

Town of Trinity Development Regulations

2012-2022

Prepared for:
The Town of Trinity



Prepared by:
CBCL Limited



Date:
March 2012

Project #:
103100.00

Urban and Rural Planning Act
Resolution to Adopt
Town of Trinity
Development Regulations
2012 - 2022

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Trinity adopts the Trinity Development Regulations 2012-2022.

Adopted by the Town Council of Trinity on the 4 day of , June 2012.

Signed and sealed this 4 day of June , 2012.

Mayor: James Miller

Clerk: Linda Sweet

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*.

Mary Bishop
M. Bishop, F.C.I.P.

Urban and Rural Planning Act
Resolution to Approve
Town of Trinity
Development Regulations, 2012-2022

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

- a) adopted the Trinity Development Regulations 2012-2022 on the June 4th day of, 2012,
- b) gave notice of the adoption of the Trinity Development Regulations by advertisement, inserted on the 21 June day and the 28 June day of June, 2012 in the Packet
- c) set the 5th day of July at 7:00 p.m. at the Lions Club, Trinity, for the holding of a public hearing to consider objections and submissions.

Now under the authority of section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Trinity approves the Trinity Development Regulations 2012-2022, with the following changes:

- 1. The minimum height of dwellings in the Heritage Area Use Zone is changed from 8m to 4m.
- 2. Development Regulation 9.7.11 is revised to limit wharves, docks, marinas in the Heritage Area Zone of Lower Trinity to the area between Tabins Point and Fishers Cove.

SIGNED AND SEALED this 13 day of September, 2012.

Mayor: James Miller

Clerk: Linda Sweet

Development Regulations/Amendment	
REGISTERED	
Number	<u>5155-2012-001</u>
Date	<u>September 21, 2012</u>
Signature	<u>[Signature]</u>



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Appendix: Land Use Zoning Maps

1 Application

1.1 Title

These Regulations may be cited as the Trinity Development Regulations.

1.2 Interpretation

Words and phrases used in these Regulations shall have the meanings ascribed to them in Section 2. Words and phrases not defined in these Regulations shall have the meanings which are commonly assigned to them in the context in which they are used in the Regulations.

1.3 Council

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

1.4 Commencement

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

1.5 Municipal Regulations

The National Building Code of Canada, Fire Code of Canada and any other ancillary code, building regulations, and/or any other municipal regulations regulating or controlling the development, conservation and use of land in force in the Town of Trinity shall, apply to the entire Planning Area.

1.6 Delegation of Council

Where the term Council is referenced in these Regulations, Council may, by resolution, delegate its Council to administer the Regulations or part thereof, to an employee of Council or an agent in the employment of Council.

1.7 Licenses, Permits and Compliance with Other Bylaws

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

1.8 Provincial Regulations

Provincial Development Regulations have been integrated into these Trinity Development Regulations and are identified with the following marker:

Example of Provincial Regulation :



Where there is a conflict with any clauses contained in these regulations, and the Provincial Development Regulations, the Provincial Regulations shall apply. A complete copy of the Provincial Development Regulations is included in **Appendix B**.

2 Definitions

- 2.1 **Access** means a way used or intended to be used by vehicles, pedestrians or animals in order to go from street to adjacent or nearby land or to go from that land to the street.
- 2.2 **Accessory Building** means
- a) A detached subordinate building not used as a dwelling, located on the same lot, or on a lot adjacent to the main building to which it is an accessory, and which has a use that is customarily incidental and complementary to, the main use of the building or land (see illustration);
 - b) For residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetable storage cellars, shelters for domestic pets or radio and television antennae;
 - c) For commercial uses, workshops or garages; and
 - d) For industrial uses, garages, offices, raised ramps and docks.
- 2.3 **Accessory Use** means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use.
- 2.4 **Act** means the Urban and Rural Planning Act, 2000.
- 2.5 **Agriculture** means horticulture, fruit, grain or 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, 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.
- 2.6 **Animal Unit** means any one of the following animals or groups of animals:
- | | |
|------|--|
| 1 | Bull |
| 1000 | Broiler Chickens or roasters (1.8 - 2.3 kg each) |
| 1 | Cow (including calf) |
| 100 | Female Mink (including associated males and kits) |
| 100 | Female Rabbits (including associated males and litter) |
| 4 | Goats |
| x | Hogs (based on 453.6kg = 1 unit) |
| 1 | Horse (including foal) |
| 125 | Laying Hens |
| 4 | Sheep (including lambs) |
| 1 | Sow/Breed Sow (including weaners and growers based on 453.6 kg = 1 unit) |
| x | Turkeys, ducks, geese (based on 2.268 kg = 1 unit) |
- 2.7 **Appeal Board** means the appropriate Appeal Board established under the Act.
- 2.8 **Applicant** means a person who has applied to an Council for an approval or permit to carry out a development
- 2.9 **Architectural Style** means the classification of buildings according to their appearance, structure, materials and historic period.


Provincial
Reg. 4(a)


Provincial
Reg. 4(b)


Provincial
Reg. 4(c)


Provincial
Reg. 2(a)


Provincial
Reg. 2(b)

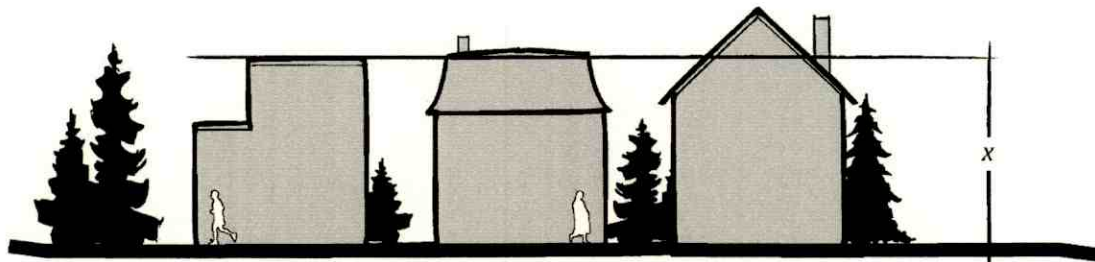
2.10 **Bed and Breakfast Establishment** means a single dwelling unit in which the resident supplies, for compensation, bedrooms for the temporary accommodation of travelers.

2.11 **Building** means¹

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

2.12 **Building Height** means the vertical distance, measured in meters from the established grade to the;

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




Provincial
Reg. 4(d)

2.13 **Building line** means a line established by an Council that runs parallel to a street line and is set at the closest point to a street that a building may be placed (see lot frontage for illustration).


Provincial
Reg. 4(e)

2.14 **Convenience Store** means a building used as a store that serves the primary needs of the adjacent neighbourhood and includes the sale of magazine, confectionary and grocery items, rental of video movies, and a delicatessen or snack bar provided that any eating facility is within a wholly enclosed building.

2.15 **Development**² means the carrying out of building, engineering, mining or other operations in, on over, or under land, or the making of a material change in the use, or the intensity of use of land, buildings, or premises and the;

- a) Making of an access onto a highway, road or way,
- b) Erection of an advertisement or sign,
- c) Construction of a building,
- d) Parking of a trailer, or vehicle used for the sale of refreshments or merchandise, or as an office, or for living accommodation,

And excludes:

¹ Section 2(c) Urban and Rural Planning Act, 2000

² Section 2(g) Urban and Rural Planning Act, 2000

- e) Carrying out of works for the maintenance, improvement or other alteration of a building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building;
- f) Carrying out by a highway Council of works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation;
- g) Carrying out by a local Council or statutory undertakers of works for the purpose of inspecting, repairing or renewing sewers, mains, pipes, cables or other apparatus, including the breaking open of street or other land for that purpose; and
- h) Use of a building or land within the courtyard of a dwelling house for a purpose incidental to the enjoyment of the dwelling house as a dwelling.

2.16 **Discretionary Use** means a use that is listed within the discretionary use classes established in the use zone tables of an Council's development regulations.


Provincial
Reg. 4(f)

2.17 **Dormer** means a protruding structure built out of a sloped roof.

2.18 **Dwelling, Single Detached Unit** means a self-contained unit consisting of one or more habitable rooms used or designed as the living quarters for one household.

2.19 **Dwelling, Double Unit (or Duplex)** means a building containing two dwelling units, placed one above the other, or side by side, but does not include a self-contained dwelling containing a subsidiary apartment.

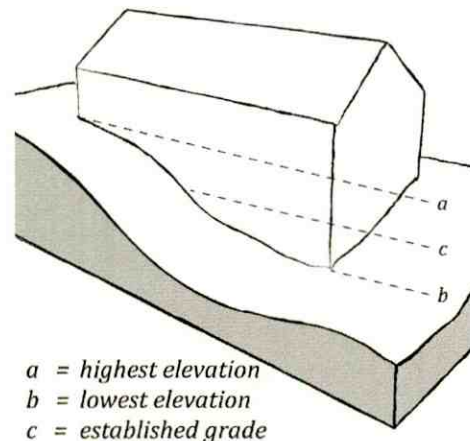
2.20 **Engineer** means a professional engineer employed or retained by the Council.

