

# Development Regulations 2022-2032



Town of Old Perlican

TRACT

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URBAN AND RURAL PLANNING ACT, 2000

**RESOLUTION TO APPROVE**

THE TOWN OF OLD PERLICAN

DEVELOPMENT REGULATIONS, 2022-2032

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

- a) Adopted the Town of Old Perlican Municipal Plan, 2022-2032 on the 3rd day of October, 2023;
- b) Gave notice of the adoption of Municipal Plan, 2022-2032 by advertisement inserted on the 2nd day of December, 2023 and the 9th day of December, 2023 in the newspaper, the Telegram; and posted on Facebook and posters were put up at the Post Office, Foodland, Gasland and Tizzard's Quick Stop;
- c) Scheduled the 19th day of December, 2023 at the Old Perlican Town Hall, for the holding of a public hearing to consider objections and submissions to the Municipal Plan, 2022-2032

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Old Perlican approves the Development Regulations for the Town of Old Perlican as adopted.

SIGNED AND SEALED this 23 day of January, 2024

Mayor:

*E. Moya*

Town Manger:

*Sonya Dunde-Walsh*

Development Regulations/Amendment	
<b>REGISTERED</b>	
Number	<u>3595-0004-2024</u>
Date	<u>28 OCT 2024</u>
Signature	<u><i>[Signature]</i></u>

(Council Seal)

**URBAN AND RURAL PLANNING ACT, 2000**

**RESOLUTION TO ADOPT**

**TOWN OF OLD PERLICAN**

**DEVELOPMENT REGULATIONS, 2022-2032**

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Old Perlican adopts the Old Perlican Development Regulations, 2022-2032.

The Development Regulations (2022-2032) were adopted by the Town Council of Old Perlican on the 3rd day of October, 2024.

Signed and sealed this 23 day of January, 2024.

Mayor

*C. Mingo*

Town Manager:

*Sonya D. Dumble-wash*

Town of Old Perlican seal

**CANADIAN INSTITUTE OF PLANNERS (CIP) CERTIFICATION**

I certify that the Town of Grand Falls-Windsor Development Regulations, 2020-2030 have been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000* of the Province of Newfoundland and Labrador.

*Myers*

Member of Canadian Institute of Planners (MCIP)



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## **1.0 AUTHORITIES AND RESPONSIBILITIES**

### **1.1 Application**

These Development Regulations apply to:

- all persons proposing to undertake a land use and/or development within the Planning Area boundary, whether residents or non-residents; and,
- the Mayor and Councillors and their delegates as they make land use and development decisions.

All development, including the subdivision/severance of land and change of use of land, carried out within the Planning Area must have a permit issued by Council in accordance with the Municipal Plan and these Development Regulations.

### **1.2 Compliance with statutes, regulations, policy and guidelines**

Even though an applicant may receive a municipal permit, the applicant is responsible for ensuring compliance with all relevant Federal and Provincial legislation, regulations, policies and guidelines prior to commencing a land use or development approved under these Development Regulations. Council may require proof of compliance prior to approval.

The applicant must undertake any requirements set out by the Town as conditions to approval of the permit prior to the issuance of an occupancy permit.

The applicant is also responsible for ensuring compliance with all other Town regulations and policies.

The National Building Code, and associated codes, such as the Plumbing Code, the Fire Code, the Electrical Code, the Life Safety Code, and any other ancillary code and other municipal regulations or bylaws regulating or controlling the development, conservation, and use of land shall, under these Regulations apply within the Municipal Planning Area.

### **1.3 Amendment to Development Regulations**

An amendment to the text of the Development Regulations and/or the Land Use Zoning Map which requires an associated amendment to the Plan must follow the amendment process set out in the *Urban and Rural Planning Act, 2000*.

An amendment may be requested by any person and the associated costs are borne by that person. The request shall be made to the Council (Section 27, the *Urban and Rural Planning Act, 2000*).

An amendment to the text of the Development Regulations and/or the Land Use Zoning Map which **does not** requires an associated amendment to the Municipal Plan does not follow the full process set out in Sections 14-25 of the *Urban and Rural Planning Act, 2000* (Section 35 (5), the *Urban and Rural Planning Act, 2000* ) ; however, section 14 public consultation is required as part of the Council review process. Council then must adopt the amendment by resolution of Council at a Regular Meeting of Council (open

## 2.0 ADMINISTRATION OF THE REGULATIONS

This Chapter deals with the administration of processing applications for proposed land use and developments. It outlines: when a permit is required, the process for making an application for a permit, the decision-making process by Council or its delegate, including the conditions and requirements that may be attached to the permit, the appeal process, and the enforcement responsibilities of the Council.

### 2.1 WHEN IS A PERMIT REQUIRED

All development including the subdivision (severance) of land carried out within the Planning Area must have a permit issued by Council in accordance with these Regulations, and any other by-law or regulation enacted by Council. These are defined in the *Urban and Rural Planning Act, 2000* as follows:

**Development** means

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

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

and excludes the

- v. 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,
- vi. carrying out by a highway authority of works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation,
- vii. carrying out by a local authority 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
- viii. 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...”;

“**Subdivision** means the dividing of land, whether in single or joint ownership into 2 or more pieces for the purpose of development”. Note: no land over which there is an existing structure shall be subdivided for the purpose of creating distinct title to different dwelling units unless:

- i. Each dwelling unit is entirely comprised within the new title and self-contained within the new lot with no common spaces or shared services;
- ii. The fire separation for each dwelling unit is confirmed;
- iii. A permit for the subdivision is first obtained from the Town;
- iv. A subsidiary apartment cannot be subdivided from the self-contained dwelling that it is constructed within.

### **2.2.3 Application Information Requirements for Discretionary Uses**

Discretionary Uses may only be considered for an application to develop where:

- a. the Discretionary Use is stated in the applicable Use Zone table (Chapter 3); and,
- b. Council has, at the applicant's expense, published a notice in a newspaper circulating in the area of the application and considered any representations or submissions received in response to that advertisement. It is recommended that Council notify the neighbouring property owners directly regarding the proposed discretionary use.

In addition to the information requirements for lots and buildings in 2.2.2, an application for a Discretionary Use shall contain the following information relating to Discretionary Uses involving operation of a business/service, if applicable:

- a. floor area to be used for Discretionary Use,
- b. number of employees employed on site, and
- c. hours of operation.

### **2.2.4 Application Information Requirements for Planned Unit Developments**

**Definition:** Planned Unit Development means an integrated planned development which may involve a single use class or mix of use classes of a mix of uses that responds to a unique market opportunity and involves special development standards not otherwise permitted in the zone. The most common example of a Planned Unit Development is a vacant land condominium/bare strata development consisting of a contiguous area to be planned, developed, operated, and maintained as a single entity and containing one or more structures with common areas that belong to them, such as a box store complex, resort, multi-unit residential.

**Conditions:**

- 1) Required to submit a Planned Unit Development application (2.2.2 & 2.2.4);
- 2) A Planned Unit Development must front on a public road and comply with use requirements of the Zone within which it is located. Notwithstanding the requirement for serviced development, if municipal services are not feasible to the standard required by the Town, the provision of on-site services must meet requirement of provincial agencies, in particular, Water Resource Management Division and Service NL;
- 3) Roads and services provided in a Planned Unit Development whether they are publicly or privately owned, may be treated as if they were public roads, public services and public utilities for the purpose of approvals by the Authority and other agencies.

In addition to the information in 2.2.2, the following requirements shall apply to all proposed Planned Unit developments applications involving new street construction or development of large sites for commercial (including commercial recreational), industrial, residential and public institutional development.

A Planned Unit development application would normally contain the following:

- a. Goals, objectives and land use policies for the development area;
- b. Identification of developable area of site, indicating accommodation of site conditions such as poor drainage, steep slopes, flooding potential and rocky ground;
- c. Proposed siting of new buildings, or additions, including building square footage area size, building height, and setback distances to property lines;
- d. Building lot area coverage where applicable;

## **2.3 VARIANCES, NON-CONFORMING USES & NON-CONFORMING DEVELOPMENT STANDARDS, AND DEVELOPMENT REGULATION AMENDMENTS**

### **2.3.1 Variances**

Where the proposed development does not comply with any numeric requirement in the applicable use zone table set out in these Regulations for the zone in which the site occurs, Council may, in its discretion, vary the applicable development standards to a maximum of ten percent (10%) if, in 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. (Note that the 10% is stipulated in the Minister's *Development Regulations 3/01* in Appendix 2 and cannot be amended by Council). The applicant may request the variance.

Council shall not allow a variance from development standards set out in the zone as set out in these 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 ten percent (10%) variance even though the individual variances are separately no more than ten percent (10%);

Council shall not permit a variance from the development standards where the proposed use would increase the non-conformity of an existing development or would result in the creation of non-conformity of any existing legal development.

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

### **2.3.2 Non-Conforming Uses or Non-Conforming Development**

When an application involves a non-conforming use or non-conforming development, the appropriate sections of the Urban and Rural Planning Act, 2000 (Sections 14-17) and Ministerial Development Regulations 03/01 (Section 14, 15 & 16) apply. These can be found in Appendix 2.

If a non-confirming use or a non-confirming development is discontinued after these regulations come into legal effect, the right to resume a discontinued con-confirming use or non-confirming development shall not exceed 2 years after the discontinuance occurred. For the purpose of this regulation, discontinuance of a non-confirming use or non-confirming development begins when any one of the following conditions are met:

- a. The building or use is clearly vacated or the building is demolished;
- b. The owner or tenant has ceased paying building taxes for that use; and
- c. The owner or tenant has stated in writing that the use has ceased.

are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of these Regulations, Council may, in its discretion, and as a result of its consideration of the matters set out in this Regulation, approve, approve with conditions, or refuse the application.

#### **2.4.2 Timely Decision-making**

Applications properly submitted in accordance with these Regulations which have not been determined by Council and on which a decision has not been communicated to the applicant within eighty (80) days of the application being received by Council, shall be deemed to be refused or deferred.

#### **2.4.3 Deferment of Application:**

Council may, with the written agreement of the applicant, defer consideration of an application. Council may defer decisions on an application for a Development Permit and/or an application.

If the application is not deferred within 80 (eighty) days of submission and no decision is made by Council, the application shall be deemed refused.

Council may defer decisions on an application for a Development Permit and/or an application for an amendment to these Regulations within a specified area where Council has directed that a planning study or other similar study pertaining to the future use and development of the specified area be undertaken. A decision to defer an application when a Council requests further information or studies does not allow an appeal under Section 42 (1) of the *Urban and Rural Planning Act, 2000*.

An application may be withdrawn only on receipt of a written request from the applicant.

#### **2.4.4 Public Notice (Refer to Ministerial Development Regulations, Sections 13&15)**

Council must, at the applicant's expense (Section 35 (1) of the *Urban and Rural Planning Act, 2000*), publish a notice in a newspaper circulating in the area of the application and consider any representations or submissions received in response to that advertisement, for the following:

1. A ***change in a non-conforming use***; notice of an application to change a non-conforming use shall be by advertisement in a newspaper circulating in the area, or by other reliable means as deemed appropriate by Council, and a minimum of seven (7) days shall be provided for persons to respond. (Minister's Development Regulations-see Appendix);
2. A proposed development is listed as a ***discretionary use***; notice of an application regarding a proposed discretionary use be by advertisement in a newspaper circulating in the area, or by other reliable means as deemed appropriate by Council, this may include providing notice given directly to persons whose land is in the immediate vicinity of the land that is subject to the proposed discretionary use, and a minimum of seven (7) days shall be provided for persons to respond.
- 1.
3. A ***Planned Unit Development*** is proposed; Council shall publish a notice in a newspaper circulating in the area or by other reliable means as deemed appropriate by Council, give public notice, and shall provide a minimum of fourteen (14) days for persons to respond;

also outline such details that the applicant shall be required to address before a final development permit shall be granted.

An approval in principle shall be valid for a period of one (1) year and may be extended for one (1) additional year, up to a maximum of two (2) years.

Where Approval in Principle is granted under these Regulations, it shall be subject to the subsequent approval by Council of the details and conditions as listed in the Approval in Principle, which shall be received **not later than one year** from the issuance of the Approval in Principle. If the details and conditions are not received, and there is no request for an extension, then the Approval in Principle is void and the application is rejected.

Where approval in principle is granted, approval of a final development permit shall be subject to the subsequent approval by Council of any details and conditions that were outlined in the approval in principle. If the details and conditions are not received, and there is no request for an extension, then the Approval in Principle is void and the application is rejected.

*Approval in principle shall not constitute permission to commence development.* No form of development shall commence until Council has issued a proper development permit.

Council may revoke approval in principle if it determines that the applicant has changed the proposed development in a way that significantly alters the original intent of the application or has not adequately addressed conditions or details stipulated in the approval in principle.

A decision by Council on an application for an approval in principle can be appealed in accordance with Section 42 of the *Urban and Rural Planning Act, 2000*.

#### **2.4.7 Approval of Development Permit**

1. A written development permit issued by Council or its designated staff shall constitute permission to develop in accordance with these Regulations.
2. This permission shall not relieve the applicant from full responsibility for obtaining all other permits or approvals prior to commencement of development and complying with all other regulations and statutes during development.
3. Council may attach conditions to a development permit to ensure compliance with the Municipal Plan and these Regulations, and the permit holder shall be responsible for full compliance with these conditions.
4. When approving a discretionary use application, Council shall state in writing the basis for its approval.
5. A permit is valid for such period, not in excess of two years, as may be stated therein, and if the development has not commenced, the permit may be renewed for a further period not in excess of one year, but a permit shall not be renewed more than three years; except for Signs (Section 6.7).
6. No person shall change the application for which a development permit was issued unless written approval of the change has been issued by Council.
7. A copy of the development permit, along with plans and specifications, shall be kept on the site until the development is completed.

#### **2.4.13 Written Reasons for Refusing a Permit**

1. Council shall, when refusing to issue a permit or attaching conditions to a permit:
  - a. state the reasons for so doing; and,
  - b. advise the applicant of their right to appeal in accordance with Section 42 of the *Urban and Rural Planning Act, 2000*;
  - c. provide the decision in writing.
2. Where a Development Permit application for a land or building development or for an amendment to the Development Regulations has been effectively denied by a resolution of Town Council, application for the same development, building or amendment shall not be considered within 12 months of the date of the previous refusal.

#### **2.4.14 Refusal: Premature development**

No permit shall be issued for development within the Planning Area when in the opinion of Council, it is premature by reason of the site lacking adequate road access, power, drainage, sanitary facilities, or domestic water supply, or being beyond the natural development of the area at the time of application, unless the applicant contracts to pay the full cost of construction of the services deemed necessary by Council and such cost shall attach to and upon the property in respect of which it is imposed.

#### **2.4.15 Appeal**

The person to whom a Town's decision applies shall have the right to appeal that decision in accordance with the provisions of Sections 42 to 46 of the *Urban and Rural Planning Act, 2000* and Sections 5 to 11 of the Development Regulations under that *Urban and Rural Planning Act, 2000*.

The applicant must be informed of the right to appeal in the letter of refusal.

#### **2.4.16 Register**

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

### **2.5 SPECIAL REQUIREMENTS FOR DEVELOPMENT**

#### **2.5.1 Development Agreement**

**Definition:** A development agreement is a voluntary contract between a local jurisdiction and a person who owns or controls property within the jurisdiction, detailing the obligations of both parties and specifying the standards and conditions that shall govern development of the property.

