

TOWN OF TRAYTOWN DEVELOPMENT REGULATIONS

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

List of Development Regulation Amendments

**TOWN OF TRAYTOWN
DEVELOPMENT REGULATIONS 2009**

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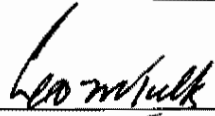
**URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF TRAYTOWN DEVELOPMENT REGULATIONS 2009**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Traytown adopts the Town of Traytown Development Regulations 2009.

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

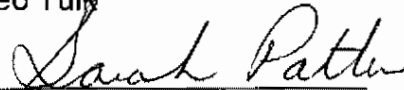
Signed and sealed this 26 day of October, 2009.

Mayor:



Leo Tulk

Clerk:



Sarah Patten

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

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

MCIP: _____



**URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF TRAYTOWN DEVELOPMENT REGULATIONS 2009**

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

- a) adopted the Town of Traytown Development Regulations 2009 on the 10th day of June, 2009.
- b) gave notice of the adoption of the Town of Traytown Development Regulations 2009 by advertisement inserted on the 8th day of October, 2009 and the 15th day of October, 2009 in the Beacon newspaper.
- c) set the 27th day of October at 7:00 p.m. at the Town Hall, Traytown for the holding of a public hearing to consider objections and submissions.

Now under the authority of section 23 of the *Urban and Rural Planning Act 2000*, on the 26th day of October, 2009 the Town Council of Traytown approves the Town of Traytown Development Regulations 2009 as adopted.

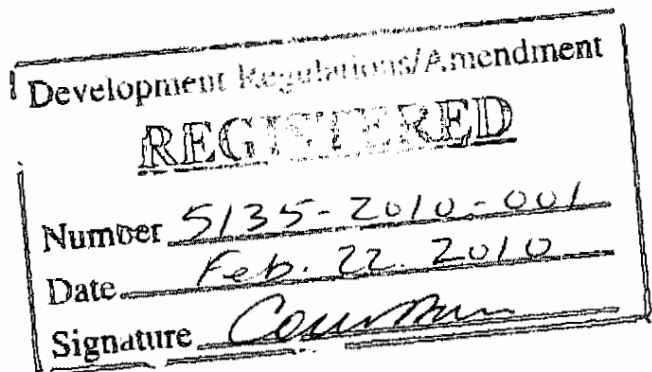
SIGNED AND SEALED this 26 day of October, 2009.

Mayor:

Leo Tulk
Leo Tulk

Clerk:

Sarah Patten
Sarah Patten





Published by Authority

NEWFOUNDLAND REGULATION 3/01

Development Regulations
under the
Urban and Rural Planning Act, 2000

(Filed January 2, 2001)

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

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

Joan Marie Aylward
Minister of Municipal and Provincial Affairs

REGULATIONS

Analysis

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Short title
Definitions

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

2. In these regulations,

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

Application

3. (1) These regulations shall be included in the development regulations of an authority and shall apply to all planning areas.

(2) Where there is a conflict between these regulations and development regulations or other regulations of an authority, these regulations shall apply.

(3) Where another Act of the province provides a right of appeal to the board, these regulations shall apply to that appeal.

Interpretation

4. (1) In development regulations and other regulations made with respect to a planning area the following terms shall have the meanings indicated in this section

- (a) "access" means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street;
- (b) "accessory building" includes
 - (i) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,

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

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

announcement or direction and excludes those things employed wholly as a memorial, advertisements of local government, utilities and boarding or similar structures used for the display of advertisements;

- (r) "rear yard depth" means the distance between the rear lot line and the rear wall of the main building on a lot;
- (s) "side yard depth" means the distance between the side lot line and the nearest side wall of a building on the lot;
- (t) "street" means a street, road, highway or other way designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles;
- (u) "street line" means the edge of a street reservation as defined by the authority having jurisdiction;
- (v) "use" means a building or activity situated on a lot or a development permitted on a lot;
- (w) "use zone" or "zone" means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply;
- (x) "variance" means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the authority's regulations; and
- (y) "zoning map" means the map or maps attached to and forming a part of the authority's regulations.

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

Notice of right to
appeal

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

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

Appeal
requirements

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

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

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

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

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

Appeal registration

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

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

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

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

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

Development prohibited

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

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

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

Hearing notice and meetings

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

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

Hearing of evidence

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

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

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

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

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

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

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

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

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

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

Notice and hearings on change of use 15. Where considering a non conforming building, structure or development under paragraph 108(3)(d) of the Act and before making a

decision to vary an existing use of that non-conforming building, structure or development, an authority, at the applicant's expense, shall publish a notice in a newspaper circulating in the area or by other means give public notice of an application to vary the existing use of a non-conforming building, structure or development and shall consider any representations or submissions received in response to that advertisement.

Non-conformance
with standards

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

Discontinuance of
non-conforming use

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

Delegation of
powers

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

Commencement

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

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**TOWN OF TRAYTOWN MUNICIPAL PLAN
(DEVELOPMENT REGULATIONS)
APPLICATION**

1. Short Title

These Regulations may be cited as the Traytown Development Regulations.

2. Interpretation

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

3. Commencement

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

4. Development Regulations Under the Urban and Rural Planning Act 2000 – “Ministerial Regulations”

The 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 Traytown Development Regulations, the Ministerial Regulations shall prevail. The Ministerial Regulations are included with the Traytown Development Regulations.

5. Municipal Code and Regulations

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

6. Town

In these Regulations, "Town" means the Council of the Town of Traytown.

PART I - GENERAL REGULATIONS

7. Compliance With Regulations

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

8. Permit Required

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

9. Permit to be Issued

Subject to Regulations 10 and 11, a permit shall be issued for development within the Planning Area that conforms to the requirements of these regulations.

10. Permit Not to be Issued in Certain Cases

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

11. Discretionary Powers of Town

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

12. Variances by Town

- (1) See also Ministerial Development Regulations, Section 12.
- (2) Where an approval or a permit cannot be given by the Town because a proposed development does not comply with development standards set out in these Regulations, the Town may, in its discretion, vary the applicable development standards to a maximum of 10%, if, in the Town's opinion, compliance with the development standards would prejudice the proper development of the land, building or structure in question or would be contrary to the public interest.
- (3) The Town shall not allow a variance from development standards set out in these Regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10% variance even though the individual variances are separately not greater than 10%.
- (4) The Town shall not permit a variance from the development standards where the proposed development would increase the non conformity of an existing development.
- (5) Public Notice – When a variance is necessary under this Regulation, the Town shall, at the expense of the applicant, give written notice to the property owners in the immediate vicinity of the proposed variance.

13. Service Levy

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

- b) the density of development made capable or increased by the public work.
- (4) The Town may require a service levy to be paid by the owner of the real property:
 - a) at the time the levy is imposed;
 - b) at the time development of the real property commences;
 - c) at the time development of the real property is completed; or,
 - d) at such other time as the Town may decide.

14. Financial Guarantees by Developer

- (1) The Town may require a developer before commencing a development to make such financial provisions and/or enter into such agreements as may be required to guarantee the payment of engineering and other consultants' fees, service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit or licence.
- (2) The financial provisions pursuant to Regulation 14(1) may be made in the form of:
 - a) a cash deposit from the developer, to be held by the Town, or;
 - b) a guarantee by a bank, or other institution acceptable to the Town, for expenditures by the developer, or;
 - c) a performance bond provided by an insurance company or a bank, or;
 - d) an annual contribution to a sinking fund held by the Town.

15. Dedication of Land for Public Use

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

16. Reinstatement of Land

Where the use of land is discontinued or the intensity of its use is decreased, the Town may order the developer, the occupier of the site, or the owner or all of them to reinstate the site, to remove all or any buildings or erections, to cover or fill all wells or excavations, and to close all or any accesses, or to do any of these things

or all of them, as the case may be, and the developer, occupier or owner shall carry out the order of the Town and shall put the site in a clean and sanitary condition to the satisfaction of the Town.

17. Form of Application

- (1) An application for a development permit or for approval in principle shall be made only by the owner or by a person authorized by the owner to the Town on such form as may be prescribed by the Town, and every application shall include such plans, specifications and drawings as the Town may require, and be accompanied by the permit fee required by the Town.
- (2) The Town shall, on request, supply to every applicant a copy of the application forms referred to in Regulation 17(1) and a description of the plans, specifications and drawings required to be provided with the application.

18. Register of Application

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

19. Deferment of Application

- (1) The Town may, with the written agreement of the applicant, defer consideration of an application.
- (2) Applications properly submitted in accordance with these Regulations which have not been determined by the Town and on which a decision has not been communicated to the applicant within eight weeks of the receipt thereof by the Town, and on which consideration has not been deferred in accordance with Regulation 19(1), shall be deemed to be refused.

20. Approval in Principle

- (1) The Town may grant approval in principle for a subdivision or any other development if, after considering an application for approval in principle made under these Regulations, it is satisfied that the proposed development

is, subject to the approval of detailed plans, in compliance with these Regulations.

- (2) Where approval in principle is granted under this Regulation, it shall be subject to the subsequent approval by the Town of such details as may be listed in the approval in principle, which shall also specify that further application for approval of these details shall be received not later than two years from the grant of approval in principle.
- (3) The Approval In Principle shall set out or contain:
 - a) the development standards to be followed for the development;
 - b) the development plan with phasing and costs, showing land use, lotting and building location, public and private open spaces and buffers, roads, water and sewer services, and other relevant information and this development plan shall set out the general specifications of the roads, services and other relevant elements;
 - c) the permitting requirements - what permits are required and when;
 - d) when construction drawings are to be required – in general, construction drawings may only be required prior to the start of a phase or element of the development plan;
 - e) the responsibility for the maintenance and upgrading of services, and the provision of other services, such as garbage collection and street lighting;
 - f) the financial guarantees in respect of municipal water, sewer, road and related works to ensure that each phase of the work will be done in accordance with the Approval;
 - g) the financial and other obligations of the parties to the agreement;
 - h) the legal survey of the property.

21. Development Permit

- (1) A plan or drawing which has been approved by the Town and which bears a mark and/or signature indicating such approval together with a permit shall be deemed to be permission to develop land in accordance with these Regulations but such permission shall not relieve the applicant from full responsibility for obtaining permits or approvals under any other regulation or statute prior to commencing the development; from having the work

- carried out in accordance with these Regulations or any other regulations or statutes; and from compliance with all conditions imposed thereunder.
- (2) The Town may attach to a permit or to approval in principle such conditions as it deems fit in order to ensure that the proposed development will be in accordance with the purposes and intent of these Regulations.
 - (3) Where the Town deems necessary, permits may be issued on a temporary basis for a period not exceeding two years, which may be extended in writing by the Town for further periods not exceeding two years.
 - (4) A permit is valid for such period, not in excess of two years, as may be stated therein, and if the development has not commenced, the permit may be renewed for a further period not in excess of one year, but a permit shall not be renewed more than once, except in the case of a permit for an advertisement, which may be renewed in accordance with Regulation 33 of these Regulations.
 - (5) The approval of any application and plans or drawings or the issue of a permit shall not prevent the Town from thereafter requiring the correction of errors, or from ordering the cessation, removal of, or remedial work on any development being carried out in the event that the same is in violation of this or any other regulations or statute.
 - (6) The Town may revoke a permit for failure by the holder of it to comply with these Regulations or any condition attached to the permit or where the permit was issued in error or was issued on the basis of incorrect information.
 - (7) No person shall erase, alter or modify any drawing or specifications upon which a permit to develop has been issued by the Town.
 - (8) There shall be kept available on the premises where any work, matter or thing is being done for which a permit has been issued, a copy of the permit and any plans, drawings or specifications on which the issue of the permit was based during the whole progress of the work, or the doing of the matter or thing until completion.