2.21 **Erect** means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing, shall include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

2.22 **Established Grade** means

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


Provincial
Reg. 4(g)



- 2.23 **Existing** means legally existing as of the effective date of these Regulations.
- 2.24 **Farm Market** means a building in which farm or garden produce comprises the major portion of goods offered or kept for sale directly to the public at retail value.
- 2.25 **Floor Area** means the total area of all floors in a building measured to the outside face of exterior walls.
- 2.26 **Garage** means a building erected for the storage of motor vehicles as an ancillary use to a main building on the lot.
- 2.27 **Historic Building** means a building that was constructed in Trinity's Historic Area Zone prior to Confederation (1949).
- 2.28 **Home Child Care Service** means a service where not more than six (6) children receive child care in the home of the person providing the child care.
- 2.29 **Home Occupation** means an accessory use of a dwelling and/or accessory building for gainful employment involving the provision or sale of goods and/or services.
- 2.30 **Home Office** means a secondary use of a dwelling unit by at least one of the residents of such dwelling unit to conduct a gainful occupation or business activity.
- 2.31 **Inspector** means any person appointed and engaged as an Inspector by the Council or by any federal or provincial Council or the agent thereof.
- 2.32 **Land** includes land covered by water, and buildings and structures on, over, under the soil and fixtures that form part of those buildings and structures.³
- 2.33 **Light Industry** means use of any land or buildings for any general industrial use that can be carried out without hazard or intrusion and without detriment to the amenity of the surrounding area by reason of noise, vibration, smell, fumes, smoke, grit, soot, ash, dust, glare or appearance.
- 2.34 **Livestock** means domestic animals such as cattle, poultry or horses raised for home use or for profit.
- 2.35 **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.
- 2.36 **Lot** means a plot, tract, or parcel of land which can be considered as a unit of land for a particular use or building.
- 2.37 **Lot Area** means the total horizontal area within the lines of the lot.


Provincial
Reg. 4(h)

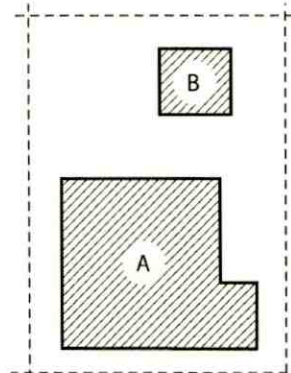

Provincial
Reg. 4(j)


Provincial
Reg. 4(k)

³ Section 2(i) Urban and Rural Planning Act, 2000.

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

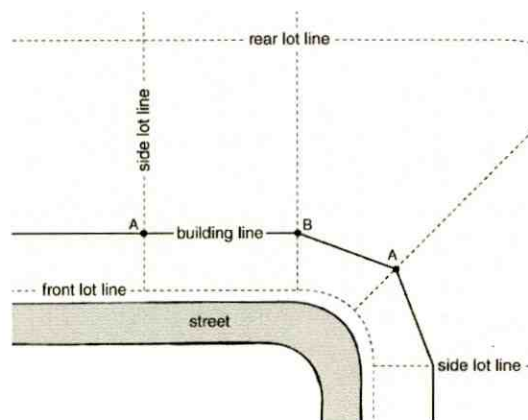
$$\text{Lot coverage} = \frac{\text{Area of A} + \text{Area of B}}{\text{Lot area}}$$



Provincial
Reg. 4(l)

- 2.39 **Lot line** means an outer boundary for a specific lot.
- 2.40 **Lot line, Front** means the line dividing a lot from the street. For a corner lot, the shorter lot line adjacent to the street shall be deemed the front lot line and the longer lot line abutting the street shall be deemed the flanking lot line.
- 2.41 **Lot line, Rear** means the lot line on the opposite side of the front lot line.
- 2.42 **Lot line, Side** means the lot lines perpendicular to the front and rear lot lines.
- 2.43 **Lot line, Flanking** means a lot line which abuts the street on a corner lot.

- 2.44 **Lot Frontage** means the horizontal distance between side lot lines measured at the building line (the distance between points A and B in illustration at right).



Provincial
Reg. 4(i)

- 2.45 **Main Building** means any building in which is carried on the principal purpose for which the lot is used.
- 2.46 **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, together with a club house and catering facilities.
- 2.47 **Mineral Working** means land or buildings used for the working or extraction of any naturally occurring substance, including a pit or quarry.
- 2.48 **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.

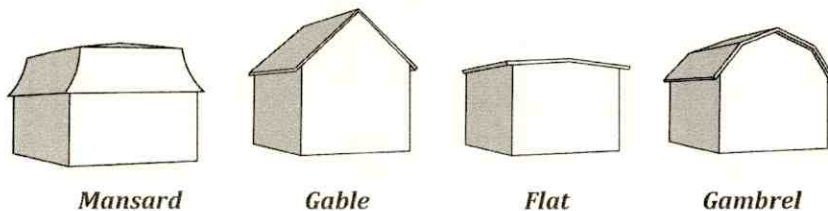
Provincial
Reg. 4(m)

- 2.49 **Nursing Home** means a building where nursing care and room and board are provided to individuals incapacitated in some manner for medical reasons and approved by the Departments of Government Services and Lands, and Health and Community Services.
- 2.50 **Office** means a room used for the purpose of regularly conducting business, performing a service or offering consultation, but shall not include manufacturing or the selling of retail goods.
- 2.51 **Outdoor Storage** means the storage of goods, inventory, materials or equipment or other items which are not intended for immediate sale, by locating them outside.
- 2.52 **Owner** means a person or an organization of persons owning or having the legal right to use the land under consideration.
- 2.53 **Permitted Use** means a use that is listed within the permitted use classes set out in the use zone tables of an Council's development regulations.
- 2.54 **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 Council specifies as not permitted within a use zone.
- 2.55 **Public Use** means any lands, structure or building which is constructed for use by the general public, including but not limited to parks, playgrounds, trails, paths and other recreational and open spaces, scenic and historic sites, publicly funded buildings such as schools, hospitals, libraries and other public buildings and structures.
- 2.56 **Recreational Use** means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, athletic fields, golf courses, picnic areas, swimming pools, day camps, walking trails, and similar uses.
- 2.57 **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.
- 2.58 **Roof, Mansard** is a two or four-sided, double sloped roof with a very steep lower slope and a flat (or near flat) upper slope.
- 2.59 **Roof, Gable** is a two-sided, sloping roof with a single ridge and gables at either end.
- 2.60 **Roof, Flat** is a roof with little or no slope.
- 2.61 **Roof, Gambrel** is a two sided, double sloping roof.


Provincial
Reg. 4(n)


Provincial
Reg. 4(o)


Provincial
Reg. 4(p)



Mansard

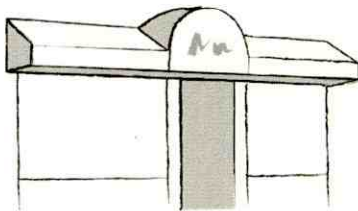
Gable

Flat

Gambrel

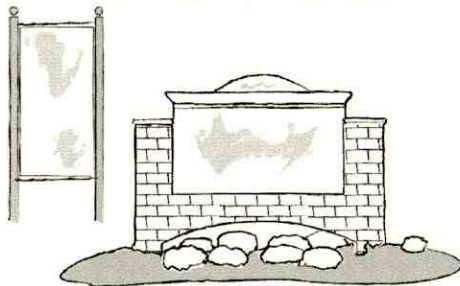
- 2.62 **Screening** means the method by which a view of one site from another adjacent site is shielded, concealed or hidden. The example on the right shows trees and fences being used to screen a parking lot from public view.
- 2.63 **Seasonal Residence** means a dwelling which is designed or intended for seasonal or recreational use, and is not intended for use as permanent living quarters.
- 2.64 **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.
- 2.65 **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 of the serving of meals or refreshments, an amusement use, a general garage, or a service station.
- 2.66 **Sign** (or advertisement) 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.

Provincial
Reg. 4(q)



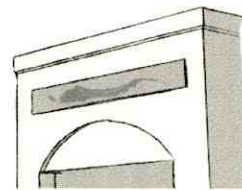
Canopy/Awning Sign

A sign that has a structure of rigid or non-rigid material on a framework sheltering an area or forming a sheltered walk.



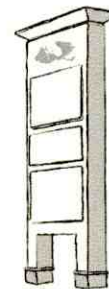
Ground Sign

A sign supported by one or more uprights, placed permanently in the ground.



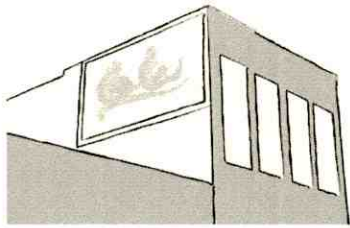
Wall Sign

A sign attached directly to a building wall, where the sign face is parallel to the wall of the building to which it is attached.



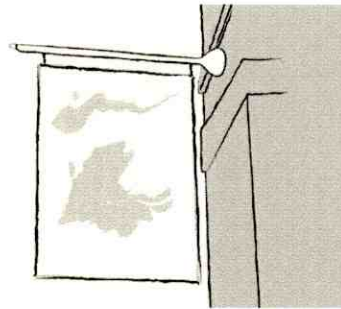
Group Sign

A ground sign is a sign on which more than one activity, business, organization, enterprise, industry or service is being advertised.



Mural Sign

A large image, such as a painting or enlarged photograph, applied directly to a wall or ceiling.



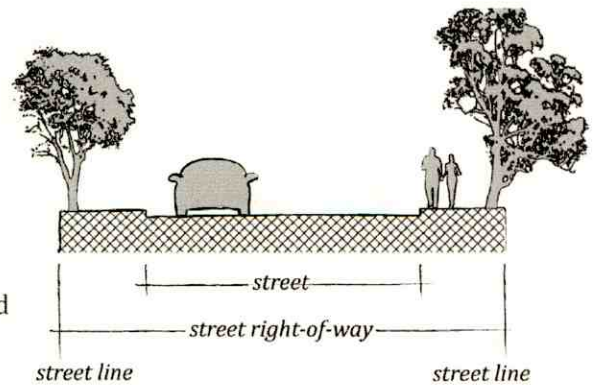
Projecting/Hanging Sign

Any sign that is wholly or partly dependent upon a building for support and projects from the wall or face of a building or structure.

