

# Town of Happy Valley-Goose Bay Development Regulations

2018-2028



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CANADA

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## **1.0 AUTHORITIES AND RESPONSIBILITIES**

### **1.1 Application**

These Development Regulations apply to:

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

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

### **1.2 Compliance with Federal and Provincial legislation and Town regulations**

Even though an applicant may receive a municipal development 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. The applicant is also responsible for ensuring compliance with all other Town regulations.

### **1.3 National Building Code and Regulations**

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 to the entire Planning Area.

### **1.4 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.

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 Act; 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 to the public). The Amendment must be submitted in the required form to the Department of Climate Change, Environment and Municipalities for Registration.

## **1.5 Legal Effect**

Upon publication of the notice of registration of these Development Regulations in the Newfoundland and Labrador Gazette, the previous Development Regulations are hereby repealed and replaced. Similarly, for amendments, publication in the Newfoundland and Labrador Gazette is required before they are in legal effect.

These Regulations may be cited as the “Town of Happy Valley-Goose Bay Development Regulations 2017”, prepared under the authority of Section 35 of the *Urban and Rural Planning Act, 2000* (hereinafter called ‘the Act’). As required under Section 36 of the Act, the Ministerial Development *Regulations 03/01* are included in these regulations.

To assist interpretation of the Municipal Plan and Development Regulations, technical planning terms are found in Appendix 1. Note that the definitions from *the Urban and Rural Planning Act, 2000* and the (Minister’s) Development Regulations, 2000 cannot be amended by the Council.

## **1.6 Delegation of Authority**

Under Section 109 (2) of the Act, a council may to appoint/designate an employee of Council to approve or reject applications to develop land in accordance with the plan and regulations and that employee may outline the conditions applicable to that development. Council shall make that designation in writing.

## 2.0 ADMINISTRATION OF THE REGULATIONS

This Chapter deals with the administration of processing permits for proposed land use and developments and 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...”; and,

“Subdivision means the dividing of land, whether in single or joint ownership into 2 or more pieces for the purpose of development”. The requirements for subdivision development can be found in Section 8.

For further clarification, no land over which there is an existing structure shall be subdivided for the purpose of creating distinct title to different dwelling units unless;

- a. Each dwelling unit is entirely comprised within the new title and self-contained within the new lot with no common spaces or shared services, and;
- b. The fire separation for each dwelling unit is confirmed,
- c. A permit for the subdivision is first obtained from the Town.

- d. The subdivision must fully comply with all aspects of the Town's Development Regulations including, but not limited to; definitions and land use zone requirements
- e. A subsidiary apartment cannot be subdivided from the self-contained dwelling that it is constructed within."

## **2.2 APPLICATION FOR A PERMIT**

### **2.2.1 Who can apply and Council responsibilities**

An application for a *Permit* or for *Approval in Principle* shall be made only by the owner, or by a person authorized by the owner in writing, to Council on such form as may be prescribed by Council. Note: Development is not permitted on un-subdivided land unless sufficient area is reserved to satisfy the yard and other allowances called for in the Use Zone in which it is located and the allowances shall be retained when the adjacent land is developed

Council shall, on request, supply to every applicant a copy of the application forms and a description of the plans, specifications, and drawings required to be provided with the application. Council shall provide all available information to assist in the preparation of the application.

### **2.2.2 Application Requirements for All Applications**

An application for a Development Permit shall contain the information needed to satisfy the applicable requirements in these Regulations.

Every application shall include:

- a. such plans, specifications and drawings as Council may require;
- b. the permit fee required by Council; and,
- c. all information required to process the application in accordance with these Regulations, such information shall include at least the following:

For the proposed land, such information shall include at least the following:

- a. location of the site on a map;
- b. details of proposed use: type, size and scale of operation, landscaping;
- c. lot area, lot frontage, siting of structures;
- d. contours and significant natural features such as wetlands, watercourses, drainage channels, and slopes that exceed 15 percent, existing vegetation, trees, and any other environmentally sensitive features;
- e. existing streets, buildings, and land uses in the vicinity of the site;
- f. a conceptual layout of proposed streets, trails, and other major components of the development;
- g. proposed access/egress, parking, loading requirements;
- h. a landscaping plan, including buffers and/or separation distances;
- i. proposed water supply, waste disposal and storm water drainage services; and,
- j. a legal survey plan prepared by a registered Newfoundland and Labrador land surveyor.

Where the application involves a building, the following information shall be added to the lot information, as appropriate:

siting of building on the lot, including building line setback and yards;  
bulk and height, in terms of floor area and building height;  
off-street parking, circulation, and loading, in terms of variables specified in Section 7.1;  
proposed access/egress, parking, loading requirements;  
a landscaping plan and buffers (see Section 7.2.)

### 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:

- 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 Comprehensive Planned Developments

In addition to the information in 2.2.2, the following requirements will apply to proposed comprehensive planned developments.

**Definition:** Comprehensive planned development means an integrated development which may involve a single use class or a mix of use classes or a mix of uses that responds to a unique market opportunity. This could involve new street construction or development of large sites for commercial (including commercial recreational), industrial, residential and public institutional development.