These agreements can specify various elements of the development process ranging from phasing of a larger comprehensively planned community, to tax-sharing for retail development, to critical infrastructure responsibilities. Development agreements are sometimes used in combination with a Planned Unit Development (Section 2.5.1) Development Scheme, Section 29 of the *Urban and Rural*

#### **2.5.4 Service Levy**

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

A service levy shall not exceed the cost, or estimated cost, including finance charges to Council of constructing or improving the public works referred to above that are necessary for the real property to be developed in accordance with the standards required by Council and for uses that are permitted on that real property.

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.

Council may require a service levy to be paid by the owner of the real property; (a) at the time the levy is imposed, (b) at the time development of the real property commences, (c) at the time development of the real property is completed, or (d) at such other time as Council may decide.

#### **2.5.5 Require Land Conveyed for Public Work Purpose**

A Council may, for a development that is not involving a subdivision, require a portion of the land to be developed to be conveyed to the Town for a public purpose where public works are required to accommodate the proposed for development.

#### **2.5.6 Restoration of Land**

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

### **3.0 LAND USE ZONES**

#### **3.1 INTERPRETATION OF LAND USE ZONING AND DEVELOPMENT STANDARDS**

##### **3.1.1 Land Use Zones**

1. The Planning Area is divided into Land Use Zones which are shown on the Land Use Zoning Maps attached to, and forming part of, these Regulations. For each zone, the intent and governing policies are set out in Chapter 3 of the Municipal Plan.
2. The boundaries of the Use Zones shown on the Land Use Zoning Maps are general only and, except where they coincide with roads, shorelines, or other prominent physical features, are not intended to define exact limits. No Development Regulation amendment shall be required in order to accommodate minor adjustments of the Use Zone boundaries.
3. Other than such minor boundary adjustments, no development shall be permitted that does not conform to the Use Zone delineated on the Land Use Zoning Maps.
4. Where there is uncertainty regarding the existence of a watercourse identified on the zoning map, this can be confirmed in the field. If it is determined that the watercourse does not exist, the area in question shall be treated as if it is occurring within the surrounding zone.
5. The Municipal Plan states the objectives and policies for each of the land use designation including the establishment of the following zones:
  1. Residential
  2. Residential Comprehensive Development
  3. Residential Rural
  4. Mixed Use
  5. Public Institutional
  6. Commercial General
  7. Harbourfront
  8. Rural
  9. Environmental Protection
  10. Open Space, Park & Trails
  11. Protected Water Supply

##### **3.1.2 Land Use Zone Tables: Permitted and Discretionary uses**

This Chapter provides a Use Zone Tables which sets out the permitted, and discretionary uses for each Zone. The standards, requirements and conditions applicable to these Uses are set out in an associated Development Standards table with some zone-specific conditions; general regulations regarding development are found in Chapters 4 and 6. Sections 2.4.1 and 2.4.14 provide Council with discretion regarding decisions for both permitted and discretionary uses.

###### **3.1.2.1 Permitted Uses**

Subject to these Regulations, Permitted Uses set out in the Use Zone Table shall be permitted by the Council in that Use Zone provided that it meets the requirements of the Development Regulations.

- d. Any other municipal regulation or bylaw in force in the Planning Area regulating or controlling development, conservation, heritage, fences, and use of land and buildings under the *Municipalities Act, 1999*;
  - e. Requirements of Federal and Provincial legislation, regulations, policies and guidelines.
- 2) If Council is aware that a proposed development may not comply with Provincial or Federal legislation, it may require the applicant to provide confirmation that necessary government approvals have been obtained before issuing a development permit.
  - 3) If Council deems that a proposed development may trigger the requirements of the *Environmental Protection Act, 2002* the proponent shall be advised to consult with the Environmental Assessment Division and a development permit cannot be issued until this process is complete.
  - 4) Where these Regulations are more stringent than Provincial or Federal legislation, these Regulations shall apply.
  - 5) A permit is required from Digital Government and Service NL for onsite septic and wells.

**3.3 CONSERVATION**

**3.3.1 Environmental Protection**

<b>USE ZONE TABLE: ENVIRONMENTAL PROTECTION ZONE</b>	
<b>PERMITTED USES</b>	<b>DISCRETIONARY USES</b>
<p><i>-Environmental Protection (4.5.1)</i>  <i>-Municipal wastewater(sewer) treatment facility</i>  <i>-Uses set out in 3.1.5</i></p>	<p>Uses as permitted under the provincial policy W. R. 97-1 by the Water Resources Management Division (WRMD), subject to referral to WRMD (refer to Appendix B): marinas, boathouses, jetties, wharves, moorings and other docking facilities and the extension and upgrading of existing buildings; Open Space, Recreation and Trails uses and campground; Mineral exploration- 'development'; Forest activities-domestic harvest only;</p>

**Conditions**

- 1) Development must conform to the requirements of Section 3.1.6;
- 2) Any development within a specified distance of a designated trail or water course shall be reviewed to ensure that development does not negatively impact such trail or watercourse and does not impact adjacent the property owners; a buffer may be required by the Town.

### 3.3.3 Protected Water Supply Area

<b>USE ZONE TABLE PROTECTED WATER SUPPLY AREA ZONE</b>	
<b>PERMITTED USE CLASSES</b> <i>- Subject to Conditions below</i>	<b>DISCRETIONARY USE CLASSES</b>
<p><i>-Uses in designated areas as set out in the 'POLICY FOR LAND AND WATER RELATED DEVELOPMENTS IN PROTECTED PUBLIC WATER SUPPLY AREAS' subject to Condition (1) below:</i></p> <ul style="list-style-type: none"> <li><i>-Environmental Protection Area (4.5.1)</i></li> <li><i>-Cottage/seasonal residential (4.7.7)</i></li> <li><i>-Forestry (4.4.7)</i></li> <li><i>-Natural Resource Use (4.4.14)</i></li> <li><i>-Commercial Agriculture (4.2.1)</i></li> <li><i>-Conservation (4.5)</i></li> <li><i>-Uses permitted in all zones (3.1.5)</i></li> </ul>	

**Conditions:**

- 1) All land use and development activities proposed within a designated Protected Water Supply under the *Water Resources Act, 2002* must be referred to the Water Resources Division of the provincial government for review and approval. No development is allowed without Water Resources approval.
- 2) The following sections are taken from the 'Policy for Land and Water Related Developments in Protected Public Water Supply Areas':

**'6.0 ACTIVITIES NOT PERMITTED IN A DESIGNATED AREA**

- 6.1 Placing, depositing or discharging or permitting the placing, depositing or discharging into a body of water and sewage, refuse, chemicals, municipal and industrial wastes or any other material which impairs or has potential to impair water quality.
- 6.2 Using an intake pond, lake or specified buffer zone for any activity detrimental to water quality and not permitted in the Act.
- 6.3 Using ice covered water body for transporting logs, riding skidoos/motor vehicles/all-terrain vehicles, leading of animals, or any other activity which impairs or has potential to impair water quality.
- 6.4 Using or operating existing facilities in such a manner which impairs or has potential to impair water quality.
- 6.5 Residential development (a sub-division of four or more lots), vehicle maintenance facilities, warehouses, service stations, industries, and chemicals and salt storage depots.

The Policy requires the following Buffer zones:

'9.1 The proponents shall provide the following widths of buffer zones along and around water bodies from the high water mark in a designated area:

Water Body	Width of Buffer Zones
-Intake pond or lake	-a minimum of 150 metres
-River intake	-a minimum of 150 metres for a distance of one km -upstream and 100 m downstream
-Main river channel	-a minimum of 75 metres
-Major tributaries, lakes or ponds	-a minimum of 50 metres
-Other water bodies	-a minimum of 30 metres

9.2 No development activity shall be permitted in buffer zones except those which are intended to promote vegetation.

The Policy outlines the responsibilities Of Municipal Authority:

'The municipal authority or person responsible for the operation and maintenance of a waterworks shall:

10.1 Ensure that no development activities are undertaken in a designated area without approval from the Minister.

10.2 Ensure that approved development activities are undertaken in strict compliance with the terms and conditions of the approval.

10.3 Where an approval or this policy is violated, serve a stopping order on the violator after obtaining prior approval from the Minister for stopping any work or operation either permanently or temporarily which is not carried out according to the terms and conditions of the approval and has impaired or has potential to impair water quality.

10.4 Request the Minister for the appointment of a Watershed Monitoring Committee and the development of a watershed management plan, if the designated area is under increasing pressure for multiple development activities.'

### 3.5 MIXED USE

USE ZONE TABLE: MIXED USE	
PERMITTED USES	DISCRETIONARY USES
<ul style="list-style-type: none"> <li>-Amusement establishment/use (4.3.1)</li> <li>-Apartment building (4.7.8)</li> <li>-Business support service (4.3.8)</li> <li>-Club and Lodge (4.3.11)</li> <li>-Convenience store (4.3.13)</li> <li>-General Service/repair (4.3.16)</li> <li>-Medical or Dental Clinic (4.3.19)</li> <li>-Personal Service (4.3.23)</li> <li>-Offices (4.3.24)</li> <li>-Restaurant – full service (4.3.26.2)</li> <li>-Retail (4.3.27)</li> <li>-Townhouse (4.7.5)</li> <li>-Public Gathering Place – indoor (4.6.4)</li> <li>-Uses set out in 3.1.5</li> </ul>	<ul style="list-style-type: none"> <li>-Single detached dwelling (4.7.1)</li> <li>-Double dwelling (4.7.2)</li> <li>-Bar (4.3.6)</li> </ul>

DEVELOPMENT STANDARDS: MIXED USE (m=metres)	
<b>Minimum Standards</b>	
Front yard (building line) (m)	4 or Condition 2
Side yard. (m)	5
Flanking yard (m)	8
Rear yard (m)	10
<b>Maximum Standards</b>	
Height (m)	10 or at discretion of Council (see National Building Code, Fire Code, or Fire Commissioner's Office)

#### Conditions

- 1) Development must conform to the requirements of Section 3.1.6;
- 2) Notwithstanding the standards in the Use Zone Table, Council may require the building line setbacks (building line) of new building to complement the setbacks of existing conforming buildings on adjoining or nearby lots on the same street and may allow buildings be permitted to abut existing sidewalks.
- 3) Residential uses must conform to Residential Medium Density Zone development standards.

### 3.7 RESIDENTIAL

#### 3.7.1 Residential

USE ZONE TABLE: RESIDENTIAL ZONE	
PERMITTED USES	DISCRETIONARY USES
<ul style="list-style-type: none"> <li>-Single detached dwelling (4.7.1)</li> <li>-Semi-detached (double) dwelling (4.7.2)</li> <li>-Townhouse (4.7.3)</li> <li>-Apartment building (4.7.4)</li> <li>-Mini-homes (4.7.6)</li> <li>-Assisted Living-Residential (4.7.8.1)</li> <li>-Non-profit housing (4.7.8.2)</li> <li>-Subsidiary Apartment (5.1.2)</li>   <li>-Home businesses (5.3)-all, except those listed as Discretionary use</li>   <li>-Uses set out in 3.1.5</li> </ul>	<ul style="list-style-type: none"> <li>-Supportive housing (group home) (4.7.8.3)</li> <li>-Convenience store (4.3.13)</li> <li>-Home business (5.3)-personal service, day care-residential, bed and breakfast</li> <li>-Urban agriculture (4.2.2)</li> <li>-Public Gathering Places-Indoor (4.6.4)</li> <li>-Energy generating facility – residential only (4.4.5)</li> </ul>

Development Standards for Fully Serviced lots – Residential (m=metres)							
Development Standard Required	Single Dwelling	Double Dwelling	Town house	Apartment Building (by # of units)			
				1-bed-room	2-bed-room	3- bed-room	4- bed-room
<b>Minimum</b>							
Lot Area (m <sup>2</sup> )	450	390	350	200*	250*	280*	300*
Floor area (m <sup>2</sup> )	80	80	65	40*	50*	60*	70*
Frontage on street (m)	15	26	12	36	36	36	36
Building line (m)	6	6	8	8	8	8	8
Side yard (m)	1 and 3**	1 and 3	1 and 3	5	5	5	5
Rear yard (m)	10	10	14	14	14	14	14
<b>Maximum</b>							
Lot coverage (%)	33	33	33	33	33	33	33
Building height (m)	10	10	10	10	10	10	10

\*per unit

\*\*The total distance between buildings must be 4 m; therefore, Council can stagger the sideyards to achieve this minimum requirement.

#### Conditions

- 1) Development must conform to the requirements of Section 3.1.6.
- 2) Buildings on each lot are must be a minimum of 4 metres apart.

**3.7.2 Residential Comprehensive Development Area**

<b>USE ZONE TABLE</b>	
<b>RESIDENTIAL COMPREHENSIVE DEVELOPMENT AREA ZONE</b>	
<b>PERMITTED USES</b>	<b>DISCRETIONARY USES</b>
<p><i>-Non-conforming uses (2.4.3)</i></p> <p><i>-Uses permitted in all zones (2.3.2.5)</i></p>	

- 1) In the CDA-Residential, the applicant must rezone the lands for the appropriate residential zoning to reflect the proposed development. An amendment to the Development Regulations and Land Use zoning map shall be required according to the procedure set out in subsection 1.3.
  
  - 2) The Comprehensive Development Area scheme should incorporate concepts from ‘Smart Growth’, ‘Complete Community’ and ‘Healthy Community’ planning theories, as appropriate, such as:
    - a. Mix of land uses;
    - b. Take advantage of compact building design.
    - c. Create walkable neighbourhoods and a range of housing opportunities and choices;
    - d. Foster distinctive, attractive communities with a strong sense of place;
    - e. Preserve open space, farmland, natural beauty, and critical environmental areas;
    - f. Strengthen and direct development towards existing communities;
    - g. Make development decisions sustainable, predictable, fair, and cost effective.
  
  - 3) Provide for a range of discretionary uses that complement the concept of a complete community, such as home-based businesses, urban agriculture, subsidiary apartments;
  - 4) Consider the impact of the bulk and scale of proposed non-commercial uses adjacent to residential designations to ensure: that development does not adversely affect the residential character and amenity of the area; provision of adequate space for on-site parking, loading, and buffering is provided;
  - 5) Manage residential development in a manner that preserves and protects sensitive environments and natural areas by requiring areas to be zoned appropriately for conservation purposes, ‘environmental protection’ or ‘open space, parks and trails’ in new developments;
  - 6) Ensure that landscaping requirements are set out in the development permit and that the application addresses how the owner proposes to preserve the scenic quality of the neighbourhood.
  - 7) Allow for provisions regarding alternative energy within a built-up residential area which shall be limited to a single energy-generation unit that serves an individual property;
  - 8) Requires conformance to Chapter 7 – Subdivision of Land.
- 3.
- 4.