- 2.67 **Sign Area** means the area of the smallest rectangle, circle, or semi-circle that can enclose the surface area of the sign. Where a sign has two faces or more, the maximum area is permitted for each of the two faces.
- 2.68 **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.
- 2.69 **Street Line** means the edge of a street reservation as defined by the Council having jurisdiction.
- 2.70 **Street Right-of-Way** means a strip of land between the street lines, acquired by reservation, dedication or forced dedication intended to be occupied or occupied by a public street, road or highway.
- 2.71 **Storey** means the entire floor or level of a building having a continuous or nearly continuous floor.
- 2.72 **Structure** means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure, including buildings, walls, signs and fences.
- 2.73 **Subdivision** means the dividing of land, whether in single or joint ownership, into two or more pieces for the purpose of development.⁴
- 2.74 **Use** means a building or activity situated on a lot or a development permitted on a lot.
- 2.75 **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.


Provincial
Reg. 4(t)


Provincial
Reg. 4(u)




Provincial
Reg. 4(v)


Provincial
Reg. 4(w)

⁴ Section 2(q) Urban and Rural Planning Act, 2000

- 2.76 **Utility** means any public or private system, works, plan, equipment or services which furnishes services at approved rates to or for the use of the general public.
- 2.77 **Variance** means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the Council's regulations.
- 2.78 **Watercourse** means any lake, pond, river, stream or other body of water.
- 2.79 **Wetland** means the land usually or at any time occupied by water, where the water table is at or is just above the surface of the land either permanently or intermittently, depending upon the class of the wetland which includes bogs, fens, marshes, swamps and shallow water zones along shorelines of bodies of water.
- 2.80 **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.
- 2.81 **Yard, Rear** means the distance between the rear lot line and the rear wall of the main building on a lot.
- 2.82 **Yard, Front** means the distance between the front lot line of a lot and the front wall of the main building on the lot.
- 2.83 **Yard, Flanking** means the side yard of a corner lot bounded by the street.
- 2.84 **Yard, Side** means the distance between the side lot line and the nearest side wall of a building on the lot.
- 2.85 **Yard, Abutting** means the yard of an abutting lot which shares a lot line of subject property.
- 2.86 **Zoning Map** means the map or maps attached to and forming a part of the Council's regulations.

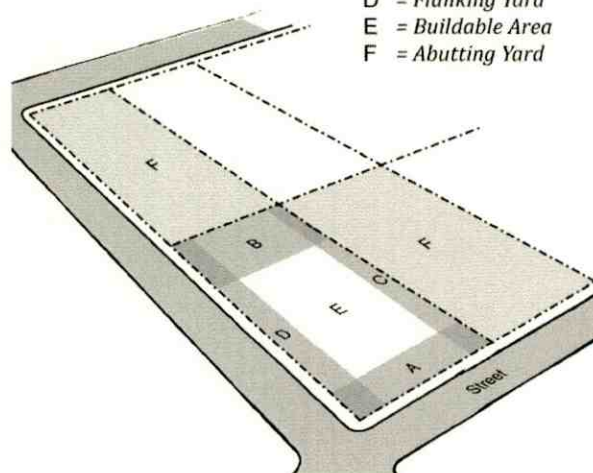
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- A = Front Yard
- B = Rear Yard
- C = Side Yard
- D = Flanking Yard
- E = Buildable Area
- F = Abutting Yard



3 General Regulations

3.1 Permit to Develop Required

No person shall carry out any development within the Planning Area, unless approval in the form of a letter of approval or permit for the development has been issued by the Council.

3.2 Decisions of Council

Decisions made by the Council with respect to an application required by these Regulations shall be made in writing to the applicant, and state the reasons for a refusal of, or conditions attached to an approval. The Council shall also advise the applicant of their right to appeal, in accordance with Section 42 of the Act and the requirements of Section 3.20, of these Regulations.

3.3 Approval to be Issued

Subject to Regulations 3.4 and 3.5, an approval shall be issued for development within the Planning Area that conforms to:

- a) The policies expressed in the Municipal Plan and any further scheme, plan, or regulation pursuant thereto;
- b) The general development standards set out in Section 4 of these Regulations;
- c) The standards set out in Section 5 of these Regulations with respect to parking;
- d) The standards set out in Section 6 of these Regulations in the case of signs;
- e) The standards set out in Section 7 of these Regulations in the case of subdivision;
- f) The standards set out in Section 8 for design and appearance of specific uses; and
- g) The requirements, standards and conditions for uses and classes of uses in the appropriate use zone contained in Section 9 of these Regulations.

3.4 Approval Not to be Issued in Certain Cases

Approval shall not be issued for a proposed development where, in the opinion of the Council, it is premature by reason of the site lacking adequate road access, power, drainage, sanitary facilities, or domestic water supply, or being beyond the natural development of the area at the time of application.

3.5 Discretionary Powers

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

3.6 The Application

1. Applications to carry out development shall be made only by the owner, or person authorized by the owner to the Council, on such form as may be prescribed by Council. Every application shall include such plans, specifications and drawings and be accompanied by the appropriate fee, as required by the Council.
2. The Council shall, on request, supply to every applicant a copy of the application forms referred to in Regulation 3.6(1) and a description of the plans, specifications and drawings

required to be provided with the application.

3.7 **Register of Application**

The Council shall keep a public register of all applications for development, and shall enter therein the Council's decision on each application.

3.8 **Deferment of Application**

1. An application properly submitted in accordance with these Regulations shall be determined within eight (8) weeks of the receipt thereof by Council.
2. The Council may defer consideration of an application where additional information or consideration is required.
3. Where no decision on an application has been made within 8 weeks of its submission, the application shall be deemed to be refused.
4. The Council may defer decisions on an application within a specified area where it has directed that a planning study or other similar study pertaining to the future use and development of the specified area be undertaken.

3.9 **Approval in Principle**

1. An application for Approval in Principle shall include;
 - a) a description of the proposed development,
 - b) a description of the limits of the land to be used with the proposed development, and may include a survey description of the subject lands,
 - c) submission of detailed plans,
 - d) any additional information that may be required by the Council.
2. The Council may issue an Approval in Principle if it determines the application conforms to the Municipal Plan and these Regulations and attach conditions that are required to be met prior to the issuance of final approval.
3. An Approval in Principle shall be valid for a period of 2 years.
4. No development shall be carried out under an Approval in Principle.
5. Council may revoke an Approval in Principle if it determines the applicant has changed the proposed development in a way that significantly alters the original intent of the application.

3.10 **Development Approval**

1. A plan or drawing which has been approved by the 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
 - a) full responsibility for obtaining permits or approvals under any other regulation or statute prior to commencing the development;
 - b) having the work carried out in accordance with these Regulations or any other regulations or statutes; and
 - c) compliance with all conditions imposed there under.
2. The Council may attach to an approval or permit such conditions, as it deems fit in order to ensure that the proposed development will be in accordance with the purposes and intent of these Regulations.
3. Where the Council deems necessary, approvals or permits may be issued on a temporary basis for a period not exceeding two years, which may be extended in writing by the Council for further periods.
4. An approval to develop is valid for two years.
5. The approval of any application and plans or drawings or the issue of a permit shall not prevent the Council from thereafter requiring the correction of errors, or from ordering the

cessation, removal of, or remedial work on any development being carried out in the event that the same is in violation of this or any other regulations or statute;

6. No person shall erase, alter or modify any drawing or specifications upon which a permit to develop has been issued by the Council; and
7. 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.

3.11 **Revoke Permit**

The Council may revoke an approval and any subsequent permits for failure by the applicant or developer to comply with these Regulations or any condition attached to the permit, or where the permit was issued in error or contrary to the applicable regulations, or was issued on the basis of incorrect information.

3.12 **Public Notice**

1. The Council shall provide public notice for a period of not less than:
 - a) 7 days - when considering a variance in accordance with Section 3.27; and
 - b) 14 days - when considering a change in a non-conforming use in accordance with Section 3.29; or development which is listed as a Discretionary use in Section 9 of these Regulations;
 - c) 30 days - when considering new development within the Heritage Use Zone.
2. The Council may require public notice of any development application where, in the opinion of the Council, such notice is required for information and public consultation purposes.
3. The Council shall require the cost of the public notice or portion thereof be paid by the applicant. Notice shall be by public advertisement in a newspaper circulating in the area or by any other means deemed necessary by the Council.

3.13 **Right of Entry**

The Council or other person or persons authorized by the municipality, 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 that the Council is empowered to regulate.

3.14 **Stop Work Order and Prosecution**

1. Where a person begins a development contrary or apparently contrary to these Regulations, the Council may order that person to pull down, remove, stop construction, fill in or destroy that building or development and may order the person restore the site or area to its original state, pending final adjudication in any prosecution arising out of the development; and
2. A person who does not comply with an order made under Regulation 3.14(1) is guilty of an offence under the provisions of the Act.

3.15 **Service Levy**

1. In accordance with Section 149(2) of the *Municipalities Act, SN, 1999*, Council may require a developer to pay a service levy where development is made possible, where the density of potential development is increased, or where the value of property is enhanced by the carrying out of public works, either on or off the site of the development.