22. Reasons for Refusing Permit

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

23. Notice of Application

- (1) When a change in nonconforming use is to be considered, when the development proposed is listed as a discretionary use in Schedule C or the development is otherwise described as being at the discretion of the Town under the Regulations, the Town shall, at the expense of the applicant, give notice of an application for a permit or for approval in principle, by public advertisement in a newspaper circulating in the area or by any other means deemed necessary.
- (2) When a variance is necessary under Regulation 12 the Town shall, at the expense of the applicant, give written notice to the property owners in the immediate vicinity of the proposed variance.

24. Right of Entry

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

25. Record of Violations

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

26. Stop Work Order and Prosecution

- (1) Where a person begins a development contrary or apparently contrary to these Regulations, the Town may order that person to stop the development or work connected therewith pending final adjudication in any prosecution arising out of the development.
- (2) A person who does not comply with an order made under Regulation 26(1) is guilty of an offence under the provisions of the Act.

27. Appeals

- (1) See Ministerial Regulations – Sections 5 to 11.

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

PART II - GENERAL DEVELOPMENT STANDARDS

28. Access Ramps and Stairs, Decks

- (1) Access Ramps and Stairs – Open or partially covered access ramps and stairs are permitted within the minimum front, rear or side yards provided these do not create a safety hazard or block sight lines.
- (2) Decks – An open or partially enclosed deck attached to the dwelling shall not extend into the minimum permissible building line setback and shall not be closer to the side and rear lot lines than 1 metre. A deck is not included in the calculation of lot coverage under Schedule C.
- (3) Non Dwelling Decks – Decks attached to non-dwelling buildings shall not extend into the minimum front, side, or rear yards.
- (4) Stairs – Stairs are permitted within the minimum permissible front, rear and side yards

29. Accesses and Service Streets

- (1) Access shall be located to the specification of the Town so as to ensure the greatest possible convenience and safety of the street system and the Town may prescribe the construction of service streets to reduce the number of accesses to collector and arterial streets.
- (2) Any access to a Provincial Highway must be approved by the Department of Transportation and Works.
- (3) No vehicular access shall be closer than 10 metres to the street line of any street intersection.

30. Accessory Buildings – Dwellings

- (1) This Regulation only applies to accessory buildings associated with single, double and row dwellings and apartment buildings.
- (2) Accessory buildings shall be clearly incidental and complementary to the use of the principal buildings in character, use and size, and shall generally be contained on the same lot as the principal building or buildings, except as otherwise determined at the discretion of the Town.

- (3) A discretionary accessory building not located on the same lot as the principal building can only be used for marine-related uses or for storage purposes only, and shall have height no greater than 4 metres and a floor area no greater than 75 square metres or 15 % of the lot area whichever is less.
- (4) Building Line - The minimum building line (distance from the front lot line) for an accessory building shall be as that set out in the Schedule C Use Zone for principal and other buildings.
- (5) Side Yard - Except for row and double dwellings where an accessory building can be built to the side lot line, provided that the wall adjoining the side lot line is of fire resistant construction, the minimum side yards (distance from the side lot lines) are as follows:
 - a) Accessory Building Does Not Exceed 4 Metres in Height – the minimum side yard is 1 metre;
 - b) Accessory Building Exceeds 4 Metres in Height – the minimum side yard is at least 2 metres, unless more is deemed necessary by the Town in order to protect the amenities and/or privacy of neighbouring properties;
 - c) Minimum Side Yard Flanking Road (for a Corner Lot) – the accessory building shall not be closer to a flanking road than that set out for the dwelling under Schedule C.
- (6) Rear Yard
 - a) Accessory Building Does Not Exceed 4 Metres in Height – the minimum rear yard (distance from the rear lot line) is 1 metre.
 - b) Accessory Building Exceeds 4 Metres in Height – the minimum rear yard shall be 2 metres, unless more is deemed necessary by the Town in order to protect the amenities and/or privacy of neighbouring properties.
- (7) Separation Distance from Principal Building - Accessory buildings shall maintain a minimum separation distance of 3 metres from a principal building, or the minimum required by the Building Code, whichever is the greater.

- (8) Lot Coverage - The combined lot coverage of accessory buildings together with principal and other buildings on a lot shall not exceed 33% (See also clause (3)).
- (9) Floor Area - No floor area requirements are set out for accessory buildings, however. However, any accessory building exceeding 70 m² in floor area may only be approved at the discretion of the Town and after notice of the application has been given in accordance with Regulation 23.
- (10) Height – The maximum height of an accessory building shall not exceed the height of the principal building. However, any accessory building with a height greater than 4 metres may only be approved at the discretion of the Town and after notice of the application has been given in accordance with Regulation 23.

31. Accessory Buildings – Non-Dwelling and Non-Apartment Building Uses

- (1) This Regulation sets out the requirements for accessory buildings for non-dwelling uses, that is, uses not included Regulation 30.
- (2) Accessory buildings shall be clearly incidental and complementary to the use of the principal buildings in character, use and size, and shall be contained on the same lot as the principal building or buildings.
- (3) Building Line - The minimum building line (distance from the front lot line) for an accessory building shall be as that set out in the Schedule C Use Zone for principal and other buildings.
- (4) Side Yard and Rear Yard and Flanking Road – the minimum side yard and rear yard for an accessory building shall be 6 metres, and the accessory building shall not be closer to a flanking road than that set out for the principal building under Schedule C.
- (5) Separation Distance from Principal Building - Accessory buildings shall maintain a minimum separation distance of 3 metres from a principal building or the minimum required by the Building Code, whichever is the greater.
- (6) Lot Coverage – No lot coverage requirements are set out.
- (7) Floor Area – No floor area requirements are set out.
- (8) Height – The maximum height of an accessory building shall not exceed the height of the principal building.

32. Accessory Uses

- (1) See also Schedule A – Definitions.
- (2) Subject to the other requirements of these Regulations, including those of Schedule C, uses accessory to a permitted or discretionary use are allowed. Subject to Schedule C, examples of accessory uses include, but are not limited to:
 - a) facilities for the serving of food and alcoholic beverages in an arena or other place of assembly, marina, or hotel (commercial - residential) and/or a gift or souvenir shop in a museum, hotel or other establishment;
 - b) a general garage attached to or forming part of a car-dealership or other major retail-wholesale outlet;
 - c) an office, convenience store and/or catering establishment in a campground;
 - d) a marina, dock or wharf in a residential or other zone;
 - e) a subsidiary apartment;
 - f) a business carried out in a dwelling or residential accessory building by a resident of the dwelling, a home business – Regulation 54;
 - g) a dwelling accessory to a non-residential permitted or discretionary use – for example, a farm dwelling, a church manse, a caretaker's dwelling.
- (3) Accessory uses shall be clearly subsidiary to and controlled so as to be compatible with the primary use and the use of nearby properties.

33. Advertisements and Signs

- (1) The terms “advertisement” and “sign” are interchangeable.
- (2) Permit Required – Unless specifically exempted, no advertisement shall be erected or displayed in the Planning Area unless a permit for the advertisement is first obtained from the Town, and, where necessary, from the Department of Government Services.
- (3) Form of Application – Application for a permit to erect or display an advertisement shall be made to the Town in accordance with Regulation 17.

- (4) Advertisements in Street Reservation – Prohibition – No advertisement shall be erected or displayed within, on or over any highway or street reservation, unless it is a sign erected by a public authority.
- (5) Permit Valid for Limited Period
- a) A permit shall be valid for a period of one year and failure by the applicant to initiate construction before expiration of the first permit year shall require reapplication to the Town.
 - b) Where, upon expiration of the first permit year a person wants the continued placement of that sign, that person shall apply to the Town for a renewed permit.
 - c) The Town may issue a renewed permit and that renewed permit shall be valid for a period of three years, and this must subsequently be renewed for further three year periods if the sign is to remain in place.
 - d) A renewed permit shall not be issued until the Town is satisfied that the sign has been maintained to its satisfaction and conforms to these Regulations and the conditions attached to the permit.
- (6) Removal of Advertisements
Notwithstanding the provisions of these Regulations, the Town may require the removal of any advertisement which, in its opinion, is:
- a) hazardous to road traffic by reason of its siting, colour, illumination, maintenance or structural condition; or,
 - b) detrimental to the amenities of the surrounding area.
- (7) Signs - Non-Conforming Uses – A permit may be used for the erection or display of advertisements on a building or within the courtyard of a building or on a parcel of land, the use of which is a non conforming use, provided that the advertisement does not exceed the size and type of advertisement which could be permitted if the development was in a Use Zone appropriate to its use, and subject to any other conditions deemed appropriate by the Town.
- (8) Prohibition – A sign shall not be erected, posted or placed:
- a) where in the opinion of the Town, that sign would be hazardous to road traffic by reason of its siting, illumination or structural condition;

- b) where in the opinion of the Town that sign would be detrimental to the amenities of surrounding areas or length of highway or road;
 - c) where that sign is not maintained to the satisfaction of the Town;
 - d) within or over a highway or street intersection unless otherwise approved by the Town for Town roads, or by the Department of Transportation and Works for roads under Provincial jurisdiction;
 - e) with the exception of premises advertisements, within 300 metres, or a distance specified by the Department of Transportation and Works, or the Town of the intersection of two or more highways and/or for Town roads, or from the crossing of a public road;
 - f) at a location that is objectionable to residents of the immediate area; and
 - g) on a sign erected by the Department of Transportation and Works.
- (9) Signs or Advertisements Not Specifically Covered – If for some reason an application is received for a sign or advertisement that does not fall into one of the categories set out under these Regulations, then subject to the other applicable requirements of these Regulations the Town may approve, approve with conditions, or refuse to approve the sign or advertisement.

