or not that land is located within the Environmental Protection zone.

**17. Restoration of Land**

Where the use of a site is discontinued, the intensity of its use is decreased, a development permit has been revoked or has expired, or a temporary development permit has expired, Council may order the developer, the occupier of the site, the owner, or all of them to restore the site, remove all or any buildings or erections, cover or fill all wells or excavations, and close all or any accesses, or to do any or all of these things, as the case may be, and the developer, occupier or owner shall carry out the order of Council and shall put the site in a clean and sanitary condition to Council's satisfaction.

**18. Form of Application**

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

- (2) Council shall supply to each applicant a copy of the application form referred to in Paragraph (1) and any available information required by the applicant relevant to the application.

**19. Register of Application**

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

**20. Deferment of Application**

- (1) Council may, with the written agreement of the applicant, defer consideration of an application.
- (2) Applications properly submitted in accordance with these Regulations, which have not been determined by Council and on which a decision has not been communicated to the applicant within sixty (60) days of the application being received by Council, shall be deemed to be refused.

**21. Approval in Principle**

- (1) An application for an approval in principle for a subdivision or other form of development will include a description of the site and the proposed development, including a professionally prepared drawing, which:
  - (a) Delineates the limits of land to be used for the proposed development,
  - (b) Shows contours and significant natural features such as wetlands, watercourses, drainage channels, and slopes that exceed 15 percent,
  - (c) Shows existing streets, buildings, and land uses in the vicinity of the site,
  - (d) Shows a conceptual layout of proposed streets, trails, and other major components of the development, and
  - (e) Provides any additional information that may be requested by Council.
- (2) Council will not consider an application for an approval in principle unless that application includes a clear description of the site and proposed development in accordance with Paragraph (1).
- (3) Council can grant an approval in principle if it determines that the proposed development complies generally with the intent and purposes of the Municipal Plan and these Regulations. Council will attach to the approval in principle such



conditions that it deems necessary to ensure the proposed development will be in accordance with the Plan and these Regulations. It will also outline such details that the applicant will be required to address before a final development permit will be granted.

- (4) An approval in principle will be valid for a period of one (1) year, and may be extended for one (1) additional year, up to a maximum of two (2) years.
- (5) Where approval in principle is granted, approval of a final development permit will be subject to the subsequent approval by Council of any details and conditions that were outlined in the approval in principle.
- (6) Approval in principle will not constitute permission to commence development. No form of development will commence until Council has issued a proper development permit.
- (7) Council may revoke approval in principle if it determines that the applicant has changed the proposed development in a way that significantly alters the original intent of the application or has not adequately addressed conditions or details stipulated in the approval in principle.
- (8) A decision by Council on an application for an approval in principle can be appealed in accordance with Section 42 of the Act.

**22. Development Permit**

- (1) An application for a development permit for a subdivision, building or other form of development, will include a description of the site and the proposed development, including a drawing, which:
  - (a) Delineates the limits of land to be used for the proposed development,
  - (b) Shows contours and significant natural features such as wetlands, watercourses, drainage channels, and slopes that exceed 15 percent,
  - (c) Shows existing streets, buildings, and land uses in the vicinity of the site,
  - (d) Shows a conceptual layout of proposed streets, trails, buildings, and other major components of the development, and
  - (e) Provides any additional information that may be requested by Council.

- (2) A written development permit issued by Council or its designated staff will constitute permission to develop in accordance with these Regulations, but such permission shall not relieve the applicant from full responsibility for obtaining all other permits or approvals prior to commencement of development and complying with all other regulations and statutes during development.
- (3) Council may attach conditions to a development permit to ensure compliance with the Municipal Plan and these Regulations, and the permit holder will be responsible for full compliance with these conditions.
- (4) A development permit is valid for a period of one (1) year and may be extended for one (1) additional year if requested by the applicant, up to a maximum of two (2) years.
- (5) The issuance of a development permit does not prevent Council from thereafter requiring the correction of errors or ordering the cessation, removal of, and remedial work on any development being carried out that is in violation of the Municipal Plan or these Regulations.
- (6) Council may revoke a permit:
  - (a) for failure by the holder of the permit to comply with these Regulations or any condition attached to the permit or approval in principle,
  - (b) where Council determines that the permit holder has changed the proposed development in a way that significantly alters the intent of the original application, or
  - (c) where the permit was issued in error or was issued on the basis of incorrect information,
- (7) No person shall change the application for which a development permit was issued unless written approval of the change has been issued by Council.
- (8) A copy of the development permit, along with plans and specifications, shall be kept on the site until the development is completed.
- (9) A decision by Council on an application for a development permit may be appealed in accordance with Section 42 of the Act.

**23. Temporary Use Permit**

At its discretion Council may issue a development permit for a temporary use, which must comply with the Municipal Plan and these Regulations. The permit may be for a period not exceeding one (1) year, and may be extended at the request of the applicant for one (1) additional year, up to a maximum of two (2) years.

**24. Permit Fees**

Council may charge a fee for a development permit in accordance with the schedule of fees adopted by Council.

**25. Compliance with Legislation**

- (1) If Council is aware that a proposed development may not comply with a particular provincial or federal act or regulation, it may require the applicant to provide confirmation that necessary government approvals have been obtained before issuing a development permit.
- (2) If Council deems that a proposed development may trigger the requirements of the *Environmental Assessment Act*, the proponent will be advised to consult with the Department of Environment and Conservation before a development permit will be issued.
- (3) Where these Regulations are more stringent than a provincial or federal act of regulation, these Regulations will apply.

**26. Reasons for Refusing or Setting Conditions on a Permit**

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

**27. Notice of Right to Appeal (Refer to Ministerial Development Regulations, Section 5)**

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

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

**28. Appeals (Refer to Ministerial Development Regulations, Sections 6-11)**

Sections 6 to 11 of the Ministerial Regulations outline the regulations with respect to appeal requirements, appeal registration, prohibition of development that is subject to an appeal, notice of an appeal hearing, the appeal board's hearing of evidence, and appeal board decisions.

**29. Return of Appeal Fee**

In accordance with Section 42(3) of the *Act*, where an appeal of a Council decision is successful, an amount of money equal to the appeal fee paid by the appellant shall be paid to the appellant by Council.

**30. Notice of Application (Refer to Minister’s Development Regulations, Sections 13 & 15)**

- (1) Notice of an application shall, at the applicant’s expense, be given when:
  - (a) A variance is to be considered under **Regulation 12 - Variances**,
  - (b) A change in a non-conforming use is to be considered under **Regulation 51 - Non-Conforming Uses**,
  - (c) A proposed development is listed as a discretionary use in Schedule C,
  - (d) A comprehensive development is proposed in accordance with **Regulation 46 - Comprehensive Development**, or
  - (e) Council deems that an application is such that that the public should be notified.
- (2) In accordance with **Regulation 13 - Notice of Variance** of these Regulations and Section 13 of the Ministerial Development Regulations, **notice of a variance application** will be given directly to persons who are likely to be affected and a minimum of seven (7) days will be provided for persons to respond.
- (3) In accordance with **Regulation 51(4) - Non-Conforming Uses** and Regulation 15 of the Ministerial Development Regulations, **notice of an application to change a non-conforming use** will be given directly to persons who are likely to be affected, or circulated to all residents, or published by advertisement in a newspaper circulating in the area, and a minimum of seven (7) days will be provided for persons to respond.
- (4) **Notice of an application to develop a discretionary use** will be given directly to persons who are likely to be affected, or circulated to all residents, or published by advertisement in a newspaper circulating in the area, and a minimum of seven (7) days will be provided for persons to respond.
- (5) In accordance with **Regulation 46 – Comprehensive Development** of these Regulations, **notice of an application to undertake a comprehensive development** will be circulated to all residents or published by advertisement in a newspaper circulating in the area, and a minimum of seven (7) days will be provided for persons to respond.

- (6) Notice of an application for a development that Council determines the public should be made aware of will be given directly to persons who are likely to be affected, or circulated to all residents, or published by advertisement in a newspaper circulating in the area, and a minimum of seven (7) days will be provided for persons to respond.
- 31. Delegation of Powers (Refer to Ministerial Development Regulations, Section 18)**  
Council shall, when designating employees or contractors to whom a power is to be delegated under Section 109(2) of the Act, make that designation in writing.
- 32. Right of Entry**  
Any official authorized by Council may enter upon land and may at all reasonable times enter any development or building for the purpose of making inspections relative to the development.
- 33. Record of Violations**  
Every inspector shall keep a record of any violation of these Regulations and report that violation to Council.
- 34. Stop Work Order and Prosecution**
- (1) Where a person begins a development contrary or apparently contrary to these Regulations, Council may order that person to stop the development or work connected therewith pending final adjudication in any prosecution arising out of the development.
- (2) A person who does not comply with an order made under Paragraph (1) is guilty of an offence under the provisions of the Act.

## PART II - GENERAL DEVELOPMENT STANDARDS

### 35. Building Line and Setbacks

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

### 36. Access Ramps

At its discretion, Council may, after consulting with abutting property owners permit an access ramp for a disabled person to be erected in a minimum front, rear, or side yard if:

- (a) There is no alternative means to provide the access ramp, and
- (b) The ramp does not create a safety hazard.

### 37. Accessory Buildings

- (1) Accessory buildings shall be clearly incidental and complementary to the use of the main building(s) and shall be contained on the same lot.
- (2) No truck, bus, other vehicle body, semi-trailer, or freight container shall be used as an accessory building.
- (3) No accessory building shall be erected upon an easement.
- (4) No accessory building or part thereof shall project closer to the front streetline than the main building, unless authorized at Council's discretion in accordance with Paragraph (5).
- (5) Notwithstanding Paragraph (4), at its discretion, Council may approve an accessory building closer to the front streetline than the main building under one or more of the following circumstances:
  - (a) A rearyard or sideyard location is not physically feasible or would pose a major hazard for the property owner,
  - (b) A frontyard location is necessary to ease accessibility for a physically disabled resident of the home,
  - (c) A rearyard or sideyard location would adversely affect the view or other amenities in the rearyard of the property or of neighbouring properties,

- (d) The proposed frontyard location would not pose a threat to road safety, and
- (e) The proposed frontyard location, size, appearance, and use of the accessory building would not adversely affect on the character or amenities of adjacent properties or the neighbourhood.

Before approving an application to erect an accessory building in the frontyard of a lot, Council will provide notice to neighbours and duly consider comments received.

- (6) Unless otherwise set out in Schedule C, the minimum separation between an accessory building and any other building will be 2.0 metres.

### **38. Home Occupations**

A home occupation will not be permitted if it does not meet the following conditions:

- (a) It will be clearly secondary to the residential use of the property.
- (b) It will be located inside the dwelling or inside an accessory building on the same lot.
- (c) It will employ one or more persons, who normally inhabit the dwelling and, in addition, may employ no more than two persons who do not normally inhabit the dwelling,
- (d) It will occupy:
  - no more than thirty percent (30%) of the floor area of the dwelling unit, or
  - no more than one hundred (100) square metres of the total floor area of an accessory building.
- (e) It will not include outdoor storage of materials or equipment unless approved at the discretion of Council.
- (f) It will not use any hazardous materials,
- (g) It will not use water or generate sewage in excess of what can be accommodated by the existing water supply and sewage disposal system,
- (h) It will not cause noise, odours, fumes, electrical interference, or other nuisances that unreasonably affect neighbouring properties,
- (i) Unless otherwise authorized, sufficient off-street parking space shall be available on the lot to accommodate the parking needs of residents, employees, and clients,

- (j) Council may require fencing, screening, and/or a minimum space separation to protect the amenity of adjacent uses,
- (k) It will not create traffic safety or traffic congestion concerns,
- (l) It will not include automobile repair, auto body repair, or automobile sales, and
- (m) It will adhere to any other conditions that Council considers necessary to protect the amenity of adjacent land uses and the neighbourhood.

**39. Childcare Service**

Where permitted by Council a childcare service will conform to the requirements of the *Child Care Services Act* and *Regulations*. Where required, a license to operate shall be obtained from the Department of Health and Community Services.