2. A service levy shall not exceed the cost, including finance charges to the Council of constructing or improving the public works referred to in Regulation 3.15(1) that are necessary for the real property to be developed in accordance with the standards required by the Council and for uses that are permitted on that real property;
3. A service levy shall be assessed on the real property based on:
 - a) The amount of real property benefited by the public works related to all the real property so benefited; and
 - b) The density of development made capable or increased by the public work.
4. The Council may require a service levy be paid by the owner of the real property benefited and may specify the time for payment. The amount of the service levy will be outlined in the Town's Schedule of Rates and Fees.

3.16 Financial Guarantees by Developer

1. The Council may require a developer before commencing a development to make such financial provisions and/or enter into such agreements as may be required to guarantee the payment of service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit or licence;
2. The financial provisions pursuant to Regulation 3.16(1) may be made in the form of:
 - a) a cash deposit from the developer to be held by the Council, or;
 - b) an irrevocable Letter of Credit issued by a bank, or;
 - c) a performance bond provided by an insurance company or a bank.

3.17 Dedication of Land for Public Use

The Council may require a portion of land to be developed to be conveyed to the Town for a public purpose where public works are required to accommodate the proposed development.

3.18 Reinstatement of Land

The Council may require a developer, owner or occupier of any site to be restored where a use of land is discontinued or the intensity of a use is decreased, or where a Development Approval has been revoked, or a Temporary Permit has expired.

3.19 Notice of right to appeal

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

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



3.20 Appeal requirements

1. The secretary of the board at the Department of Municipal and Provincial Affairs, Main Floor, Confederation Building (West Block), P.O. Box 8700, St. John's, Nfld., A1B 4J6 is the secretary to all boards in the province and an appeal filed with that secretary within the time period referred to in subsection 42(4) of the Act shall be considered to have been filed with the appropriate board.
2. Notwithstanding subsection (1), where the City of Corner Brook, City of Mount Pearl or City of St. John's appoints an appeal board under subsection 40(2) of the Act, an appeal shall be filed with the secretary of that appointed board.



3. The fee required under section 44 of the Act shall be paid to the board that hears the decision being appealed by filing it with the secretary referred to in subsection (1) or (2) within the 14 days referred to in subsection 42(4) of the Act.
4. The board that hears the decision being appealed shall, subject to subsection 44(3) of the Act, retain the fee paid to the board.
5. Where an appeal of a decision and the required fee is not received by a board in accordance with this section and Part VI of the Act, the right to appeal that decision shall be considered to have been forfeited.

3.21 **Appeal registration**

1. Upon receipt of an appeal and fee as required under the Act and these regulations, the secretary of the board as referred to in subsections 6(1) and (2), shall immediately register the appeal.
2. Where an appeal has been registered the secretary of the board shall notify the appropriate Council of the appeal and shall provide to the Council a copy of the appeal and the documentation related to the appeal.
3. Where an Council has been notified of an appeal that Council 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 Council has knowledge.
4. Upon receipt of the information under subsection (3), the secretary of the board shall publish in a newspaper circulated in the area of the appropriate Council, a notice that the appeal has been registered.
5. A notice published under subsection (4) shall be published not fewer than 2 weeks before the date upon which the appeal is to be heard by the board.



3.22 **Development prohibited**

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



3.23 **Hearing notice and meetings**

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



3.24 **Hearing of evidence**

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



3.25 **Board decision**

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



3.26 **Variances**

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



3.27 **Notice of variance**

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



3.28 **Residential non conformity**

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



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

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



3.30 **Non-conformance with standards**

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



3.31 **Discontinuance of non-conforming use**

A Council 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.



4 General Development Standards

4.1 Access and Service Streets

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

4.2 Accessory Buildings

1. May be located on the same lot as the main building(s) to which it is accessory; or on a lot adjoining the lot that contains the main building, where both lots are under the same ownership.
2. No accessory building or part thereof shall project in front of any building line.
3. Accessory buildings shall be complementary with the main building in terms of exterior finish, roofline and pitch.

4.3 Accessory Uses Permitted

Where these regulations provide for any land to be used, or building to be erected or used for a purpose, the purpose shall include an accessory use. Such uses shall be clearly incidental and complementary to the use of the main building or use to which it is accessory.

4.4 Alterations to the Natural Environment

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

4.5 Archaeological Assessment

Where archaeological resources are known to exist, or where they are likely to exist based on location or historical evidence, applications for development will be forwarded to the Historic Resources Division, Department of Tourism, Culture and Recreation for review and consideration under the Historic Resources Act. The Council or the Historic Resources Division may require an archaeological assessment. This assessment must be reviewed by the Historic Resources Division. The Council may apply conditions for the protection and preservation of any archaeological resources.

4.6 Buffer Strips

Where development is proposed that, in the opinion of the Council, will have a visual impact on a highway, viewscape, or abutting land use, the Council may require the owner of the site to provide a separation buffer to screen the development. The buffer shall include provision of such natural or structural barrier as may be required by the Council and shall be maintained by the owner or occupier to the satisfaction of the Council.

4.7 **Building Height**

1. The Council may permit the erection of buildings of a height greater than that specified in Section 9, but in such cases the building line setback and rear yard 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 rear yard shall not be less than the minimum building line setback calculated as described in 4.7(1) plus 6 metres.

4.8 **Building Line and Setback**

The Council, by resolution, may establish building lines on an existing or proposed street or service street, and may require any new buildings to be located on those building lines, whether or not such building lines conform to the standards set out in the Use Zones in Section 9 of these Regulations.

4.9 **Fences**

1. 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 as a fence, and that portion of a retaining wall that projects above the surface of the ground which it supports so that it acts as a fence.
2. The Town shall not be liable for any damages for the repair of any fence where the Town, its employees or agents have acted without negligence. In particular, the Town shall not be liable for any damages or repairs of any fence during the normal operation of snow clearing on streets or sidewalks located within the Municipal Planning Area.
3. The Town may require a property owner to remove, reconstruct or repair in part or in whole, and within a specified time, any fence, which in the opinion of the Council, creates a safety hazard, obstruction or impedes snow-clearing. The cost of such repair or removal will be at the owner's expense. In the event that the property owner does not remove the fence within the specified time the Town may remove the fence and charge the cost to the owner.
4. The design of a fence and the materials used to erect or repair a fence shall be of a design and type which meets the approval of Council.
5. No fence shall be erected which can block vision at an intersection by virtue of its location or height.
6. Except as otherwise provided in the Heritage Use Zone, the maximum height of a fence shall not exceed 1.8 metres.

4.10 **Lot Area**

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

4.11 **Lot Area and Size Exceptions**

1. The Council may approve development of a dwelling on a parcel that exists at the time of coming into effect of these Regulations that has insufficient frontage or area to permit the owner or purchaser of the lot to comply with the provisions of these Regulations.

2. Such approvals shall only be issued where the lot coverage is not greater; and the yards and floor area are not less than the standards set out in these Regulations.

4.12 **Lot Frontage**

Except where specifically provided for in the Use Zones set out in Section 9, no residential or commercial building shall be erected unless the lot on which it is situated fronts directly onto a street constructed to standards established by the Council.

4.13 **Municipal Public Works and Utilities**

The Council may within any zone permit land to be used in conjunction with the provision of public services and utilities.

4.14 **Non-Conforming Uses**

Applications involving non-conforming uses shall be processed in accordance with Section 108 of the *Urban and Rural Planning Act* and Section 3.29, 3.30 and 3.31 of these Regulations. If a non-conforming uses ceases to exist for a period of more than 24 months, new uses for the property and any buildings must conform to the requirements of the land use zone in which it is located.

4.15 **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 the use is authorized by the Council.

4.16 **Parks and Playgrounds, and Conservation Uses**

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

4.17 **Property Maintenance**

Where any development or use of land, in the opinion of the Council, is unsightly, the Council may:

- a) Require the owner or occupier to provide adequate and suitable landscaping or screening;
- b) Issue an Order that the property cleaned up to the satisfaction of the Council.

4.18 **Outdoor Storage**

Outdoor storage associated with a commercial or industrial uses will be limited to rear or side yards. The Council may require a buffer in the form of a fence or separation area to screen storage yards from abutting properties.

4.19 **Soil Removal, Deposit and Site Grading**

1. Removal or placement of soil or other material, alteration to the natural grade or drainage of a property that may adversely affects a watercourse or adjacent property shall not be permitted.
2. Alteration on hillsides with slopes greater than 30% shall be prohibited.

3. Where not part of an approved development, land disturbance that involves removal or deposition of soil or other material on a property, or any excavation within a lot carried out so as to change the natural grade of the lot, shall require application, review and approval by the Town and show the full extent of disturbance that is intended. Council may require the owner of the property to assess geotechnical aspects, visual and environmental impacts, as well as impacts on adjoining properties; and
4. Where alterations to the landscape are approved, financial guarantees may be required to ensure adequate site rehabilitation and/or landscaping

4.20 Watercourse Protection

No development shall be permitted within 15 metres of the high water mark of any body of water or wetland without approval from the Department of Environment and Conservation and, if fish habitat is affected, from Fisheries and Oceans, Canada. Council may require larger buffer areas around watercourses where identified flood plains, steep slopes or unstable soil conditions could result in damage to watercourses and wildlife habitat as a result of development. For the purposes of assessing applications in areas known to be at risk of flooding, the high water mark is considered to be the 1:100 year flood level. Filling in or alterations of wetlands is prohibited.

4.21 Groundwater Protection

Development in areas not serviced by the municipal water and sewer system will be required to assess groundwater quantity and quality in accordance with the Provincial Department of Environment and Conservation Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells, 2009.

4.22 Public Access to Shorelines

Proposed development adjacent to the coast or freshwater body shorelines, where permitted, shall be required so as to preserve any public access or right of ways to the shoreline.