34. Advertisements Exempt from Control

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

- a) a posting of a candidate in a federal, provincial or municipal election or a regional school board election;
- b) a temporary sign relating to federal, provincial or municipal public works;
- c) a notice required by law to be posted;
- d) a regulatory, warning, directional, guide or informational sign erected by the Department of Transportation and Works;
- e) a sign placed by a telephone, telegraph or electric power company to indicate danger;
- f) a sign, not exceeding 0.5 square metres, advertising the sale or rental of a building or lot upon which the sign is located;
- g) a flag, emblem or insignia of a nation, country or province;

- h) one temporary sign related to building construction located on a site on which the work is being carried out;
- i) on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.28 m² in area;
- j) on an agricultural holding or farm, a notice board not exceeding 1.5 m² in area and relating to the operations being conducted on the land;
- k) on land used for forestry purposes, signs or notices not exceeding 1 m² in area and relating to forestry operations or the location of logging operations conducted on the land;
- l) on land used for mining or quarrying operations, a notice board not exceeding 1 m² in area relating to the operation conducted on the land;
- m) on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.28 m² in area in connection with the practice of a business carried on in the premises;
- n) on any site occupied by a church, school, library, art gallery, museum, institution, public building or charitable facility, and/or or cemetery, one notice board placed no closer than 3 metres from a street line;
- o) on the principal facade of any commercial, industrial or public building, the name of the building or the name of the occupants of the building, in letters not exceeding one-tenth of the height of that facade or 3 m, whichever is the lesser;
- p) on any parking lot directional signs and one sign not exceeding 1 m² in size, identifying the parking lot; and,
- q) a sign indicating the location of a municipal or municipal planning area boundary, located beyond the back slope of a highway ditching.

35. Advertisements – Temporary and/or Portable Signs

Unless it is a sign included under Regulation 34, no temporary or portable sign is permitted.

36. Advertisements and Signs near Highways

Pursuant to Newfoundland Regulation 85/99 as amended, the Provincial Government has designated “control lines” alongside each provincially maintained

route. These lines extend 400 metres from the highway centre lines, except that the control area is reduced within the within Municipal Boundaries and built up areas of incorporated communities to 100 metres from the centre line of a provincial highway. Advertisements and signs falling within the designated control lines of any highway must be referred to and approved or exempted by the Government Services office serving the area.

37. Advertisements Relating to Onsite Uses

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

- a) the size, shape, illumination and material construction of the advertisement shall meet the requirements of the Town, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area;
- b) unless it is a sign affixed to the wall or canopy of a building the advertisement shall not exceed 5 square metres in area on any side.

38. Advertisements Relating to Offsite Uses

Signs related to offsite uses shall only be placed in locations approved by the Town and shall be of a design approved by the Town.

39. Agriculture

- (1) Agricultural uses are regulated by the Town and the Provincial Government. Agricultural uses shall be approved by both the Agrifoods Branch of the Department of Natural Resources and the Town, together with other appropriate agencies.
- (2) After consultation with the Province, the Town may refuse to issue a permit for an agricultural operation, which, in its opinion, may cause pollution to a well.
- (3) Except for residential development occurring in an already developed area ("infill development"), any *residential development* within 600 metres of structure containing more than five animal units must be referred to the

Agrifoods Branch for a recommendation. The Town shall not issue a permit contrary to the recommendation.

- (4) A livestock structure (barn) containing five or more animal units must be located at distance from a non-farm dwelling determined by the Agrifoods Branch. The structure shall be at least 60 m from the boundary of the property on which it is to be erected and shall be at least 90 m from the centre line of a street. The erection of the structure shall be approved by the Agrifoods Branch before a permit is issued by the Town.

40. Archaeological Resources and Heritage Sites

- (1) If an archaeological site or historical artifacts are discovered during construction, development shall stop and the Provincial Archaeology Office of the Department of Tourism, Culture and Recreation consulted. Development shall not proceed until the Provincial Archaeology Office has evaluated the site.
- (2) Before approval is granted for a major development, such as a subdivision, or a new commercial or public building, the application shall be referred to the Provincial Archaeology Office for investigation.
- (3) After proper notification and consultation, the Town may designate any property or structure a heritage property or building and require that certain conditions pertaining to appearance and upkeep be maintained.

41. Bed and Breakfast, Boarding House, Hospitality Home

A Bed and Breakfast, Boarding House or Hospitality Home can be permitted in certain zones subject to the following conditions:

- a) the use does not detract from the residential character of the neighbourhood
- b) the use is carried out by a resident of the single dwelling;
- c) the single dwelling in which the use is carried out is similar in exterior finish, design, and scale, to private residential buildings in the zone;
- d) one parking space shall be provided for each guest room and the parking area shall be screened by a fence, wall, or hedge not less than one (1) metre in height;

- e) the use shall conform to the frontage, building line setback, sideyard, rearyard and height requirements specified for a single dwelling;
- f) the maximum number of guests shall be six (6);
- g) the establishment is licensed under the Tourist Establishment Regulations.

42. Buffers - Non-Residential

Where any non-residential use abuts a residential use or area, the owner of the site of the non-residential development may be required to provide a buffer strip between any non-residential building or activity and the residential use. The buffer shall include the provision of grass strips, hedges, trees or shrubs, or structural barriers as may be required by the Town, and shall be maintained by the owner or occupier to the satisfaction of the Town.

43. Building Height

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

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

44. Building Line and Setback

- (1) The Town, by resolution, may establish building lines on an existing or proposed street or service street and may require any new buildings to be located on those building lines, whether or not such building lines conform to the standards set out in the tables in Schedule C of these Regulations.
- (2) The building line setback is measured from the front property line.
- (3) In accordance with the Building Near Highways Regulations 1997, the building line along Provincial highways shall not be less than that specified under the Building Near Highways Regulations.

45. Buildings on a Lot

- (1) See also Regulation 48, Comprehensive Development.
- (2) Not more than one single dwelling can be permitted on a lot except where it forms part of a comprehensive development.
- (3) Except for single dwellings (Regulation 45 (2)) two or more buildings can be erected on a lot provided that the yard and setback and other requirements of Schedule C and other parts of these Regulations are satisfied.

46. Campground

A plan of the campground shall be submitted in a format satisfactory to the Town, showing and specifying the number and location of campsites and all facilities, services, internal roads and measures for buffering and/or screening. The approved plan, together with any other approvals and conditions shall form part of the permit.

47. Child Care

Where allowed, a child care facility shall be compatible with the residential or other area within which it is located. In a residential area there shall be no visible indication that such a use is occurring, except for a small identification sign. The approval of the Department of Government Services is required before a permit for a child care facility is issued by the Town.

48. Comprehensive Development

- (1) At its discretion the Town may approve a comprehensive development that only in its overall density and land use complies with the development standards of a Use Zone and provided that the development is at least two (2) hectares in area. All other requirements of the Development Regulations shall apply, including those for subdivision design.
- (2) Provided that the comprehensive development itself fronts on a publicly owned and maintained road and there is adequate access, dwellings and other buildings within the comprehensive development need not directly front on a public road.
- (3) A comprehensive development is subject to an Approval in Principle.

49. Discretionary Use Classes

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

50. Entrance and Window Wells

An entrance well or a window well is permitted in the minimum front, rear or side yard under Schedule C provided it does not extend more than 0.3 metres above grade.

51. Family and Group Care Centres

Where allowed, a family group care centre use is permitted in any dwelling or apartment that is adequate in size to accommodate the number of persons living in the group, inclusive of staff, provided that in the opinion of the Town, the use of the dwelling does not materially differ from, nor adversely affect, the amenities of the adjacent residences, or the neighbourhood in which it is located. The Town may require special access and safety features to be provided for the occupants before occupancy is permitted.

52. Fences

- (1) Applicability – Except as otherwise set out in Schedule C or in a Fence Regulation adopted under the Municipalities Act, the requirements of this Regulation shall apply to all fences.
- (2) Fence – For the purpose of this Regulation a fence includes a vertical physical barrier constructed out of typical fencing materials, and includes hedges, shrubs and landscaping features used for these purposes, and, that portion of a retaining wall which projects above the surface of the ground which it supports.
- (3) Public Authorities – The provision of these Regulations shall apply to all public authorities except the Government of Canada and in those cases where an exception from the Regulations is require to respond to an emergency or for a public purpose.
- (4) Damages – The Town shall not be liable for any damages for the repair of any fence whatsoever where the Town, its employees or agents or otherwise

have acted without negligence. In particular, the Town shall not be liable for any damages or repairs of any fence whatsoever during the normal operation of snow clearing on streets or sidewalks located within the Municipal Planning Area.

- (5) Order to Remove Fence – When in the opinion of the Town, a fence creates a safety hazard or obstruction or impedes snow-clearing due to its location, height or construction material, the Town may issue an order to the property owner stating that the fence or portions thereof be removed, reconstructed or repaired within a specified time in order to correct the safety hazard or obstruction and the cost to remove, construct or repair said fence or part thereof will be at the owner's expense. In the event that the property owner does not remove the fence within the specified time as ordered, the Town may remove the fence and the cost to remove, reconstruct or repair said fence will be at the owner's expense.
- (6) Fence Maintenance – Every person who owns a fence shall maintain such fence in a good state of repair. For the purpose of this Regulation, "good state of repair" shall mean:
 - a) the fence is complete and in a structurally sound condition and plumb and securely anchored;
 - b) protected by weather -resistant materials;
 - c) fence components are not broken, rusted, rotten or in a hazardous condition;
 - d) all stained or painted fences are maintained free of peeling; and
 - e) that the fence does not present an unsightly appearance deleterious to abutting land or to the neighbourhood.
- (7) Fence Materials – The material or materials used in the erection and repair of a fence, shall only be of a type which meets the approval of the Town.
- (8) Fence Height
 - a) **Sight Lines** – No fence shall be permitted to interfere with traffic sight lines as determined by the Town.
 - b) **Street Line to Building Line** – The maximum height of a fence shall not exceed 1.2 metres between the street line and the building line, except where additional height is required by the Town for screening

or security, in which case the maximum height of a fence shall not exceed 2.4 metres.

- c) **Building Line to Rear Property Line** – The maximum height of a fence between the building line and the rear property line shall not exceed 2.4 metres.
- (9) Electrical Fence and Barbed Wire Fence – No person shall erect an electrical fence or barbed wire fence on any land.

53. Forestry

Approvals for woodcutting or other forestry related activities must be obtained from the provincial Department of Natural Resources - Forest Management Unit.

54. Home Business

A Home Business can only be permitted as an accessory use if:

- a) the primary use of the property remains residential and the scope and intensity of the use classes is compatible with the residential uses of the property and neighbourhood, and the business is operated by a resident of the dwelling;
- b) sufficient off-street parking space is provided;
- c) no mechanical equipment is used except that compatible with the use of a dwelling;
- d) no wholesale or retail sale of goods is externally apparent – for example, if sale of crafts occurs it does not occur through walk-in or drive-in trade;
- e) there is no outdoor storage or display;
- f) a non-illuminated identification sign not exceeding 0.28 m² in area shall be permitted on the dwelling provided that the sign is consistent with residential character of the neighbourhood;
- g) no change in the type, class or extent of the home business shall be permitted except with the approval of the Town.

55. Lot Area

- (1) No lot shall be reduced in area, either by the conveyance or alienation of any portion thereof or otherwise, so that any building or structure on such lot shall

have a lot coverage that exceeds, or a front yard, rear yard, side yard, frontage or lot area that is less than that permitted by these Regulations for the zone in which such lot is located.

- (2) Where any part of a lot is required by these Regulations to be reserved as a yard, it shall continue to be so used regardless of any change in the ownership of the lot or any part thereof, and shall not be deemed to form part of an adjacent lot for the purpose of computing the area thereof available for building purposes.