**40. Bed and Breakfast Establishments**

Where permitted, a bed and breakfast establishment will be subject to the following:

- (a) The use will be operated in a single dwelling occupied as a residence by the operator of the business.
- (b) The use shall not detract from the residential character of the neighbourhood in terms of scale or exterior design.
- (c) One additional parking space shall be provided for each guest room on the lot.
- (d) The maximum number of guest rooms shall be six (6).
- (e) Off-street parking shall provide one space for every guest room. For a catered dining facility, one additional parking space shall be provided for every two guest rooms.
- (f) No wholesale sales or storage of goods shall be carried out and any retail sales shall be incidental to the approved use.
- (g) The establishment must be registered by Canada Select and approved by the Provincial Department of Tourism, Culture and Recreation.



**41. Water Resource Protection**

Council will not permit any development within fifteen (15) metres of the high water mark of a watercourse or coastal waterbody without the approval of the Department of Environment and Conservation, Water Resources Division.

**42. Archaeological Sites**

If an archaeological site or artefact is discovered during development of a property, the development shall stop and Council will consult with the Provincial Archaeology Office. Development shall not proceed until the Provincial Archaeology Office has evaluated the site or authorized the development to proceed.

**43. Industrial Buffer Strips**

Where any industrial use 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 use and the industrial area. The buffer shall include the provision of such natural or structural barrier as may be required by Council and shall be maintained by the owner or occupier to the satisfaction of Council.

**44. Multiple Uses on One Lot**

- (1) A multiple use occurs when two or more different use classes exist in a single building or on a single lot.
- (2) Where a single lot contains more than one permitted use, each use shall conform to all requirements in these Regulations that are applicable to that use.
- (3) A multiple use may not be permitted where Council determines that the proposed use would not be compatible with existing uses on or adjacent to the lot by reason of safety, amenity, appearance, or nuisance.

**45. Main Buildings on a Lot**

- (1) Except for a single dwelling, more than one main building may be permitted on a lot provided that the requirements of Schedule C are satisfied.
- (2) Notwithstanding Paragraph (1), more than one single dwelling can be permitted on a single lot where that lot or dwelling forms part of a comprehensive development.
- (3) Where more than one main building is developed on a single lot, sufficient area shall be reserved to satisfy the yard requirements and other allowances outlined in Schedule C for the Use Zone in which the lot is located. These allowances shall be maintained when the adjacent land is developed.

**46. Comprehensive Development**

Council, at its discretion, may permit a comprehensive development that does not meet the requirements of these Regulations with respect to access to and frontage on a public street as well as minimum lot size, frontage, frontyard, sideyard, and rearyard, provided that:

- (a) It is satisfied that the site conditions are such that the standard requirements cannot be met, the quality of the development would be greater than would otherwise be achieved through conventional developments, or the development would be in the public interest with respect to providing housing for elderly, disabled, lower-income, and other residents whose needs and preferences cannot be easily accommodated by traditional single-unit dwellings.
- (b) It has provided public notice of the proposed development in accordance with **Regulation 30(1) (d)** - of Part II of these Regulations.
- (c) A comprehensive development plan has been prepared and approved by Council,
- (d) The comprehensive development itself has frontage on a public street,
- (e) The development is compatible with adjacent development,
- (f) The area of the comprehensive development is at least one (1) hectare, and
- (g) There are no fewer than two developments within the comprehensive development.

**47. Residential Care Homes**

- (1) A residential care home may be permitted in an institutional facility or a single dwelling that is adequate in size to accommodate the number of persons, including staff, living in the home.
- (2) The use and appearance of the building shall not adversely affect the amenities of the adjacent residences or neighbourhood. Council may set conditions aimed at ensuring the use is compatible with the neighbourhood.
- (3) Council may require special access and safety features to be provided for the occupants before occupancy is permitted.

**48. Lot Area**

- (1) No lot shall be reduced in area, either by the conveyance or alienation of any portion thereof or otherwise, so that a frontyard, rearyard, sideyard, frontage, or

lot area that is less than, any building or structure on such lot shall have a lot coverage that exceeds, 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.

**49. Lot Area and Size Exceptions**

Where, at the time of coming into effect of these Regulations, an existing lot in a residential zone has insufficient frontage or area to permit the owner 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 that the lot coverage is not greater than, and the setbacks and floor area are not less than, the standards set out in these Regulations.

**50. Lot Frontage**

Except where specifically provided for in Schedule C, no building shall be erected on a lot that does not front directly onto a public street unless the subject lot forms part of a comprehensive development.

**51. Non-Conforming Uses (Refer to Section 108(2) of the Urban and Rural Planning Act 2000 and Sections 14, 15, and 16 of the Ministerial Development Regulations)**

- (1) Notwithstanding the Municipal Plan, a scheme, or regulations made under the Urban and Rural Planning Act 2000, Council shall, in accordance with regulations made under the Act, allow a development or use of land to continue in a manner that does not conform with a regulation, scheme, or plan that applies to that land provided that the non-conforming use legally existed before the registration under Section 24 of the Act of the plan, scheme or regulations made with respect to that kind of development or use.
- (2) Notwithstanding Paragraph (1), a right to resume a discontinued non-conforming use of land shall not exceed one year after the discontinuance occurred. For the purpose of this Regulation, discontinuance of a non-conforming use begins when any one of the following conditions is met:
  - (a) The building or use of land is clearly vacated,
  - (b) The owner or tenant has ceased paying business taxes for that use, and
  - (c) The owner or tenant has stated in writing that the use has ceased.

- (3) A non-conforming building, structure, or development under the *Act*, which is allowed to continue under Paragraph (1):
- (a) shall not be internally or externally varied, extended or expanded unless otherwise approved by Council,
  - (b) shall not be structurally modified except as required for the safety of the building, structure or development,
  - (c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50% or more of the value of that building, structure or development has been destroyed, except as provided for in Paragraph (h),
  - (d) may have the existing use for that building, structure or development varied by Council to a use that is, in Council’s opinion, more compatible with the plan and regulations applicable to it,
  - (e) may have the existing building extended by Council where, in Council’s opinion that extension is not more than 50% of the existing building,
  - (f) where the non-conformance is with respect to the standards in these Regulations, shall not be expanded if the expansion would increase the non-conformity,
  - (g) where the building, structure, or development is primarily zoned and used for residential purposes, may, in accordance with the appropriate plan and regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed, and
  - (h) A residential building or structure referred to in Paragraph (g) must be repaired or rebuilt in accordance with the plan and development regulations applicable to that building or structure.
- (4) In accordance with **Regulation 30 - Notice of Application** of these Regulations, when considering an application to vary an existing use of a non-conforming building, structure or development under Paragraph (3) (d), Council will, at the applicant’s expense, provide public notice of the application and shall consider any representations or objections received in response to that advertisement.

**52. Mineral Exploration**

- (1) No mineral exploration (as per definition in Schedule A) will take place within the Planning Area without an annual development permit issued by Council.
- (2) A mineral exploration use will be subject to terms and conditions set by Council to minimize and mitigate potential impacts on residential, commercial, industrial, institutional, recreational, water supply, and environmentally sensitive areas.
- (3) Within the Protected Watershed zone, Council will not issue a permit for mineral exploration unless it is fully satisfied that there will be no adverse effects on the municipal water supply. The Use Zone Table outlines specific provisions that will apply to a mineral exploration use within the Protected Watershed zone.
- (4) Council will not issue a permit for mineral exploration until all necessary permits and approvals have been obtained from the Departments of Natural Resources and Environment and Conservation, and any other relevant Provincial agency.
- (5) Mineral exploration will be subject to conditions to:
  - (i) protect the municipal water supply and other environmentally sensitive areas
  - (ii) control ground disturbance, access road construction, vegetation clearing, and other impacts
  - (iii) limit the duration of exploration activity
  - (iv) restore disturbed sites to a natural condition acceptable to Council
  - (v) implement other measures deemed necessary by Council
- (6) Mineral exploration that is not classed as a development by virtue of ground disturbance, access roads, or use of equipment other than hand tools (see definition in Schedule A) may be permitted anywhere in the Planning Area, as long as adequate notification is provided to Council.

**53. Offensive and Dangerous Uses**

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

**54. Parks, Playgrounds, and Open Spaces**

Nothing in these Regulations shall prevent the designation of land for the creation of parks, playgrounds, and open spaces in any zone provided that such land is not located in areas that may be hazardous to their use or is an area that is not compatible for such a use.

Except at the discretion of Council, an existing trail corridor will not be encroached upon by another development that would prevent or significantly impede its use as a trail.

**55. Screening and Landscaping**

- (1) 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.
- (2) The provision of adequate and suitable landscaping or screening may be made a condition of any development permit where, in the opinion of Council, the landscaping or screening is desirable to preserve amenity or protect the environment.

**56. Service Stations and Other Petroleum Dispensing Facilities**

The following requirements shall apply to all proposed service stations and other petroleum dispensing facilities:

- (a) Petroleum pumps shall be located on pump islands designed for such purpose, and to which automobiles may gain access from either side, except in the case of propane, diesel, and kerosene pumps, which may access from one side,
- (b) Pump islands shall be set back not less than four (4) metres from the front lot line,
- (c) Accesses to the lot shall not be less than 7 metres wide and shall be clearly marked,
- (d) Surface runoff shall be directed to a oil/water separator before being discharged into a storm sewer or other drainage system, and
- (f) All provincial and other regulatory requirements must be met.

**57. Public Services, Utilities, and Transportation**

Within any zone, except where specifically limited in Schedule C, Council may permit land to be used for the provision of public services and utilities, provided that the design, construction, landscaping, and operation of the service or utility will, in the opinion of Council, be adequate to protect the environment, character, and appearance of the area.

Within any zone, except where explicitly limited in Schedule C, Council may permit land to be used for the provision of transportation infrastructure, provided that the design,

construction, landscaping, and operation of the use will, in the opinion of Council, be adequate to protect the environment, character, and appearance of the area.

**58. Site Development Requirements**

The following requirements will apply to all proposed site developments involving new street construction or large sites for commercial or other development.

- (a) Council shall consider the suitability of the site in terms of steepness of grades, soils and geology, and environmentally sensitive areas, including watercourses, wetlands, and proximity to coastal shorelines when reviewing a development application.
- (b) Before approving development on a site having a slope of steeper than fifteen (15) percent but not more than twenty-five (25) percent, Council will require the development proposal to be reviewed by a certified planner or engineer. The review shall evaluate the soil and geological stability, proposed grading, drainage, vegetation removal, landscaping, and the potential for excessive stormwater runoff, erosion, and pollution of adjacent properties, wetlands, or water bodies.
- (c) No buildings, structures, or placement or removal of fill will be permitted:
  - (i) On a slope that exceeds twenty-five percent (25%) over a height of four (4) or more metres and a length of twenty-five (25) or more metres.
  - (ii) Within eight (8) metres of the top or bottom of a slope that exceeds twenty-five percent (25%) over a height of four (4) or more metres
- (d) The clearing of trees and the excavation and filling-in of land to prepare a site for development will be limited to an extent that is deemed by Council to be environmentally and aesthetically acceptable and no more than necessary to suitably develop the site.
- (e) A development application will provide sufficient information to show the extent of any proposed clearing, excavation, or filling-in of the site.
- (f) An approval in principle or a permit to develop will not be granted when in Council's opinion the proposed clearing, excavation, filling-in of land, or other site development will result in unacceptable drainage, environmental, or aesthetic impacts, or will be more than is necessary to suitably develop the site.

**59. Street Construction Standards**

A new street will not be constructed except in accordance with the design and construction specifications set by Council.

**60. Subsidiary Apartments**

Subsidiary apartments will 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.

**61. Development in the Vicinity of a Public Right-of-Way**

- (1) Land development and the erection of buildings and structures will not be permitted on any site where it would otherwise be permitted under these development regulations, when in the opinion of Council, the development would impede public passage on a public right-of-way or interfere with any legal right of Council to develop or improve the right-of-way for public access and recreation.
- (2) Council may require a minimum setback or set other terms and conditions to a proposed development in the vicinity of a public right-of-way to ensure the development will not obstruct public passage along the right-of-way.