4.23 Protection of Community Trails and Footpaths

Proposed development or the use of a public right of way for access to private property, shall not be permitted where it would block or prevent the use of traditional footpaths, whether on private or public property by pedestrians. New development may be required to provide a separation buffer between a proposed development and existing trail, pathway or right of way.

5 Off-Street Parking and Loading

5.1 Parking Required

Buildings, structures or uses are required to provide and maintain sufficient off-street parking spaces to ensure that the flow of traffic on adjacent streets is not impeded by the parking of vehicles associated with that building, structure or use.

5.2 Parking Spaces

The number of parking spaces to be provided for any building, structure, use or occupancy shall conform to the following requirements:

<i>Residential Land Uses</i>	<i>Parking Requirement</i>
Single detached, double dwelling	1.0 space per unit
Apartment	1.0 space per unit
Assisted Living Building	One occupant parking space for every two retirement dwelling units, One visitor parking space for every four dwelling units and 0.5 spaces per staff member

<i>Commercial Uses</i>	<i>Parking Requirement</i>
Child care	1.0 space per 20 m ² of floor area
Commercial Accommodations	1.0 space per guest room
Restaurant	1.0 space per 10 m ² of floor area
Shop	1.0 space for every 30m ² of floor area

<i>Industrial Uses</i>	<i>Parking Requirement</i>
Light, general and hazardous Industry	0.5 space per employee
Service Station	1.0 space for each employee

<i>General and Public Uses</i>	<i>Parking Requirement</i>	
Places of assembly, Place of worship, Theatre	with seating	1.0 space per 5 seats
	without seating	1.0 space per 10 m ² of assembly area
Cultural and Civic	1.0 space per 20 m ² of floor area	
Medical and public care facilities	1.0 space per 4 patients	

5.3 Unspecified Parking Standards

For every use, building, or structure not specified in 5.2, the requirement shall be as determined by Council.

5.4 Parking Area Design Standards

Parking areas or parking lots associated with a development requiring more than four parking spaces will meet the following standards:

- a) Individual parking spaces will be a minimum of 15 m² in size, accessible without the need to move other vehicles to access the space;
- b) The parking area shall be constructed with a stable surface;
- c) An off-street parking area shall be no closer than 1.5 m to the front lot line;

- d) Where, in the opinion of Council, strict application of the above parking requirements is impractical or undesirable, the Council may, as a condition of a permit, require the developer to pay a service levy in accordance with these Regulations in lieu of the provision of a parking area, and the full amount of the levy charged shall be used by the Council for the provision and upkeep of alternative parking facilities within the general vicinity of the development;
- e) Parking standards to accommodate persons with disabilities shall meet the requirement of the Buildings Accessibility Act and Regulations;
- a) Parking areas shall, except in the case of single or attached residential dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.

5.5 **Off-Street Loading Requirements**

1. For every building, structure or use requiring the shipping, loading or unloading of goods, wares or merchandise, a loading area shall be provided and maintained for the premises. A loading space shall be 15 m long, 4 m wide and have a vertical clearance of at least 4 m with direct access to a street or with access to a street by a 6m wide driveway.
2. The number of loading spaces to be provided shall be determined by Council.
3. Loading facilities required by this Regulation shall be arranged so that vehicles can move clear of any street and so that it is not necessary for any vehicle to reverse onto or from a street.

5.6 **Parking of Commercial Vehicles**

Except for routine, temporary delivery or pickup of goods, wares, merchandise or passengers, the parking of commercial vehicles within a public right of way shall not be permitted.

6 Signs

6.1 Permit Required

Subject to provisions of Regulation 6.7, no sign shall be erected or displayed in the Planning Area unless a permit for the sign is first obtained from the Council.

6.2 Provincial Highway Sign Regulations

All signs or advertisements to be erected within the boundaries of the Town of Trinity must be approved in accordance with these Regulations. Where provisions of the Town of Trinity Development Regulations are inconsistent with the regulations respecting advertising signs on or near public highways made or administered by provincial departments under the *Provincial Highway Sign Regulations*, the more restrictive regulations shall apply.

6.3 Form of Application

Application for a permit to erect or display a sign shall be made to the Council in accordance with Regulation 3.6.

6.4 Signs Prohibited in Street Reservation

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

6.5 Removal of Signs

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

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

6.6 Signs Exempt from Control

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

- a) On a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.2 m² in area;
- b) On any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board not exceeding 1 m² in area;
- c) The name of the building or the name of the occupants of the building, located on the principal façade of any commercial, industrial or public building, in letters not exceeding one tenth of the height of that façade or 3m, whichever is the lesser;
- d) On any parking lot, directional signs and one sign not exceeding 1m² in size, identifying the parking lot.
- e) Real estate sales, leasing or open house signs up to a maximum area of 1m²;
- f) Signs placed by candidates at municipal, provincial, or federal elections;
- g) Signs for temporary local events such as festivals, from one month before the event and to be removed within one week of its conclusion;
- h) Temporary signs on construction sites warning of danger and or outlining the nature of the development up to a maximum area of 7.5m².

6.7 **Non-Conforming Uses**

Signs associated with non- conforming uses will be subject to the conditions and standards for signs in the use zone in which the non-conforming use is located.

6.8 **General Standards for Signs**

1. The maximum number of signs a commercial use may have is 2.
2. The following table outline the specifications that shall apply to all signs erected for any commercial use. At the discretion of Council the conditions and dimensions may be reduced.

Window Sign - 1 m² (maximum)

Awning/Canopy Sign - 3 m wide by 0.75m high (maximum)

Wall Sign - 3 m wide by 0.75m high (maximum)

Hanging and Projecting Sign - 1 m² (maximum)

Murals - At the discretion of Council.

Free Standing Sign - 7.5 m² (maximum), one per use

6.9 **Prohibited Signs**

The following types of signs are prohibited in the Planning Area:

- a) Billboards
- b) Roof Mounted Signs
- c) Portable Signs

7 Subdivision of Land

7.1 Permit Required

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

7.2 Services to be Provided

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

7.3 Payment of Service Levies and Other Charges

No permit shall be issued for the development of a subdivision until agreement has been reached for the payment of all fees levied by the Council for connection to services, utilities and streets deemed necessary for the proper development of the subdivision, and all service levies and other charges imposed under Regulations 3.15 and 3.16.

7.4 Issue of Permit Subject to Considerations

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

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

7.5 Building Lines

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

7.6 Land for Public Open Space

1. Before a development commences, the developer shall, if required, dedicate to the Council, at no cost to the Council, an area of land equivalent to not more than 10% of the gross area of the subdivision for useable public open space, subject to the following requirements:
 - a) Where land is subdivided for any purpose other than residential use, the Council shall determine the percentage of land to be dedicated;
 - b) The location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of the Council, but in any case, the

Council shall not accept land which, in its opinion, is incapable of development for any purpose;

2. The Council may accept from the developer a payment of a sum of money in lieu of such area or areas of land, equal to the value of the land which would otherwise be required to be dedicated;
3. Money received by the Council in accordance with Regulation 7.6(2) shall be reserved by the Council for the purpose of the acquisition or development of land, facilities or infrastructure for public open space or other public purpose.
4. Land dedicated for public use in accordance with this Regulation shall be conveyed to the Council and may be sold or leased by the Council for the purposes of any development that conforms with the requirements of these Regulations, and the proceeds of any sale or other disposition of land shall be applied against the cost of acquisition or development of any other land for the purposes of public open space or other public purposes.
5. The Council may require a strip of land to be reserved and remain undeveloped along the banks of any river, brook or pond, and this land may, at the discretion of the Council, constitute the requirement of land for public use under Regulation 7.6(1).

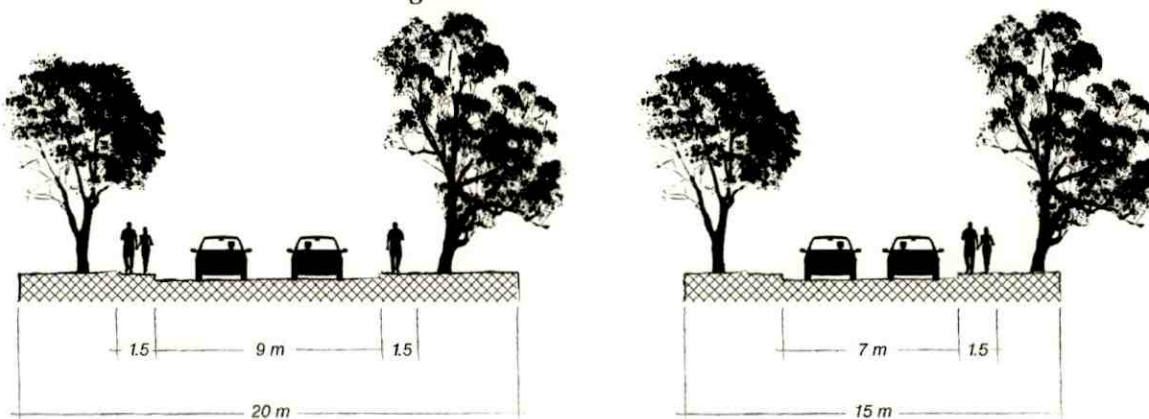
7.7 Structure in Street Reservation

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

7.8 Subdivision Design Standards

No permit shall be issued for the development of a subdivision unless the design of the subdivision conforms to the following standards;

- a) The finished grade of streets shall not exceed 10 percent.
- b) New subdivisions shall have street connections with an existing street or streets.
- c) All street intersections shall be constructed within 5° of a right angle and this alignment shall be maintained for 30 m from the intersection.
- d) No street intersection shall be closer than 60 m to any other street intersection.
- e) No more than four streets shall join at any street intersection.
- f) No residential street block shall be longer than 490 m between street intersections;
- g) Streets in residential subdivisions shall be designed in accordance with the approved standards of the Council, but in the absence of such standards, shall conform to the following minimum standards:



Collector Street

Street Right-of-Way:	20 m
Street Width:	9 m
Minimum Sidewalk Width:	1.5 m
Number of Sidewalks:	2

Local Street

Street Right-of-Way:	15 m
Street Width:	7 m
Minimum Sidewalk Width:	1.5 m
Number of Sidewalks:	1

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

7.9 Cul de Sacs

Cul de sacs shall only be permitted if the following design standards are met:

- a) Every cul de sac shall be provided with a turning circle of a diameter not less than 20 m.
- b) The maximum length of any cul de sac shall be 110 m (without emergency vehicle access) and 230 m (with emergency vehicle access)
- c) 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.
- d) No cul de sac shall be located so as to appear to terminate a collector street.