### 3.8 RURAL

USE ZONE TABLE : RURAL ZONE	
PERMITTED USES	DISCRETIONARY USES
<ul style="list-style-type: none"> <li>-Commercial Agriculture (4.2.1)</li> <li>-Hobby Farm (4.2.2.5)</li> <li>-Forestry Activities (4.4.7)</li> <li>-Mineral Exploration (4.4.12)</li> <li>-Mineral Working (4.4.13)</li> <li>-Conservation (4.5)</li> <li>-Natural Resource-Related industries</li> <li>-Cottage (4.7.6)</li> <li>-Contractor- General (4.4.4)</li> <li>-Protective and Emergency Services (4.6.3)</li> <li>-Resort (4.2.25)</li> <li>-Domestic sawmill (4.4.18)</li>   <li>-Uses set out in 3.1.5</li> </ul>	<ul style="list-style-type: none"> <li>-Veterinary Clinic (4.3.30)</li> <li>-Outdoor Market (4.3.22)</li> <li>-Cemetery (4.6.1)</li> <li>-Campground (4.3.9)</li> <li>-Public Gathering – Indoor (4.6.4)</li> <li>-Public Gathering – Outdoor (4.6.5)</li> <li>-Amusement Park/Attraction (4.3.1)</li> <li>-Service Station (4.3.29)</li> <li>-Kennel (4.2.2.4)</li> <li>-Marina (4.3.18)</li> <li>-Residential: (1) Single detached dwelling only in association with a permitted use (4.7.2)</li> <li>-Heavy or hazardous industry</li> </ul>

#### Conditions

- 1) Development must conform to the requirements of Section 3.1.6;
- 2) Any applications within the Agricultural Development Area must be referred to the Land Resource Stewardship Division
- 3) No municipal services shall be provided. However, the Town may allow a connection where the development is immediately adjacent to the service, and the Town deems the connection necessary.
- 4) The Development standards are at the discretion of Council.

## **4.0 LAND USE DEFINITIONS AND REGULATIONS**

### **4.1 INTERPRETATION**

The land use definitions provide a description of the use or development in terms of its structural form and level of activity generated in terms of pedestrian or vehicular traffic, noise, visual appearance, and any other considerations that constitute the impact the neighbourhood, street or zone in which it occurs. The examples provided are not intended to be exhaustive so that if a new use with a modern 'label' fits a category of use defined under a land use class, Council may apply the relevant the regulations and conditions accordingly.

Wherever possible, the goal was to achieve consistency with federal and provincial terminology and definitions.

### **4.2 AGRICULTURE LAND USE CLASS**

#### **4.2.1 Commercial Agriculture**

**Definition:** Commercial Agriculture means a farm operation as specified in the *Farm Practices Protection Act, 2000*.

**Conditions:**

- 1) No structure for a Livestock and Poultry Farm Operation shall be erected or used unless it complies with the following conditions. (Environmental Farm Practices Guidelines for Livestock Producers in Newfoundland and Labrador and Environmental Farm Practices Guidelines for Poultry Producers in Newfoundland and Labrador);
- 2) The structure shall be at least 600 metres from:
  - a. a residence (except a farm residence or a residence which is a nonconforming use in any zone in which agriculture is a permitted use class in the Use Zone Schedules of these Regulations),
  - b. an area designated for residential use in an approved Plan, and
  - c. a Provincial or Federal Park.
- 3) The structure shall be at least 45 metres from the boundary of the property on which it is to be erected.
- 4) The structure shall be at least 90 metres from the centre line of a street.
- 5) The erection of the structure shall be approved by the Land Resource Stewardship Resource Division, Government of Newfoundland and Labrador.
- 6) Manure storage must be located 100 metres from the boundary of the property; Service NL must approve all manure systems
- 7) No development for residential use shall be permitted within 600 m of an existing structure designed to contain more than five animal units unless the development is first approved by the Land Resource Stewardship Resource Division, Government of Newfoundland and Labrador.
- 8) Approvals must be obtained from the Land Resource Stewardship Resource Division, Government of Newfoundland and Labrador for any commercial farming operation.
- 9) The Town, in its discretion, may refuse to issue a permit for an agricultural operation where in its opinion the use is likely to create an environmental hazard or a nuisance to residences in the general vicinity of the proposed agricultural use.

- 5) On lots smaller than 0.4 hectares, but greater than 550 m<sup>2</sup>: 6 chickens, no roosters; no more than 2 adult rabbits at any given time; potbelly pig-1; or 1 goat;
- 6) Caring for Livestock: Owners of livestock and domestic animals must ensure that the animals are contained (through fencing, etc.) on their property. All animal owners are responsible for the care and welfare of the animals they own. This includes providing adequate food, water, shelter, veterinary care and living conditions. The town reserves the right to establish minimum standards. Should town receive a complaint, the town shall contact the appropriate authority.

#### **4.2.2.4 Kennel**

**Definition:** Kennel means a building or portion thereof used for the keeping or boarding of more than eight (8) domestic animals, excluding livestock, kept for the purposes of commercial breeding or showing, or for personal use, with or without veterinary care, and includes an animal shelter.

**Conditions:**

- 1) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties;
- 2) The outside perimeter of all areas related to the kennel where animals are kept shall be enclosed by a solid fence or fence and a solid hedge at least 1.8 metres in height to screen the areas from adjacent properties;
- 3) The kennel must be located on a lot of 2 hectares or more;
- 4) All buildings related to the kennel should contain at least 8 cm of insulation in all exterior walls and ceiling for the purpose of soundproofing;
- 5) All buildings, pens and runs shall be sited not less than 15 metres from any property line, and 90 metres from any residence except the kennel site; and,
- 6) Council shall be satisfied that the kennel shall not impact upon surrounding residential neighbourhoods.

#### **4.2.2.5 Hobby Farm**

**Definition:** Hobby Farm means a small farm that is maintained without expectation of being a primary source of income. Some are merely to provide some recreational land, and perhaps a few horses for the family's children. Others are managed as working farms for sideline income, or are even run at an ongoing loss as a lifestyle choice by people with the means to do so, functioning more like a country home than a business. Hobby farms are allowed in the Rural zone.

**Condition:** Subject to the requirement of the Land Resource Stewardship Division.

- 5) Must apply measures to minimize any noise, spray or fumes through the installation of appropriate equipment; and all waste fluids and tires shall be disposed of in accordance with applicable provincial regulations;
- 6) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties; and,
- 7) Council may require a parking area abutting a residential lot to be screened by a fence, wall, or hedge of height not less than 1 metre and located a minimum distance of 1 metre from the edge of the parking area.

#### **4.3.4 Automotive Repair Shop**

**Definition:** An automotive repair shop means a development for the servicing and repair of motor vehicles. This definition includes but is not limited to transmission repair shops, muffler repair shops, tire shops, automotive glass shops, auto body repair, painting and detailing, and automotive upholstery shops, but does not include an automotive sales establishment, a service station, or salvage or wrecking and recycling yard.

**Conditions:**

- 1) Must meet Use Zone Site Development Standards and conditions;
- 2) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties;
- 3) There shall be no outdoor storage of inoperable vehicles on the premises and no scrapping of vehicles shall be permitted;
- 4) Outline measures to minimize any noise, spray or fumes through the installation of appropriate equipment; all waste fluids and tires shall be disposed of in accordance with applicable provincial regulations;
- 5) A minimum buffer between residential use and vehicle repair, body repair, car wash shall not be located closer than 20 metres from residential use; and,
- 6) Council may require a parking area abutting a residential lot to be screened by a fence, wall, or hedge of height not less than 1 metre and located a minimum distance of 1 metre from the edge of the parking area.

#### **4.3.5 Automotive Sales and Service Establishment**

**Definition:** An automotive sales and service establishment means a lot, building or structure used for the display and sale of new or new and used motor vehicles, including trucks and mobile homes; and may include the servicing, repair, cleaning, polishing, and lubrication of motor vehicles; the sale of automotive accessories and related products; and the leasing or renting of motor vehicles.

**Conditions:**

- 1) A Planned Unit Development application (2.2.2 & 2.2.4), shall include the following:
  - a. the number and location of parking spaces,
  - b. ingress and egress of the parking lot,
  - c. motor vehicle circulation pattern around the lot,
  - d. location of any building on the lot,
  - e. area to be landscaped and screened and the type of landscaping to be used, and
  - f. customer parking in accordance with these regulations.

#### **4.3.9 Campground, including RV campgrounds**

**Definition:** Campground (including RV campgrounds) means a public or privately-operated facility offering overnight to seasonal camping experiences for 3 or more tent sites or serviced recreational vehicle sites, associated rental cabins, and including accessory administrative offices, convenience store, laundry facilities, sanitary facilities, recreational hall and associated recreational uses that cater to short-term guests, not to year-round residents and does not include industrial, work or construction camps or permanent mobile home or mini-home parks;

**Conditions:**

- 1) A proposed campground, including trailer and Recreational Vehicle park, shall require a Planned Unit Development application (2.2.2 & 2.2.4) satisfactory to Council containing the following information:
  - a. Location and size of camp and trailer sites
  - b. Internal roads and accesses and parking areas
  - c. Parking areas for proposed campground
  - d. Accessory uses such as laundry facilities, storage areas, washrooms, showers, convenience store, staff accommodations, and outdoor and indoor recreation facilities
  - e. Water supply and waste disposal
  - f. Landscaping for proposed campground
  - g. Buffers and screening between the site and other nearby land uses
  - h. Delineation of the property to be developed on a legal survey
  - i. Where deemed necessary by Council, a phasing plan for development.
  - j. On-site water and sewer services must meet minimum standards required by Council and relevant Provincial agencies.
  - k. Washroom facilities, recreational areas, parking areas, and similar facilities directly associated with the development shall not be located on separate properties.
- 2) All camp sites and on-site facilities that form part of the development shall be accessible only via the internal road network of the development.
- 3) The development permit shall specify the maximum number of campsites for different uses such as tents, trailers, and RVs that shall be permitted on the site.
- 4) No expansion or alteration of a campground, other than repairs and maintenance, shall take place without the approval of Council.
- 5) The operation shall comply with all regulations of Council pertaining to noise and unruly behaviour.
- 6) Where deemed necessary by Council, a deposit sufficient to cover the cost of buffers and screening shall be deposited with Council until the work is completed in accordance with the approved plan.

#### **4.3.10 Child Care – Non-residential (Note: residential child care is under Home Business)**

**Definition:** Child care – Non-residential means a building or part of a building in which personal care services are regularly provided to children for group day care, family day care, pre-school, play school, out-of-school care, specialized day care, and emergency day care, all as licensed and regulated by the Province of Newfoundland and Labrador, but does not include a school as defined by the *Schools Act, 1997* (Note: child care - residential is found in section 5.4)

**Conditions:**

- 1) A Child Care Centre shall be duly licensed and approved, staffed, equipped and operated in accordance with the requirements of the agencies having jurisdiction or authority;

- a. A Take-Out Food Use should have a parking area or stacking lane with a minimum length before the pick-up window, as determined by Council during the review of the application based on the anticipated on the level of traffic to be generated as indicated in the application;
- b. Order boards and signage shall be designed to minimize impact on adjacent residential or institutional uses.
- c. As determined by Council: A buffer consisting of a sound-proof fence and landscaping may be required adjacent to residential uses. A fence, berm, and landscaping or a combination of these elements shall be used to reduce headlight glare, lighting, and noise from the Take Out; garbage receptacles shall be placed either before the pick-up window or after the pickup window.

#### **4.3.14 Custom Manufacturing Service and Sales (small/artisan)**

**Definition:** Custom manufacturing service (small/artisan) means a building where goods are stored, produced, assembled, or repaired to consumer specifications and sold at retail on the premises and may include, but not limited to, welding, sheet metal, woodworking, flooring and tile contractors, and machine shop.

**Conditions:**

- 1) Must meet Use Zone Site Development Standards and conditions;
- 2) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties;

#### **4.3.15 Garage, Public parking /taxi stand**

**Definition:** Garage, public parking/taxi stand means a building or area other than a private garage where motor vehicles are kept or stored for remuneration which does not include any automatic car washing establishment, a motor vehicle sales establishment or an automobile service station.

**Conditions:**

- 1) Must meet Use Zone Site Development Standards and conditions;
- 2) Recommend that it is located 20 metres from residential uses; and appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties;

#### **4.3.16 General Service/Repair Shop**

**Definition:** General Service/repair shop means an outlet for servicing, repairing, installing, or renting items and equipment, without limiting the generality of the foregoing, includes but is not limited to the following examples, radio, television, and computer service and repair shops; locksmith shops; small appliance service or repair shops; household and limited contractor service or repair shops; tools and equipment rental shops.

**Conditions:**

- 1) Must meet Use Zone Site Development Standards and conditions
- 2) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties.

- 7) Wharf/Boathouse/Slipway/Breakwater structures shall follow the guidelines for the *Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses*.
- 8) The Applicant must obtain a permit under of the *Water Resources Act, 2002* under Section 48 for any infilling or dredging work associated with these structures or other works near or in any body of water prior to the start of construction. Contact: Manager, Water Rights & Investigations Section - (709) 729-4795

#### **4.3.19 Medical or Dental Clinic/Office**

**Definition:** Medical or dental clinic/office means a building or part thereof used by qualified physicians, dentists, osteopaths, counselors, or other drugless practitioners, including their staff and patients, for the purpose of out-patient consultation, diagnosis and office treatment. A medical clinic may include accessory uses such as waiting and treatment rooms, laboratories, dispensaries and administrative offices. A medical clinic does not include accommodation for overnight patient care or operating room facilities.

**Conditions:**

- 1) Must meet Use Zone Site Development Standards and conditions

#### **4.3.20 Motel**

**Definition:** Motel means an establishment providing accommodation for travelers or the transient public that consists of one or more than one building containing four or more attached accommodation units accessible from the exterior only and may or may not have facilities for serving meals.

**Conditions:**

- 1) Required to submit a Planned Unit Development application (2.2.2 & 2.2.4.)
- 2) Must meet Use Zone Site Development Standards and conditions.
- 3) The Motel must be approved by the Government of Newfoundland and Labrador.
- 4) Units may be rented on a temporary basis but not as an open-ended monthly apartment.
- 5) A Motel unit is for temporary accommodation. The unit is not a place of residence or dwelling. No individual can abide in the units in a particular Motel for more than three months out of every calendar year.
- 6) Housekeeping services including cleaning, provision of clean linen and towels (daily or weekly) shall be provided.
- 7) Access to units may be through or associated with a clearly defined lobby or exterior access to units can be provided as long as access to each unit is from a common parking lot on the site,
- 8) Units shall not have individual driveways to the street. Parking shall be provided in a parking lot with parking spaces and aisles and access for the overall parking lot to the street.
- 9) The Motel shall have an overall cohesive design including a prominent lobby, pleasant appearance from the street, clear parking lot street entrance and design with a dust free surface, and landscaping (trees, shrubs, lawn) in setbacks and open areas.
- 10) There shall not be separate utility connections or utility billing or addressing for individual rooms.

#### **4.3.23 Personal Service**

**Definition:** Personal service means a building or part of a building used for the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects; and where the sale of retail of goods, wares, merchandise, articles, or things is only accessory to the provisions of such service. Examples include, but are not limited to, barbershops, hairdressers, beauty salons, health and wellness centres/spas, tanning salons, tattoo parlours, tailors, dressmakers, photography studio, music studio, tattoo shop, handmade crafts, shoe repair shops, and dry-cleaning establishments and laundromats. This Use Class does not include medical and dental clinics and excludes any manufacturing or fabrication of goods for sale.

**Conditions:**

- (1) Must meet Use Zone Site Development Standards and conditions

#### **4.3.24 Offices: Professional, Financial and Associated Support Services**

**Definition:** Offices (professional, financial and associated support services) means development primarily used for the provision of professional, management, administrative, consulting, and financial services, but does not include medical or dental clinics or government services. Typical Uses include, but are not limited to: the offices of lawyers, accountants, engineers, and architects; offices for real estate and insurance firms; clerical, secretarial, employment, telephone answering, and similar office support services; and banks, credit unions, loan offices and similar financial uses.

**Conditions:**

- (1) Must meet Use Zone Site Development Standards and conditions.