56. Lot Area and Size Exceptions

Where, at the time of coming into effect of these Regulations, one or more lots already exist in any zone, with insufficient frontage or area to permit the owner or purchaser of such a lot or lots to comply with the provisions of these Regulations, then these Regulations shall not prevent the issuing of a permit by the Town for the erection of a dwelling thereon, provided that the lot coverage and height are not greater than, and the yards and floor area are not less than the standards set out in these Regulations.

57. Lot Frontage and Road Frontage

Unless the development forms part of a Comprehensive Development, is a seasonal residence, or falls under a use class within the Non-Building Use Group of Schedule B, the development must front onto a publicly owned and maintained road or street that can provide satisfactory access for fire protection and other emergency services vehicles.

58. Mineral Exploration

- (1) Subject to the other provisions of these Development Regulations, mineral exploration which is not classed as development by virtue of appreciable soil disturbance, construction of access roads, noise, odour and appearance can be permitted anywhere in the Town, provided that adequate notification is provided to the Town.
- (2) Mineral exploration which is classed as development is subject to the following conditions:

- a) adequate provision is made for buffering and/or other means of reducing or eliminating the impacts of the exploration on other uses, the environment and waterways and wetlands;
 - b) where there is soil disturbance, the developer shall provide a site restoration or landscaping surety and/or other satisfactory guarantees of site restoration or landscaping to the Town.
- (3) No permit shall be issued by the Town for mineral exploration until the necessary permits and approvals have been obtained from the Departments of Natural Resources, Government Services, and Environment and Conservation, together with any other relevant Provincial agencies.

59. Mineral Working

- (1) Where permitted, mineral workings are subject to this Regulation, any other applicable regulations and the approval of the Department of Natural Resources.
- (2) No residential development shall be permitted closer than 300 metres to a mineral working unless the Town and the Department of Natural Resources – Mineral Lands Division – are satisfied that such development will not adversely affect the operations of the existing or proposed mineral working.
- (3) Separation from Adjacent Uses – Unless the Town is satisfied that the working will not create a nuisance and will not adversely affect the amenity of the specified development or natural feature, no mineral working shall be located closer than the minimum distances set out below to the specified development or natural feature:
 - a) Existing or Proposed Residential Development
 - i) where no blasting is involved 300 metres
 - ii) where blasting is involved 1000 metres
 - b) Any Other Existing or Proposed Development 150 metres
 - c) Public Highway or street 50 metres
 - d) Protected Road 90 metres
 - e) Body of water or watercourse 50 metres.

- (4) Screening – A mineral working shall be screened in the manner described below where it is visible from a public street or highway, developed area, or area likely to be developed during the life of the use.
- a) Where tree screens exist between the mineral working and adjacent public highways and streets or other land uses (excepting forestry and agriculture), the tree screens shall be retained in a 30-metre wide strip of vegetation so that visibility of any part of the use from the surrounding uses or streets will be prevented. The tree screens must be maintained by the owner or occupier of the use to retain 30 metres in a forested appearance. Where vegetation dies or is removed from the 30-metre strip, the Town may require new trees of a minimum height of 1 metre be planted to fill in the areas affected to the satisfaction of the Town or, at the discretion of the Town, condition (4)(b) must be undertaken.
 - b) Where no tree screens exist of sufficient width and density to constitute a visual screen, earthen berms shall be constructed to a height sufficient to prevent visibility of any part of the mineral working from adjacent uses (excepting forestry and agriculture), or adjacent public highways and streets. The berms shall be landscaped to the Town's satisfaction.
 - c) Where natural topography creates a visual screen between mineral workings and adjacent public highways and streets or other land uses (excepting forestry and agriculture), additional screening may not be required.
 - d) Where effective screening for any mineral working or associated processing or manufacturing use cannot be installed or located as required above, the Town may refuse to permit the use or associated activity.
- (5) Fencing – The Town may require the mineral working site or excavated areas of a pit or quarry working to be enclosed by a fence designed and constructed to its specifications and no less than 1.8 metres in height.
- (6) Water Pollution – No mineral working or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any body of water

- or watercourse. Any access road to a pit or quarry working which crosses a brook or stream shall be bridged or culverted at the crossing in accordance with the Regulations of the Department of Environment and Conservation.
- (7) Water Ponding – No mineral working or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any body of water or watercourse. Any access road to a pit or quarry working which crosses a brook or stream shall be bridged or culverted at the crossing in accordance with the Acts and Regulations of the Department of Environment and Conservation.
- (8) Erosion Control – No mineral working shall be carried out in a manner so as to cause erosion of erosion of adjacent land.
- (9) Site Maintenance – The mineral working shall be kept clean of refuse, abandoned vehicles, and abandoned equipment and any derelict buildings.
- (10) Access Roads – During extended periods of shutdown, access roads to a mineral working shall be ditched or barred to the satisfaction of the Town.
- (11) Stockpiling Cover Material – All stumps, organic material and topsoil, including the rusty coloured and iron stained layer, shall be stripped and stockpiled at least 5 metres from active quarry or stockpile areas. The owner or operator shall ensure that the quality of the topsoil is not affected by dilution with other materials.
- (12) Operating Plant and Associated Processing and Manufacturing
- a) The Town may permit processing and manufacturing use associated with mineral workings provided that, in the opinion of the Town, the use does not create a nuisance nor is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of fumes, dust, dirt, objectionable odour, or by reason of unsightly storage of materials.
 - b) all permanent or temporary buildings, plants and structures associated with processing and manufacturing will be located so as not to interfere with the present or future extraction of aggregate resources.
 - c) the Town may specify a minimum separation distance between operating plant or associated processing and manufacturing structure

or equipment and adjacent developed areas likely to be developed during the life of the mineral working.

- (13) Termination and Site Rehabilitation – Upon completion of the mineral working, the following work shall be carried out by the operation:
- a) all buildings, machinery and equipment shall be removed;
 - b) all pit and quarry slopes shall be graded to slopes less than 20° or to the slope conforming to that existing prior to the mineral working;
 - c) topsoil and any organic materials shall be re-spread over the entire quarried area;
 - d) the access road to the working shall be ditched or barred to the satisfaction of the Town;
 - e) if the mineral working contains reserves of material sufficient to support further extraction operations, the Town may require the work described above to be carried out only in areas of the site where extraction has depleted aggregate reserves.

60. Non-Conforming Uses

- (1) This Regulation is based upon Section 108 (2) of the Urban and Rural Planning Act 2000, and Sections 14, 15, and 16 of the Ministerial Development Regulations.
- (2) Notwithstanding a plan, scheme or regulations made under the Urban and Rural Planning Act 2000, the Town shall, in accordance with regulations made under this Act, allow a development or use of land to continue in a manner that does not conform with a regulation, scheme, or plan that applies to that land provided that the non-conforming use legally existed before the registration under section 24 of the Act of the plan, scheme or regulations made with respect to that kind of development or use.
- (3) Notwithstanding subsection (2), a right to resume a discontinued non-conforming use of land shall not exceed one year. For the purpose of this Regulation, discontinuance of a non-conforming use begins when any one of the following conditions is met:
 - a) the building or use of land is clearly vacated or the building is demolished;

- b) the owner or tenant has ceased paying business occupancy taxes for that use;
 - c) the owner or tenant has stated in writing that the use has ceased.
- (4) A building, structure or development that does not conform to a scheme, plan or regulations made under this Act that is allowed to continue under subsection (2):
- a) shall not be internally or externally varied, extended or expanded unless otherwise approved by the Town;
 - b) shall not be structurally modified except as required for the safety of the building, structure or development;
 - c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50% or more of the value of that building, structure or development has been destroyed;
 - d) may have the existing use for that building, structure or development varied by the Town to a use that is, in their opinion more compatible with a plan and regulations applicable to it;
 - e) may have the existing building extended by the Town where, in its opinion that extension is not more than 50% of the existing building;
 - f) where the non-conformance is with respect to the standards included in the Development Regulations, the building, structure or development shall not be expanded if the expansion would increase the non-conformity – and an expansion must comply with the development standards applicable to that building, structure or development.
 - g) where the building or structure is primarily zoned and used for residential purposes, may, in accordance with the appropriate plan and regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed; and
 - h). a residential building or structure referred to in the above paragraph must, where being repaired or rebuilt, be repaired or rebuilt in accordance with the plan and development regulations applicable to that building or structure.

- (5) Notice and hearings on change of use – Where considering a non conforming building, structure or development under clause 3 d) of this Regulation and before making a decision to vary an existing use of that non-conforming building, structure or development, the Town, 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.

61. Offensive and Dangerous Uses

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

62. Offstreet Loading and Parking Requirements

See Schedule D.

63. Parks and Playgrounds and Conservation Areas

- (1) Parks and playgrounds can only be allowed in areas which are not hazardous to their use and, they cannot be operated for commercial purposes.
- (2) Nothing in these Regulations shall prevent the designation of conservation areas in any zone.

64. Public Services and Public Utilities

- (1) Within any zone the Town can permit land to be used in conjunction with the provision of public services and public utilities if the use of that land is necessary to the proper operation of the public service or public utility. Such

facilities are subject to the approval of relevant provincial and federal departments and agencies.

- (2) The design and location of such public services and public utilities shall take into consideration their impact on nearby land uses and persons, the environment and archaeological resources within the Town, along with other matters that the Town may deem to be significant.

65. Screening and Landscaping

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

66. Service Stations

The following requirements shall apply to all proposed service stations:

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

67. Site Development

Before approving any development, the Town shall take into consideration the adequacy of site grading, drainage and landscaping and the potential of the development to cause erosion onto and pollution of adjacent development and lands and bodies of water receiving drainage from the site, along with other similar matters.

68. Site Development Quarry and Soil Removal

- (1) If, as part of another development, quarry material is to be removed and sold or otherwise disposed of, then a separate quarry permit shall be issued once

development approval is granted by the Town. A copy of this permit must be forwarded to the Department of Natural Resources, Mineral Lands Division.

- (2) A site development quarry under this Regulation is permitted wherever the use that the quarry is associated with is permitted.
- (3) A quarry permit issued under this Regulation shall only be valid for the term of the site development.
- (4) When the work is completed, the area affected shall be suitably landscaped and drained in accordance with a plan approved by the Town.
- (5) If the site work is extensive, the Town may require the deposit of a surety in the amount of \$500.00 which shall be returned to the developer upon satisfactory completion of the work.

69. Street Construction Standards

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

70. Subsidiary Apartments

Subsidiary apartments shall 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.

71. Unserviced Development

Development lacking municipal services shall be approved by the Department of Government Services before a permit is issued by the Town.

72. Unsubdivided Land

Development is not permitted on unsubdivided land unless sufficient area is reserved to satisfy the yard and other allowances called for in the Use Zone in which it is located and the allowances shall be retained when the adjacent land is developed.