7.10 Engineer to Design Works and Certify Construction Layout

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

7.11 Developer to Pay Engineer's Fees and Charges

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

7.12 **Street Works May Be Deferred**

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

7.13 **Transfer of Streets and Utilities to the Council**

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

7.14 **Restriction on Sale of Lots**

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

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

8 Special Developments

8.1 Bed and Breakfast Establishments

A Bed and Breakfast establishment in a single residential dwelling, where permitted, shall be subject to the following conditions:

- a) The nature and scale of the proposed use is consistent with the adjoining development and the use does not detract from the residential character of the neighbourhood.
- b) A parking area abutting a residential lot shall be appropriately screened by a fence, wall, or hedge of height not less than 1 m and located a minimum distance of 1 m from the edge of the parking area.
- c) A single, non-illuminated, free-standing sign, not exceeding 0.4 m² in area, shall be permitted, provided that the design of the sign is consistent with the residential character and amenity of the area.
- d) That the use is approved and licensed under the Tourist Establishment Regulations, 1996, by the Provincial Department of Tourism, Culture and Recreation.

8.2 Home Childcare

Childcare as a home occupation shall conform to the requirements of the Child Care Services Act and Regulations. Where required, a license to operate shall be obtained from the Department of Health and Community Services.

8.3 Home Occupation

The following conditions shall apply to the use of a dwelling for a home occupation:

- a) The residence is occupied by the operator of the home occupation;
- b) The use is clearly subsidiary to the residential use, does not alter the residential character of the property, and does not detract from the residential character of the neighbourhood. The external appearance of the dwelling shall not be changed by the home occupation;
- c) There are no more than two assistant employees employed on site in addition to a resident of the dwelling;
- d) Not more than 25 percent of the total floor area of the dwelling to a maximum of 45 m² is devoted to the home occupation;
- e) One off-street parking space, other than that required for the dwelling, is provided for every 18.5 m² of floor space occupied by the home occupation;
- f) No wholesale, outdoor storage of goods or equipment is carried out, any retail sales are incidental and subsidiary to the approved use;
- g) A single, non-illuminated, free-standing sign, not exceeding 0.4m² (4ft²) in area, shall be permitted, provided that the design of the sign is consistent with the residential character and amenity of the area;
- h) No change shall be made in the type, class, or extent of the occupation without a permit;
- i) The use shall not generate traffic, parking, sewage or water use in excess of what is normal in the residential area;
- j) No regular parking of commercial vehicles or trailers except for one vehicle with a gross weight of no greater than one tonne will be permitted;
- k) The residential lot has sufficient area to accommodate the parking requirement of the dwelling unit and the home occupation.

8.4 **Home Occupation Uses in Accessory Buildings**

In addition to the requirements set out in Regulation 8.3, a home occupation where permitted in a residential accessory building shall:

- a) Not include any autobody, off-road vehicle or heavy equipment repair or salvage, painting/detailing or sales;
- b) The business shall be owned and operated by the occupants of the dwelling; and
- c) Activities associated with the use are carried on inside the accessory building, are not hazardous and do not cause a noticeable increase in noise, odour, dust or fumes, nor cause electrical interference, or in any other way result in a nuisance to the occupants of surrounding residences.

8.5 **Livestock Structures and Use**

No structure designed to contain more than five animal units shall be erected or used unless it complies with the following:

- a) The structure shall be designed and operated to contain animal wastes and minimize odours according to established best farm management practices;
- b) The structure shall be at least 60 meters from the boundary of the property on which it is to be erected;
- c) The structure shall be at least 90 meters from the center line of a street.
- d) The proposed development is referred to and approval recommended by the Agri-Foods Branch, Departments of Natural Resources and the Department of Environment and Conservation.

8.6 **Mineral Exploration**

Mineral exploration activities shall meet the following conditions:

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

9 Use Zones

9.1 Identification of Zones

For the purpose of these Regulations, the Planning Area is divided into Use Zones which are shown on the Trinity Land Use Zoning Maps 1 and 2 attached to and forming part of these Regulations.

9.2 Interpretation of Use Zones

Where possible the boundaries of the use zones follow identified features such as streets, fences, watercourses, transmission lines, or lot lines. Where there is any uncertainty, contradiction, or conflict concerning the intended location of a zoning boundary, the Council shall interpret the exact location of the zoning boundary in a manner that is consistent with the intent and policies of the Municipal Plan without amendment to the Land Use Zoning Map.

9.3 Use Zones

The following use zones have been established in the Trinity Planning Area and the following abbreviations have been used to identify individual Use Zones on the Zoning Map:

Heritage	HA
Mixed Development	MD
Rural	RU
Open Space	OS
Protected Water Supply	PW

Provisions for development in each use zone are set out in following tables showing the use or classes of uses which may be permitted, those which may be considered as discretionary or prohibited uses. The tables also indicate the required standards and conditions of development.

9.4 Permitted Uses

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

9.5 Discretionary Uses

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zones may be permitted in that Use Zone if the Council is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if the Council has given notice of the application in accordance with Regulation 3.12 and has considered any objections or representations which may have been received on the matter.

9.6 Prohibited Uses

Uses that do not fall within the Permitted or Discretionary Use Classes in any zone, or are specifically listed as a Prohibited Use, shall not be permitted.

9.7 Heritage Area Use Zone(HA)

9.7.1 Permitted Uses

Single Dwelling
Double Dwelling
Bed and Breakfast
Child Care
Medical and Professional Service
Office
Personal Service
Artist's Studios
Cemetery
Parks, Playgrounds and Walking Trails
Conservation
Accessory Buildings in the form of residential sheds, greenhouses, cold frames, vegetable storage cellars.

9.7.2 Discretionary Uses

Apartment
Commercial Accommodations in the form of an Inn
Theatre
Cultural and Civic
General Assembly
Restaurants
Bar or Lounge
Place of Worship
Club and Lodge
Special Care Homes
Shop
Indoor Market
Outdoor Market
Wharves, docks and marinas
Marine-related uses such as fishing sheds, stages, boat houses
Accessory Buildings to be used for workshops, boat house

9.7.3 Prohibited Uses

Accessory Buildings in the form of domestic garages, carports, ramps, radio and television antennae.

9.7.4 Fort Point Area

Development in the area between the Town Boundary at Dunfield and Fort Point shall be limited to seasonal residential dwellings, recreational trails and conservation, presentation and interpretation of the Trinity Lighthouse and other historical and archaeological sites at

Fort Point. Seasonal residences permitted in this area shall be consistent with the size, scale, form, and character of residences in the Trinity Heritage Area and with dwellings that previously existed in the area at Maggoty Cove.

9.7.5 Gun Hill/Rider Hill

Development in the Gun Hill/Rider Hill Special Policy Area shown on the Land Use Zoning Map shall be limited to public trails and interpretive signage.

9.7.6 Lot Requirements

<i>Standard</i>	<i>Residential and commercial uses</i>	<i>Seasonal Dwelling-Fort Point</i>
Minimum lot area	450 m²	4,050 m²
Minimum floor area	70 m²	80 m²
Minimum frontage	Discretion of Council	30 m along road to Fort Point
Minimum building line setback	6m or Consistent with adjacent dwellings	8 m
Minimum side yard	1.2 m	3 m
Minimum rear yard	9 m	9 m
Maximum lot coverage	33%	
Minimum building height	4m or Consistent with adjacent dwellings	4 m

Standards for seasonal residential use at Fort Point shall meet the requirements of the Government Service Centre for on-site septic systems.

9.7.7 Accessory Uses

1. Acceptable accessory uses in this Zone may include:
 - 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 marina, dock or wharf that is associated with a primary use - whether it is residential, commercial or industrial;
 - c) a club house, restaurant, or boat repair facilities associated with a marina;
 - d) a business carried out in a dwelling or residential accessory building by a resident of the dwelling;
 - e) a fishing stage or boat house use for essentially personal or personal business purposes; and
 - f) Home occupations in accordance with Regulations 8.3 and 8.4.

These accessory uses shall be clearly subsidiary to and controlled so as to be compatible with the primary use and the uses and appearance of nearby properties.

9.7.8 Frontage on Publically Maintained Street

1. Notwithstanding Regulation 4.12, development of a parcel of land that does not front directly on a publicly maintained street, may be considered in exceptional circumstances where the property has historically been developed, it can be accessed by a right of way of sufficient width, constructed so that it is accessible to emergency vehicles, and can be connected to the Town's piped water and sewer system.

2. At Fort Point, development shall front on and have access to the road from Dunfield to Fort Point notwithstanding that the road is not publicly maintained road on a year round basis. Applications for seasonal residences in the Fort Point area will be advised that the road is not publicly maintained and that the costs for the purposed of upgrading to service seasonal residential properties in the future will be subject to a service levy applied to properties that benefit from the upgrading.