**PART III - SUBDIVISION OF LAND**

**62. Application of Part III**

Part III of these regulations applies to each of the following:

- (a) The subdivision of a parcel of land under single ownership into two or more lots,
- (b) Construction, upgrading, or extension of a public street, and
- (c) Extension or upgrading of the municipal water and sewer system.

**63. Permit Required**

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

**64. Services to be Provided**

No permit shall be issued for the subdivision of land unless provisions satisfactory to Council have been made for supply of drinking water, sewage disposal, and stormwater drainage so as to not affect adjoining and nearby properties.

**65. Payment of Service Levies and Other Charges**

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

**66. Permit Subject to Considerations**

For every subdivision of land involving the construction of a new street or extension of an existing street, a development permit application and subdivision plan shall be submitted to Council.

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

- (a) Proposed land uses within the development,
- (b) The location and natural characteristics of the site, including topography, drainage, soils and geology, vegetation, wetlands, watercourses, sensitive areas, prevailing winds, and solar orientation,

- (c) Municipal Plan policies and Development Regulations that apply to the site, as well as the permitted and discretionary use classes, development standards, and conditions of the Use Zone in which the site is located,
- (d) Proposed layout of streets and lots, and linkages to existing streets,
- (e) The availability of and the demand created for municipal infrastructure, municipal services, and utilities,
- (f) Provisions for access to adjacent undeveloped areas,
- (g) The land use, physical form and character of adjacent developments,
- (h) The relationship of the project to existing or potential sources of nuisance,
- (i) Visual quality and effect on viewscales from existing residential areas,
- (j) Community facilities,
- (k) Energy conservation,
- (l) Environmental effects with respect to the municipal water supply, private wells, watercourses, wetlands, steep slopes, drainage patterns, stormwater generation and control, coastal resources, and loss or fragmentation of habitat,
- (m) Municipal financial costs related to the provision and maintenance of roads, other infrastructure, and municipal services,
- (n) Effects on the sustainability of important resource lands, including groundwater supply areas, forestland, and aggregate resources, and
- (o) Such other matters as may affect the proposed development.

**67. Building Permits Required**

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

**68. Form of Application**

Application for a permit to develop a subdivision shall be made to Council in accordance with **Regulation 18 - Form of Application**.

**69. Subdivision Subject to Zoning**

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

**70. Building Lines**

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

**71. Dedication of Land for Public Use**

In accordance with Section 37 of the Act, Council may require developers of subdivisions to provide land to the Town for open space or other public use equal to a maximum of ten (10) percent of the gross area of the land to be developed. Alternatively, in lieu of land dedication, Council may accept a sum of money that is equivalent to the value of the land in that subdivision that would have been conveyed.

**72. Structure in Street Reservation**

The placing within any street reservation of any structure (for example, a hydro or telephone pole, fire hydrant, mail box, school bus shelter, sign post) shall not be approved by Council unless or until it is satisfied on the question of safe construction and relationship to other buildings or structures within the street reservation and the relationship to safe movement of vehicles and pedestrians.

**73. Subdivision Design Standards**

Except as otherwise specified in a Subdivision Policy adopted by Council, 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 ten percent.
- (b) A cul de sac will be subject to the following:
  - (i) the turning circle of a cul de sac will have a driving surface diameter of not less than 30 metres.
  - (ii) the maximum length of a cul de sac will be 250 metres.

- (c) Streets will be designed in accordance with the following minimum standards:

<b>Street Reservation</b>	<b>Pavement Width</b>	<b>Walkway Width and Design</b>	<b>Walkway Number</b>
15 m (may be varied to no less than 12.2 m at the discretion of Council)	7.3 m	Discretion of Council	Discretion of Council

- (d) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land.

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

- (1) Plans and specifications for all streets, paving, sidewalks and all other utilities deemed necessary by 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 Council, be incorporated in the plan of subdivision.
- (2) Upon approval by 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 streets and other works deemed necessary by Council to service the said area.

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

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

**76. Street Works May Be Deferred**

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

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

**77. Transfer of Streets and Utilities to Council**

- (1) The developer shall, following the approval of the subdivision of land and upon request of Council, transfer to Council, at no cost to Council, and clear of all liens and encumbrances:
  - (a) All lands in the area proposed to be developed or subdivided which are approved and designated by Council for public use 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 Council.
- (2) Before Council shall accept the transfer of lands, services or public works of any subdivision, the Engineer shall, at cost to the developer, test the streets, services and public works installed and certify his satisfaction with their installation.
- (3) Council shall not provide maintenance for any street, service or public work in any subdivision until such time as such street, service or public work has been transferred to and accepted by Council.

**78. Restriction on Sale of Lots**

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

**79. Grouping of Buildings and Landscaping**

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

## **PART IV - USE ZONES**

### **80. Use Zones**

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

### **81. Map Interpretation**

- (1) The boundaries of the Use Zones shown on the Land Use Zoning Maps are general only and, except where they coincide with roads, shorelines, or other prominent physical features, are not intended to define exact limits. No zoning amendment shall be required to allow minor adjustments of the Use Zone boundaries. Other than such minor boundary adjustments, no development shall be permitted that does not conform to the Use Zone delineated on the Land Use Zoning Maps.
- (2) Where there is uncertainty regarding the existence of a watercourse identified on the zoning map as occurring within the Environmental Protection zone, this will be confirmed in the field. If it is determined that the watercourse does not exist, the area in question will be treated as if it is occurring within a surrounding zone.

### **82. Use Classes**

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

### **83. Permitted Uses**

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

**84. Discretionary Uses**

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone Table in Schedule C may be permitted in that Use Zone if Council is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if Council has given notice of the application in accordance with **Regulation 30 - Notice of Application** and has considered any objections or representations which may have been received on the matter.

**85. 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.





# **Town of St. Lewis**

Development Regulations 2015-25

Schedule A – Definitions



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**SCHEDULE A – DEFINITIONS**

**GENERAL NOTE:**

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

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

**\*ACCESSORY BUILDING** includes:

- (i) A detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory which has a use that is customarily incidental or complementary to the main use of the building or land,
- (ii) In the case of a residential use, a domestic garage, carport, ramp, shed, swimming pool, greenhouse, cold frame, fuel shed, vegetable storage cellar, shelter for domestic pets, or radio or television antennae,
- (iii) In the case of a commercial use, an office, workshop, storage building, or garage, and
- (iv) In the case of an industrial use, a garage, office, workshop, storage building, ramp, or dock.

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

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

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

- (a) 1 horse, cow, steer, bull, mule, donkey, pig, fox, or mink including offspring until weaning
- (b) 3 llama or alpaca including offspring until weaning
- (c) 6 sheep or goats including offspring until weaning
- (d) 10 ostriches, emus or fur bearing animals, excluding fox or mink, including offspring until weaning
- (e) 20 hens, chickens, turkeys, ducks or geese, or
- (f) 100 chicks.

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

**APPLICANT** means a person who has applied to Council for a permit to carry out a development.

**BACKLOT** means a residential building lot that is separated from the street by one or more existing residential lots and is accessible by a narrow strip of land leading from the street.

**BED AND BREAKFAST** means an owner-occupied or owner-managed establishment for paid temporary accommodation for up to six (6) guest rooms of paid temporary accommodation for tourists and other travellers. The establishment may include a self-serving dining area for the use by overnight guests. Catered dining may be considered on a limited-use basis. Other uses that may be considered under this definition include hospitality home, cottage and inn. The establishment must be registered with and receive a rating from Canada Select and also must be approved by the Provincial Department of Tourism, Culture and Recreation as a Bed and Breakfast operation.

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

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

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

- (i) the highest point of the roof surface of a flat roof,
- (ii) the deck line of a mansard roof, and
- (iii) the mean height level between eave and ridge of a gable, hip or gambrel roof, and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof.

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

**CAMPGROUND** means an area of land, managed as a unit, for the accommodation of any combination of three (3) or more tents, recreational vehicles, or travel trailers used on a short term or seasonal basis, and where the accessory uses could include an administrative office, clubhouse, snack bar, laundry, convenience store, swimming pool, washroom, and recreational facility.

**CATERING** means a building or part of a building where food is prepared and served within the premises and includes a restaurant and coffee shop, but does not include a take-out food service or drinking establishment.

**CEMETERY** means a facility or site reserved for the burial of the dead and may include a related maintenance facility.

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

**CLUB AND LODGE** means land, a building, or part of a building used by a non-profit association or organization for fraternal, social, recreational or religious purposes.

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

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

**COMMERCIAL ACCOMMODATION** means a building, or part thereof, used to provide short-term accommodation for paying guests. Accommodation may be self contained (with full kitchen, bathroom and laundry services) or serviced (laundry service and meals are provided). Examples of a commercial accommodation may include a hotel, motel, or inn.

**COMMUNICATIONS** means a building, structure, mast, or antenna used to facilitate the receiving or transmitting of radio, television, telephone, cellular, or satellite communications, and may include radio and television stations.

**COMPREHENSIVE DEVELOPMENT** means an integrated development on a suitable, large site that responds to a unique market opportunity and involves special development standards not otherwise permitted in the zone. A comprehensive development may allow for a mix of different housing types and densities, and innovations such as cluster layouts and zero lot line housing, and privately owned and maintained streets and infrastructure.

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

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

**CONVENIENCE STORE** means a retail commercial establishment supplying groceries, sundries and other daily household necessities to the immediate surrounding area.

**COUNCIL** means the Council of the Town of St. Lewis having jurisdiction of the St. Lewis Municipal Plan and Development Regulations.

**CROP AGRICULTURE** means an agricultural operation that is carried on for personal or commercial use and includes:

- (a) the clearing, draining, irrigating or cultivation of land,
- (b) the production of agricultural field crops,
- (c) the production of fruit and vegetables and other specialty horticultural crops,
- (d) the operation of agricultural machinery and equipment,
- (e) storage, use or disposal of organic wastes for farm purposes,
- (f) the preparation of a farm product for distribution from the farm gate, including cleaning, grading and packaging,
- (g) the operation of pick-your-own farms, roadside stands, farm produce stands, and tourist operations as part of a farm operation, or
- (h) any other non-livestock agricultural activity or process prescribed by Provincial regulation that is carried on for gain or reward or in the hope or expectation of gain or reward.

**CULTURAL AND CIVIC** means land or a building used for a cultural or civic activity such as a museum, art gallery, interpretation centre, cultural centre, outdoor interpretive or educational display of a historic, cultural, or educational nature, or used for a government activity not otherwise defined in these Regulations..

**DECK** means a raised structure that has a walking surface within one storey of the established grade at the ground level of that face of the building, which may or may not be attached to a main building, which does not have a permanent roof.

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

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

any period of time.

and excludes:

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

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

**\*DISCRETIONARY USE** means a use that is listed within the discretionary use classes established in the use zone tables of Council's development regulations.

**DISTANCE** means the shortest separation, measured on a horizontal plane, between a lot line, street line, top of a the bank of a watercourse, coastal feature, or other point specified in these Regulations and the nearest part of a building, structure, excavation, or other use of land.

**DOCK** means a recreational structure extending into saltwater, which may be owned and operated by private individuals or community organizations, but does not include a marina or commercial facility.

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

**DRAINAGE** means the removal of surface or subsurface water by a channel, open ditch, grassed waterway, or conservation structure.

**DRINKING ESTABLISHMENT** means a commercial operation, assembly hall, club, or lounge in which the sale and consumption of liquor is licensed under the *Liquor Control Act*, and in which meals and food may be served for consumption on the premise and entertainment may be provided.

**DRIVEWAY** means a vehicular passageway having at least one end thereof connected to a public street and providing ingress to and/or egress from a lot.

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

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

**EDUCATIONAL** means a public or private institution of learning that includes primary, elementary, junior high, and senior high schools, colleges, universities, as well as buildings used for temporary training activities.