73. Waterways and Wetlands

- (1) The minimum width of a buffer along a waterway or wetland shall be 15 m from the highwater mark of the stream, river, pond or other body of water. If

- the embankment is steep, then the buffer shall be measured from the top of the embankment.
- (2) The only uses that can be permitted in the buffer area of a waterway or wetland are roads, public utilities, trails, trail related accessory uses, and uses requiring direct access to a body of water. These uses are subject to the approval of the Water Resources Division of the Department of Environment and Conservation, Department of Fisheries and Oceans Canada and where applicable, the Government Service Centre of the Department of Government Services for Crown Lands and referrals.
 - (3) The Town or the Provincial Government may subject development within the buffer area of a waterway or wetland to an environmental review, and may approve, approve subject to conditions, or refuse such development. The matter of adequate and usable legal public access to the waterway shall be a consideration in the review of an application for a structure within a buffer and/or waterway.
 - (4) Any development within a waterway or involving the alteration of a waterway must be approved by or exempted by the: Department of Environment and Conservation for Crown Lands and referrals; Coast Guard Canada of the Department of Fisheries and Oceans - Navigable Waters Act; Fish Habitat Division of the Department of Fisheries and Oceans; Water Resources Division of the Department of Environment and Conservation.
 - (5) If a waterway or wetland is deemed to be minor (intermittent and/or a drainage course and/or no evidence of fish and/or not apparently significant for flood control or water management), such waterways and wetlands shall wherever possible remain undeveloped and protected by a buffer. If a site is to be developed, alternatives to covering over or eliminating such waterways and wetlands shall be explored, including relocation of the waterway or wetland and/or redesign of the development.

PART III - SUBDIVISION OF LAND

74. Permit Required

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

75. Services to be Provided

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

76. Payment of Service Levies and Other Charges

No permit shall be issued for the development of a subdivision until agreement has been reached for the payment of all fees levied by the Town for connection to services, utilities and streets deemed necessary for the proper development of the subdivision, and all service levies and other charges imposed under Regulations 12 and 13.

77. Issue of Permit Subject to Considerations

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

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

78. Building Permits Required

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

79. Form of Application

Application for a permit to develop a subdivision shall be made to the Town in accordance with Regulation 16.

80. Subdivision Subject to Zoning

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

81. Building Lines

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

82. Land for Public Open Space

- (1) Before a development commences, the developer shall, if required, dedicate to the Town, at no cost to the Town, an area of land equivalent to not more than 10% of the gross area of the subdivision or 25 m² for every dwelling unit permitted in the subdivision, whichever is the greater, for public open space, provided that:
 - a) where land is subdivided for any purpose other than residential use, the Town shall determine the percentage of land to be dedicated;
 - b) if, in the opinion of the Town, no public open space is required, the land may be used for such other public use as the Town may determine;
 - c) the location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of the Authority but in any case, the Town shall not accept land which, in its opinion is incapable of development for any purpose;

- d) the Town may accept from the developer in lieu of such area or areas of land the payment of a sum of money equal to the value of the land which would otherwise be required to be dedicated;
 - e) money received by the Town in accordance with Regulation 82(1)(d) above, shall be reserved by the Authority for the purpose of the acquisition or development of land for public open space or other public purpose.
- (2) Land dedicated for public use in accordance with this Regulation shall be conveyed to the Town and may be sold or leased by the Town for the purposes of any development that conforms with the requirements of these Regulations, and the proceeds of any sale or other disposition of land shall be applied against the cost of acquisition or development of any other land for the purposes of public open space or other public purposes.
- (3) The Town may require a strip of land to be reserved and remain undeveloped along the banks of any river, brook or pond, and this land may, at the discretion of the Town, constitute the requirement of land for public use under Regulation 82(1).

83. Structure in Street Reservation

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

84. Subdivision Design Standards

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

- a) The finished grade of streets shall not exceed 10 percent.
- b) Every cul de sac shall be provided with a turning circle of a diameter of not less than 30 m.
- c) The maximum length of any cul de sac shall be:
 - (i) 200m in areas served by or planned to be served by municipal piped water and sewer services, as shown in the map and letter of

agreement signed by the Municipality and the Minister of Municipal and Provincial Affairs in connection with municipal five-year capital works program eligibility.

- (ii) 300m in areas not served by or planned to be served by municipal piped water and sewer services.
- d) Emergency vehicle access to a cul de sac shall be not less than 3 m wide and shall connect the head of the cul de sac with an adjacent street.
- e) No cul de sac shall be located so as to appear to terminate a collector street.
- f) New subdivisions shall have street connections with an existing street or streets.
- g) All street intersections shall be constructed within 5° of a right angle and this alignment shall be maintained for 30 m from the intersection.
- h) No street intersection shall be closer than 60 m to any other street intersection.
- i) No more than four streets shall join at any street intersection.
- j) No residential street block shall be longer than 490 m between street intersections.
- (k) Streets in residential subdivisions shall be designed in accordance with the approved standards of the Town, but in the absence of such standards, shall conform to the following minimum standards:

Type of Street	Street Reser- vation	Pavem- ent Width	Sidewalk Width	Sidewalk Number
Arterial Streets	30 m	15 m	1.5 m	discretion of Council
Collector Streets	20 m	15 m	1.5 m	2
Local Streets	15 m	9 m	1.5 m	1
Service Streets	15 m	9 m	1.5 m	discretion of Council

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

85. Engineer to Design Works and Certify Construction Layout

- (1) Plans and specifications for all water mains, hydrants, sanitary sewers, storm sewers and all appurtenances thereto and all streets, paving, curbs, gutters and catch basins and all other utilities deemed necessary by the Town to service the area proposed to be developed or subdivided shall be designed and prepared by or approved by the Engineer. Such designs and specifications shall, upon approval by the Town, be incorporated in the plan of subdivision.
- (2) Upon approval by the Town of the proposed subdivision, the Engineer shall certify all work of construction layout preliminary to the construction of the works and thereupon the developer shall proceed to the construction and installation, at his own cost and in accordance with the approved designs and specifications and the construction layout certified by the Engineer, of all such water mains, hydrants, sanitary sewers and all appurtenances and of all such streets and other works deemed necessary by the Town to service the said area.

86. Developer to Pay Engineer's Fees and Charges

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

87. Street Works May Be Deferred

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

88. Transfer of Streets and Utilities to Town

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

89. Restriction on Sale of Lots

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

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

90. Grouping of Buildings and Landscaping

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

PART IV - USE ZONES

91. Use Zones

- (1) For the purpose of these Regulations, the Planning Area is divided into Use Zones which are shown on the Zoning Map attached to and forming part of these Regulations.
- (2) Subject to Regulation 91(3), the permitted use classes, discretionary use classes, standards, requirements and conditions applicable to each Use Zone are set out in the Use Zone Tables in Schedule C of these Regulations.
- (3) Where standards, requirements and conditions applicable in a Use Zone are not set out in the Use Zone Tables in Schedule C, the Town may in its discretion, determine the standards, requirements and conditions which shall apply.

92. Use Classes

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

93. Permitted Uses

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

94. Discretionary Uses

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone Table in Schedule C may be permitted in that Use Zone if the Town is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if the Town has given notice of the application in accordance with Regulation 23 and has considered any objections or representations which may have been received on the matter.

95. Uses Not Permitted - Prohibited Uses

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 and are deemed to be prohibited uses.

SCHEDULE A - DEFINITIONS

A definition marked with an asterix is also included in the Urban and Rural Planning Act and/or in the Ministerial Development Regulations. Where there is a conflict, the Act or Ministerial Development Regulations prevail.

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

ACCESSORY BUILDING* includes:

- (i) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory which has a use that is customarily incidental or complementary to the main use of the building or land,
- (ii) for the case of 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) in the case of industrial uses, garages, offices, raised ramps and docks.

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

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

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

AGRICULTURE means horticulture, fruit growing, grain growing, seed growing, dairy farming, the breeding or rearing of livestock, including any creature kept for the production of food, wool, skins, or fur, or for the purpose of its use in the farming of land, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds and the use of land for woodlands where that use is ancillary to the farming of land for any other purpose. "Agricultural" shall be construed accordingly.

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

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

- 1 bull;
- 1000 broiler chickens or roosters (1.8 - 2.3 kg each);
- 1 cow (including calf);
- 100 female mink (including associated males and kits);
- 4 goats;
- X hogs (based on 453.6 kg = 1 unit);
- 1 horse (including foal);
- 125 laying hens;
- 4 sheep (including lambs);
- 1 sow or breed sow (including weaners and growers based on 453.6 kg = 1 unit);
- X turkeys, ducks, geese (based on 2,268 kg = 1 unit).

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

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

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

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

AUTHORITY* means a council, authorized administrator or regional authority.

BED AND BREAKFAST means an owner-occupied or owner-managed establishment for paid temporary accommodation for up to sixteen (16) overnight guests that may include a dining room for the use of overnight guests and their invitees. The establishment must be registered with and receive a rating from Canada Select and also must be approved by the Provincial Department of Tourism, Culture and Recreation as a Bed and Breakfast operation.

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

BUILDING* means

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

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 an authority that runs parallel to a street line and is set at the closest point to a street that building may be placed.

CAMPGROUND means the use of land for the accommodation of travel trailers, recreational vehicles, and/or tents.

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

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

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

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

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

and shall exclude:

- (iv) 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;
- (v) 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;
- (vi) 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;
- (vii) 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 the relevant authority.

DIRECTOR means the Director of Urban and Rural Planning.

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

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

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

ENGINEER means a professional engineer employed or retained by the Town.

ESTABLISHED GRADE* means,

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

FAMILY AND GROUP CARE CENTRE means a dwelling accommodating up to but no more than six (6) persons exclusive of staff in a home-like setting. Subject to the size limitation, this definition includes, but is not limited to, the facilities called "Group Homes", "Halfway House", and "Foster Home".

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

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

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

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

GENERAL INDUSTRY means the use of land or buildings for the purpose of storing, assembling, altering, repairing, manufacturing, fabricating, packing, canning, preparing, breaking up, demolishing, or treating any article, commodity or substance. "Industry" shall be construed accordingly.

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

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

HOME BUSINESS means a secondary use of a dwelling and/or its accessory building by at least one of the residents of the dwelling to conduct a gainful occupation or business activity.

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

INSTITUTION means a building or part thereof occupied or used by persons who:

- a) are involuntarily detained, or detained for penal or correctional purposes, or whose liberty is restricted, or;
- b) require special care or treatment because of age, mental or physical limitations or medical conditions.

LAND* includes land covered by water, and buildings and structures on, over, 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.

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.

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

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

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

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

MARINA means a dock or basin together with associated facilities where slips, moorings, supplies, repairs, and other services that are typically available for boats and other watercraft, including storage, sales and rentals, with or without a club house and catering facilities. It can also include a fishing stage or shed associated with a dock or wharf.

MINERAL EXPLORATION means the activity of searching for minerals or mineral occurrences, including oil exploration, wherein, for the purposes of these Regulations it takes the form of development - that is visible and appreciable disturbance to soil.

MINERAL WORKING means land or buildings used for the working or extraction of construction aggregates.

MINING means land or buildings used for the extraction of ores, salts, oil and/or natural gas.