9.7.9 Development - Taverner's Point Area

Development requiring the construction of new roads, or the significant upgrading of existing paths or roads to bring them up to the Town's minimum standards as set out in Section 7 - Subdivision of Land, may only be permitted after a comprehensive plan of the area has been approved by Council.

9.7.10 Parking

Notwithstanding Section 5, in this Zone parking facilities may be wholly or partly comprised of available public parking lots or areas. Lounges must provide on-site parking.

9.7.11 Wharves, docks and marinas

Wharves, docks, marinas and other harbour-related structures such and uses such as fishing stages and sheds, shall be limited in the Heritage Area Zone of Lower Trinity to the area between Tabins Point and Fishers Cove.

9.7.12 Review of Applications

1. Except for minor repairs and interior work, Council shall refer all development applications within this Zone, including those for fences and signs to the Heritage Advisory Committee before granting an approval.
2. Minor repairs include replacing fence palings and posts, replacing hardware, roof shingles and similar repairs which do not alter the original appearance or materials of the structure.
3. Council may refer any application to the Heritage Advisory Committee where it requires additional advice before making a decision on an application.

9.7.13 Demolitions

No demolition of any building, fence or other structure shall take place within the Heritage Zone unless it has been approved by Council.

9.7.14 Accessory Buildings

1. Accessory buildings situated on the same lot as the principal building:
 - a) Shall be compatible with the appearance of the principal building and other buildings in the area in terms of cladding, door and window proportions and materials.
 - b) The total of all accessory buildings associated with a residential use shall have a lot coverage no greater than 10% up to a maximum of 70 m² and no accessory building shall have a height of more than 4 metres.
2. Residential accessory buildings on a lot adjacent to, or removed from the main lot but in the same ownership as the main building, shall meet the following requirements:
 - a) the design of the buildings is subject to the design regulations of this Zone;
 - b) the maximum allowable height is 6 m and one and a half (1 ½) storeys;
 - c) the maximum allowable floor area as measured on the ground floor is 70 m².
3. Accessory buildings may be used for temporary accommodations provided that
 - a) the building is connected to the municipal piped water and sewer system;

- b) The exterior of the building is not altered in a manner to substantially change the appearance of the building through the addition of verandas, decks; and
- c) The conversion meets the requirements of the National Building Code.

9.7.15 Design Standards - new construction and alterations

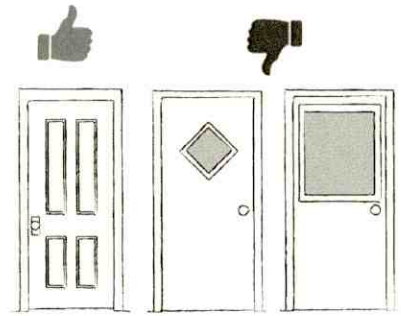
1. The prevailing massing, scale, forms and styles of the buildings, structures, and landscape of this Zone shall be retained.
2. Buildings within the Hog's Nose Area - east of Bugden's Lane and within the Taverner's Point Area to the west of Gun Hill, shall be erected with traditional materials or approved substitute materials and in a design similar to that found within Lower Trinity - that is, the area bounded on one side by Bugden's Lane and the other by Gun Hill.
3. Before issuing a permit for development or major renovations of a property the Town shall be satisfied that every reasonable effort has been made to provide a compatible use for a property that requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
4. The character defining elements of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material, distinctive architectural feature, or example of skilled craftsmanship shall not be permitted unless the feature is unsalvageable, in which case the feature shall be duplicated in the appropriate material and original design.
5. Original architectural features which have deteriorated shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material shall match the material being replaced in composition, design, colour, texture, and other visual qualities. Repair or replacement of missing original architectural features shall be based on accurate duplication of features, substantiated by heritage, physical, or conjectural designs or the availability of different architectural elements from other buildings or structures.
6. Contemporary design for alterations and additions to existing properties may be permitted when:
 - a) such alterations and additions do not destroy character defining, historical, architectural, or cultural material; and,
 - b) such design is compatible with the size, scale, colour, material, and character of the property, neighbourhood, or environment.
7. Any new building shall be visually compatible with the size, scale, colour, material, texture, and character of the main building on the site, adjacent buildings and the overall character and environment of the immediate area and the Heritage Area as a whole.
8. Non-original materials may be used where the non-original material is similar in appearance to the original and the traditional appearance of the building is maintained. However, vinyl siding will not be permitted.

9.7.16 General Form and Scale

1. The scale of a structure after alteration, construction, or partial demolition must be compatible with its architectural style and character, and with surrounding buildings and structures.
2. The relationship of the width to the height of the principal facade must be retained as close as possible to the original.
3. The size, shape and prominence of the porch, bridge or deck and entrance projection or doorway in a building shall be compatible with those found on buildings in the Heritage Area of similar architectural style.

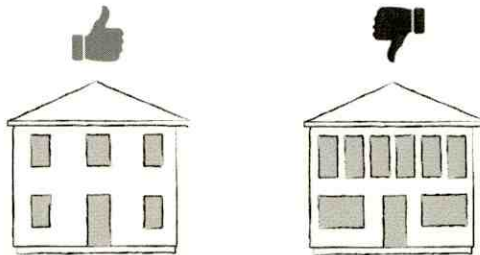
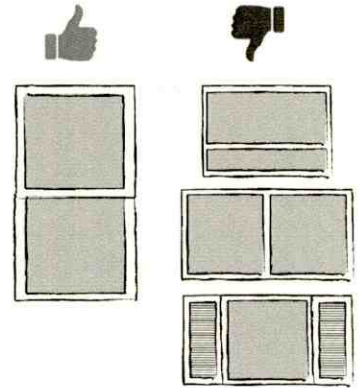
9.7.17 Windows and Doors - Materials

Original windows and doors, including sash, lintels, sills, decorative glass, pediments, trims and hardware shall be retained or replaced with duplicates constructed with the original or other materials which match the original elements as closely as possible. Skylights shall not be permitted on any building in the Heritage Area.



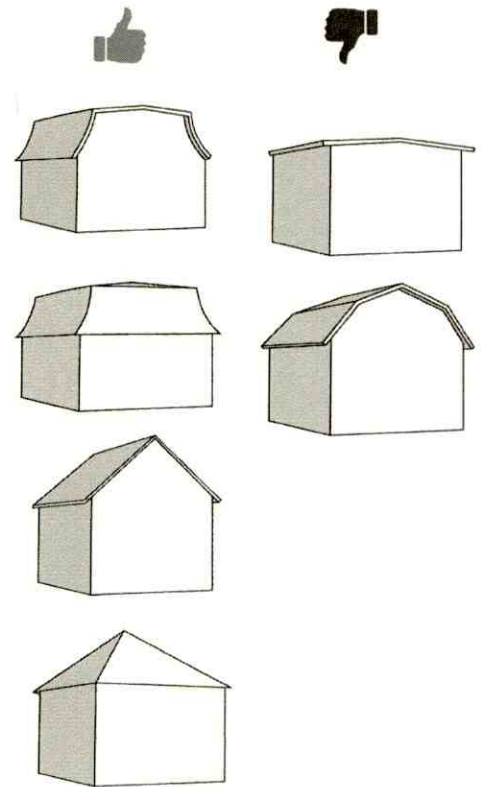
9.7.18 Windows and Doors - Scale, Proportion and Spacing

1. After alteration or construction, the proportions of and relationships between doors and windows shall be compatible with the original architectural style and character of the structure and with the character of the surrounding environment as documented.
2. A window to wall ratio is the proportion of window space to the amount of wall space on a façade.
 - a) All facades of structures in the Heritage Area are not permitted to have a window to wall ratio greater than 25%.



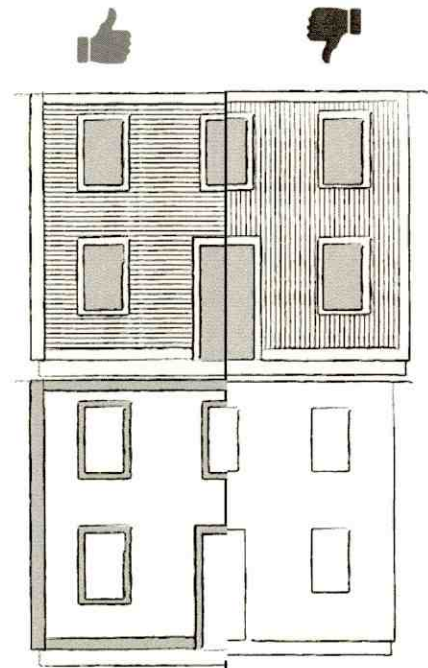
9.7.19 Roofs

1. The direction, pitch and arrangement of the roof or roofs shall be visually compatible with the original architectural style and character of the building, and with surrounding buildings.
2. Wherever possible, the original shape and materials of the roof shall be restored. Roof covering that is deteriorated beyond repair shall be replaced with new material that matches as closely as possible the existing original material in composition, size, shape, colour and texture.
3. Roof shape shall not be altered, unless the alteration restores the roof shape to its original state.
4. Nothing shall be done to change the essential character of the roof by adding architectural features or roofing materials inappropriate to the original style of the house.
5. The roof shall not be stripped of architectural features important to its character, such as dormer windows, cornices, brackets, chimneys, gutters, etc., nor the specified features altered, unless the removal or alteration will restore the features specified to their original state.
6. No flat roofs, that is, roofs with pitch under 2/12 - that is, with a slope less than a 2%, shall be added to or constructed on principal buildings.