**EMERGENCY SERVICE** means a fire station, police station, rescue centre, or other facility for the provision of emergency services, including a training facility related to any of the foregoing.

**ENERGY GENERATION FACILITY** means a facility for the generation of electricity from wind, biomass, water, oil, or gas.

**ENGINEER** means a professionally certified engineer who is employed or retained by Council or by a developer in relation to a development that requires Council approval.

**ENTERTAINMENT** means the internal use of a building for entertainment activities, and may include bowling alleys, movie theatres, performing arts, games arcades, poolrooms, youth centres, and similar uses, but does not include drinking establishments.

**\*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.

**EXCAVATION OF LAND** means the extraction or mining of soil, gravel, or bedrock material to prepare a site for development or to sell for off-site use.



**FILLING-IN OF LAND** means the depositing of soil, gravel, or bedrock material to prepare a site for development.

**FISHERIES FACILITY** means an onshore facility located next to or in the vicinity of coastal waters for a purpose related to commercial fishing or fish processing.

**FLOOD RISK AREA** means an area usually consisting of lowlands, adjoining the channel of a watercourse or estuary, which may be covered by floodwater during a 1:20 or a 1:100 year flood.

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

**FORESTRY** means the general growing and harvesting of trees and, without limiting the generality of the foregoing, shall include the cutting of fuelwood, sawlogs, Christmas trees, and other products.

**\*FRONTAGE** means the horizontal distance between side lot lines measured at the building line, or in the case of a lot on the turning circle of a cul de sac, the horizontal distance measured at the building line.

**FRONTYARD** means the distance between the “building line” as defined in these regulations and the front street line of a lot.

**FUTURE STREET** means a portion of land delineated on a development plan as a “Future Street”, which is to be used as a street at some date in the future and which the title of the land will be vested with Council upon the completion of the development.

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

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

**GENERAL ASSEMBLY** means land or buildings used as gathering places for substantial numbers of people and, without limiting the generality of the foregoing, includes auditoriums, public halls, gymnasiums, bowling alleys, and similar gathering places.

**GENERAL GARAGE** means land or buildings used exclusively for repair, maintenance and storage of motor vehicles and may include the sale of gasoline or diesel oil.

**GENERAL INDUSTRY** means the use of land or buildings to store, assemble, alter, repair, manufacture, fabricate, pack, can, prepare, break up, demolish, or treat any article, commodity or substance. "Industry" shall be construed accordingly.

**GENERAL SERVICE** means an outlet for servicing, repairing, installing, or renting things and equipment, without limiting the generality of the foregoing, includes the following examples:

- (a) radio, television, and computer service and repair shops
- (b) locksmith shops
- (c) small appliance service or repair shops
- (d) household and carpenter tool service or repair shops
- (e) tools and equipment rental shops;

**GRADE** – See “ESTABLISHED GRADE”.

**GREENHOUSE** means a building whose roof and sides are made largely of glass or other transparent or translucent material for the cultivation of plants for subsequent sale, transplanting, or personal use.

**GROUP HOME** means a dwelling accommodating up to but no more than six (6) persons exclusive of staff in a home-like setting. Subject to the size limitation, this definition includes, but is not limited to, facilities referred to as "group care homes", "halfway houses", and "foster homes".

**HABITAT** means an area where plants, animals, and other organisms live, and find adequate amounts of food, water, shelter, and space needed to sustain their populations. Specific habitats of concern may include areas where species (i.e. geese, ducks, salmon) concentrate at a vulnerable point in their life cycle or annual migration.

**HAZARD LAND** means land that poses a hazard or constraint to development such as wetlands, organic soils, steep slopes, flood plains, contaminated soils, and exposed bedrock.

**HAZARDOUS USE** means the use of land or buildings for any purpose that constitutes a special hazard by reason of fire, explosion, radiation, pollution, noxiousness, risk to human health, or other hazard.

**HEIGHT** – See “BUILDING HEIGHT”.

**HOME OCCUPATION** means a secondary use of a dwelling by at least one of the residents of the dwelling to conduct a gainful occupation or business activity.

**HOTEL** means a commercial establishment that consists of a building with three or more attached sleeping units grouped under one roof designed to accommodate the traveling public, which may or may not have restaurant, retail, and personal services.

**INDOOR ASSEMBLY** means land or a building used as a gathering place for sports-related recreational activities and, without limiting the generality of the foregoing, includes arenas, armoires, ice rinks, and indoor swimming pools.

**INDOOR MARKET** means the use of a building for the display and sale of goods and produce by a number of retail enterprises.

**INFILL DEVELOPMENT** means development or redevelopment occurring on an infill lot.

**INFILL LOT** means a vacant lot that remains, or is subdivided from another lot, following completion of the initial development of an area.

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

**KENNEL** means any land, building, or structure where five (5) or more dogs or cats over the age of six months are boarded, bred, trained, cared for, and may include the business of pet grooming, but does not include a veterinary clinic.

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

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

**LIVESTOCK** means any species of poultry, cattle, sheep, swine, goats, llamas, horses, or other animals that are normally kept and raised on farms and used or intended for use as food or food related purposes, for riding (e.g. horses), or for improving animal nutrition, breeding or management for profit, personal use, or otherwise, and does not include a domestic animal as defined in these regulations.

**LIVESTOCK AGRICULTURE** means an agricultural operation that is carried on for personal or commercial use and includes:

- (a) the clearing, draining, irrigating or cultivation of land for livestock grazing,
- (b) the raising of livestock, including poultry,
- (c) the raising of fur-bearing animals,
- (d) the raising of bees,
- (e) the production of eggs and milk,
- (f) the preparation of a livestock, poultry, or dairy product for distribution from the farm gate, including cleaning, grading and packaging,
- (g) the on-farm processing of farm products for the purpose of preparing livestock, poultry, or dairy products for wholesale or retail consumption,
- (h) any other livestock activity or process prescribed by Provincial regulation that is carried on for gain or reward or in the hope or expectation of gain or reward.

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

**LOCAL STREET** means a street designed primarily to provide access to adjoining land and which is not designated as a collector street 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 the lot.

**LOT, CORNER** means a lot having two or more sides fronting onto two or more adjacent streets.

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

**LOT LINE** means a common boundary between a lot and an abutting lot or street.

**MAIN BUILDING** means the building or buildings in which the primary use(s) of a lot on which the building is located is conducted.

**MAIN USE(S)** means the primary purpose(s) for which a building, other structure or lot is designed, arranged, or intended, or for which a lot may be used under this regulation.

**MARINA** means a dock or basin together with associated facilities where slips, moorings, supplies, repairs, storage, sales, rentals, refuelling, and other services that are typically available for boats and other watercraft, and may include a club house and catering facilities. It can also include an associated boathouse or shed.

**MARINE FACILITY** means a wharf or onshore facility located in the vicinity of coastal waters for a purpose related to marine transportation, ship repair, refuelling, and other marine services.

**MEDICAL SERVICE** means a building or part thereof, used exclusively by physicians, dentists or other health professionals, their staff, and patients for consultation, diagnosis, and office treatment of humans. Without limiting the generality of the foregoing, a medical clinic may include administrative offices, waiting rooms, examination rooms, treatment rooms, laboratories, pharmacies, and dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms.

**MINERAL EXPLORATION** means the searching for minerals or mineral occurrences, including oil exploration, wherein, for the purposes of these Regulations it takes the form of a development that involves appreciable clearing of vegetation, soil disturbance, drilling, access road construction, or use of equipment other than hand tools.

**MINERAL WORKING** means the use of land for the surface extraction, processing, crushing, and stockpiling of sand, gravel, clay, shale, bedrock, or other aggregates, and may include washing and blasting where permitted under Provincial regulation, along with associated buildings and machinery.

**MINI-HOME** means a prefabricated single dwelling unit that complies with the National Building Code, is designed to be used with or without a permanent foundation, has a width of less than six (6) metres throughout its entire length exclusive of steps or porches, is not fitted with facilities for towing or to which towing apparatus can be attached, and is capable of being transported by means of a single trailer from the site of its construction without significant alteration.

**MINISTER** means the Minister of Municipal Affairs responsible for the Urban and Rural Planning Act.

**MINOR WATERCOURSE** means a watercourse that flows for only a part of the year, such as during snowmelt, spring runoff, rainstorms, and wet periods.

**MOTEL** means an establishment that serves the travelling public, which consists of one or more buildings containing four or more attached accommodation units, which may or may not have restaurant, retail, and personal services.

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

**\*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.

**NOXIOUS USE** means a use of land or a building which, from its nature or operation, creates a nuisance, or is liable to become a nuisance that is offensive or dangerous by reason of noise, vibration, or emission of gas, fumes, dust, or objectionable odour.

**NURSING HOME** means a residence licensed under Provincial legislation, in which the proprietor supplies lodging and meals and, if required, nursing, medical, or similar care and treatment, and without limiting the generality of the foregoing, may include a rest home, personal care home, or any similar provincially licensed establishment.

**OFFICE** means a use providing for administrative, governmental, professional services and general office functions, and includes accounting, bookkeeping, advertising, architectural, engineering, planning and design, surveying, legal services, counseling, data processing, telephone services, social services, public relations, consulting, realty offices and similar uses.

**OPEN SPACE** means land set aside to preserve natural areas or to develop passive recreational uses. Open space may include woodlands, fields, walking trails, and passive recreational uses, but shall not include structures such as buildings, tennis courts, parking lots, or other impervious land uses.

**OUTDOOR ASSEMBLY** means land or buildings used as a gathering place for substantial numbers of people and, without limiting the generality of the foregoing, includes bleachers, grand stands, outdoor ice rinks and swimming pools, amusement parks and fair grounds, exhibition grounds, and similar gathering places.

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

**PASSIVE RECREATIONAL USE** means a recreation activity that generally does not require a developed site, and includes such uses as walking, bicycling, and skiing trails, but does not include sports fields, structures, or facilities to accommodate any type of motorized vehicle.

**PERMANENT STRUCTURE** means a building or part thereof or any built structure, which includes a foundation or permanent base of earth, rock, concrete or other materials.

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

**PERSONAL CARE HOME** – See "NURSING HOME".

**PERSONAL SERVICE** means a service oriented to the personal needs of persons, and without limiting the generality of the foregoing, includes hairdressing shops, beauty salons, gyms, computer service shops, hobby shops, and photo studios.

**PUBLIC RIGHT-OF-WAY** means a route across privately or publicly owned land that may be followed, but not deviated from, by members of the public.

**PUBLIC STREET** - see "STREET".

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

**RECREATIONAL DWELLING** means a private, non-commercial single dwelling that is intended for recreational use, is not inhabited as a permanent dwelling, and is not located on a public street maintained by Council or the Province.

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

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

**RECYCLING FACILITY** means land or a building used to deposit, store, separate, clean, or redistribute discarded materials such as drink containers, paper, glass, plastic, cardboard, and household goods.

**RESIDENTIAL CARE** means an accommodation facility providing for the care of aged, sick, injured, or people of special needs, other than in a public hospital, and may include a personal care home, nursing home, rest home, seniors home or group home.

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

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

**SENIORS HOUSING AND PERSONAL CARE FACILITY** means a comprehensive development that includes detached or attached living units to accommodate seniors and disabled persons, as well as associated indoor or outdoor facilities to provide for the care, recreation, and social needs of these residents.

**SENSITIVE AREA** means an area that is easily disrupted by human activity, and may include steep slopes, cliffs, watercourses, wetlands, riparian areas, springs, coastal features, wet and unstable soils, unstable geology, and vulnerable or threatened flora or fauna.

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

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

**\*SIDEYARD SETBACK** means the distance between the side lot line and the nearest sidewall of a building on the lot.

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

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



**SLOPE** means the rate of vertical change of the surface of the ground expressed as a percentage figure and determined by dividing the change in vertical distance by the change in horizontal distance.

**\*STREET** means a street, road or highway or other way designed for the passage of vehicles and pedestrians with the following characteristics:

- (i) it is designed for the passage of fire department and other emergency vehicles,
- (ii) it includes related infrastructure, for example, the roadway itself, side ditches, culverts, and bridges, and
- (iii) its maintenance is the responsibility of Council or the Provincial Department of Transportation and Works.