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

-
- a) which complies with space standards substantially equal to those laid down in the Canadian Code for Residential Construction and is in accordance with the construction standards laid down and all other applicable Provincial and Municipal Codes and;
 - b) which is designed to be:
 - (i) transported on its own wheels and chassis to a mobile home lot, and subsequently supported on its own wheels, jacks, posts or piers, or on a permanent foundation and;
 - (ii) connected to exterior public utilities approved by the Town, namely, piped water, piped sewer, electricity and telephone, in order for such mobile home unit to be suitable for year round term occupancy.

MOBILE HOME PARK means a mobile home development under single or joint ownership, cared for and controlled by a mobile home park operator where individual mobile home lots are rented or leased with or without mobile home units placed on them and where ownership and responsibility for the maintenance and development of site facilities including underground services, access roads, communal areas, snowclearing and garbage collection, or any of them, are the responsibility of the mobile home park management, and where the mobile home development is classified as a mobile home park by the Town.

MOBILE HOME SUBDIVISION means a mobile home development requiring the subdivision of land whether in single or joint ownership into two or more pieces or parcels of land for the purpose of locating thereon mobile home units under either freehold or leasehold tenure and where the maintenance of streets and services is the responsibility of a municipality or public authority, and where the mobile home development is classified as a mobile home subdivision by the Town.

NON-CONFORMING USE* means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone.

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

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

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

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

PROHIBITED USE* means a use that is not listed within the permitted use classes set out in the use zone tables of an authority's development regulations.

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

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

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

SEASONAL RESIDENCE means a dwelling which is designed or intended for seasonal or recreational use, and is not intended for use as permanent living quarters.

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

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

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

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

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

SIDE YARD DEPTH* means the distance between the side lot line and the nearest side wall of a building on the lot. See also Building Line and Yards.

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.

STREET* means a street, road or highway or other way designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles.

STREET LINE* means the edge of a street reservation as defined by the authority having jurisdiction.

SUBDIVISION* means the dividing of any land, whether in single or joint ownership, into 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.

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

TAVERN: includes a nightclub and means a building licensed or licensable under the Liquor Control Act wherein meals and food may be served for consumption on the premises and in which entertainment may be provided.

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.

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.

WETLAND means an area which is saturated by surface or ground water sufficient to support, and which under normal circumstances supports a prevalence of vegetation typically adapted for life in the saturated soil conditions, and includes swamps, marshes, bogs, fens and similar areas.

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

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

SCHEDULE B
CLASSIFICATION OF USES OF LAND AND BUILDINGS

GROUP	CLASS	EXAMPLES
ASSEMBLY USES	Theatre	Motion Picture Theatres, T.V. Studios admitting an audience.
ASSEMBLY USES	Cultural and Civic	Libraries, Museums, Art Galleries, Court Rooms, Meeting Rooms, Council Chambers
ASSEMBLY USES	Protection	Police and Fire Stations
ASSEMBLY USES	General Assembly	Community Halls, Lodge Halls, Dance Halls, Gymnasias, Auditoria, Bowling Alleys
ASSEMBLY USES	Educational	Schools, Colleges (non-residential)
ASSEMBLY USES	Place of Worship	Churches and similar places of worship, Church Halls
ASSEMBLY USES	Passenger Assembly	Passenger Terminals
ASSEMBLY USES	Club and Lodge	Private Clubs and Lodges (non-residential)
ASSEMBLY USES	Catering	Restaurants, Bars, Lounges
ASSEMBLY USES	Funeral Home	Funeral Homes and Chapels
ASSEMBLY USES	Child Care	Day Care Centres
ASSEMBLY USES	Amusement	Electronic Games Arcades, Pinball Parlours, Poolrooms
ASSEMBLY USES	Indoor Assembly	Arenas, Armouries, Ice Rinks, Indoor Swimming Pools

SCHEDULE B CLASSIFICATION OF USES OF LAND AND BUILDINGS		
GROUP	CLASS	EXAMPLES
ASSEMBLY USES	Outdoor Assembly	Bleachers, Grandstands, Outdoor Ice Rinks and Swimming Pools, Amusement Parks and Fairgrounds, Exhibition Grounds, Drive-in Theatres
ASSEMBLY USES	Campground	Campgrounds, Recreational Vehicle and Travel Trailer Campgrounds
INSTITUTIONAL USES	Penal and Correctional Detention	Jails, Penitentiaries, Police Stations (with detention quarters), Prisons, Psychiatric, Hospitals (with detention quarters), Reformatories
INSTITUTIONAL USES	Medical Treatment and Special Care	Children's Homes, Convalescent Homes, Homes for Aged, Hospitals, Infirmaries
RESIDENTIAL USES	Single Dwelling	Single Detached Dwellings, Family & Group Homes
RESIDENTIAL USES	Double Dwelling	Semi-detached Dwelling, Duplex Dwellings, Family & Group Homes
RESIDENTIAL USES	Row Dwelling	Row Houses, Town Houses, Family & Group Homes
RESIDENTIAL USES	Apartment Building	Apartments, Family & Group Homes

SCHEDULE B CLASSIFICATION OF USES OF LAND AND BUILDINGS		
GROUP	CLASS	EXAMPLE
RESIDENTIAL	Collective Residential	Residential Colleges & Schools, University & College Halls of Residence, Convents & Monasteries, Nurses and Hospital Residences
RESIDENTIAL	Boarding House Residential and/or Bed and Breakfast	Boarding Houses, Lodging Houses, Bed and Breakfast
RESIDENTIAL	Commercial Residential	Hotels & Motels, Hostels, Residential Clubs
RESIDENTIAL	Seasonal Residential	Summer Homes & Cabins, Hunting & Fishing Cabins
RESIDENTIAL	Mobile Homes	Mobile Homes
BUSINESS & PERSONAL SERVICE	Office	Offices (including Government Offices), Banks
BUSINESS & PERSONAL SERVICE	Medical and Professional	Medical Offices and Consulting Rooms, Dental Offices & Surgeries, Legal Offices & Similar Professional Offices
BUSINESS & PERSONAL SERVICE	Personal Service	Barbers, Hairdressers, Beauty Parlours, Small Appliance Repairs
BUSINESS & PERSONAL SERVICE	General Service	Self-service Laundries, Dry Cleaners (not using flammable or explosive substances), Small Tool and Appliance Rentals, Travel Agents

SCHEDULE B CLASSIFICATION OF USES OF LAND AND BUILDINGS		
GROUP	CLASS	EXAMPLES
BUSINESS & PERSONAL SERVICE	Communications	Radio Stations, Telephone Exchanges
BUSINESS & PERSONAL SERVICE	Police Station	Police Stations without detention quarters
BUSINESS & PERSONAL SERVICE	Taxi Stand	Taxi Stands
BUSINESS & PERSONAL SERVICE	Take-out Food Service	Take-out Food Service
BUSINESS & PERSONAL SERVICE	Veterinary	Veterinary Surgeries
MERCANTILE	Shopping Centre	Shopping Centres
MERCANTILE	Shop	Retail Shops and Stores and Showrooms, Department Stores
MERCANTILE	Indoor Market	Market Halls, Auction Halls
MERCANTILE	Outdoor Market	Market Grounds, Animal Markets, Produce and Fruit Stands, Fish Stalls
MERCANTILE	Convenience Store	Confectionary Stores, Corner Stores, Gift Shops, Specialty Shops

SCHEDULE B CLASSIFICATION OF USES OF LAND AND BUILDINGS		
GROUP	CLASS	EXAMPLES
INDUSTRIAL	Hazardous Industry	Bulk Storage of hazardous liquids and substances, Chemical Plants, Distilleries Feed Mills, & Lacquer, Mattress, Paint, Varnish, and Rubber Factories, Spray Painting
INDUSTRIAL	General Industry	Factories, Cold Storage Plants, Freight Depots General Garages, Warehouses, Workshops, Laboratories, Laundries, Planing Mills, Printing Plants, Contractors' Yards
INDUSTRIAL	Service Station	Gasoline Service Stations, Gas Bars, Car Wash
INDUSTRIAL	Light Industry	Light Industry, Parking Garages, Indoor Storage, Warehouses, Workshops
NON-BUILDING	Agriculture	Commercial Farms, Hobby Farms, Market Gardens & Nurseries
NON-BUILDING	Forestry	Tree Nurseries, Silviculture
NON-BUILDING	Mineral Exploration	Mineral Exploration
NON-BUILDING	Mineral Working	Quarries, Pits
NON-BUILDING	Mining	Mining, Oil Wells

SCHEDULE B CLASSIFICATION OF USES OF LAND AND BUILDINGS		
GROUP	CLASS	EXAMPLES
NON-BUILDING	Recreational Open Space	Playing Fields, Sports Grounds, Parks, Playgrounds, Recreational Trails
NON-BUILDING	Conservation	Watersheds, Buffer Strips, Flood Plains, Architectural, Historical and Scenic Sites, Steep Slopes, Wildlife Sanctuaries
NON-BUILDING	Cemetery	Cemeteries, Graveyards
NON-BUILDING	Scrap Yard	Car Wrecking Yards, Junk Yards, Scrap Dealers
NON-BUILDING	Solid Waste	Solid Waste Disposal, Sanitary Land Fill, Incinerators
NON-BUILDING	Animal	Animal Pounds, Kennels, Zoos
NON-BUILDING USES	Antenna	TV, Radio and Communications Transmitting and Receiving Masts and Antennae
NON-BUILDING	Utilities	Wind Mills, Wind Turbines, Wind Farms, & related facilities
NON-BUILDING	Transportation	Airfields, Docks and Harbours
NON-BUILDING	Marina	Marina, Yacht Club, Boating Club, Boat House, Fishing Stage

**SCHEDULE C
USE ZONE TABLES**

NOTE: This schedule contains tables showing the use classes which may be permitted or which may be treated as discretionary use classes for the purpose of these Regulations. The tables also indicate the required standards of development and may also include conditions affecting some or all of the use classes. Together with Schedule C, the requirements under the headings of: **Application; Parts I, II, III and IV; and Schedules A, B, and D** must be considered, along with other relevant matters, before a permit is issued by the Town.

The schedule contains tables for the following Use Zones:

Residential (R)
Mixed Development (MD)
Highway Commercial (HC)
Wellhead Protection (WP)
Rural (RU)
Mineral Working (MW)
Sensitive Area (SN)

**USE ZONE TABLE
RESIDENTIAL (R) ZONE**

ZONE TITLE	RESIDENTIAL (R)
PERMITTED USE CLASSES - (see Regulation 93)	Bed and Breakfast, Conservation, Recreational Open Space and Single Dwelling.
DISCRETIONARY USE CLASSES - (see Regulations 23 and 94)	Antenna, Apartment Building, Child Care, Double Dwelling, Educational, Family and Group Care Centre, Fishing and Marine Uses, General Assembly, Mobile Home, Outdoor Assembly, Place of Worship, Row Dwelling, Subsidiary Apartment and Transportation.