#### **4.3.25 Resort – Tourist Establishment**

**Definition:** Resort means the use of land, buildings and structures that may provide sleeping accommodations, communal or individual facilities for cooking and serving of meals for guests or a restaurant and provide recreation uses, such as golfing, tennis, lawn bowling, marinas, health spa, swimming pools, angling and other watersport activities, hunting and recreational shooting, cross-country skiing, sightseeing, camping, hiking, indoor recreational activities and other similar uses, plus gift and craft shops and the furnishing of equipment, supplies or services to guests in connection with any of the foregoing activities and may include accommodation for the operator and staff. This category also includes commercial rental cottages or a tourist cabin development.

**Conditions:**

- 1) Required to submit a Planned Unit Development application (2.2.2 & 2.2.4)
- 2) Must meet Use Zone Site Development Standards and conditions

#### **4.3.26 Restaurants**

##### **4.3.26.1 Drive-Through and Take-Out**

**Definition:** Restaurant -drive-through and take-out means a building designed to allow drivers to remain in their vehicles before and during an activity on the site. Food and drink are prepared then sold to the

#### 4.3.26.3 Mobile Take-Out or Street Vendor

**Definition:** Restaurant-mobile take-out or street vendor means a mobile food preparation motorized vehicle or non-motorized cart offering food and non-alcoholic beverages for immediate consumption that subject to the requirements of the *Municipalities Act, 1999* and the *Highway Traffic Act, 1990*.

**Conditions:**

The use of land for the parking of a vehicle or trailer for a period of time for vending purposes, including the sale of refreshment shall be subject to the following conditions:

- 1) The parking of a vehicle or trailer for vending or office purposes should only be permitted as a subsidiary use on a lot with an existing principal building.
- 2) The parking of a vehicle or trailer shall not be located on any required landscaped yards.
- 3) The parking of a vehicle or trailer shall only be permitted if the lot has a sufficient parking area to accommodate the parking requirements of the principal building or use on the lot and the subsidiary vehicle or trailer use with its associated parking.
- 4) The parking of a vehicle or trailer shall not hinder lot access or egress or create an obstruction to vehicles entering or exiting the lot.
- 5) If a vehicle or trailer is used for the purpose of the preparation, cooking, and/or sale of food and/or refreshments, the following approvals are required prior to the placement of the vehicle or trailer on the lot:
  - a. approval from the Fire Department regarding the appliances to be used and the required fire suppression measures, and
  - b. approval from the Service NL regarding the storage and preparation of food and/or refreshments.
- 6) A vehicle or trailer may be required to provide, or have access to, washroom facilities as determined by Council.
- 7) Council shall limit the length of the Development Permit to a maximum of one year and the permit may be renewed on an annual basis if the applicant wishes to continue the use.

#### 4.3.27 Retail

**Definition:** Retail means a building or part of a building used for the retail or consignment sale of goods, wares, substances, or merchandise directly to the public within an enclosed building, including, but not limited to, a drug store, bakery appliance or clothing store or art studio and shop. This use class does not include the sale of gasoline, heavy agricultural and industrial equipment, wholesale goods, automotive and recreation vehicle sales/rentals, flea market, gas bars, greenhouses, plant nurseries and market gardens, service stations, and box store or warehouse sales. Accessory uses may include the assembly or repair of products sold on site or public services such as postal services or pharmacy.

**Conditions:**

- 1) Must meet Use Zone Site Development Standards and conditions

#### 4.3.28 Shopping Centres/ Retail Warehouse/Strip Mall:

**Definition:** Shopping Centres/Retail Warehouse means a large single-level individual store with a minimum of 1000 m<sup>2</sup> gross retail floor space or a condominium-style row development of stores (strip

#### **4.3.29.1 Service Station – Residential**

**Definition:** Service Station-Residential is a Service Station as defined above which may have a convenience store, snack bar or drive-through or take-out restaurant subordinate to the main use but is not a truck stop (as in a Service Station – Highway).

**Condition:**

- 1) All Service station requirements apply;

#### **4.3.29.2 Service Station –Highway**

**Definition:** Service Station-Highway means a Service Station which includes a full restaurant, convenience store and other services for the travelling public; and may include a truck stop and services for transport trucks.

**Conditions:**

- 1) All Service station requirements apply;
- 2) Required to submit a Planned Unit Development application (2.2.2 & 2.2.4); and,
- 3) Provide adequate separation of areas intended primarily for trucks from areas for cars, buses, recreational vehicles, vehicle washes, repair areas, trash enclosure areas and other traveler services waste dumping, passive recreation and structures such as a visitor information centre.

#### **4.3.30 Veterinarian Clinic**

**Definition:** Veterinarian Clinic means a building, structure or parts thereof where one or more registered veterinarian surgeons including associated staff provide examinations and surgical or medical treatment to domestic pets, animals or livestock, and may include treatment rooms, laboratories, dispensaries and associated office

**Conditions:**

- 1) Must meet Use Zone Site Development Standards and conditions
- 2) Facilities for the overnight care of animals undergoing treatment may be permitted indoors and is considered incidental to the hospital use.
- 3) A kennel is not permitted in association with a veterinarian clinic.

#### **4.3.31 Mobile Street Vendor (non-food) or office**

**Definition:** A street vendor means a mobile vehicle or non-motorized cart merchandise under the *Municipalities Act, 1999* and the *Highway Traffic Act, 1990*.

**Conditions:**

The use of land for the parking of a vehicle or trailer for a period of time for vending purposes, including the sale of refreshment shall be subject to the following conditions:

- 1) The parking of a vehicle or trailer for selling or office purposes should only be permitted as a subsidiary use on a lot with an existing principal building.
- 2) The parking of a vehicle or trailer shall not be located on any required landscaped yards.

#### **4.4.3 Composting Facility**

**Definition:** Composting facility means a processing use that converts solid waste, including plant debris, decayed organic matter, municipal solid waste or agricultural waste, into a material to be used sold for the purpose of fertilizing and conditioning the soil for growing produce and nursery plantings.

**Conditions:**

- 1) Must meet Use Zone Site Development Standards and conditions
- 2) Recommend special attention to storage

#### **4.4.4 Contractor, General**

**Definition:** Contractor, General means development used for the provision of building construction, landscaping, concrete, and electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles including heavy equipment, temporary storage containers, construction trailers, and temporary office trailers normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal general contractor service only. This use class does not include professional, financial and associated support services.

**Conditions:**

- 1) Must meet Use Zone Site Development Standards and conditions

#### **4.4.5 Energy Generation Facilities**

**Definition:** Energy generation facilities means a facility constructed for the purpose of generating electrical energy from wind, solar or small hydro means.

##### **4.4.5.1 General Conditions**

- 1) Required to submit a Planned Unit Development Application (2.2.2 & 2.2.4);
- 2) Must meet Use Zone Site Development Standards and conditions;
- 3) The following requirements shall apply to wind, solar, and small hydro generating facilities:
  - a. Energy utilities are subject to the approval of relevant provincial and federal departments, agencies, and public utilities, including the Department of Industry, Energy and Technology and Transport Canada. The design and location of such utilities should take into consideration their impact on nearby land uses and persons, the environment, archaeological resources, and other matters that Council may deem to be significant.
  - b. A wind, solar, or small hydro generator within a built-up residential area shall be limited to a single unit that serves an individual property.
  - c. An adequate separation distance shall be maintained between wind generators and nearby buildings and structures to prevent damage to persons and properties due to a failure of a generator or any of its components or the shedding of ice.
  - d. Unless specifically exempted by Council or other relevant agencies, the design, construction and location of an energy utility shall be certified by a professional engineer who has consulted with the required agencies.

#### 4.4.7 Forestry Activities

**Definition:** Forestry activities have the meaning as defined in the *Forestry Act, 1990*. This includes forest harvesting, road building and silviculture activities.

**Conditions:**

- 1) Required to submit a Planned Unit Development application (2.2.2 & 2.2.4), or a Forestry Management Plan and to submit, every year, the annual operating plan;
- 2) Must meet Use Zone Site Development standards and conditions;
- 3) Permits for commercial and domestic woodcutting or other forestry related activities must be obtained from the Regional Forestry Office, Government of Newfoundland and Labrador;
- 4) All commercial harvesting operators must apply for a development permit.

#### 4.4.8 Industrial - General

**Definition:** Industrial General means development used principally for one or more of the following activities:

- a. the processing of raw materials;
- b. the making, manufacturing or assembling of semi-finished or finished goods, products or equipment;
- c. the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in non-industrial zones;
- d. the storage or trans-shipping of materials, goods and equipment;
- e. the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or resale;
- f. transport establishments, which include the use of land, buildings, structures or parts thereof, where commercially licensed trucks, transports and buses are rented, leased, loaded or unloaded, serviced or repaired kept for hire, stored or parked for dispatching as common carriers or where goods are temporarily stored for further shipment. Fuel and petroleum products may be dispensed and parts and accessories sold;
- g. data centres (building(s) that house computing facilities like servers, routers, switches and firewalls, as well as supporting components like backup equipment, fire suppression facilities and air conditioning); or
- h. the training of personnel in general industrial operations.

Examples include, but are not limited to, factories, fish processing plants, marine service centres, cold storage plants, freight depots, concrete plant, general garage, industrial-related warehouses, welding shops, vehicle body repair and paint shops/depots, and similar uses. This use class does not include utility services or the preparation of food and beverages for direct sale to the public.

**Conditions:**

- 1) Required to submit a Planned Unit Development application (2.2.2 & 2.2.4)
- 2) Must meet Use Zone Site Development Standards and conditions
- 3) Minimum of 2 access points for access/egress;
- 4) Surface runoff shall be directed to an oil/water separator before being discharged into a storm sewer or other drainage system;

- 3) Light industry uses may must be conducted and wholly contained within an enclosed building and shall not be obnoxious by reason of noise, vibration, odour, dust, smoke, unsightly outdoor storage, refuse matter, or water carried waste. Such uses shall not involve the use of chemical processes which result in the emission of gases, use of significant volumes of water or which generate significant levels of truck traffic.

#### 4.4.11 Industrial Mall

**Definition:** Industrial mall means a building or a group of buildings designed, developed, owned and managed as a unit in which separate spaces are leased or occupied by permitted industrial uses. No more than 30 percent of the gross floor area of an industrial mall is used for accessory office or related commercial uses.

**Conditions:**

- 1) Required to submit a Planned Unit Development Application (2.2.2 & 2.2.4)
- 2) Must meet Use Zone Site Development Standards and conditions

#### 4.4.12 Mineral Exploration

**Definition:** Mineral shall be defined as the search for and sampling of minerals or quarry materials where the activity or activities involved meet the definition of "development" under the *Urban and Rural Planning Act, 2000*. "Mineral" and "quarry material" for the purpose of interpreting the definition of mineral exploration (development) are as defined in the provincial *Mineral Act, 1990* and *Quarry Materials Act, 1998*, respectively. Mineral exploration does not include mining or mineral working (e.g., quarrying). Activities which meet the definition of mineral exploration (development) are to be contrasted with mineral exploration activities that do not meet the definition of development, examples of which typically include traditional prospecting, geochemical sampling surveys (of rock, soil, sediment, water, or vegetation), ground-based and airborne geophysical surveys, and the cutting of survey lines.

For the purposes of municipal planning, exploration for quarry materials (e.g., sand, gravel) should be considered a form of mineral exploration and included in the definition of mineral exploration.

Note that under Sections 12 and 13 of the *Mineral Act, 1990*, no exploration can be undertaken on private land without the owner's consent (unless by Ministerial Order).

The Mineral Lands Division, Mines Branch administers the *Mineral Act, 1990* under which mineral licences are issued and within the bounds of which mineral exploration may be approved by the issuance of an "exploration approval". Exploration approvals are generally issued for no longer than one year. Applications for exploration approval involving areas within a municipal planning area and where the activities proposed may involve ground disturbance, wildlife disturbance, water quality impairments, or foreseeable land use conflict, are referred to the municipality (in addition to other government agencies), and terms and conditions are drafted to address any specific concerns raised during the referral process.

**Conditions:**

- 1) Must meet Use Zone Site Development Standards and conditions;
- 2) ***Mineral exploration that does not meet the definition of 'Development'***: Mineral exploration that does not meet the definition of 'Development' and does not involve appreciable ground

**Conditions**

- 1) For approved developments where the extraction of quarry materials is occurring or may be expected occur, the Town shall send a copy of the development permit to the Mineral Lands Division. (Note that quarry materials include but are not limited to aggregate, fill, rock, stone, gravel, sand, clay, borrow material, topsoil, overburden, subsoil, peat).
- 2) Quarry materials produced as a by-product of an approved development may be removed from the development site provided that royalties are paid to the province as required by the *Quarry Materials Act, 1998*. For example, site preparation to construct a building involves removing topsoil, overburden, and possibly rock from the footprint area; these materials may be retained or re-used on the development site (no royalties due) or removed from the site (royalties due). In order to ensure that royalties due the province are paid; it is necessary that the Department of Industry, Energy and Technology be made aware of approved developments where the removal of quarry materials is taking place or may take place.
- 3) The environmental standards in the Mineral Regulations under the *Mineral Act, 1990* shall apply.
- 4) Council shall be satisfied that the mineral working areas shall not create a nuisance –and shall not adversely affect the amenity of the specified development or natural feature, no mineral working shall be located closer than the minimum distances set out below to the specified development or natural feature by implementing the following buffers:

**Minimum Buffer Distance of Pit and Quarry Workings (m=metres)**

5. From existing or proposed Residential Development:
  - where no blasting is involved                    300 m
  - where blasting is involved                        1000 m
6. From any other developed area or area likely to be developed during the life of the pit or quarry working.....150 m
  - From a Public highway or street.....50 m
  - From a Protected Road..... 90 m
  - From a Waterbody or watercourse.....50 m

Note: where a minimum required distance was originally observed when choosing the location of the quarry, quarrying should not be discontinued or impeded where the buffer is reduced due to encroachment of development towards the quarry.

**4.4.14 Mining**

**Definition:** Mining shall be defined as an operation involving the extraction of a mineral for sale and for which a mining lease is required under the provincial *Mineral Act, 1990* administered by the Department of Industry, Energy, and Technology. "Mineral" for the purpose of interpreting the definition of mining is as defined under the *Mineral Act, 1990*. Mining may include, as secondary activities, mineral exploration (development) and mineral working. Note that under the Mineral Act, dimension stone (i.e., stone used

storage/processing facilities, farm machinery sales and service outlets, feed and seed warehouse and associated retail outlets, including a nursery or garden centre.

**Condition:** (1) Must meet Use Zone Site Development Standards and conditions;

#### **4.4.16 Salvage/Scrap Yard**

**Definition:** Salvage/scrap yard means an area of land or lot including any building or structure used for the receipt, storage, sale, re-sale and processing of waste or surplus automobile, transportation vehicles or industrial equipment, including any parts or pieces that have been removed, but does not include a solid waste recycling/disposal and composting site.