**\*STREET LINE** means the edge of a street reservation as defined by Council.

**STRUCTURE** means anything constructed or erected with a fixed location on or below the ground, or attached to something having a fixed location on the ground, and includes buildings, walls, fences, signs, billboards, utility poles, and similar items.

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

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

**SURFACE WATER** means any flowing or standing water on the surface of the earth.

**SUSTAINABLE DEVELOPMENT** means development that meets the needs of the present without compromising the ability of future generations to meet their own needs, and applies to the environmental, economic, social, cultural, and local governance aspects of the community.

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

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

**TOWNHOUSE** – See “ROW DWELLING”.

**TRAILER** means any vehicle used for sleeping accommodation on a temporary basis and so constructed as to be suitable for being attached to and drawn by a motor vehicle, and not used as a full time residence.

**TRANSPORTATION** means any transportation infrastructure or service such as roads, streets, bridges, airfields, taxi stands, bus and air terminals, but does not include marine transportation structures or buildings.

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

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

**UTILITY** means a utility provided by any agency, which provides the public with electricity, heat, steam, communications, water, sewage, garbage collection, or other similar service.

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

**VETERINARY** means an establishment used by veterinarians, or practitioners in related specialties, for practicing veterinary medicine, where animals are admitted for examination or treatment, and where limited laboratory and other diagnostic services may be offered, but excludes a kennel.

**WATER UTILITY** means any infrastructure or facility used for water supply management, operations, and protection such as intake pipes and filters, treatment plants, and pipelines.

**WATERCOURSE** means the full width and length, including the bed, banks, side and shoreline, or any part, of a river, stream, spring, brook, lake, pond, reservoir, estuary, or other natural or artificial freshwater channel open to the atmosphere, the primary function of which is the conveyance or containment of water, whether the flow is continuous or not.

**WATERSHED** means the surface area contained within a topographical divide above a specified point on a river, brook, stream, or other flowing body of water.

**WETLAND** means a land whose soil is saturated with moisture either permanently or seasonally. Wetlands include swamps, marshes, bogs, fens, and shallow water, among others. The water found in wetlands can be saltwater, freshwater, or brackish.

**ZONE** – See “USE ZONE”

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



# **Town of St. Lewis**

Development Regulations 2015-25

Schedule B – Classification of Uses  
of Land and Buildings

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

This Classification is intended to assist in the interpretation of types of uses within the use classes listed in the Use Zone Tables in Schedule C of these Regulations. Examples included in the following tables are not exhaustive. They are used to illustrate typical types of developments within a use class.

<b>GROUP</b>	<b>CLASS</b>	<b>EXAMPLES</b>
<b>RESIDENTIAL USES</b>	Single Dwelling	Single detached dwellings
	Double Dwelling	Semi-detached dwellings, duplex dwellings
	Multiple-Unit Dwelling	Row houses, townhouses, triplexes, quadplexes
	Apartment Building	Apartment buildings
	Collective Residential	Educational residences, nurse and hospital residences, etc.
	Subsidiary Apartment	Basement apartments, in-law suites
	Boarding House	Boarding houses
	Bed and Breakfast	Bed and breakfast
	Mini Homes	Mini homes
	Residential Care	Seniors housing, personal care homes, nursing homes, group homes
	Recreational Dwelling	Cabins, cottages
	Home Occupation	Home occupations
	Accessory Building	Sheds, garages

<b>GROUP</b>	<b>CLASS</b>	<b>EXAMPLES</b>
COMMERCIAL USES	Medical Service	Clinics, medical offices, dental offices
	Office	Professional offices, law offices, business offices, banks, government offices
	Personal Service	Barbers, beauty parlours, pet grooming
	General Service	Car washes, laundromats, small tool and appliance services and rentals,
	Commercial Accommodation	Hotels, motels, inns, tourist cottages
	Tourist Cottage Establishment	Tourist cottages and associated facilities (e.g. laundromat, swimming pool, canteen)
	Campground	Campgrounds, trailer parks, RV parks
	Shopping Centre	Shopping centres, strip malls, department stores
	Shop	Retail shops, showrooms, supermarkets, convenience stores, gift shops, specialty shops, video stores, liquor stores
	Indoor Market	Indoor farmer markets, exhibition halls, indoor flea markets
	Outdoor Market	Fish markets, market grounds, flea markets, produce stands, outdoor farmer markets
	Drinking Establishment	Bars, pubs, nightclubs, lounges
	Garden Centre	Greenhouses, nurseries
	Vehicle Sales and Services	Automobile dealerships, recreational vehicle dealerships, heavy equipment dealerships
	Catering	Restaurants, coffee shops, bake shops
	Take-out Food Service	Take-out restaurants, food stands
	Entertainment	Games arcades, poolrooms, bowling alleys, youth centres, movie theatres, theatres
	Kennels	Kennels
	Veterinary	Veterinary clinics
Funeral Home	Funeral homes and chapels	



GROUP	CLASS	EXAMPLES
INSTITUTIONAL AND PUBLIC USES	Penal and Correctional Detention	Jails, prisons, reformatories, group homes
	Medical Treatment and Special Care	Medical care homes, personal care homes, nursing homes, hospitals, medical clinics
	Emergency Service	Police stations, fire stations, ambulance service
	Childcare	Daycare centres, home child care services, early childhood education services
	Cultural and Civic	Art galleries, municipal offices, libraries, museums, interpretive centres, studios
	Educational	Schools, colleges
	Place of Worship	Churches and similar places of worship, church halls
	Cemetery	Cemeteries
	General Assembly	Community halls, lodge halls, dance halls, exhibition halls, gymnasias, auditoria
	Indoor Assembly	Recreation centres, arenas, ice rinks, indoor swimming pools, armouries, fitness clubs, bowling alleys
	Outdoor Assembly	Bleachers, grandstands, outdoor ice rinks, outdoor swimming pools, amusement parks, fairgrounds, exhibition grounds, drive-in theatres

<b>GROUP</b>	<b>CLASS</b>	<b>EXAMPLES</b>
NATURAL RESOURCE USES	Crop Agriculture	Vegetable and hay farms, hobby farms, market gardens, community gardens, nurseries, greenhouses
	Livestock Agriculture	Forest harvesting, silviculture
	Forestry	Forest harvesting, silviculture, forest access roads
	Mineral Working	Pits, quarries, washing plants, screening plants, crushers
	Mineral Exploration	Mineral exploration and associated activities (e.g. access roads, rock drilling)
	Mining	Mineral extraction, ore stockpiles, mineral processing plants

<b>GROUP</b>	<b>CLASS</b>	<b>EXAMPLES</b>
INDUSTRIAL USES	Hazardous Industry	Bulk storage of hazardous liquids and substances, chemical plants, distilleries feed mills, spray painting shop
	General Industry	Factories, cold storage plants, bulk storage facility, freight depots, warehouses, workshops, planing mills, contractors yards
	Service Station	Gasoline service stations, gas bars
	Light Industry	Workshops, light industry, indoor storage centres, warehouses, greenhouses, recycling depots, general garages
	Scrap Yard	Car wrecking yards, junk yards, salvage yards, scrap dealers
	Marine Facility	Slipways, boathouses, marinas, commercial wharves, refuelling facilities, dry docks
	Fisheries Facility	Fish plants and associated facilities

<b>GROUP</b>	<b>CLASS</b>	<b>EXAMPLES</b>
CONSERVATION AND OPEN SPACE USES	Conservation	Buffer strips, watersheds, protected sensitive areas (e.g. steep slopes, wetlands, wildlife habitat)
	Open Space	Parks, trails, boardwalks, protected green areas, picnic areas
	Recreational Open Space	Sports fields, running tracks, playgrounds, outdoor skating rinks, golf courses, dog parks, trails

<b>GROUP</b>	<b>CLASS</b>	<b>EXAMPLES</b>
TRANSPORTATION AND UTILITY USES	Transportation	Roads, bridges, airfields, taxi stands, bus stations, air terminals
	Marine Facility	Slipways, boathouses, marinas, commercial wharves, refuelling facilities, dry docks
	Communications	Communications towers, telephone exchanges, transmitting and receiving masts and antenna
	Dock	Recreational docks and slipways
	Energy Generation Facility	Wind generators, solar generators, small hydro generators, heating plants
	Water Utility	Water intakes, treatment facilities, pipelines



# **Town of St. Lewis**

Development Regulations 2015-25

Schedule C – Use Zone Tables



**SCHEDULE C**  
**USE ZONE SCHEDULES**

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

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

Schedule C contains tables for the following Use Zones:

<b>ZONE</b>	<b>SYMBOL</b>	<b>PAGE</b>
Protected Watershed	PW	1
Environmental Protection	EP	3
Coastal	C	4
Residential	R	5
Mixed Development	RS	10
Commercial Industrial	CI	16
Open Space	OS	21
Airport	A	22
Rural	RUR	23





ZONE TITLE		PROTECTED WATERSHED	“PW”
<b>PERMITTED USE CLASSES</b> (See Regulation 83)		<b>DISCRETIONARY USE CLASSES</b> (See Regulations 30 and 84)	
Conservation Water utility		Forestry (See Condition 3) Mineral exploration (See Condition 2) Open space Transportation (See Condition 4)	

**CONDITIONS**

**1. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at the discretion of Council provided the development would be in the public interest and would not be contrary to the purpose and intent of the Protected Watershed zone.

Development that is permitted at the discretion of Council will be subject to terms and conditions to ensure there will be no adverse impact on the drinking water supply.

**2. Mineral Exploration**

In addition to the requirements of **Regulation 52** of Part II of these Regulations, a mineral exploration use in the Protected Watershed zone will be subject to the following:

- (a) Within the PW zone, the development, operation, termination, and rehabilitation of a mineral exploration use, including an access road, will be undertaken only in accordance with terms and conditions specified in a development permit issued by Council.
- (b) An application for a mineral exploration use in the PW zone will include the following information:
  - (i) Delineation of the proposed exploration area, including related access roads required for transportation of equipment and workers,
  - (ii) Delineation of watercourses, wetlands, contours, and possible environmentally sensitive areas in the vicinity of the proposed exploration and related access roads,
  - (iii) A full description of the proposed exploration project, including the nature and degree of drilling activity, road construction, excavation and infilling of land, proximity to watercourses and wetlands, equipment and chemicals to be used, fuel transport and storage, and other relevant information,

- (iv) Precautions to be taken to ensure the undertaking will not adversely affect the municipal water supply, and
  - (v) A site rehabilitation and road decommissioning plan that outlines how disturbed sites and access roads will be restored to a natural condition acceptable to Council.
- (c) Council may, at the applicant's expense, require an independent environmental assessment of the project's potential impacts on the municipal water supply. Based on its findings, the assessment would include recommendations on whether the application should be approved, approved with conditions, or not approved.
- (d) Council will, at the applicant's expense, employ an environmental monitor to oversee an approved exploration project to ensure the terms and conditions of the permit are adhered to so as to prevent potential contamination of the water supply.
- (e) Council will require the applicant to provide a financial guarantee, in accordance with **Regulation 15(4)** of Part I of these Regulations, pursuant to meeting the terms and conditions of the development permit, particularly with respect to required measures to protect the municipal water supply from contamination.
- (e) If the applicant fails to comply with these terms and conditions, the development permit will be revoked and a stop work order will be issued.

**3. Forest Harvesting**

No forest harvesting will be permitted in the vicinity of a watercourse except in accordance with the following minimum buffers.

Watercourse	Minimum Width of Buffer Zones
Intake pond	150 metres
Watercourses and other ponds	50 metres

**4. Transportation**

A transportation use in the Protected Watershed zone, if permitted as a Discretionary Use, will be limited to developments related to St. Lewis Airport or a mineral exploration use as provided for in Condition 2 above.

**5. Referral to Department of Environment and Conservation**

All proposals for development within the Protected Watershed zone will be referred to the Water Resources Division of the Department Of Environment and Conservation, No development will proceed until comments have been received from the Division.