CONDITIONS FOR THE RESIDENTIAL ZONE

- 1. General Development Standards – Unserviced and Semi-Serviced Development, Infilling Variances, Other Development Standards**
 - (1) Unserviced Development
 - a) Where the development lacks municipal water and sewer services (unserviced) the minimum lot size is as determined by the Department of Government Services or 1860 m² per single dwelling and subsidiary apartment, 1,395 m² per dwelling unit in a double dwelling, whichever is greater.
 - b) The minimum lot frontage shall be as determined by the Department of Government of Services or 30 metres minimum, whichever is greater.
 - c) Other development, the minimum lot area and frontage is as determined by the Department of Government Services.
 - (2) Semi-serviced Development:
 - a) For semi-serviced building lots (lots where water or sewage disposal services will be provided off-site), the minimum lot size is as

determined by the Department of Government Services or a minimum lot size of 1,400 m² per single dwelling and subsidiary apartment, 1,160 m² per dwelling unit in a double dwelling. A minimum frontage of 23 metres is required throughout the entire area in which the absorption field (distribution box to end of absorption trenches) is to be installed. The area must be sufficient to accommodate the septic system while maintaining separation distances and have sufficient space for the installation of a replacement system.

- b) Other development, the minimum lot area and frontage shall be as determined by the Department of Government Services.

(3) Infilling Variance

Where unserviced or semi-serviced land is surrounded by development which prohibits expansion and where approval cannot be awarded because the proposed lot size does not comply with the minimum lot size and width requirements, the requirements to literal conformity may be varied if:

- a) the variance amounts to no more than a twenty percent (20%) reduction in the requirements;
- b) the variance is not contrary to the general intent and purpose of the policy and procedure as set out in the *Private Sewage Disposal and Water Supply Standards*;
- c) the application of the variance would not interfere with the maintenance of required distance separations and sewage system dimensions;
- d) the application of the variance would not undermine the quality of adjacent property or pose a hazard to human health;
- e) the application of the variance is related to the specific property and is not general to land within the area;
- f) the particular practical difficulties for the owner or developer are distinguishable from a mere inconvenience or desire to acquire monetary gain.

(4) Other Requirements

- a) Building Line Setback all development (minimum) 6 m

b)	Floor Area per dwelling unit (minimum)	80 m ²
c)	Sideyard Width all development (minimum)	2 m
d)	Rearyard Depth all development (minimum)	8 m
e)	Lot Coverage All Buildings (maximum)	33%
f)	Height (maximum)	8 m

2. Accessory Buildings

See Regulations 30 and 31.

3. Backland Development

If Council determines that an area has potential as a future residential subdivision, a 15 metre road reservation must be maintained. Council will satisfy itself that the backlot and road reservation are situated to allow for future residential subdivision development.

4. Backlot Development

Most single dwellings, double dwellings, mobile homes and seasonal dwellings shall front onto a public road or will be part of a new residential subdivision with roads built to Council standards. The following conditions shall apply to residential building lots that do not front onto a public road:

- (1) All backlots shall have permanent access to a public road. The minimum access width shall be 6 metres. The responsibility for the acquisition, construction, care and maintenance, of the access shall rest with the adjacent property owners.
- (2) Only a single dwelling, seasonal dwelling or mobile home shall be permitted to develop on a lot that does not front onto a public road.
- (3) Municipal sewer and/or water services and/or on-site system must be provided. Clearance for municipal services must be obtained and provided at the developer's expense.
- (4) Council must review the development proposal to ensure that the dwelling will not block access to backland with development potential.

5. Bed and Breakfast, Boarding House, Hospitality Home

See Regulation 41.

6. General Assembly

- (1) General assembly uses are limited to meeting halls operated by churches, service clubs or other similar organizations and must be acceptable with respect to nearby residential development.
- (2) Where permitted as a discretionary use, a general assembly use shall conform to the frontage, building line setback, sideyard, rearyard, lot coverage and height requirements specified for a single dwelling.
- (3) Proper vehicular and pedestrian access and parking shall be provided in accordance with Schedule D of these Regulations.

7. Home Business

See Regulations 32 and 54. A workshop or similar type of business conducted in an accessory building may only be permitted at the discretion of the Town.

8. Place of Worship

Where permitted as a discretionary use, a place of worship shall conform to the frontage, building line setback, sideyard, rearyard, lot coverage and height requirements specified for a single dwelling.

9. Quarry Buffer

No new dwelling shall be permitted within 300 metres of an area under a Quarry Permit from the Department of Natural Resources, Mineral Lands Division.

10. Transportation

Transportation uses are limited to wharves and docks and related uses – for example, fishing stages.

11. Wells

The Town shall direct new development away from any dug well and water line providing domestic water. Any new development must be serviced by a private on-site well or be connected to a municipal water line.

USE ZONE TABLE
MIXED DEVELOPMENT (MD) ZONE

ZONE TITLE	MIXED DEVELOPMENT (MD)
PERMITTED USE CLASSES - (see Regulation 93)	Bed and Breakfast, Child Care, Conservation, Office, Personal Service, Recreational Open Space, Seasonal Dwelling, and Single Dwelling.
DISCRETIONARY USE CLASSES (see Regulations 23 and 94)	Amusement, Antenna, Apartment Building, Catering, Cemetery, Child Care, Club and Lodge, Commercial Residential, Communications, Convenience Store, Cultural and Civic, Double Dwelling, Educational, Funeral Home, General Assembly, General Industry, General Service, Indoor Market, Light Industry, Mobile Home, Office, Medical and Professional, Outdoor Market, Passenger Assembly, Personal Service, Place of Worship, Police Station, Row Dwelling, Service Station, Shop, Take-out Food Service, Taxi Stand, Theatre, Transportation and Veterinary.

OTHER CONDITIONS FOR THE MIXED DEVELOPMENT ZONE

1. Development Standards

- (1) The development standards (non-residential) for this zone shall be as follows:
 - a) Lot Area and Lot Frontage – as determined by the Department of Government Services for unserviced and semi (partially) serviced development (See Residential Zone)
 - b) Minimum Building Line Setback 10 metres
 - c) Minimum Sideyards Width 6 metres
 - d) Minimum Rearyard Depth 8 metres
 - e) Maximum Height 10 metres
- (2) Residential development shall conform to the standards of the Residential Zone.

2. Accessory Buildings

See Regulations 30 and 31.

3. Backland Development

If Council determines that an area has potential as a future residential subdivision, a 15 metre road reservation must be maintained. Council will satisfy itself that the backlot and road reservation are situated to allow for future residential subdivision development.

4. Backlot Development

Most single dwellings, double dwellings, mobile homes and seasonal dwellings shall front onto a public road or will be part of a new residential subdivision with roads built to Council standards. The following conditions shall apply to residential building lots that do not front onto a public road:

- (1) All backlots shall have permanent access to a public road. The minimum access width shall be 6 metres. The responsibility for the acquisition, construction, care and maintenance, of the access shall rest with the adjacent property owners.
- (2) Only a single dwelling, seasonal dwelling or mobile home shall be permitted to develop on a lot that does not front onto a public road.
- (3) Municipal sewer and/or water services and/or on-site system must be provided. Clearance for municipal services must be obtained and provided at the developer's expense.
- (4) Council must review the development proposal to ensure that the dwelling will not block access to backland with development potential.

5. Bed and Breakfast, Boarding House, Hospitality Home

See Regulation 41.

6. General Assembly

- (1) General assembly uses are limited to meeting halls operated by churches, service clubs or other similar organizations and must be acceptable with respect to nearby residential development.
- (2) Where permitted as a discretionary use, a general assembly use shall conform to the frontage, building line setback, sideyard, rearyard, lot coverage and height requirements specified for a single dwelling.
- (3) Proper vehicular and pedestrian access are required as specified in Part II of these regulations. Off-street parking shall be provided in accordance with Schedule D of these Regulations.

7. General Industry

General Industry may only be permitted in this Zone if it is related to a fishing or marine type of use.

8. Home Business

See Regulations 32 and 54. A workshop or similar type of business conducted in an accessory building may only be permitted at the discretion of the Town.

9. Non-Residential Buffer

Where any non-residential use abuts an existing residential use or a residential zone, the owner of the site of the non-residential development may be required to provide a buffer strip between any non-residential building or activity and the residential use or zone. The buffer shall include the provision of grass strips, hedges, trees or shrubs, or structural barriers as may be required by the Town, and shall be maintained by the owner or occupier to the satisfaction of the Town.

10. Outdoor Storage

The Town can permit open storage of materials, goods and machinery associated with a permitted or discretionary use provided:

- a) the open storage is not located in the front yard; and
- b) is properly fenced screened.

11. Place of Worship

Where permitted as a discretionary use, a place of worship shall conform to the frontage, building line setback, sideyard, rearyard, lot coverage and height requirements specified for a single dwelling.

12. Quarry Buffer

No new dwelling shall be permitted within 300 metres of an area under a Quarry Permit from the Department of Natural Resources, Mineral Lands Division.

13. Transportation

Unless it is an accessory use, transportation uses are limited to wharves and docks and related uses – for example, fishing stages.

14. Wells

The Town shall direct new development away from any dug well and water line providing domestic water. Any new development must be serviced by a private on-site well or be connected to a municipal water line.

**USE ZONE TABLE
HIGHWAY COMMERCIAL (HC) ZONE**

ZONE TITLE	HIGHWAY COMMERCIAL (HC)
PERMITTED USE CLASSES - (see Regulation 93)	Catering, Commercial Residential, Conservation, Passenger Assembly and Service Station.
DISCRETIONARY USE CLASSES (see Regulations 23 and 94)	Antenna, Convenience Store, Indoor Market, Mineral Exploration, Outdoor Assembly, Outdoor Market, Recreational Open Space, Take-out Food Service, and Taxi Stand.

CONDITIONS FOR THE HIGHWAY COMMERCIAL ZONE

1. Development Standards

- (1) All development in this Zone is subject to the approval of the Department of Government Services.
- (2) Minimum Building Line Setback 15 metres
- (3) Minimum Sideyard Width 5 metres
- (4) Minimum Rearyard Depth 10 metres
- (5) Maximum Height 10 metres

2. Outdoor Storage

The Town can permit open storage of materials, goods and machinery associated with a permitted or discretionary use provided:

- a) the open storage is not located in the front yard; and
- b) the Town may require open storage to be fenced or screened.

3. Trans Canada Highway

The Town shall refer all applications for development located within 100 metres of the centre line of the Trans Canada Highway to the Department of Government Services for approval.

4. Wells

The Town shall direct new development away from any dug well and water line providing domestic water. Any new development must be serviced by a private on-site well or be connected to a municipal water line.

USE ZONE TABLE
WELLHEAD PROTECTION (WP) ZONE

ZONE TITLE	WELLHEAD PROTECTION (WP)
PERMITTED USE CLASSES - (see Regulation 93)	
Conservation	

CONDITIONS FOR THE WELLHEAD PROTECTION ZONE

1. Tree Removal and Excavation

No tree removal or excavation shall be permitted in the Wellhead Protection Zone because of the potential impact on the quality and quantity of domestic well water and possible damage to the recharge area surrounding the wells.

2. Buildings

No buildings shall be permitted in the Wellhead Protection zone.