**Conditions:**

- 1) Must meet Use Zone Site Development Standards and conditions
- 2) A scrap yard or solid waste storage or disposal site shall be screened in the following manner where it is visible from a public street or highway, developed area, or area likely to be developed during the life of the use:
  - a. Where tree screens exist between the use and adjacent public highways and streets or other land uses (excepting forestry and agriculture), the tree screens should be retained in a 30-m-wide strip of vegetation so that visibility of any part of the use from the surrounding uses or streets shall be prevented. The tree screens must be maintained by the owner or occupier of the use to retain 30 metres in a forested appearance.
  - b. Where vegetation dies or is removed from the 30 m strip, the Council may require new trees of a minimum height of 1 metre be planted to fill in the areas affected to the satisfaction of the Council or, at the discretion of the Council, where no tree screens exist of sufficient width and density to constitute a visual screen, earthen berm should be constructed to a height sufficient to prevent visibility of any part of the use from adjacent uses (exception forestry and agriculture) or adjacent public highways and streets. The berm shall be landscaped to the Council's satisfaction.
  - c. It is recommended that a visual screen fence satisfactory to the Town of at least 2.4 metres in height be erected around the area used for outdoor storage;
  - d. Where it is located within or adjacent to a commercial, residential or institutional area or development, there is no outdoor storage;
- 3) Unless the Council is satisfied that the use shall not create a nuisance and shall not adversely affect the amenity of the specified development or natural feature, no scrap yard or solid waste storage or disposal site shall be located closer than the minimum distances set out below to the specified development or natural features:
  - a. Existing or proposed Residential Development - 300 metres
  - b. Any other developed area or area likely to be developed during the life of the scrap yard or solid waste storage or disposal site- 150 metres
  - c. Public highway or street- 50 metres
  - d. Protected road - 90 metres
  - e. Water body or watercourse- 50 metres

## 4.5 CONSERVATION LAND USE CLASS

### 4.5.1 Environmental Protection

**Definition:** Environmental protection area means areas where development is restricted due to the natural features of the site for purposes of conservation or protection of habitat, wetlands, resource management, viewsapes or other special designations under legislation; or site unsuitability due to erosion control, steep slopes, flood control and water supply protection.

**Conditions:**

- 1) Must meet Use Zone Site Development Standards and conditions;
- 2) Nothing in these Regulations shall prevent the designation of environmental protection areas in any zone;
- 3) Council shall not permit development vulnerable to flooding in areas known to be subject to local flooding;
- 4) Require that development is limited to:
  - a. passive recreation facilities such as walking or nature trails, and associated interpretation programs do not have an adverse impact on the natural environment and residential properties; and,
  - b. wharves, boathouses, slips , dock or breakwater, subject to Council discretion; or,
  - c. development associated with scientific work related to environmental research and monitoring of conditions.
- 5) The Town may require that any development near a designated trail or water course be reviewed by the Town to ensure that development does not negatively impact such trail or watercourse. Where deemed necessary, the Town may require that the buffer be provided by the developer.

### 4.5.2 Open Space, Parks and Trails

**Definition:** 'Open space, parks and trails' means a generally undeveloped space or environmentally sensitive area maintained for the preservation of natural heritage, wildlife and the environment where the quality of the environment and naturalness of an area is the focus of the recreational experience; activities and development are limited to trails, picnic areas, playgrounds and associated signage.

**Conditions:**

- 1) Must meet Use Zone Site Development Standards and conditions;
- 2) Nothing in these Regulations shall prevent the designation of parks and playgrounds in any zones provided that such parks and playgrounds are not located in areas which may be hazardous to their use and are not operated for commercial purposes;
- 3) Parks and playgrounds may be located on backland but shall have at least one 5-metre-wide vehicular access directly onto a public street;
- 4) Public toilet facilities associated with a park or trail development requires review by the Council in consultation with Service NL in order to meet provincial regulatory requirements;
- 5) It is recommended that trails have a 3 metres width as a pedestrian corridor with/without use by bicycles;

#### 4.6.2 Institutional Use

**Definition:** Institutional use means the use of land or buildings for public purposes, whether publicly or privately funded, where people may gather in larger numbers to access a regional or a municipal-wide or regional service, including but not limited to:

- a. Hospitals;
- b. Government Offices;
- c. Educational Facilities;
- d. Convention Centres or major cultural centres, such as provincial Arts and Culture Centres;
- e. Recreation Complex, such as an arena, multi-use sports and entertainment centres, roller rinks, swimming pools; and,
- f. Personal Care Facilities (larger than residential home), such as nursing or senior's homes, family and group care centres (see 4.6.2.1 below).

**Conditions:**

- 1) Required to submit a Planned Unit Development application (2.2.2 & 2.2.4)
- 2) Must meet Use Zone Site Development Standards and conditions
- 3) For Personal Care Facilities-Non-residential (Nursing Homes and Family & Group Homes/Care Centres), the following standards apply:
  - a. The development shall be treated as a single planned unit development as set out in Part II of these Regulations, except that the minimum dwelling floor areas, building line setbacks and yards shall be as determined by Council.
  - b. The development shall be tailored to the needs of the persons occupying the development in accordance with their condition.
  - c. The overall design of the development – including road layout, landscaping, building design and location, parking areas, and so forth – shall be attractive and compatible with other uses in the vicinity.
  - d. A single management authority should be responsible for the maintenance of properties within the development.
  - e. Building types can be as necessary to serve the purposes of the development, including a variety of dwelling types, care facilities, and communal facilities such as storage rooms, hobby rooms, workshops, and garages.
  - f. Adequate noise separation shall be maintained between the use and adjoining dwelling units in an apartment building,
  - g. a fire exit for the exclusive use of the facility use shall be provided,
  - h. a separate entrance for the exclusive use of the facility use shall be provided unless the entrance to the use from a common lobby or foyer is immediately adjacent to such lobby or foyer,
  - i. parking as required in these Regulations shall be provided and reserved for the exclusive use of the facility use and identified as such on the parking lot,
  - j. a minimum of 5 m<sup>2</sup> of net floor space per person should be provided for use by the facility users, this aggregate floor space should be utilized for the purpose of group amenity areas and individual rest areas,

#### 4.6.3 Protective and Emergency Services

**Definition:** Protective and emergency services means a development which is required for the public protection of persons and property from injury, harm or damage together with the incidental storage of

- 3) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties;
- 4) The use shall not negatively impact upon the associated activities such that the combined uses create a public safety or health concern or inconvenience.
- 5) The use shall not be permitted in close proximity to a residential area where, in the opinion of Council, the use or its associated activities shall create a nuisance, such as the generation of fumes, noise, vibration, litter, and lighting, affecting the nearby residential area.
- 6) Where it is determined by Council, for public safety and convenience, that fencing is required; the area of the use shall be fenced in accordance with the requirements of Council;
- 7) Where it is determined by Council that washroom facilities are required, the use shall be required to provide washroom facilities in accordance with the requirements of the Service NL and Council;
- 8) Where it is determined by Council, a security deposit shall be required to be submitted to the Town for the cleanup of the site and surrounding area of litter and debris which is generated by the activities or the use. The security deposit shall be returned upon the site and surrounding properties being left in a clean state that is satisfactory to Council.

#### **4.6.6 Sports and Recreation Facilities**

**Definition:** Sports and recreation facilities means land and a building, structure or part thereof, not part of a large institutional building, designed and equipped to be used for athletic and leisure activities, and may include, but not limited to, a health and fitness centre, bowling alley, curling rink; tennis, squash, handball and badminton courts; sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, and informal outdoor recreation, such as, cycle, walking or jogging tracks; but does not include a recreation complex but may include Public Gathering-Outdoor uses.

**Conditions:**

- 1) Must meet Use Zone Site Development Standards and conditions;
- 2) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties;
- 3) Their environmental impact within the site can be contained and minimized;
- 4) The activity is not unduly detrimental to the wider amenity of the area; and,
- 5) The activity does not have a detrimental effect on neighbouring land uses or amenities.

- 3) Commercial uses may be permitted in multiple-unit apartment buildings where:
  - a. The proposed use is located on the ground floor of the apartment building;
  - b. The commercial use shall serve local needs of the residents and surrounding neighbourhood; and,
  - c. The use shall not detract from the residential character of the neighbourhood by virtue of generating excessive noise or traffic.

#### 4.7.5 Cottage

**Definition:** Cottage or cabin means a dwelling unit designed or intended for seasonal or recreational use and is not intended for use as permanent living quarters and does not include a vehicle as defined under the *Highway Traffic Act, 1990*.

**Conditions:**

- 1) Must meet Use Zone Site Development Standards and conditions;
- 2) Must meet building requirements under these Development Regulations, including the National Building Code, etc.
- 3) Remote or accessible (recreational) cottages shall not be eligible for municipal services if such service would be a burden to taxpayers;
- 4) A home in a residential area, used as a seasonal residence, must be maintained to the standard of the neighbourhood as a full-time residence;
- 5) Recreational cottages with road access (usually a resource road) allocated on Crown land should preferably be located within a designated cottage development area by the Lands Branch, Government of Newfoundland and Labrador.
- 6) In the Resource zone, cottages are a discretionary use that may only be permitted if the Town is satisfied that it shall not create an obligation to provide municipal services and that it shall not have a negative impact on resource exploration and development within the Rural zone.

#### 4.7.6 Mini-Home

**(a) MINI-HOME -Definition:** Mini-home means a sectional prefabricated dwelling designed for transportation after fabrication to a site, typically transported by means of flat-bed trucks, and coupled together mechanically and electrically to form a single structure situated on a permanent foundation, either a full basement or crawlspace, or slab on grade, or other acceptable permanent foundation as determined by Council, but does not include a mobile home. Mini homes do not have axles or a chassis. A mini-home shall be >50 m<sup>2</sup>; it is not a tiny home.

**Mini Home Park:** means a development under single or joint ownership, cared for and controlled by an operator where individual mobile or mini home lots are rented or leased with or without units placed on them and where ownership and responsibility for the maintenance and development of site facilities including underground services, access roads, communal areas, snow clearing and garbage collection, or any of the, are the responsibility of park management. It does not travel trailer park, campground or group dwellings.

**Mini-Home Subdivision:** means a development requiring the subdivision of land whether in single or joint ownership into two or more pieces or parcels of land for the purpose of mobile home or mini-home lots and where the maintenance of streets and services is the responsibility of a municipality or public

#### **4.7.8 Non-Market Housing**

Non-market housing is based on the principle that at some point during the development or operation of the housing accommodation, there is an investment by a level of government, private business, or non-profit organization that allows the cost of that housing to be offered to renters or owners at a price that is less than the current market value. There is no single model used for non-market housing.

##### **4.7.8.1 Assisted Living, Residential or Personal care home**

Housing with supports or Independent living or personal care home-residential: Housing for seniors and people with physical and/or mental disabilities that includes on-site hospitality and personal-care support services (i.e., Level 1 & 2 care) and does not include people requiring 'supportive housing' described in 4.7.8.3;

##### **4.7.8.2 Non-profit housing:**

A housing development providing housing for low/no income people who cannot afford market housing; i.e., Newfoundland & Labrador Housing, Co-op housing;

##### **4.7.8.3 Supportive housing:**

Housing that provides on-site supports & services to residents (regardless of age) who cannot live independently for the following reasons:

- Are homeless or at risk of homelessness
- Require supports with mental health and/or addictions, and/or multiple complex needs (i.e., children-at-risk removed from home but not in foster care)
- Recent release from incarceration

This can include a 'group home' - Definition: A personal care home (group home) is a Single Detached Dwelling used for children or young people who cannot live with their families, people of any age with chronic disabilities including be adults or seniors, or people with dementia. Typically, there are no more than six residents. There is at least one trained care-giver onsite 24-hours a day

- c. drainage;
- d. fuel;
- e. electric power;
- f. waste management;
- g. street lighting;
- h. telecommunications,
- i. and includes minor buildings and the thing that is provided for public consumption, benefit, convenience or use but does not include a water treatment plant, sewage treatment plant, solid waste landfill, or power plant (including energy generating facilities in 4.4.4).

**Conditions:**

- 1) Must meet Use Zone Site Development Standards and conditions;
- 2) Water treatment plant, sewage treatment plant, solid waste landfill, or power plant shall be reviewed as required by the development application process for the purposes of establishing conditions for development and ensuring appropriate referrals are made to agencies such as Environmental Assessment Division, Waste Management Division, etc.
- 3) No adverse effect on adjacent land uses is created.
- 4) The size and appearance of such works must be in keeping with adjacent uses; and,
- 5) Provision should be made for buffering in the form of landscaped areas between uses;

## 5.0 ACCESSORY USES & ACCESSORY BUILDINGS AND HOME BUSINESSES

### 5.1 ACCESSORY USES

#### 5.1.1 General accessory Uses

**Definition:** Accessory Use as defined in the Minster's Development Regulations (see Appendix) '...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...';

Examples of accessory or subsidiary uses and buildings to a primary use include, but are not limited to, the following:

- a. facilities for the serving of food and alcoholic beverages in an arena or other public gathering place, adult day care, senior's residence, marina, or hotel;
- b. childcare, catering, convenience and take-out food service maybe permitted as an accessory use to a recreational facility, provided that they are contained within the building envelope of the recreational building;
- c. a gift or souvenir shop in a museum, hotel or other public institutional establishment;
- d. an office, convenience store, or small catering establishment in a campground;
- e. a dock, wharf, slip or stage associated with a permitted use; exception includes a storage building and workshop only if it does not detract from the nature of the neighbourhood;
- f. a storage building or workshop;
- g. a subsidiary apartment which is a separate dwelling unit constructed within and subsidiary to a self-contained dwelling or commercial building;
- h. a home business;
- i. a residence only associated with a resource use, such as a farm house on an agriculture farm operation;
- j. a satellite dish or similar device attached to a building;
- k. a wind generator, solar panel, radio antenna, or similar device;
- l. an office or storage building associated with a commercial building; and,
- m. a workshop or storage building dock associated with an industrial use.

#### **General Condition for all accessory uses:**

- 1) Must conform to Use Zone Table in which the primary permitted use is located;

#### 5.1.2 Subsidiary Apartments

**Definition:** Subsidiary apartment means a separate dwelling unit constructed within, or attached to, and is subsidiary to a single detached dwelling.

#### **Conditions:**

- 1) One subsidiary apartment may be permitted in a single detached dwelling;
- 2) A subsidiary apartment shall be contained within the same building as the primary residential use.
- 3) Council may consider a subsidiary apartment for seniors as a granny suite built as an attachment to the main floor of the principal single detached residential dwelling.
- 4) For the purpose of calculating lot area and yard requirements, the subsidiary apartment shall be considered part of the single detached residential dwelling.

## 5.2 ACCESSORY BUILDINGS

### 5.2.1 Accessory Buildings – General

**Definition:** Accessory Building as defined in the Minster's Development Regulations (see Appendix) includes a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land; examples include:

- **for residential uses**, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television antennae,
- **for commercial uses**, workshops or garages, office or storage building and
- **for industrial uses**, garages, offices, workshop or storage building, raised ramps and docks;

**General Conditions:**

- (1) Accessory buildings are permitted in each use class provided the buildings are clearly incidental and complimentary to the main buildings' character, size and use.
- (2) Accessory buildings shall not be used for human habitation.
- (3) The side yard requirements set out in the applicable Use Zone Tables shall apply to accessory buildings wherever they are located on the lot but accessory buildings on two (2) adjoining properties may be built to property boundaries provided they shall be of fire-resistant construction and have a common firewall.
- (4) Quonset style/steel accessory buildings may be permitted within the Rural and Harbourfront Zones.
- (5) Accessory buildings shall not be located in an easement;

### 5.2.2 Accessory Buildings - Residential Use Classes

**Conditions**

- 1) Location:
  - a. An accessory building shall not be built within any easement area;
  - b. Accessory buildings shall not be located in front of the building line (front yard) on the street which the building has its legal civic address.  
EXCEPT:
    - a. An accessory building on a corner lot may be located in front of the building line on the flanking yard provided the location does not impede visibility on the flanking street, and the accessory building is set back a minimum of 8 m from the flanking street; these accessory buildings are limited to 50 m<sup>2</sup> provided that:
      - i. A public notice has been advertised in accordance with the requirements for Variances;
      - ii. The slope of the lot and/or natural screening effectively blocks the view of the building from the street and adjoining properties. The placement of the building must not negatively affect neighbouring properties; and,
      - iii. A site plan is submitted showing all buildings on the lot including the proposed accessory building.
- 2) Size: The lot coverage for all accessory buildings combined shall not exceed 10% of the lot area and no single accessory building (located in the rear yard ) shall exceed 80 m<sup>2</sup>.
- 3) Setbacks: A minimum of 2 metres from any property boundary; and 2.4 metres from any building;

- 9) For a use that may occur in residential, public/institutional, commercial and industrial zones, a wharf/Boathouse/Slipway/Breakwater is subjected to 5.2.3.3.