<b>ZONE TITLE</b>		<b>ENVIRONMENTAL PROTECTION</b>		<b>“EP”</b>
<b>PERMITTED USE CLASSES</b> (See Regulation 83)		<b>DISCRETIONARY USE CLASSES</b> (See Regulations 30 and 84)		
Conservation		Open space Utility (See Condition 2) Transportation (See Condition 2)		

**CONDITIONS**

**1. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at the discretion of Council provided the development would not be contrary to the purpose and intent of the Environmental Protection zone.

**2. Utilities and Transportation Uses**

A utility or transportation use in the Environmental Protection zone, if permitted as a Discretionary Use, will be limited to essential public infrastructure such as water and sewer pipes, roadbeds, culverts, and bridges. Council will not permit such a development without the approval of the Department of Environment, Water Resources Division.

<b>ZONE TITLE</b>		<b>COASTAL</b>		<b>“C”</b>
<b>PERMITTED USE CLASSES</b> (See Regulation 83)		<b>DISCRETIONARY USE CLASSES</b> (See Regulations 30 and 84)		
Conservation Open space		Dock (See Condition 3) Fisheries facility (See Condition 2) Marine facility (See Condition 2) Single dwelling (See Condition 4)		

**CONDITIONS**

**1. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at the discretion of Council provided the development would not be contrary to the purpose and intent of the C zone.

**2. Fisheries and Marine Developments**

A fisheries or marine facility may be permitted as a Discretionary Use if it is deemed by Council to be coastal location essential and not contrary to the public interest.

**3. Docks**

A dock may be permitted as a Discretionary Use only if the proposed location, size, and use of the dock are deemed by Council to be environmentally acceptable and compatible with surrounding development and continued public access along the shoreline. Approval to erect a dock will be subject to terms and conditions set by Council.

**4. Single Dwelling**

Council will not consider an application to develop a single dwelling within the Coastal zone except under the following circumstances:

- (a) The lot on which the proposed dwelling is to be erected was in existence on the date that these Development Regulations came into effect,
- (b) There is no opportunity on the lot to erect the dwelling outside the Coastal zone,
- (c) The proposed dwelling and associated structures will not obstruct public access to or along the shoreline,
- (d) The lot meets all requirements outlined elsewhere in these Regulations for street frontage and access,
- (e) Necessary approvals are obtained from relevant government agencies, and
- (f) The erection of the dwelling, as well as associated clearing of vegetation and landscaping, meets all terms and conditions set by Council aimed at preventing raw sewage being released directly into the harbour and mitigating other potential environmental impacts.

ZONE TITLE	RESIDENTIAL			“R”
PERMITTED USE CLASSES (See Regulation 83)	DISCRETIONARY USE CLASSES (See Regulations 30 and 84)			
Single dwelling Subsidiary apartment (See Condition 7) Accessory building (See Condition 8) Conservation Crop agriculture (See Condition 9) Home occupation (See Condition 5) Open space	Double dwelling Mini home Multiple-unit dwelling (See Condition 2) Boarding house Residential care Bed and breakfast (See Condition 6) Communications Childcare Cultural and civic Emergency service Indoor assembly Kennel (See Condition 11) Livestock agriculture (See Condition 10) Recreational open space			
DEVELOPMENT STANDARDS				
STANDARDS	Single Dwelling	Double Dwelling (per unit)	Multiple Unit Dwelling (per unit)	
			End Unit	Interior Unit
Fully Serviced Areas (municipal water and municipal sewer)				
Minimum lot area	300 m <sup>2</sup>	283 m <sup>2</sup>	270 m <sup>2</sup>	185 m <sup>2</sup>
Minimum lot width	14 m	7.5 m	9 m	6 m
Semi Serviced Areas (municipal water only or municipal sewer only)				
Minimum lot area	1400 m <sup>2</sup>	1400 m <sup>2</sup>	1400 m <sup>2</sup>	1400 m <sup>2</sup>
Minimum lot width	23 m	23 m	23 m	23 m
No Municipal Services (on-site water and sewer services only)				
Minimum lot area	2700 m <sup>2</sup>	n/a	n/a	n/a
Minimum lot frontage	28 m	n/a	n/a	n/a
All Areas				
Minimum floor area (excl. basement)	60 m <sup>2</sup>	60 m <sup>2</sup>	60 m <sup>2</sup>	60 m <sup>2</sup>
Minimum frontyard setback	5 m	6 m	6 m	6 m
Minimum sideyard setback	2.5 m + 1.0 m	2.5 m	2.5 m	n/a
Minimum rearyard setback	6 m	6 m	6 m	6 m
Minimum distance between buildings	3 m	3 m	3 m	3 m

## CONDITIONS

### **1. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at the discretion of Council provided the development would be compatible with the Permitted Use Classes, would not prejudice the development of permitted uses, and would not be contrary to the general intent of the Municipal Plan, these Regulations or the public interest.

### **2. Multiple-Unit Dwellings**

- (1) Multiple-unit dwellings will have a maximum of four (4) dwelling units.
- (2) Multiple-unit dwellings will not be permitted in areas without municipal water and sewer services.

### **3. Onsite Services**

- (1) An application for a new single or double dwelling or non-residential development in an area without municipal water and sewer will be approved only if it has on the same lot a private well and sewage treatment system that has received the necessary provincial approvals.
- (2) Council will not approve any new lot or dwelling where it is proposed to share a single well or single sewage treatment system between two or more dwellings or non-residential uses located on separate lots.

### **4. Backlot Development**

At its discretion, Council may permit the development of a residential backlot to the rear of an existing residential lot if it deems that the location is suitable, that the back lot will be compatible with neighbouring properties, and that the backlot will not impede efficient future development of adjacent land.

To be approved by Council, a residential backlot must meet the following conditions:

- (a) Only a single dwelling would be permitted.
- (b) Notwithstanding the minimum lot frontage standards in the Use Zone Table, the lot will have a frontage of no less than 10 metres as measured at the street line.
- (c) The building line setback will be no less than 30 metres from the street.
- (d) The lot must meet all other standards specified in the Use Zone table, including:
  - (i) Minimum Lot Area (calculation of the lot area will exclude the portion of the lot that provides access from the street),
  - (ii) Minimum Lot Width (as measured at the building line),
  - (iii) Minimum Frontyard Setback (as measured from the rear property line of the abutting property toward the street),
  - (iv) Minimum Side Yards, and
  - (v) Minimum Rear Yard.

**5. Home Occupations**

See **Regulation 38**, Part II – General Development Standards

**6. Bed and Breakfast**

See **Regulation 40**, Part II – General Development Standards

**7. Subsidiary Apartments**

- (1) One accessory apartment may be permitted in a single dwelling only.
- (2) Approval of a subsidiary apartment in a single dwelling will be subject to the following conditions:
  - (a) The apartment will be completely self-contained, with facilities for cooking, sleeping, and bathing.
  - (b) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

**8. Accessory Buildings on Residential Lots**

In addition to the requirements for accessory buildings set out in **Regulation 37** of the General Development Standards, an accessory building on a residential lot will be subject to the following standards and conditions:

- (a) The use of an accessory building shall be clearly incidental and complementary to the main dwelling.
- (b) The maximum combined lot coverage of accessory buildings on a lot will equal no more than 7 percent of the area of the lot.
- (c) The maximum permitted floor area of an accessory building in the Residential zone will be in accordance with the following table.

<b>Maximum Size of Accessory Buildings</b>	
<b>Lot Size</b>	<b>Maximum Floor Area</b>
Less than 1,500 m <sup>2</sup>	80 m <sup>2</sup>
1,500-2,499 m <sup>2</sup>	100 m <sup>2</sup>
2,500-3,999 m <sup>2</sup>	125 m <sup>2</sup>
4,000 m <sup>2</sup> or larger	150 m <sup>2</sup>

- (d) No accessory building will be erected closer to the street than front building line unless otherwise authorized by Council in accordance with **Regulation 37**.

- (d) An accessory building must be no less than 2.0 metres from any side or rear lot line.
- (e) Except for minor vehicle maintenance, an accessory building shall not be used for the repairing, painting, dismantling, or scrapping of vehicles or machinery.
- (f) An accessory building may be used for a home occupation subject to **Regulation 38** of Part II of these Regulations.
- (g) No self-contained apartment or other type of living unit will be permitted in an accessory building.

**9. Crop Agriculture**

Crop agriculture in the Residential zone may include hobby and small-scale commercial farming.

**10. Livestock Agriculture**

- (1) The keeping of livestock will be permitted only at Council's discretion subject to public notice and input from the community, particularly neighbours
- (2) A livestock use, if permitted as a Discretionary Use, will be subject to the following:
  - (a) No livestock will be permitted on lots less than 0.4 hectares in size.
  - (b) The permitted quantity of livestock on a lot and the minimum setback of a livestock facility on a lot will be in accordance with the following table.

<b>Conditions for Keeping of Livestock in the Residential Zone</b>		
<b>Lot Size</b>	<b>Maximum Animal Units (AU)</b> (see AU definition in Schedule A)	<b>Minimum Setback of Livestock Facilities from All Lot Lines</b>
0.4 - 1.0 hectare	1 AU of rabbits, ducks, chickens, turkeys, or geese	18 metres
>1.0 - 2.0 hectares	2 AU of all species.	30 metres
>2.0 - 3.0 hectares	4 AU of all species	50 metres
>3.0 hectares	6 AU of all species	50 metres

- (c) Such other terms and conditions deemed necessary by Council to minimize potential impacts on neighbouring land uses.



**11. Kennels**

A new kennel, if permitted as a Discretionary Use, will be subject to the following:

- (a) It will be permitted only as a home occupation,
- (b) It will be permitted only on a lot of 1.0 hectare or more, and
- (b) It will adhere to such other terms and conditions of Council aimed at restricting the number of dogs or cats on the premises and minimizing potential noise, odour, and other impacts on neighbouring land uses.

<b>ZONE TITLE</b>		<b>MIXED DEVELOPMENT</b>		<b>“MD”</b>
<b>PERMITTED USE CLASSES</b> (See Regulation 83)		<b>DISCRETIONARY USE CLASSES</b> (See Regulations 30 and 84)		
Single dwelling Double dwelling Subsidiary apartment (See Condition 6) Accessory building (See Condition 7) Conservation Crop agriculture (See Condition 9) Home occupation (See Condition 4) Open space	Mini home Multiple-unit dwelling Bed and breakfast (See Condition 5) Boarding house Residential care Catering Childcare Commercial accommodation Communications Cultural and civic Drinking establishment (See Condition 8) Emergency service Entertainment General assembly General service Indoor assembly Indoor market Kennel (See Condition 11) Light industry Livestock agriculture (See Condition 10) Medical service Office Outdoor assembly (See Condition 8) Outdoor market Personal service Place of worship Recreational open space Service station (See Condition 13) Shop Take out food service (See Condition 8) Tourist cottage establishment			

<b>DEVELOPMENT STANDARDS</b>				
<b>STANDARDS</b>	<b>Single Dwelling</b>	<b>Double Dwelling (per unit)</b>	<b>Multiple Unit Dwelling (per unit)</b>	
			<b>End Unit</b>	<b>Interior Unit</b>
<b>Fully Serviced Areas (municipal water and municipal sewer)</b>				
Minimum lot area	300 m <sup>2</sup>	280 m <sup>2</sup>	270 m <sup>2</sup>	185 m <sup>2</sup>
Minimum lot width	14 m	7.5 m	9 m	6 m
<b>Semi-Serviced Areas (municipal water only or municipal sewer only)</b>				
Minimum lot area	1400 m <sup>2</sup>	1400 m <sup>2</sup>	1400 m <sup>2</sup>	1400 m <sup>2</sup>
Minimum lot width	23 m	23 m	23 m	23 m
<b>No Municipal Services (on-site water and sewer services only)</b>				
Minimum lot area	2700 m <sup>2</sup>	n/a	n/a	n/a
Minimum lot frontage	28 m	n/a	n/a	n/a
<b>All Areas</b>				
Minimum floor area (excl. basement)	60 m <sup>2</sup>	60 m <sup>2</sup>	60 m <sup>2</sup>	60 m <sup>2</sup>
Minimum frontyard setback	5 m	6 m	6 m	6 m
Minimum sideyard setback	2.5 m + 1.0 m	2.5 m	2.5 m	n/a
Minimum rearyard setback	6 m	6 m	6 m	6 m
Minimum distance between buildings	3 m	3 m	3 m	3 m

### CONDITIONS

**1. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at the discretion of Council provided the development would be compatible with the Permitted Use Classes, would not inhibit or prejudice the development of such permitted uses, and would not be contrary to the general intent of the Municipal Plan, these Regulations, or the public interest.