3. Other Conditions

- (1) Any development except renovations to an existing structure, fences and minor landscaping shall be referred to the Department of Environment and Conservation for approval before a permit is issued by the Town.
- (2) The following chemicals/activities are prohibited unless it has been proven to the satisfaction of the Minister of Environment and Conservation that such uses will not cause deterioration of the quality of the water supply over the long term and that measures satisfactory to the Minister have been undertaken to prevent leaks or contamination from tanks and other storage facilities into the aquifer of the well or wells:
 - a) petroleum fuels in excess of 25 L;
 - b) petroleum solvents in excess of 10 L;
 - c) chlorinated solvents in excess of 10 L;
 - d) pesticides and preservatives in excess of 10 L;

- e) new sewerage systems
 - f) manure storage;
 - g) manure application;
 - h) mining and aggregate removal;
 - i) inorganic fertilizers (no bulk storage);
 - j) forestry (salvage cutting permitted);
 - k) sawmill operations;
 - l) groundwater extraction(non private wells);
 - m) groundwater heat pumps;
 - n) road salt (no bulk storage);
 - o) waste disposal.
- (3) Tanks and other material containment facilities shall be inspected at least once a year to ensure their soundness in accordance with the standards established by the Minister of Environment and Conservation.

**USE ZONE TABLE
RURAL (RU) ZONE**

ZONE TITLE	Rural (RU)
PERMITTED USE CLASSES - (see Regulation 93) Agriculture, Conservation, Forestry, Mineral Exploration and Transportation.	
DISCRETIONARY USE CLASSES - (see Regulations 23 and 94) Animal, Antenna, Cemetery, General Industry, Indoor Assembly, Light Industry, Mineral Working, Outdoor Assembly, Recreational Open Space and Single Dwelling.	

CONDITIONS FOR THE RURAL ZONE

1. General Development Standards

The minimum lot area, frontage and front, rear and side yards shall be as determined by the Town, subject to the approvals of the Agrifoods, Forest Resources and Mines Divisions of the Department of Natural Resources and the Department of Government Services. Applications shall also be referred to other departments and agencies as required.

2. Industrial Uses

Industrial uses related to the maintenance and repair of equipment, processing and storage related to agriculture or forestry uses or a proposed use that is unsuitable for urban locations may take place at suitable sites at Council's discretion. Screening, landscaping, and building and property maintenance to the satisfaction of Council shall be required. The development must be sufficiently separated from residential and other urban development and must not have negative offsite environmental or visual effects.

3. Mineral Workings

- (1) Council may permit mineral workings subject to the conditions specified for operations set out in Part II of these Regulations.

(2) No new quarry activity shall be permitted within 300 metres of the rear boundary of the cemetery on Pinetree Road in Ploughed Grounds.

4. Single Dwelling

A single dwelling may be permitted only as accessory to a permitted use. A dwelling is subject to the approval of the Department of Natural Resources and the Department of Government Services before a permit is issued by the Town.

5. Trans Canada Highway

The Town shall refer all applications for development located within 100 metres of the centre line of the Trans Canada Highway to the Department of Government Services for approval.

6. Transportation

Unless it is an accessory use, transportation uses are limited to wharves and docks and related uses – for example, fishing stages.

7. Wells

The Town shall ensure that development shall not encroach upon private off-site wells. Removal of trees and excavation shall not be permitted in the immediate vicinity of any private off-site well in order to protect domestic water quality and quantity.

USE ZONE TABLE
MINERAL WORKINGS ZONE

ZONE TITLE	MINERAL WORKINGS (MW)
PERMITTED USE CLASSES - (see Regulation 93)	Mineral Exploration and Mineral Working.
DISCRETIONARY USE CLASSES (see Regulations 23 and 94)	Antenna and General Industry

CONDITIONS FOR THE MINERAL WORKINGS ZONE

1. General Development Standards

- (1) See Part II of these Regulations for Mineral Workings and other requirements.
- (2) All development in this Zone is subject to the approval of the Mineral Lands Division of the Department of Natural Resources and other departments and agencies as required.

2. Industrial Uses

Industrial uses associated with aggregate processing, such as concrete and asphalt plants, may be permitted at Council's discretion provided that the development will not have negative impacts on surrounding land uses.

3. Wells

Mineral workings shall not be permitted within 300 metres of a private off-site well. This separation is intended to protect domestic water quality and quantity from sedimentation and pollution.

USE ZONE TABLE
SENSITIVE NATURAL AREA (SN) ZONE

ZONE TITLE	SENSITIVE NATURAL AREA (SN)
PERMITTED USE CLASSES - (see Regulation 93) Conservation.	

CONDITIONS FOR THE SENSITIVE NATURAL AREA ZONE

1. General Conditions

All development is subject to the approval of the Minister of Environment and Conservation before a permit is issued by the Town.

SCHEDULE D

PARKING AND OFFSTREET LOADING REQUIREMENTS

1. General

- (1) For every building, structure or use to be erected, enlarged or established, there shall be provided and maintained a quantity of off-street parking spaces sufficient to ensure that the flow of traffic on adjacent streets is not impeded by the on-street parking of vehicles associated with that building, structure or use.
- (2) The number of parking spaces to be provided for any building, structure, use of occupancy shall conform to the standards set out in this Schedule.
- (3) Each parking space, except in the case of single or double-family dwellings, shall be made accessible by means of a hard surfaced right-of-way at least 3 m in width. Parking required in a residential zone shall be provided on the same lot as the dwelling or dwellings. Parking space for apartments shall be provided in the rear yard where possible. In a non-residential zone, parking spaces shall be provided within the limits of the zone in which the use is situated and not more than 200 m distant from the use concerned.
- (4) The parking facilities required by this Regulation shall, except in the case of single or double dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.
- (5) Where, in these Regulations, parking facilities for more than four vehicles are required or permitted, with parking perpendicular to the curb the minimum dimensions shall be as follows:
 - a) parking stall width 2.75 metres
 - b) parking stall length or depth 5.80 metres
 - c) aisle width, parking stalls across from each other- 7.30 metres
 - d) aisle width, other obstruction 7.30 metres
 - e) driveway width 7.00 metres.
- (6) Where the parking stall is horizontal to the curb, the minimum length of the stall shall be 7.00 metres, and the minimum aisle width (if applicable) shall be at least 4 metres, more if deemed necessary by the Town.
- (7) For any other parking lot configuration, the requirements shall as be as specified by the Town, but in no instance shall the requirements be less than that specified for perpendicular parking spaces.

- (8) Other requirements for parking areas are as follows:
- a) the parking area shall be constructed and maintained to the specifications of the Town;
 - b) the lights used for illumination of the parking area shall be so arranged as to divert the light away from adjacent development;
 - c) a structure, not more than 3 m in height and more than 5 m² in area may be erected in the parking area for the use of attendants in the area;
 - d) except in zones in which a service station is a permitted use, no gasoline pump or other service station equipment shall be located or maintained on a parking area;
 - e) no part of any off-street parking area shall be closer than 1.5 m to the front lot line in any zone;
 - f) access to parking areas in non-residential zones shall not be by way of residential zones;
 - g) where a parking area is in or abuts a residential zone, a natural or structural barrier at least 1 m in height shall be erected and maintained along all lot lines;
 - h) where, in the opinion of the Town, strict application of the above parking requirements is impractical or undesirable, the Town may as a condition of a permit require the developer to pay a service levy in accordance with these Regulations in lieu of the provision of a parking area, and the full amount of the levy charged shall be used by the Town for the provision and upkeep of alternative parking facilities within the general vicinity of the development.

2. Offstreet Parking Spaces

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

CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
Theatre	One space for every 5 seats.
Cultural and Civic	One space for every 50 square metres of gross floor areas.
General Assembly	One space for every 10 square metres of gross floor area.
Educational	Schools - 2 spaces for every class-room. Further education - 1 space for every 5 persons using the facilities (students, faculty and staff).
Place of Worship	One space for every 5 seats.
Passenger Assembly	As specified by the Town.
Club and Lodge	One space for every 3 persons that may be accommodated at one time.
Catering	One space for every 3 customers that may be accommodated at one time.
Funeral Home	.One space for every 10 square metres of gross floor area.
Child Care	One space for every 20 square metres of gross floor area
Amusement	One space for every 10 square metres of gross floor area.
Indoor Assembly	One space for every 10 spectators that may be accommodated at one time.
Outdoor Assembly	As specified by the Town.
Campground	As specified by the Town.
Penal and Correctional Detention	As specified by the Town.
Medical Treatment and Special Care	One space per 20 m ² of suite or ward area.

CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
Single Dwelling	Two spaces for every dwelling unit.
Double Dwelling	Two spaces for every dwelling unit.
Row Dwelling	Two spaces for every dwelling unit.
Apartment Building	Three spaces for every two dwelling units.
Collective Residential	As specified by the Town.
Boarding House Residential and/or Bed and Breakfast	As specified by the Town.
Commercial Residential	One space for every guest room.
Seasonal Residential	One space per dwelling unit.
Mobile Homes	Two spaces for every dwelling unit.
Office	One space for every 20 m ² of gross floor area.
Medical and Professional	One space for every 20 m ² of gross floor area.
Personal Service	One space for every 20 m ² of gross floor area.
General Service	One space for every 20 m ² of gross floor area.
Communications	As specified by the Town.
Police Station	As specified by the Town.
Taxi Stand	As specified by the Town.
Take-out Food Service	One space for every 20 m ² of gross floor area.
Veterinary	One space for every 20 m ² of gross floor area.
Shopping Centre	One space for every 15 m ² of gross floor area.
Shop	One space for every 20 m ² of gross floor area.
Indoor Market	As specified by the Town.
Outdoor Market	As specified by the Town.
Convenience Store	One space for every 20 m ² of gross floor area.

CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
Hazardous Industry	As specified by the Town, but not less than one space per 100 m ² of gross floor area or 10 parking spaces, whichever is greater.
General Industry	As specified by the Town, but not less than one space per 100 m ² of gross floor area or 10 parking spaces, whichever is greater.
Service Station	One space for every 20 m ² of gross floor area.
Light Industry	As specified by the Town, but not less than one space per 50 m ² of gross floor area or 5 parking spaces, whichever is greater.
Agriculture	Not specified.
Forestry	Not specified.
Mineral Working	Not specified.
Mining	Not specified.
Recreational Open Space	Not specified.
Conservation	Not specified.
Cemetery	Not specified.
Scrap Yard	Not specified.
Solid Waste	Not specified.
Animal	Not specified.
Antenna	Not specified.
Transportation	As determined by the Town, taking into consideration associated uses.
Marina	As determined by the Town, taking into consideration associated uses.

3. Off-street Loading Requirements

For every building or structure hereafter erected for a Commercial or Industrial Use involving shipping, there shall be provided and maintained minimum loading facilities on land that is not part of a street, comprised of one or more loading spaces, each 10 m long, 3.5 m wide and having a vertical clearance of at least 4.5

m, with access to a lane or a street and in accordance with the floor area of the building or structure in a manner determined by the Town.