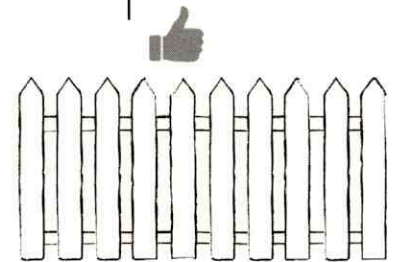
9.7.20 Finish Materials and Detail

1. Architectural details including materials, colours, and textures shall be treated so as to conform to the original architectural style and character of the building.
2. Siding shall be 100 to 102 mm (4 inch) exposure horizontal wood clapboard siding, except where the original siding is masonry.
3. Trim shall include corner boards not less than 101.4 mm (4 inches) wide.
4. Extensions to an existing building shall be clad in visually compatible materials, and the original structure and extension should be finished in a uniform colour scheme compatible with the original architectural style.
5. Where original architectural features such as corner boards, cornices, brackets, window architraves, and doorway pediments have deteriorated, they shall be repaired or replaced with new material that duplicates the original as closely as possible.



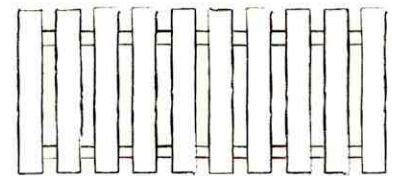
9.7.21 Fences & Walls

1. In addition to Regulation 4.9, fences shall be constructed in the traditional style of vertical wooden pickets, (with or without scroll sawn patterns in pickets) wooden rail fences, wrought iron, stone or plant (as in hedges) material.
2. The maximum allowable height of a fence shall not exceed 1.2 metres along any road or along any side lot line unless it is a hedge. The maximum allowable height of a fence along a rear property line is 1.8 metres.



9.7.22 Designated Heritage Buildings and Properties

1. Buildings, properties, structures or sites that are designated as heritage or historic resources under federal, provincial or municipal legislation shall not be demolished, altered, expanded or otherwise affected, without approval of the Council and any other agency required by provincial or federal legislation.
2. The Council shall maintain a list of designated heritage buildings and properties which may be updated without amendment to these Regulations.



9.8 Mixed Development Use Zone (MD)

9.8.1 Permitted Uses

Single dwelling
Double dwelling
Apartment
Bed and Breakfast
Childcare
Parks and Playgrounds

9.8.2 Discretionary Uses

Hotels, Motels, Inns
Assisted Living Facilities
Tourist Accommodations
Cultural and Civic
School
Place of Worship
Wharves and docks
Club and Lodge
Restaurants, Bars, Lounges including Take-Out Restaurants
Funeral Home
Medical Clinic, medical care facilities
Office
General, Personal, Medical and Professional Service uses
Shops including convenience stores
Indoor Market
Outdoor Market
General and Light Industry
Service Station
Agriculture
Cemetery
Telecommunications and Antenna

9.8.3 Lot Requirements

<i>Standard</i>	<i>Dwellings</i>	<i>Discretionary uses</i>
Minimum lot area	450 m ²	
Minimum floor area	80 m ²	
Minimum frontage area	15 m ²	26 m ²
Minimum building line setback	6 m	8 m
Minimum side yard	1 m	5 m
Minimum rear yard	9 m	10 m
Maximum lot coverage	33%	33%
Minimum building height	8 m	10m

9.8.4 Building Line Setback

Notwithstanding the minimum building line setback set out in Regulation 9.8.3, development shall be required to be set back 20m from the centreline of Route 230.

9.8.5 Discretionary Use Classes – Site Standards

Except for convenience store uses forming part of a dwelling or medical, professional and personal service uses in a dwelling, discretionary uses in this zone shall conform to the following standards:

Minimum building line setback	8 m
Minimum side yard	5 m
Minimum rear yard	10 m
Maximum height	10 m

9.8.6 Lot Area

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

Municipal piped water supply and connection to municipal sewer	450 m²
Municipal piped water supply and sewage disposal by septic tank and tile field	1400 m²
Well water supply and connection to a municipal sewer	1400 m²
Well water supply and sewage disposal by septic tank and tile field	1860 m²

9.8.7 Convenience Stores

Convenience stores shall be required to provide a landscaped hard surface parking lot with sufficient off street parking and well defined entrance and exit points to the street.

9.8.8 Service Stations

1. Service stations may be permitted where they front onto Goose Cove Road.
2. Automobile service stations and garages shall conform to the following conditions:
 - 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) Access points shall be at least 7 metres wide and shall be clearly marked.

9.8.9 Accessory Buildings

The total of all accessory buildings associated with a residential use shall have a lot coverage no greater than 6% up to a maximum of 80m² and no accessory building shall have a height of more than 5 metres.

9.9 Rural Use Zone (RU)

9.9.1 Permitted Uses

Agriculture
Forestry
Recreational Open Space
Conservation

9.9.2 Discretionary Uses

Single or Seasonal Residential (Trinity Loop property only as part of a comprehensive development proposal)
Commercial Residential
Tourism trailer parks
Restaurants
Outdoor Assembly
Outdoor Market
General Industry
Light Industry
Mineral Working and Exploration
Cemetery
Telecommunications and Antenna
Wharves and docks

9.9.3 Development of Trinity Loop

1. Development of the Trinity Loop property may be considered in the form of seasonal or year-round residential use, commercial accommodations or tourism attraction including a mix of residential, commercial and assembly uses. Proposals for development shall
 - a) Show how the development will integrate, retain and preserve the Trinity Loop historic structure and provide for public park areas;
 - b) Ensure public access to the Trinity Loop, from within the development and the continuation of the railway right of way off the site.
 - c) Demonstrate how the site will be provided with a sustainable supply of potable water for proposed uses; and
 - d) Plans for a wastewater management system designed so as not to result in future demands on the municipality for piped servicing to the site;
2. Council may require upgrading of the public road to the site and may require as a condition of approval that the street be upgraded at the developer's expense, to acceptable standards.

9.9.4 General Industry

General industry uses may be permitted provided that they are restricted to maintenance and repair of equipment, processing and storage related to forestry uses or mineral workings, or where located along the coastline, are marine-related.

9.9.5 Mineral Workings

All mineral workings, including pits, quarries and mines shall be subject to the requirements of the appropriate permit, lease or licence issued by the Mineral Lands Division, Department of Natural Resources, for development, operation, decommissioning

and rehabilitation. Where not addressed in an applicable provincial permit, lease or licence, mineral workings shall meet the following requirements of the Council:

- a) **Screening** - A buffer shall be required to screen mineral workings visible from a public street. A buffer may consist of a 30m wide tree screen, a landscaped berm or as required by the Council. The Council may waive the requirement for a buffer where natural topography creates a visual screen between mineral workings and adjacent public highways and streets.
- b) **Fencing** - The Council may require the mineral working site or excavated area 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.
- c) **Water Pollution** - No mineral working or extraction activity shall be permitted within 50 m of a waterbody or watercourse.
- d) **Water Ponding** - No mineral working shall result in the excavation of areas below the level of the water table nor in any way cause the accumulation or ponding of water in any part of the site. Settling ponds may be permitted with the approval of the Department of Environment and Labour.
- e) **Site Maintenance** - The mineral working shall be kept clean of refuse, abandoned vehicles, and abandoned equipment and any derelict buildings.
- f) **Access Roads** - During extended periods of shutdown, access roads to a mineral working shall be ditched or barred to the satisfaction of the Council.
- g) **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 uncleared areas and 10 metres from active quarry or stockpile areas. The owner or operator shall ensure that the quantity of the topsoil is not affected by dilution with other materials.
- h) **Termination and Site Rehabilitation** - Upon completion of the mineral working, the following work shall be carried out by the operation:
 - (i) All buildings, machinery and equipment shall be removed.
 - (ii) All pit and quarry slopes shall be graded to slopes less than 20 degrees or to the slope conforming to that existing prior to the mineral working.
 - (iii) Topsoil and any organic materials shall be re-spread over the entire quarried area and the area hydroseeded
 - (iv) The access road to the working shall be ditched or barred to the satisfaction of the Council.

9.9.6 **Decommissioning and Rehabilitation**

Upon completion of the mineral working operations on the site, the developer shall remove all buildings, machinery, chattels, personal property and quarry material which has been extracted from the site, and shall rehabilitate the site according to the conditions of the quarry permit or licence.

9.9.7 **Building Line, Route 230**

The building line with respect to Route 230 shall be 150 m, measured from the centreline of Route 230.

9.9.8 **Accessory Buildings**

The total of all accessory buildings associated with a residential use shall have a lot coverage no greater than 6% up to a maximum of 80m² and no accessory building shall have a height of more than 5 metres.

9.10 Open Space (OS)

9.10.1 Permitted Uses

Public parks
Conservation

9.10.2 Discretionary Uses

Cultural and Civic

9.10.3 Cultural and Civic Uses

The existing public park area in Lower Trinity shall continue to be used for a public park, gathering place for community events such as sports, festivals and concerts. The site may be considered for civic uses, such as a Town Hall which would be incorporated into the design and function of the park area.

9.11 Protected Water Supply (PW)

9.11.1 Permitted Uses

Watershed
Conservation

9.11.2 Discretionary Uses

Forestry

9.11.3 Forestry Use

Forestry use shall only be permitted where the use has been reviewed and approved by the Water Resources Management Division, Department of Environment and Conservation.

9.11.4 Prohibited Uses

No permanent buildings or structures shall be permitted within this use zone except those necessary for the operation and maintenance of the municipal public water supply.