**2. Onsite Services**

- (1) An application for a new single or double dwelling or non-residential development in an area without municipal water and sewer will be approved only if it has on the same lot a private well and sewage treatment system that has received necessary provincial approvals.
- (2) Council will not approve any new lot or dwelling where it is proposed to share a single well or single sewage treatment system between two or more dwellings or non-residential uses located on separate lots.

**3. Non-Residential Development**

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

- (a) It must meet the minimum development standards established for a single dwelling or such higher standards as Council may require,
- (b) It must be located and designed to minimize the impact of traffic, appearance, noise, odour, lighting, and signage on surrounding residential uses.
- (c) It must be designed and maintained to a high standard with regard to safety, appearance, and compatibility with surrounding land uses.
- (d) Outdoor storage associated with the use will not be permitted in the front yard unless otherwise authorized by Council. Storage may be permitted in side and rear yards subject to terms and conditions aimed at reducing potential impacts on neighbouring properties.
- (e) At the discretion of Council, spatial buffers and/or screening (e.g. fencing, vegetation) may be required between the development and abutting residential uses.
- (f) It will be separated from the adjoining street by a curb or other suitable barrier against unguided motor vehicle access. Unless the barrier takes the form of a curb in the street reservation, it will be located on the private lot.
- (g) It will be subject to such other conditions that are deemed by Council to be appropriate to the use, to the site, and to the amenity of adjacent and nearby land uses, and
- (h) No change in the type or scale of the use will be permitted except in accordance with a development permit and conditions set by Council.

**4. Home Occupations**

See **Regulation 38**, Part II – General Development Standards

**5. Bed and Breakfast**

See **Regulation 40**, Part II – General Development Standards

**6. Subsidiary Apartments**

- (1) One subsidiary apartment may be permitted in a single dwelling, a commercial building, or a public building.
- (2) Approval of a subsidiary apartment will be subject to the following conditions:
  - (a) Provision shall be made for at least one additional off-street parking space.

- (b) The apartment will be completely self-contained, with facilities for cooking, sleeping, and bathing.
- (c) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

**7. Accessory Buildings on Residential Lots**

In addition to the requirements for accessory buildings set out in **Regulation 37** of the General Development Standards, an accessory building on a residential lot will be subject to the following standards and conditions:

- (a) The use of an accessory building shall be clearly incidental and complementary to the main dwelling.
- (b) The maximum combined lot coverage of accessory buildings on a lot will equal no more than 7 percent of the area of the lot.
- (c) The maximum permitted floor area of an accessory building in the Residential zone will be in accordance with the following table.

<b>Maximum Size of Accessory Buildings</b>	
<b>Lot Size</b>	<b>Maximum Floor Area</b>
Less than 1500 m <sup>2</sup>	80 m <sup>2</sup>
1500-2499 m <sup>2</sup>	100 m <sup>2</sup>
2500-3999 m <sup>2</sup>	125 m <sup>2</sup>
4000 m <sup>2</sup> or larger	150 m <sup>2</sup>

- (d) No accessory building will be erected closer to the street than front building line unless otherwise authorized by Council in accordance with **Regulation 37**.
- (e) An accessory building must be no less than 1.0 metre from any side or rear lot line.
- (f) Except for minor vehicle maintenance, an accessory building shall not be used for the repairing, painting, dismantling, or scrapping of vehicles or machinery.

- (g) An accessory building may be used for a home occupation subject to **Regulation 38** of Part II of these Regulations.
- (h) No self-contained apartment or other type of living unit will be permitted in an accessory building.

**8. Take-Out Restaurants, Outdoor Assembly, and Drinking Establishments**

Take-out restaurants, outdoor assembly uses, and drinking establishments will be considered for approval only if the proposed site does not abut private residential properties.

**9. Crop Agriculture**

Crop agriculture in the Mixed Development zone may include hobby and small-scale commercial farming.

**10. Livestock Agriculture**

- (1) The keeping of livestock will be permitted only at Council’s discretion subject to public notice and input from the community, particularly neighbours
- (2) A livestock use, if permitted as a Discretionary Use, will be subject to the following:
  - (a) No livestock will be permitted on lots less than 0.4 hectares in size.
  - (b) The permitted quantity of livestock on a lot and the minimum setback of a livestock facility on a lot will be in accordance with the following table.

<b>Conditions for Keeping of Livestock in the Residential Zone</b>		
<b>Lot Size</b>	<b>Maximum Animal Units (AU)</b> (see AU definition in Schedule A)	<b>Minimum Setback of Livestock Facilities from All Lot Lines</b>
0.4 - 1.0 hectare	1 AU of rabbits, ducks, chickens, turkeys, or geese	18 metres
>1.0 - 2.0 hectares	2 AU of all species.	30 metres
>2.0 - 3.0 hectares	4 AU of all species	50 metres
>3.0 hectares	6 AU of all species	50 metres

- (c) Such other terms and conditions deemed necessary by Council to minimize potential impacts on neighbouring land uses.

**11. Kennels**

A new kennel, if permitted as a Discretionary Use, will be subject to the following:

- (a) It will be permitted only as a home occupation,
- (b) It will be permitted only on a lot of 1.0 hectare or more, and
- (c) It will adhere to such other terms and conditions of Council aimed at restricting the number of dogs or cats on the premises and minimizing potential noise, odour, and other impacts on neighbouring land uses.

**12. Hazardous and Noxious Uses**

At its discretion, Council may restrict the development or location of any use or activity that might release or emit a hazardous or noxious substance that would affect neighbouring properties.

**13. Service Stations**

A service station or other petroleum dispensing facility, if permitted by Council, will be subject to **Regulation 56** of Part II of these Regulations.

<b>ZONE TITLE</b>		<b>COMMERCIAL-INDUSTRIAL</b>	<b>“CI”</b>
<b>PERMITTED USE CLASSES</b> (See Regulation 83)		<b>DISCRETIONARY USE CLASSES</b> (See Regulations 30 and 84)	
Communications		Fisheries facility	
Conservation		General industry	
Emergency service		Indoor assembly	
General service		Kennel (See Condition 11)	
Indoor market		Marine facility	
Light industry		Mineral exploration (See Condition 8)	
Office		Mineral working (See Condition 9)	
Open space		Recreational open space	
Outdoor assembly (See Condition 8)		Service station (See Condition 10)	
Outdoor market		Vehicle sales and services	
Personal service			
Shop			
Subsidiary apartment (See Condition 2)			
<b>DEVELOPMENT STANDARDS</b>			
Minimum Frontyard (m)		10.0 (Council may require higher frontyards)	
Minimum Sideyard (m)		5.0 + 1.0 (may be waived for buildings with adjoining walls)	
Minimum Rearyard (m)		10.0	
Maximum Lot Coverage – All Buildings		38%	

**CONDITIONS**

**1. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at the discretion of Council provided the development would be compatible with the Permitted Use Classes, would not inhibit the development of permitted uses, and would not be contrary to the intent of the Municipal Plan or these Regulations.

**2. Subsidiary Apartments**

- (1) One subsidiary apartment may be permitted in a main use if it deemed by Council as necessary for the operation of that use.



- (2) Approval of a subsidiary apartment will be subject to the following conditions:
  - (a) The apartment will completely self-contained, with facilities for cooking, sleeping, and bathing.
  - (b) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

**3. Property Upkeep and Maintenance**

Land and buildings in the Commercial Industrial zone will be landscaped and maintained to the satisfaction of Council.

**4. Outdoor Storage**

- (1) Outdoor storage and parking of materials and equipment will generally be permitted in the sideyards and rearyards of buildings. In certain circumstances, Council may permit outdoor storage in frontyards.
- (2) Council may require fencing or other forms of screening where the quantity or type of material being stored would contribute to unsightly appearance.

**5. Dangerous, Hazardous, and Noxious Uses**

In accordance with **Regulation 54**, Council may restrict the development or location of any use or activity that might be dangerous or might release or emit a hazardous or noxious substance that would affect neighbouring properties.

**6. Flammable Liquids Storage**

All buildings, tanks, and structures related to the bulk storage of flammable liquids will conform to the requirements of the Provincial Fire Commissioner and shall be surrounded by such buffers and landscaping as Council may require to reduce risks to adjacent uses due to fire, explosion, or spillage of flammable liquid.

**7. Screening and Landscaping**

Council may require buffering or screening of sites with natural or planted vegetation, fencing, or structural barriers to reduce the aesthetic impact of industrial uses on nearby residential areas and public streets and highways.

**8. Mineral Exploration**

A mineral exploration use, if permitted at the discretion of Council, will be subject to the applicable conditions of this zone as well as **Regulation 51** of the General Development Standards.

## **9. Mineral Working Uses**

### **9.1 Mineral Working Sites**

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

- (a) No new mineral working operation will be developed without a development permit issued by Council. The development, operation, termination, and rehabilitation of the mineral working site will be carried out only in accordance with terms and conditions specified in the development permit. The development permit will be revoked if the operator does not comply with the terms and conditions of the development permit.
- (b) An application to Council for the development of a gravel pit or rock quarry will include a site development plan with the following information:
  - (i) The site's biophysical features
  - (ii) A delineation of the proposed extraction area
  - (iii) The type and location of aggregate processing equipment
  - (iv) A site rehabilitation plan (see Paragraph 2.4)
- (c) No extraction of any sort will take place closer than:
  - (i) 50 metres from a watercourse or wetland,
  - (ii) 50 metres from a public street or highway,
  - (iii) 200 metres of a residential, commercial, or public building,
- (d) No quarrying of hard rock will take place within 500 metres of a residential, commercial, or public building.
- (e) All topsoil and organic material will be securely stockpiled for future rehabilitation of the site. The operator will ensure that the topsoil is not mixed with aggregate materials.
- (f) An undisturbed buffer strip will be maintained at least 30 metres wide between the final perimeter of a pit or quarry and the boundary of the lot on which it is located.
- (g) Where a proposed mineral working site is located in the vicinity of a public street or highway, or an existing or proposed residential, commercial, or recreational area, Council may require the owner to provide for natural or artificial screening to obstruct visibility of the site.
- (h) Council may require the mineral working site or excavated area to be fully or partially enclosed by a fence designed and constructed to Council's specifications.

- (i) No mineral working shall create excessive drainage or erosion onto adjacent properties or into nearby watercourses.
- (j) No mineral working shall cause the accumulation or ponding of water in any part of the site. Settling ponds will be permitted only with approval from the Department of Environment and Conservation.
- (k) The mineral working site shall be kept clean of refuse, abandoned vehicles, abandoned equipment, and derelict buildings.
- (l) During seasonal or extended shutdowns, the slope of any sand or gravel embankment shall not have a gradient steeper than 60% for the full depth thereof, and
- (o) Other such conditions that Council deems as necessary.

### **9.2 Permit Fee**

The development permit fee for a mineral working will be determined by Council in an amount sufficient to cover costs associated with:

- (a) A review of the development plan by a professional planner or engineer,
- (b) Regular inspections of the site to determine conformity with the permit, and
- (c) Inspections to determine acceptable site rehabilitation in accordance with a rehabilitation plan

### **9.3 Mineral Working Processing Plant**

- (1) Council can permit a mineral working processing plant (e.g. washing and screening plant, crusher) provided that the use will not significantly affect surrounding land uses by reason of noise, vibration, fumes, dust, odour, water drainage, unsightly storage of materials, or general appearance.
- (2) Council can specify a minimum separation distance between a processing plant and an existing residential, commercial, public, or recreational area.