#### **5.2.3.2 Trailers**

The use of a trailer as an accessory building shall be permitted within the Industrial Zone, subject to the trailer meeting the following conditions:

- 1) the use of the trailer shall be restricted to storage purposes only;
- 2) the trailer shall not be used for human habitation;
- 3) the trailer should be located in the rear yard of the lot so that it is not visible from the street;
- 4) the trailer should not be permitted to be located in a rear yard which abuts a residential or open space Use Zone;
- 5) the trailer should be placed and anchored on the site in accordance with the requirements of Council;
- 6) the trailer shall be kept in a good condition aesthetically and structurally; and
- 7) if, in the opinion of Council, the appearance and structural soundness of the trailer is unacceptable, the trailer shall be required to be removed from the site immediately.

#### **5.2.3.3 Wharf/Boathouse/Slipway/Breakwater**

- 1) Must meet Use Zone Site Development Conditions;
- 2) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties;
- 3) Wharf/Boathouse/Slipway/Breakwater structures shall follow the guidelines for the *Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses*.
- 4) The Applicant must obtain a permit under of the *Water Resources Act, 2002* under Section 48 for any infilling or dredging work associated with these structures or other works near or in any body of water prior to the start of construction. Contact: Manager, Water Rights & Investigations Section - (709) 729-4795.

- g. Materials and commodities that involve delivery to and from the home-based business residence in such bulk or quantity as to require regular or frequent delivery by a commercial vehicle or trailer;
- h. Business that results in traffic congestion, on street parking overflow, electrical interference, fire hazards or health hazards;
- i. Veterinary clinics, pet breeding and boarding kennels;
- j. Orchestra and band training;
- k. Office uses that generate regular daily visits by clients, as in a clinic;
- l. Public gathering use;
- m. Telephone or mail order sales of goods where customers enter the premises to inspect, purchase or take possession of goods;
- n. The sale of any commodity not produced on the premises, except for personal service-related products;
- o. Warehouse outlet;
- p. Contractors Yards;
- q. Adult Entertainment Uses; and,
- r. Any other use that is not complimentary to the quiet enjoyment of a residential neighbourhood.

**General Development Conditions for Home Businesses:**

- 1) The use is clearly subsidiary to the residential use, does not alter the character of the property or detract from the residential character of the neighbourhood. The primary use of the property remains residential and the scope and intensity of the use classes is entirely compatible with the residential uses of the property and neighbourhood;
- 2) The external appearance of the dwelling or accessory building shall not be changed by the home business.
- 3) Activities associated with the use are not hazardous, and are not a nuisance to the occupants of adjacent dwellings; no mechanical equipment is used except that is reasonably consistent with the use of a dwelling
- 4) No regular parking of commercial vehicles or trailers except for one vehicle with a gross weight of no greater than one tonne shall be permitted.
- 5) The residence is occupied by the operator of the home business.
- 6) The business within the dwelling must be owned and operated by 1 (one) resident of the dwelling. The property owner must authorize an application for a home business by a resident who is not the owner of the property. Working within the residence, the home business is limited to 1 (one) employee or staff in addition to the owner/operator.
- 7) There shall be no wholesale or outdoor storage or display of goods or equipment.
- 8) There shall be no use or storage of hazardous or dangerous materials.
- 9) Any retail sales are incidental and subsidiary to the approved use; no wholesale or retail sale of goods is externally apparent, for example, if sale of crafts occurs, it does not occur through walk-in or drive-in trade. A home-based business is not a retail shop, nor for customer destination wholesale sales.;
- 10) The residential lot has sufficient area to accommodate the parking and loading requirements of the dwelling unit and the home business. In addition to the two required parking spaces for a residential zone use, a home-based business shall provide one additional parking space for each non-resident employee working at such facility. The home base business applicant should provide a site plan that

- (5) A Bed and Breakfast Use is not permitted within a subsidiary apartment, a mobile home or within multi-unit dwellings units in the zones.
- (6) Must conform to Use Zone Table and conditions.

#### **5.3.2.2 Boarding House**

**Definition:** Boarding house or lodging house means a single detached dwelling in which rooms are regularly rented to 3 or more persons other than the immediate family of the owner or tenant. Guests are semi-permanent boarders/lodgers, whereas hotel guests are travelers and transient guests. For clarification, no permit is required for 1 or 2 boarders in a single detached dwelling.

**Conditions:**

- (1) Must conform to Use Zone Table and conditions and General Standards for Home Businesses

#### **5.3.2.3 Day Care: Residential**

**Definition:** Day care or family and group care means a single detached dwelling accommodating up to but no more than six (6) persons exclusive of family or staff receiving care in a home-like setting, for example, group homes, halfway house, child, adult care (seniors) or disabled persons.

**Conditions**

- 1) The section of the street on which the use is located allows sufficient area and sight distance for the safe and convenient drop off and pick up of children without hindering the safety and convenience of vehicular and pedestrian traffic on the street, or the development provides adequate off-street drop off or pick-up spaces satisfactory to Council;
- 2) the use is compatible with nearby uses; that is, the use of the dwelling does not materially differ from, nor adversely affect, the amenities of the adjacent residences, or the neighborhood in which it is located;
- 3) the use shall occupy a maximum of forty percent (40%) of the floor area of the dwelling unit;
- 4) the use should have a maximum of six (6) adult day care users present at any time;
- 5) a minimum of 5 m<sup>2</sup> of net floor space per person should be provided for use by adult day care users, this aggregate floor space should be utilized for the purpose of group amenity areas and individual rest areas;
- 6) the operator of the day care shall maintain the dwelling in which the use is located as his/her primary residence;
- 7) the use shall operate only during the full daytime period between 7:30 a.m. and 6:00 p.m.
- 8) A family group care centre use is permitted in any dwelling or apartment that is adequate in size to accommodate the number of persons living in the group, inclusive of staff, provided that, in the opinion of Council;
- 9) Council may require special access and safety features to be provided for the occupants before occupancy is permitted.

## 6.0 GENERAL REGULATIONS

The following sections contain standards and conditions that may be relevant in any zone for any development, subject to the site location and proposed use or development.

### 6.1 NUISANCE PROHIBITION & BUFFERS & SEPARATION BETWEEN USES AND FENCES

#### 6.2.1 Prohibition on Nuisance, Dangerous or Unsightly Land Use/Development

**Definitions:**

*Nuisance* means activities that created a nuisance by causing or promoting fires or other hazards or which may emit noxious, offensive or dangerous fumes, smoke, gases, radiation, smells, ash, dust or grit, excessive noise or vibration, or create any nuisance that has an unpleasant effect on the senses unless its use is authorized by Council (for example, in the Industrial zones) and any other authority having jurisdiction.

*Dangerous or unsightly* means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing:

- a. ashes, junk, cleaning of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or machinery, or bodies of these or parts thereof,
- b. an accumulation of wood shavings, paper, sawdust, dry and inflammable grass or weeds or other combustible material,
- c. an accumulation or collection of materials or refuse that is stockpiled, hidden, or stored away and is dangerous, unsightly, unhealthy, or offensive to a person, or
- d. any other thing that is dangerous, unsightly, unhealthy or offensive to a person, and includes property, a building or structure with or without structural deficiencies
  - i. that is in a ruinous or dilapidated condition,
  - ii. the condition of which seriously depreciates the value of land or buildings in the vicinity,
  - iii. that is in such a state of non-repair as to be no longer suitable for human habitation or business purposes,
  - iv. that is an allurement to children who may play there to their danger,
  - v. constituting a hazard to the health or safety of the public,
  - vi. that is unsightly in relation to neighbouring properties because the exterior finish of the building or structure is not maintained,
  - vii. that is a fire hazard to itself or to surrounding lands or buildings,
  - viii. that has been excavated or had fill placed on it in a manner that results in a hazard, or
  - ix. that is in a poor state of hygiene or cleanliness;

**Condition:**

1. No building or land shall be used for any purpose which may be a nuisance, dangerous or unsightly.

<b>Separation Between NON-RESIDENTIAL Uses and RESIDENTIAL Uses (m=metres)</b>		
<b>Non-residential uses:</b>	<b>Buffer (m)</b>	<b>Mandatory (M)or Recommended ((R)</b>
Agriculture – farm operation for livestock	600	<b>M</b>
Amusement establishment	45	R
Auto repair, body repair, car wash	20	R
Bar, club, lodge,	100	R
Commercial	3	R
Industrial – general and hazardous	100	R
Industrial – light	10	R
Kennel - > 4 dog runs	215	R
Kennel – four or fewer dog runs	100	R
Mineral working- referral buffer	300	<b>M</b>
Public institutional	3	R
Restaurant – drive through	3	R
Salvage/scrap yard	200	R
Solid waste recycling/disposal & composting sites	300	R
<b>Separation Between NON-RESIDENTIAL Uses and other NON-RESIDENTIAL Uses</b>		
<b>Uses</b>	<b>Separation distance in metres (m)</b>	<b>Mandatory (M)or Recommended (R)</b>
<b>Agriculture farm operation</b>	45 from Centerline of Street	M
<b>Cottage</b>	30 m from Watercourse	M
<b>Mineral working</b>	150 m from proposed development	M
	90 m from Designated Protected Road	M
	50 m from Local public roads	M
	50 m Commercial, public & institutional uses	M
<b>Salvage/scrap yard</b>	100 m from Existing/future commercial areas	M
	25 m Public highway or street	M
	50 m from Watercourse/water body	M
<b>Solid waste recycling/disposal and composting sites</b>	150 m from Potential development areas	R
	50 m from Watercourse/ water body	M
	90 m Class I and II Protected Roads	M
	50 m from Class III and IV Protected Roads & local roads	M

When evaluating the type and location of buffers, Council should consider general wildlife habitat and landscape connectivity for habitat protection. This may include:

- a. Maintaining appropriate riparian buffers, which are natural green belts along wetlands and waterbodies (ponds, rivers, creeks etc.). The Wildlife Division recommends a 30 m minimum undisturbed natural vegetated green belt may be a standard requirement when dealing with

- b. Maximum Height - Building Line and Street Line - Unless required for screening or safety purposes, no fence shall be greater than 0.75 metres in height between the building line and the street line.
  - c. Maximum Height - The maximum height of a fence shall not exceed 1.8 metres except where additional height is required by the Town for screening or security, in which case the maximum height of a fence shall not exceed 2.4 metres.
6. Fence Materials:
- The material or materials used in the erection and repair of a fence, shall only be of a type which meets the approval of the Town.
- a. Electrical Fence: No person shall erect an electrical fence on any land.
  - b. Barbed Wire Fence: No person shall erect a fence consisting wholly or partly of barbed wire or other barbed material.
  - c. Snow Fence:- No person shall erect or maintain a snow fence for the period May 1" to October 31" in any year on land used for residential or commercial purposes.
  - d. Swimming Pool Fence: A fence with a minimum height of 1.8 metres shall be erected and maintained around an open swimming pool that is 300 mm or deeper.

## 6.2 PROVINCIAL INTERESTS

This section outlines the requirements of provincial interests that were referenced in the Interdepartmental Land Use Committee report and mapped on the provincial Land Use Atlas.

### 6.2.1 Overlays on Land Use Zoning Maps

These provincial interests shall be shown as 'overlays' on the Land Use Zoning map. The following requirements apply to these overlays:

**Regional Pasture:** The Bay de Verde Regional Pasture is shown on the Land Use zoning map and any applications for development must be referred to the Land Resources Stewardship Division;

**Protected Road Buffer:** The Building Control Line is established under the *Protected Road Zoning Regulations, 1996*; all development within the Building Control Line, which is 100 metres distant (measured perpendicular) from the centre line of the roadway, must apply for a Development Permit with Service NL.

**Control Monument:** There are approximately 11 survey monuments in the municipal planning area for the Town of Old Perlican. The GIS and Mapping Division is required to be contacted ([GMD@gov.nl.ca](mailto:GMD@gov.nl.ca)) if works within the Town have the potential of disturbing an existing Control Survey Markers. The control monuments shall be indicated on the Land Use Zoning mapping in order to facilitate referral to the GIS and Mapping Division;

**Dump Buffer:** Within this 1.6 kilometre referral buffer around a former waste management site, all development applications must be referred for approval to Digital Government and Service NL.

**Order in Council:** The basin of the harbourfront is subject to Order-in-Council 193 and any development in this area must be referred to the Department of Fisheries, Forestry and Agriculture for comment.

**Newfoundland and Labrador Hydro (NL Hydro) and other utilities:** Any development in the vicinity of the NL Hydro easements or structures must be referred to NL Hydro and other utilities to ensure that there are no conflicts. NL Hydro would like the Town to consult them for all development applications at the time the application is made to the Town. Requests for access roads underneath transmission lines must be made to NL Hydro. Hydro shall not provide service to facilities, building, etc in our right of ways and reserves the right to remove any buildings that impede our upgrade, maintenance or repair work. Any costs to remove impediments shall be at the owner's expense.

**Provincial Archaeology Office:** The Provincial Archaeology Office (PAO) notes that there is potential for additional archaeological sites to be discovered within the Planning Area. The Town shall consult with the PAO during the early planning stages of any major development that involves land use or ground disturbance (on land, or under water) within the Municipal Planning Area. This consultation is necessary to ensure that appropriate measures are taken to protect historic resources, and where deemed necessary, to recommend when archaeological work is required to identify and safeguard any sites yet to be discovered.

When there is an accidental discovery of historic resources, whether an archaeological assessment has been carried out or not, the Town shall contact the Provincial Archaeology Office immediately.

**Digital Government and Service NL (DGSNL):** Council shall refer applications involving the following activities to DGSNL: on-site services, highway signs; electrical permits; building accessibility; access to highways; tanning salon and/or Personal services establishment; Food establishment licence; public markets/farmer's markets; meat plant; pool; wastewater or water system approval; tobacco sales; water supply testing; cemetery; waste management; fuel storage and handling; asphalt, boiler; pressure vessel and compressed gas installation. The Development Regulations shall provide greater detail on: on-site services, highway signs; building accessibility; access to highways.

**Water Resources Management Division:** Council shall protect rivers, streams, ponds, wetlands, riparian areas, and shorelines by ensuring conformance with requirements of the Water Resources Management Division of the Provincial government under the Water Resources Act, 2002 and the Environmental Protection Act, 2002 including Policy Directives: W.R.91-1-Infilling Bodies of Water; W.R. 97-1-Development in Shore Water Zones; W.R. 97-2-Development in Wetlands; and, Guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses;

Council shall ensure that the following permits are obtained from the Water Resources Management Division (WRMD) which is responsible for the management of water resources of the Province of Newfoundland and Labrador under the authority of the *Water Resources Act, SNL2002 cW-4.01*. The WRMD has programs to protect, enhance, conserve, develop, control, and effectively utilize the water resources of the Province. These permits include:

- o **General for any work in any body of water (including wetland):** The proponent must apply for and obtain a permit under the *Water Resources Act, 2002*, specifically Section 48 <http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm> for any work in any body of water (including

- a. the lot area, frontage, front yard, rear yard, and side yards are less than the minimums permitted by these Regulations for the zone in which such lot is located, and
  - b. the lot coverage of all buildings exceeds the maximum permitted by these Regulations for the zone in which such lot is located.
2. Where any part of a lot is required by these Regulations to be reserved as a yard, it shall continue to be so used regardless of any change in the ownership of the lot or any part thereof and shall not be deemed to form part of an adjacent lot for the purpose of computing the area thereof available for building purposes.