### **9.4 Site Rehabilitation**

- (1) A development application for a new mineral working site will not be approved unless it includes a plan for site rehabilitation acceptable to Council.
- (2) Council can require the extraction site to be rehabilitated at progressive stages of excavation or after the mineral working operation has terminated.

- (3) Upon full 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 a slope of less than 60 percent,
  - (c) The entire excavated area will be rehabilitated in accordance with the rehabilitation plan.
  - (d) If required, the closure or decommissioning of the access road to the mineral working site.

**10. Service Stations**

A service station or other petroleum dispensing facility, if permitted by Council, will be subject to **Regulation 56** of Part II of these Regulations.

**11. Kennels**

A kennel, if permitted as a Discretionary Use, will adhere to such terms and conditions deemed necessary by Council to minimize potential noise, odour, and other impacts on neighbouring land uses.

<b>ZONE TITLE</b>		<b>OPEN SPACE</b>	<b>“OS”</b>
<b>PERMITTED USE CLASSES</b> (See Regulation 83)		<b>DISCRETIONARY USE CLASSES</b> (See Regulations 30 and 84)	
Conservation	Open space	Cemetery (See Condition 3)	Cultural and civic Crop agriculture Recreational open space

**CONDITIONS**

1. **Discretionary Use Classes**  
 The discretionary use classes listed in this table can be permitted at the discretion of Council provided the development would be compatible with the Permitted Use Classes, would not inhibit or prejudice the development of such permitted uses, and would not be contrary to the general intent of the Municipal Plan and these Regulations.
2. **Development Criteria**  
 All development must meet the development standards prescribed by Council.
3. **Cemetery**  
 An application to develop or expand a cemetery must be accompanied by a site design plan for Council’s consideration. The site plan will illustrate the location of the cemetery, access points, landscaping, and buffers with adjacent properties.

ZONE

<b>ZONE TITLE</b>		<b>AIRPORT</b>	<b>“A”</b>
<b>PERMITTED USE CLASSES</b> (See Regulation 83)		<b>DISCRETIONARY USE CLASSES</b> (See Regulations 30 and 84)	
Transportation (See Condition 2) Conservation Open space			

**CONDITIONS**

**1. Discretionary Use Classes**

The discretionary use classes listed in this table can be permitted at the discretion of Council provided the development would be compatible with the Permitted Use Classes, would not inhibit or prejudice the development of such permitted uses, and would not be contrary to the general intent of the Municipal Plan and these Regulations.

**2. Transportation**

Transportation uses in the Airport zone will include only airport related developments.

<b>ZONE TITLE</b>		<b>RURAL</b>		<b>“RU”</b>	
<b>PERMITTED USE CLASSES</b> (See Regulation 83)		<b>DISCRETIONARY USE CLASSES</b> (See Regulations 30 and 84)			
Conservation Crop agriculture Forestry Open space		Campground (See Condition 6) Cemetery (See Condition 4) Communications General industry Light industry Livestock agriculture Mineral exploration (See Condition 5) Mineral working (See Condition 2) Recreational dwelling (See Condition 8) Recreational open space Single dwelling (See Condition 7)			

**CONDITIONS**

**1. Discretionary Use Classes**

The discretionary use classes listed in this table can be permitted at the discretion of Council provided the development would be compatible with the Permitted Use Classes, would not inhibit or prejudice the development of such permitted uses, and would not be contrary to the general intent of the Municipal Plan and these Regulations.

**2. Mineral Working Uses**

**2.1 Mineral Working Sites**

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

- (a) No new mineral working operation will be developed without a development permit issued by Council. The development, operation, termination, and rehabilitation of the mineral working site will be carried out only in accordance with terms and conditions specified in the development permit. The development permit will be revoked if the operator does not comply with the terms and conditions of the development permit.
- (b) An application to Council for the development of a gravel pit or rock quarry will include a site development plan with the following information:
  - (i) The site’s biophysical features
  - (ii) A delineation of the proposed extraction area
  - (iii) The type and location of aggregate processing equipment

- (iv) A site rehabilitation plan (see Paragraph 2.4)
- (c) No extraction of any sort will take place closer than:
  - (i) 50 metres from a watercourse or wetland,
  - (ii) 50 metres from a public street or highway,
  - (iii) 200 metres of a residential, commercial, or public building,
- (d) No quarrying of hard rock will take place within 500 metres of a residential, commercial, or public building.
- (e) All topsoil and organic material will be securely stockpiled for future rehabilitation of the site. The operator will ensure that the topsoil is not mixed with aggregate materials.
- (f) An undisturbed buffer strip will be maintained at least 30 metres wide between the final perimeter of a pit or quarry and the boundary of the lot on which it is located.
- (g) Where a proposed mineral working site is located in the vicinity of a public street or highway, or an existing or proposed residential, commercial, or recreational area, Council may require the owner to provide for natural or artificial screening to obstruct visibility of the site.
- (h) Council may require the mineral working site or excavated area to be fully or partially enclosed by a fence designed and constructed to Council's specifications.
- (i) No mineral working shall create excessive drainage or erosion onto adjacent properties or into nearby watercourses.
- (j) No mineral working shall cause the accumulation or ponding of water in any part of the site. Settling ponds will be permitted only with approval from the Department of Environment and Conservation.
- (k) The mineral working site shall be kept clean of refuse, abandoned vehicles, abandoned equipment, and derelict buildings.
- (l) During seasonal or extended shutdowns, the slope of any sand or gravel embankment shall not have a gradient steeper than 60% for the full depth thereof, and
- (o) Other such conditions that Council deems as necessary.



## **2.2 Permit Fee**

The development permit fee for a mineral working will be determined by Council in an amount sufficient to cover costs associated with:

- (a) A review of the development plan by a professional planner or engineer,
- (b) Regular inspections of the site to determine conformity with the permit, and
- (c) Inspections to determine acceptable site rehabilitation in accordance with a rehabilitation plan

## **2.3 Mineral Working Processing Plant**

- (1) Council can permit a mineral working processing plant (e.g. washing and screening plant, crusher) provided that the use will not significantly affect surrounding land uses by reason of noise, vibration, fumes, dust, odour, water drainage, unsightly storage of materials, or general appearance.
- (2) Council can specify a minimum separation distance between a processing plant and an existing residential, commercial, public, or recreational area.

## **2.4 Site Rehabilitation**

- (1) A development application for a new mineral working site will not be approved unless it includes a plan for site rehabilitation acceptable to Council.
- (2) Council can require the extraction site to be rehabilitated at progressive stages of excavation or after the mineral working operation has terminated.
- (3) Upon full 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 a slope of less than 60 percent,
  - (c) The entire excavated area will be rehabilitated in accordance with the rehabilitation plan.
  - (d) If required, the closure or decommissioning of the access road to the mineral working site

## **3. Hazardous and Noxious Uses**

Council can restrict the development or location of any use or activity that might release or emit a hazardous or noxious substance that would affect neighbouring properties.

**4. Cemetery**

An application to develop or expand a cemetery must be accompanied by a site design plan for Council's consideration. The site plan will illustrate the location of the cemetery, access points, landscaping, and buffers with adjacent properties.

**5. Mineral Exploration**

A mineral exploration use, if permitted at the discretion of Council, will be subject to **Regulation 51** of Part II of these Regulations.

**6. Campground**

(1) A proposed campground, including a trailer or RV park, will require a development plan satisfactory to Council containing the following information:

- (a) Number, location and size of campsites
- (b) Layout of internal roads, accesses, and parking areas
- (c) Accessory uses such as laundry facilities, storage areas, washrooms, showers, convenience store, staff accommodations, and recreation facilities
- (d) Water supply and waste disposal
- (e) Landscaping
- (f) Delineation of the property on a legal survey
- (g) If deemed necessary by Council, a phasing plan for development.

(2) On-site water and sewer services must meet minimum standards required by Council and appropriate Provincial agencies.

(3) All campsites and on-site facilities that form part of the development will be accessible only via the internal road network of the development.

(4) The development permit will specify the number of campsites for different uses such as tents, trailers, and RVs that will be permitted on the site.

(5) No expansion or alteration of a campground, other than repairs and maintenance, will take place without the approval of Council.

(6) Council may require other terms and conditions that it deems are necessary.

**7. Single Dwelling**

Council will not consider an application to develop a single dwelling within the Rural zone except under the following circumstances:

- (a) The lot on which the proposed dwelling is to be erected was in existence on the date that these Development Regulations came into effect,
- (b) There is no opportunity on the lot to erect the dwelling outside the Rural zone,

- (c) The proposed dwelling and associated structures will not obstruct public access to a freshwater or coastal shoreline,
- (d) The lot meets all requirements outlined elsewhere in these Regulations for street frontage and access,
- (e) Necessary approvals are obtained from relevant government agencies, and
- (f) The erection of the dwelling, as well as associated clearing of vegetation and landscaping, meets all terms and conditions set by Council aimed at preventing raw sewage being released directly into the harbour and mitigating other potential environmental impacts.

**8. Recreational Dwelling**

Recreational dwellings in this zone are exempted from **Regulation 50** of Part II of these Regulations, which prohibits the construction of a building on a lot that does not front onto a public street.



# **Town of St. Lewis**

Development Regulations 2015-25

Schedule D – Ministerial  
Development Regulations

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NEWFOUNDLAND AND LABRADOR  
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
3. Application
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18. Delegation of powers
19. Commencement

**Short title**

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

### **Definitions**

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

### **Application**

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

### **Interpretation**

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



(ii) for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television antennae,

(iii) for commercial uses, workshops or garages, and

(iv) for industrial uses, garages, offices, raised ramps and docks;

(c) "accessory use" means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use;

(d) "building height" means the vertical distance, measured in metres from the established grade to the

(i) highest point of the roof surface of a flat roof,

(ii) deck line of a mansard roof, and

(iii) mean height level between the eave and the ridge of a gable, hip or gambrel roof, and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof;

(e) "building line" means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed;

(f) "discretionary use" means a use that is listed within the discretionary use classes established in the use zone tables of an authority's development regulations;

(g) "established grade" means,

(i) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or

(ii) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment;

(h) "floor area" means the total area of all floors in a building measured to the outside face of exterior walls;

(i) "frontage" means the horizontal distance between side lot lines measured at the

building line;

(j) "lot" means a plot, tract or parcel of land which can be considered as a unit of land for a particular use or building;

(k) "lot area" means the total horizontal area within the lines of the lot;

(l) "lot coverage" means the combined area of all building on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot;

(m) "non-conforming use" means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone;

(n) "owner" means a person or an organization of persons owning or having the legal right to use the land under consideration;

(o) "permitted use" means a use that is listed within the permitted use classes set out in the use zone tables of an authority's development regulations;

(p) "prohibited use" means a use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that an authority specifies as not permitted within a use zone;

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

(r) "rear yard depth" means the distance between the rear lot line and the rear wall of the main building on a lot;

(s) "side yard depth" means the distance between the side lot line and the nearest side wall of a building on the lot;

(t) "street" means a street, road, highway or other way designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles;

(u) "street line" means the edge of a street reservation as defined by the authority having jurisdiction;

(v) "use" means a building or activity situated on a lot or a development permitted on a lot;

(w) "use zone" or "zone" means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply;

(x) "variance" means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the authority's regulations; and

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

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

### **Notice of right to appeal**

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

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

### **Appeal requirements**

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

- (2) Notwithstanding subsection (1), where the City of Corner Brook , City of Mount

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

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

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

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

### **Appeal registration**

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

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

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

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

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

### **Development prohibited**

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

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

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

### **Hearing notice and meetings**

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

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

### **Hearing of evidence**

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

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

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

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

### **Board decision**

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

### **Variations**

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

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

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

### **Notice of variance**

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

### **Residential non conformity**

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

### **Notice and hearings on change of use**

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

### **Non-conformance with standards -conformance with standards**

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

### **Discontinuance of non-conforming use**

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

**Delegation of powers**

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

**Commencement**

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