### **6.3.2 Unsubdivided Land**

Development is not permitted on unsubdivided land unless sufficient area is reserved to satisfy the yard and other allowances required in the Use Zone in which the property is located. These requirements must be retained when the adjacent land is developed.

### **6.3.3 Lot Fronting on to a Public Street**

No residential, commercial or public building shall be erected on a lot that does not front directly onto a public street unless the subject lot forms part of a planned unit development.

### **6.3.4 Building Line and Setbacks (Refer to Appendix 1)**

1. Council may vary established building lines on an existing or proposed street under 2.4.1 taking into consideration that it:
  - a. does not create an obstruction to other dwellings on the street,
  - b. is sympathetic to the location and setback of adjacent buildings,
  - c. does not create a safety hazard, and
  - d. is not a hindrance to municipal snow clearing or snow storage operations on the street.
2. The building line setback is measured from the front property line;
3. Adequate building setback from roads shall be required in order to maintain road standards, consider public safety requirements for side/back/front yards; and conform to the existing development pattern; and, ensure adequate provision is made for light, privacy, and amenity.
4. Setbacks should be sufficient to allow for landscaping of front yards, vehicle off-street parking and take into consideration Town service obligations, such as, snow clearing;
5. To encourage a more interesting streetscape Council can allow staggered building line setbacks
6. Council, at its discretion, may allow development to complement existing building setbacks of adjoining properties by varying the yard requirements after notification of the proposed variance is given to neighbouring property owners in accordance the section on Variances in these Regulations.
7. If required, the building line as set out in the provincial ***Building Near Highways Regulation*** along any provincial highway, must be adhered to.

### **6.3.5 Flanking or Corner lots and double fronting lots**

In the case of a corner lot, the shortest lot line facing the street shall be the front lot line; therefore, the other lot line is the flanking side yard, and in the case of double fronting lots or where the lot lines are equal in length, the front lot line shall be determined by the orientation direction of the majority of adjacent neighbourhood buildings, and the other lot line is the flanking side yard.

### **6.3.10 Building Orientation and Quality**

Wherever possible, the siting of a building on a lot should be configured to optimize winter solar exposure and take into consideration street/building layout, shading, landscaping, and on-site parking.

All building materials for exterior finish shall be subject to approval of Council in respect to acceptable visual quality and design appearance. Any outside elements including exposed ductwork, outside air conditioning units, cooling towers and tanks are subject to the approval of Council in respect to acceptable visual quality.

### **6.3.11 Heritage Building or Structure**

Where Council designates a building or structure as a heritage building or structure, no person shall pull down or demolish the designated heritage building or structure except for life safety reasons or to carry out a public work, nor shall the exterior of the heritage building or structure be repaired or altered without the written approval of Council.

### **6.3.11 Protected Sites of Archaeological Significance**

Where Council designates a site of Archaeological Significance, no person shall occupy, use or develop the site without the written approval of Council.

## **6.4 LANDSCAPING – GENERAL**

- 1) No site work (clearing or grubbing) shall commence until a development permit is issued including conditions regarding existing site vegetation and proposed landscaping treatment.
- 2) The provision of adequate and suitable landscaping or screening may be made a condition of any development permit for a new development or the renovation of an existing building that includes site work, where, in the opinion of the Town, the landscaping or screening is desirable to preserve amenity and/or or protect the environment.
- 3) Landscaping conditions of a permit or the standard minimum of suitable ground cover requirement must be achieved within 18 months of completion of the work approved in the development permit.
- 4) The Council may require a landscape deposit or a financial guarantee in the amount to cover the costs of the landscaping of the lot or area as a condition of the Development Permit:
  - a. The deposit shall be paid prior to the issuance of the applicable permit by the Town.
  - b. The deposit shall be returned upon the successful completion of the landscaping to the satisfaction of the Town.
  - c. The amount of the landscape deposit may be set at the amount required to meet minimum suitable ground cover to prevent soil erosion.
- 5) A landscape plan accompanying a permit application should include, over and above the requirements set out in 2.2.2, the following:
  - a. height and width of required buffers and/or separation distances, fencing or retaining walls;
  - b. location and dimensions of driveway(s), parking areas, hard-surfaced walkways in relation to landscaping;
  - c. location and dimensions of existing vegetation to be preserved or removed;
  - d. any proposed vegetative landscaping, grass or other flower beds, shrubs, trees and other landscaping elements, such as mulch, ornamental stone, etc., that are part of a landscaping plan;

- 7) Notwithstanding subsection (1), the following types of development may be allowed on lots that front on to a private road provided that arrangements are made for the maintenance of the on-site road, but that the road is not maintained by a Council at public expense:
  - a. commercial rental cottages;
  - b. seasonal commercial uses related to tourism;
  - c. resort developments;
  - d. seasonal cottage developments not intended for permanent residential use; and,
  - e. vacant land condominium subdivisions.
- 8) A new street may not be constructed except in accordance with and to the design and specifications established by Council.
- 9) Where Council has adopted an access plan, the location of accesses to existing and new developments shall be in accordance with that plan.
- 10) Access shall be located so that there is no visual obstruction for drivers of vehicles entering or exiting the development; therefore, to protect sightlines (view) of motorists and pedestrians:
- 11) All occupied lands within 7 metres of a street intersection should be kept free of any shrubs, plants, and trees that shall impede the line of vision clear for motorists and pedestrians, and
- 12) No building or structure should be permitted to be erected, moved, enlarged, or reconstructed on any land that is within 7 metres of a street intersection.
- 13) In order to control access to streets, Council may, by the adoption of an Access Plan:
  - a. determine the number, location and layout of accesses to a street;
  - b. require an access to a service street, where direct access to an arterial street is not desirable;
  - c. require two or more properties to share a joint access to an arterial street where individual accesses would not be desirable; and,
- 14) Where Council has adopted an access plan, the location of accesses to existing and new developments should be in accordance with that plan.

#### **6.5.2 Storm Water Management**

- 1) Land shall be used and graded in such a manner that run-off from the land or development does not negatively impact adjoining properties, and that all surface drainage should be captured on site in accordance with the requirements of Council.
- 2) Development of land should be undertaken with the objective of wherever possible achieving zero net run off with respect to on-site storm water runoff.
- 3) Where development results in the discharge of storm water into a wetland, waterbody, or watercourse, such discharge should be designed to minimize any environmentally detrimental effects on the receiving water or watercourse and should be designed and constructed in accordance with the requirements and conditions of Council.
- 4) Consideration should be given to green approaches to storm water management.

#### **6.5.3 Effluents:**

- 1) Liquid or Semi-Solid Industrial Drainage: No liquid or semi-solid industrial waste or effluent should be discharged on the surface or into the ground and no water borne industrial waste or effluent should be discharged on the surface or into the ground, into the surface drainage ditches or sanitary sewers unless the chemical and/or biological content is acceptable to Council or authorities having jurisdiction.

- 10) For any other parking lot configuration, the requirements shall as be as specified by Council, but in no instance, shall the requirements be less than that specified for perpendicular parking spaces.
- 11) Other requirements for parking areas are as follows:
- a. The parking area shall be constructed and maintained to the specifications of Council,
  - b. Lights for illumination of the parking area shall be arranged so as to divert the light away from adjacent development,
  - c. Except on a service station or industrial lot, no gasoline pump or other service station equipment shall be located or maintained in a parking area,
  - d. No part of any off-street parking area shall be closer than 1.5 metres from the front lot line in any zone,
- 12) Where Council deems that strict application of the parking requirements is impractical or undesirable, Council may as a condition of a permit require the developer to pay a service levy in lieu of the provision of a parking area, and Council shall use the full amount of the levy for the provision and upkeep of alternative parking facilities within the vicinity of the development.
- 13) Where, in these Regulations, a parking area for more than four vehicles are required or permitted:
- a. a parking area and an adjoining driveway shall provide drainage, lighting, curbs, and landscaping in accordance with requirements of Council.
  - b. except in zones in which a service station is a permitted use, no gasoline pump or other service station equipment shall be located or maintained on a parking area;
  - c. no part of any off-street parking area shall be closer than 2 metres to any lot line in any zone;
  - d. access to a parking area in non-residential zones should not be by way of residential zones;
  - e. where a parking area is in or abuts a residential zone, a natural or structural barrier at least 1 metre in height should be erected and maintained along all lot lines;
- 14) Where, in the opinion of Council, strict application of the above parking requirements is impractical or undesirable, Council may, as a condition of a permit, require the developer to pay a service levy in accordance with these Regulations in lieu of the provision of a parking area, and the full amount of the levy charged should be used by Council for the provision and upkeep of alternative parking facilities within the general vicinity of the development.

#### **6.6.2 Designated Mobility Impaired Parking Spaces**

For any development where parking spaces for person with disabilities are required pursuant to the *Buildings Accessibilities Regulations* under the *Building Accessibility Act* (Newfoundland and Labrador), such spaces shall be provided on the basis of one parking space per lot or four percent (4%) of the total number of required parking spaced provided on the lot, whichever is greater, according to the regulations, and such parking space or spaces should be designated and marked in accordance with the Designated Mobility Impaired Parking Regulations under the *Highway Traffic Act, 1990* (Newfoundland and Labrador) and the *Buildings Accessibilities Act, 1990*.

#### **6.6.3 Off-Street Parking Requirements**

- 1) The off-street parking requirements for are set out in the following table, and for those uses not indicated, then the parking and off-loading requirements are at the discretion of Council. In the case of developments that include more than one use or development, these standards shall be regarded as cumulative.

USE/DEVELOPMENT	MINIMUM OFF-STREET PARKING REQUIREMENT
General Service	One space for every 25 m <sup>2</sup> of gross floor area
Hazardous Industry	One parking space for every employee
Health Club	One parking space for every 20 m <sup>2</sup> of gross floor area
Hotel	One parking space for every 3 sleeping units plus one parking space for every 15 m <sup>2</sup> of banquet seating area
Light Industry	As specified by Council but not less than one space per 50 m <sup>2</sup> of gross floor area or 5 parking spaces, whichever is greater
Medical and Professional	One space for every 25 m <sup>2</sup> of gross floor area
Medical Treatment and Special Care	Once space per 22 m <sup>2</sup> of suite or ward area
Mobile & Mini Homes	Two spaces for every dwelling unit
Office	One space for every 30 m <sup>2</sup> of gross floor area
Personal Service	One space for every 25 m <sup>2</sup> of gross floor area
Public Gathering Place- Indoor	One space for every 6 seats; or one space for every 15 m <sup>2</sup> of gross floor area
Regional Institutional Use	One parking space for every 10 spectators that may be accommodated at one time
Restaurant	One parking space for every 5 m <sup>2</sup> of seating area
Restaurant – Drive Through	One parking space per 5 m <sup>2</sup> of seating space
Restaurant -Take-out	One space for every 25 m <sup>2</sup> of gross floor area
Retail	One space for every 20 m <sup>2</sup> of gross floor area
Row Dwelling	Two spaces for every dwelling unit
Service Station	One space for every 20 m <sup>2</sup> of gross floor area
Shopping Centre	One space for every 20 m <sup>2</sup> of gross floor area
Single Detached Dwelling	Two spaces for every dwelling unit
Sport & Recreation facility	Three parking spaces for every 5 patrons of the facility at maximum capacity
Subsidiary Apartment	One parking space for every dwelling unit
Veterinary	One space for every 25 m <sup>2</sup> of gross floor area

#### 6.6.4 Off-Street Loading Requirements

- 1) Where Council deems necessary, for every building, structure or use requiring the shipping, loading or unloading of animals, goods, wares or merchandise, one or more loading spaces shall be provided and maintained on the lot measuring at least 15 metres long and 4 metres wide with a vertical clearance of at least 4 metres. The space shall have direct access to a public street or to a driveway of a minimum width of 6 metres that connects to a public street.

#### **6.7.1.5 Permit Valid for Limited Period**

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

#### **6.7.1.6 Removal of Signs/Advertisements**

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

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

#### **6.7.1.7 Approval Subject to Conditions**

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

#### **6.7.1.8 Non-Conforming Uses**

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

### **6.7.2 Sign Standards for Residential zone**

The following limitations on size and placement of signs apply to all residential zones;

#### **6.7.2.1 Advertisements Relating to Onsite Uses**

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

- a. The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- b. No advertisement shall exceed 1.5 m<sup>2</sup> in area.
- c. Free standing portable illuminated signs ("yellow" or "Light Up Portable Signs") shall not be allowed in the residential area.

#### **6.7.2.2 Advertisements Relating to Offsite Uses on Local Roads**

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

- a. No advertisement shall exceed 1.5 m<sup>2</sup> in area.
- b. When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to, the premises to which they relate.

## **7.0 SUBDIVISION OF LAND**

### **7.1 SUBDIVISION STANDARDS**

#### **7.1.1 Subdivision Standards apply**

The provisions in this chapter of the Development Regulations apply each of the following:

1. The subdivision of land under single ownership into five or more lots, including the residual lot;
2. Construction, upgrading, or extension of a public street;

#### **7.1.2 Subdivisions standards do not apply**

The requirements of this Chapter shall not apply to the following:

1. Where the parcel being created is to be used solely for the unattended equipment necessary for:
  - a. the operation of community water, storm or sanitary sewer systems;
  - b. public utilities, including electrical substations or generating stations;
  - c. air or marine navigational aids;
  - d. any other similar public service or utility (including wind turbine 'farms');
2. Public institutional uses, including cemeteries;
3. Resource uses set out in the Rural zone;
4. Conservation, open space, park uses;
5. Minor subdivisions of four (4) or fewer lots which do not require new public or private road construction or the installation of utility infrastructure or water and sewer services (other than private connections; these must comply with the development standards of the Use Zone.

#### **7.1.3 Permit Required**

1. No land in the Planning Area shall be subdivided unless a permit for the development of the subdivision is first obtained from Council.
2. No provision in a shall that purports to subdivide land is of any effect to subdivide that land contrary to these Regulations.

#### **7.1.4 Public Notice**

Council shall, at the applicant's expense, publish a notice in a newspaper circulating in the area of the application and consider any representations or submissions received in response to that advertisement.

#### **7.1.5 Subdivision Subject to Zoning**

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

### **7.1.10 Landscaping**

- 1) Wherever possible, natural areas should be maintained in their natural state and the destruction of these natural areas by development should be minimized. If the natural area is a part of a public open space area, the developer should prepare a landscape plan integrating the natural areas with the portions of the open space area that is to be developed for recreational purposes. The plan shall illustrate the grading relationships between developed and natural areas of the park.
- 2) Minimum landscaping of the recreational open space area should be topsoil and grass seed, as determined by the Town. Note that mulch or pebbles alone are not considered landscaping unless they are part of an overall landscape plan.
- 3) Where it is determined by Council that berming or a swale is required, or that major sloping occurs within, or outside, the normal boundaries of a lot, it shall be the developer's responsibility to landscape the berm, swale or slope with a minimum of grass.
- 4) A landscape deposit may be required as part of the Subdivision Agreement to be returned upon the acceptance of the area by Engineering Services.

## **7.2 SUBDIVISION PERMIT REQUIREMENTS**

### **7.2.1 Subdivision Development Agreement**

Where Council has determined that a subdivision development agreement is a condition of a permit for the subdivision development, the subdivision development agreement shall meet the conditions of Development Agreements as set out in the Administration chapter.

### **7.2.2 Municipal Services to be Provided**

No permit shall be issued for the development of a subdivision unless provisions satisfactory to Council have been made in the application for a supply of drinking water, a properly designed sewage disposal system, and a properly designed storm drainage system so as not to affect adjoining and nearby properties.

### **7.2.3 Private Well water source: Groundwater Supply Assessment and Reporting**

1. A groundwater assessment report shall be required to be completed and submitted by the subdivision applicant to the Water Resources Management Division (and copied to the Town) as part of the subdivision approval process where a minimum sized subdivision is to be serviced by individual wells. The Groundwater Assessment Report must be prepared in accordance with the '*Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells*'. Requirements to complete a Groundwater Assessment Report shall be based upon the following criterion:
  - a. A groundwater assessment study shall not be required for subdivisions less than five (5) lots, each having a minimum 2,203m<sup>2</sup> (1/2 acre) size, unless the area has documented drinking water quality and/or quantity problems.
  - b. A proposed subdivision from five (5) to fifteen (15) lots shall require a Level I assessment, as defined in the Groundwater Supply Assessment and Reporting Guidelines.

As a condition of a permit to develop a subdivision and as part of a Development Agreement to subdivide, the Town may require an applicant to deposit with the Town a security to cover the cost of all the subdivision improvements and completion thereof. These securities should be payable after approval by Council and before issuance of a construction permit under these Regulations.

#### **7.2.4.4 Land for Public Open Space**

- 1) Before a development commences, the developer shall, if required, dedicate to Council, at no cost to the Town, an area of land equivalent to not more than ten percent (10%) of the gross area of the residential subdivision for public recreational open spaces, subject to the following requirements:
  - a. where land is subdivided for any purpose other than residential use, Council shall determine the percentage of land to be dedicated;
  - b. if, in the opinion of Council, no public open space is required, the land may be used for such other public use as Council may determine;
  - c. the location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of Council but in any case, Council shall not accept land which, in its opinion, is incapable of development for any purpose;
  - d. Council may accept from the developer, in lieu of such area or areas of land, the payment of a sum of money equal to the value of the land which would otherwise be required to be dedicated; and,
  - e. this money received by the Authority (above), shall be reserved by the Town for the purpose of the acquisition or development of land for public open space or other public purpose.
- 2) Land dedicated for public use in accordance with this Regulation shall be conveyed to the Town and may be sold or leased by Council for the purposes of any development that conforms with the requirements of these Regulations, and the proceeds of any sale or other disposition of land shall be applied against the cost of acquisition or development of any other land for the purposes of public open space or other public purposes.
- 3) Council may require a strip of land to be reserved and remain undeveloped along the banks of any river, brook or pond, and this land may, at the discretion of Council, constitute the requirement of land for public use.

### **7.3 SUBDIVISION DESIGN STANDARDS**

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

- 1) The finished grade of streets shall not exceed ten percent (10%).
- 2) The plan should indicate which streets are classified as arterial, collector or service (local) roads.
- 3) Every cul-de-sac should be provided with a turning circle of a diameter of not less than 30 metres.
- 4) The maximum length of any cul-de-sac (or dead-end street) shall be:
  - a. 200 metres in areas served by, or planned to be served by, municipal piped water and sewer services;
  - b. 300 metres in areas not served by, or planned to be served by, municipal piped water and sewer services;
  - c. all cul de sac water mains shall be connected to a water main on an adjoining street or shall be looped back to ensure continuous water flow and prevent stagnant water at the end of dead-end pipes.

#### **7.4.1 Engineer to Design Works and Certify Construction Layout**

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

Upon approval by Council of the proposed subdivision, the Manager of Engineering Services 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 the developer's own cost and in accordance with the approved designs and specifications and the construction layout certified by the Town's 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.

#### **7.4.2 Developer to Pay Engineer's Fees and Charges**

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

#### **7.4.3 Street Works May Be Deferred**

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

#### **7.4.4 Construction of Utilities**

Within any street reservation, the placing of any utility structure or service such as a hydro pole, telephone pole, underground hydro service boxes, internet or cable services, Canada Post group mail boxes, fire hydrant, fire alarm or sign post, shall receive the prior approval of the Authority with regard to the proposed location of utilities, safe construction, required easements and the relationship to other structures within the street reservation and to adjoining buildings.

**APPENDICES**


## APPENDIX 1:

### INTERPRETATION OF TECHNICAL TERMS USED IN THE DEVELOPMENT REGULATIONS

#### Introduction

This section contains definitions of the technical terms used in the Municipal Plan and Development Regulations in order to ensure that they are correctly interpreted.


Terms and words in this regulation which are defined in the *Urban and Rural Planning Act, 2000* and *Development Regulations, 2000*, have the meaning expressed in that Act and cannot be amended by the Council; these are identified by a logo, as noted below:

 = Definitions from the *Urban and Rural Planning Act, 2000* (the Act); these cannot be amended by Council; and,

 = Definitions from the *Minister's Development Regulations* under the *Urban and Rural Planning Act, 2000*; these cannot be amended by Council.

Words and phrases used in these Regulations shall otherwise have the meanings as set out in the following definitions; these can be amended by the Council; these can be identified by the absence of a logo. Any other terms and words have the meaning as generally understood in the English language. Additional definitions have been provided for interpretive guidance and.

#### Definitions

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

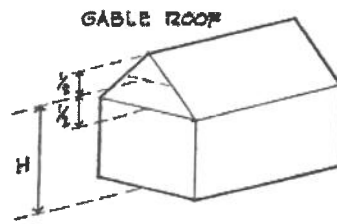
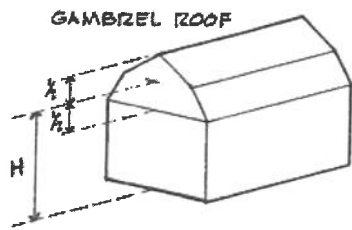
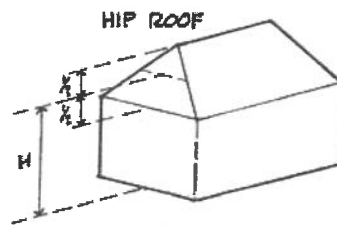
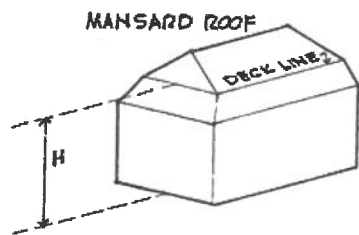
**ACCESSORY BUILDING**  includes

(i) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,

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

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

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



H = HEIGHT OF BUILDING

(ii) erection of an advertisement or sign,

(iii) construction of a building,

(iv) parking of a trailer, or vehicle used for the sale of refreshments or merchandise, or as an office, or for living accommodation,



and excludes the


(v) 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,

(vi) carrying out by a highway authority of works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation,

(vii) carrying out by a local authority 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

(viii) 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;


**DEVELOPMENT REGULATIONS**  means these regulations and regulations and by-laws respecting development that have been enacted by the relevant authority; and development regulations  means regulations made under sections 34 to 38;


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

**DWELLING UNIT:** means a self-contained unit consisting of one or more habitable rooms used or designed as an independent and separate housekeeping establishment or living quarters for one household, including kitchen and sitting, sleeping and sanitary facilities, and does not include a coach or rail car, mobile home, or any vehicle. A dwelling unit is a permanent place of residence for a household and not intended as temporary accommodation for the transient (Amendment No. 8, 2013).


**ESTABLISHED GRADE**  means,

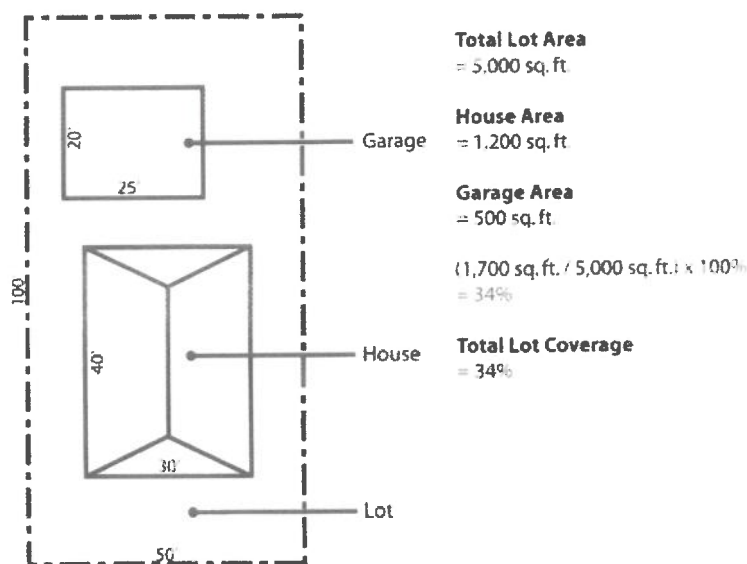
(i) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or

**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;


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


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

**LOT COVERAGE**  means the combined area of all buildings on 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;





**MINISTER**  means the minister appointed under the *Executive Council Act* to administer this Act;


**MUNICIPALITY**  includes a city incorporated under the *City of Corner Brook Act*, *City of Mount Pearl Act* and the *City of St. John's Act* and a municipality as defined in the *Municipalities Act, 1999*;

**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;

**NUISANCE** means anything that is obnoxious, offensive or interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses. This may include that which creates or is liable to create a nuisance through emission of noise, smoke, dust, odour, heat, light, fumes, fire or explosive hazard; results in the unsightly or unsafe storage of goods, salvage, junk, waste or other materials; poses a hazard to health and safety; or adversely affects the amenities of the

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

**USE ZONE OR ZONE**  means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply;

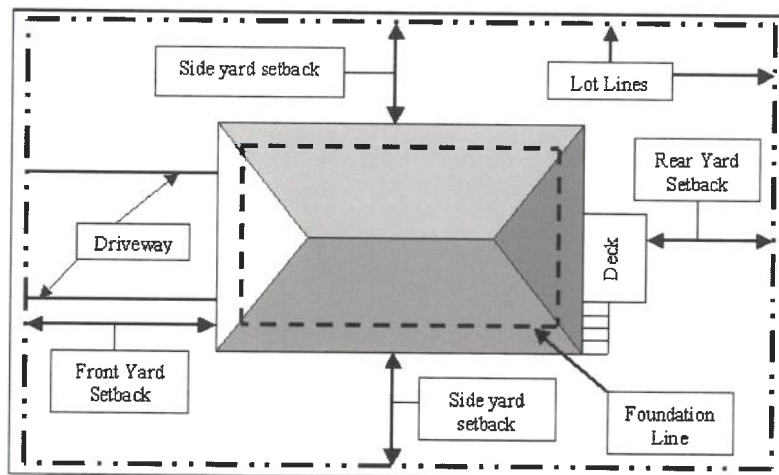
**VARIANCE**  means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the authority's regulations;

**YARDS** – (sometimes called lot lines) refer to the diagram below for an illustration of the following definitions:

**FRONT YARD DEPTH** otherwise called the building line or front yard setback, means setback from the property line on the street that the building is fronting on, shown as the front yard setback in the drawing below; note that the yard setbacks from the boundaries of the property;

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

**SIDE YARD DEPTH**  means the distance between the side lot line and the nearest side wall of a building on the lot;



**ZONING MAP**  means the map or maps attached to and forming a part of the authority's regulations.

## APPENDIX 2 – NON-CONFORMING USE AND NON-CONFORMING DEVELOPMENT

### Non-Conforming Uses or Non-Conforming Development

(Refer to Section 108(2) of the *Urban and Rural Planning Act 2000* and Sections 14, 15, 16, and 17 of the *Ministerial Development Regulations* found in the appendices) *Ministerial Development Regulations*.

The following excerpts set out the requirements for non-conforming uses.

Section 108(2) of the *Urban and Rural Planning Act 2000*:

“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;” ...

**108. (1)** Notwithstanding a plan, scheme or regulations made under this Act, the minister, a council or regional authority shall, in accordance with regulations made under this Act, allow a development or use of land to continue in a manner that does not conform with a regulation, scheme, or plan that applies to that land provided that the non-conforming use legally existed before the registration under section 24 of the plan, scheme or regulations made with respect to that kind of development or use.

(2) Notwithstanding subsection (1), a right to resume a discontinued non-conforming use of land shall not exceed 6 months after that discontinuance unless otherwise provided by regulation under this Act.

(3) A building, structure or development that does not conform to a scheme, plan or regulations made under this Act that is allowed to continue under subsection (1)

- (a) shall not be internally or externally varied, extended or expanded unless otherwise approved by the minister or appropriate council, regional authority or authorized administrator;
- (b) shall not be structurally modified except as required for the safety of the building, structure or development;
- (c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50% or more of the value of that building, structure or development has been destroyed;
- (d) may have the existing use for that building, structure or development varied by the appropriate council, regional authority or authorized administrator to a use that is, in their opinion more compatible with a plan and regulations applicable to it;
- (e) may have the existing building extended by the appropriate council, regional authority or authorized administrator where, in its opinion that extension is not more than 50% of the existing building;
- (f) where the non-conformance is with respect to the standards included in development regulations, shall not be expanded if the expansion would increase the non-conformity; and
- (g) where the building or structure is primarily zoned and used for residential purposes, may, in accordance with the appropriate plan and regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed.”

Excerpt - Sections 14, 15, and 16 of the *Ministerial Development Regulations 3/01*:

**APPENDIX 3: MINISTER'S DEVELOPMENT REGULATIONS  
UNDER THE URBAN AND RURAL PLANNING ACT, 2000**

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**NEWFOUNDLAND AND LABRADOR  
REGULATION 3/01**

*Development Regulations  
under the  
Urban and Rural Planning Act, 2000*

*(Filed January 2, 2001)*

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

Dated at St. Johns, January 2, 2001.

Joan Marie Aylward  
Minister of Municipal and Provincial Affairs

**REGULATIONS**

*Analysis*

[1. Short title](#)

## Application

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

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

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

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## Interpretation

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

- (a) "access" means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street;
- (b) "accessory building" includes
  - (i) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,
  - (ii) for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television antennae,
  - (iii) for commercial uses, workshops or garages, and
  - (iv) for industrial uses, garages, offices, raised ramps and docks;
- (c) "accessory use" means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use;
- (d) "building height" means the vertical distance, measured in metres from the established grade to the
  - (i) highest point of the roof surface of a flat roof,
  - (ii) deck line of a mansard roof, and
  - (iii) mean height level between the eave and the ridge of a gable, hip or gambrel roof,and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof;
- (e) "building line" means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed;

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

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

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

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

- (a) persons 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.

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### **Appeal requirements**

6. (1) The secretary of the board at the Department of Municipal and Provincial Affairs, Main Floor, Confederation Building (West Block), P.O. Box 8700, St. Johns, 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.

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### **Hearing notice and meetings**

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

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

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### **Hearing of evidence**

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

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

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

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

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### **Board decision**

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

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### **Variations**

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

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

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

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### **Commencement**

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

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**APPENDIX 4: LAND USE ZONING MAP**