**Conditions:**

- (1) A Comprehensive Planned Development must front on to 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;
- (2) Roads and services provided in a Comprehensive Planned Development will be treated as if they were public roads, public services and public utilities for the purpose of approvals by the Authority and other agencies.
- (3) The most common example of a Comprehensive Planned 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. A

Comprehensive Planned Development may be approved by Council in any zone as a development and/or subdivision on public or private services, subject to the following requirements:

- a. the development and/or subdivision shall comply with the requirements of the Municipal Plan or any scheme adopted under it, and with the zoning for the site as it pertains to land use, height, and have a suitable relationship to nearby land uses in respect to appearance, traffic requirements, and demands on municipal services; and,
  - b. a Development Agreement having a Comprehensive Planned Development plan attached thereto, satisfactory to Council, between the owners of the land and the Town shall be registered in the Registry of Deeds of Newfoundland and Labrador, controlling the use and development of such land.
- (4) As part of the Development application, it is necessary to submit a Comprehensive Planned Development application (2.2.2 & 2.2.4). A comprehensive planned 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 area size, building height, and setback distances to property lines;
  - d. Building lot area coverage where applicable;
  - e. Total number of proposed multi-unit residential dwellings, or strata unit commercial and/or industrial units, and interior floor plans;
  - f. Layout drawing of proposed parking area, total number and size of parking spaces and manoeuvring aisles, access and egress locations to parking area, provisions for bicycle parking where applicable, landscape screening for parking areas and storm water drainage management;
  - g. Identification of outdoor amenity and open space and recreation areas;
  - h. Identification of unenclosed storage areas and area size;
  - i. Overview of landscaping treatment and approach for the site development.
  - j. Phasing of the development;
  - k. Street and servicing layout, including on-site road pattern and traffic and relation to surrounding community in conformance with Town standards;
  - l. Indicate any issues related to the long-term maintenance of streets and other services; and,
  - m. if required, an amendment to the Municipal Plan and Development Regulations for adoption by the Council.

The Comprehensive Planned Development would be prepared and reviewed by the Council according to its regular development approval process.

## **2.3 OPTIONS IF YOUR PROPOSAL DOES NOT FIT THE PLAN OR REGULATIONS**

### **2.3.1 Variances**

Where the proposed development does not comply with the development standards set out in the zone it occurs as set out in these Regulations, Council may, in its discretion, vary the applicable development

standards to a maximum of 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 Regulations in Appendix 2 and cannot be amended by Council)

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 10% variance even though the individual variances are separately no more than 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 Infill Development**

When reviewing Infill development in residential areas provided with municipal services, Council will consider the following requirements:

- a. the type, scale, massing, and design of the development is generally appropriate to the neighbourhood;
- b. preservation of side/back/front yards for public safety requirements;
- c. adequate provision is made for light, privacy, and amenity; and,
- d. infill proposals shall be consistent with adjacent development and not compromise public safety, neighbouring services, or the general amenity of the area.

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

The following excerpt from Section 108(2) of the *Urban and Rural Planning Act 2000* is provided in order to ensure consistency in interpretation:

#### **Non-conforming use**

**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.

**END OF EXCERPT**

Additional requirements are set out in Sections 14, 15, and 16 of the *Ministerial Development Regulations*, and these are provided in an excerpt as follows:

**Residential non-conformity**

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

**Notice and hearings on change of use**

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

**Non-conformance with standards**

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

**Discontinuance of non-conforming use**

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

**END OF EXCERPT**

**2.3.4 Amendment to Development Regulations**

An amendment to these Development Regulations may be requested by any person and shall be submitted to the Council. Note that this might also require an associated amendment to the Municipal Plan.

All costs for the amendment are to be borne by the person requesting the amendment, except when initiated by Council.

Where an application for an amendment involves private property, the application shall be made by the property owner or a person operating under the owner’s written consent. A copy of this written consent must accompany the application for an amendment to the text of the Development Regulations or rezoning of the Land Use Zoning Map.

The process for a Development Regulation Amendment is set out in Section 1.4.

**2.4 COUNCIL DECISION-MAKING**

**2.4.1 Discretionary Decision-making Powers of Council**

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

**2.4.2 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 60 days of the application being received by Council, shall be deemed to be refused.

### 2.4.3 Deferment of Application

Council may, with the written agreement of the applicant, defer consideration of an application.

An application properly submitted in accordance with these Regulations shall be determined within 60 days of the receipt thereof by Council, or shall be deferred.

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.

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 33 (1) of the Act), 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, when an application is received when:

- (1) A **change in a non-conforming use**; notice of an application to change a non-conforming use will be by advertisement in a newspaper circulating in the area, and a minimum of 7 days will 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 suitable alternative social media or other notification means as deemed appropriate by Council, and a minimum of 7 days will be provided for persons to respond.
- (3) A **Comprehensive Development** is proposed; Council will publish a notice in a newspaper circulating in the area or by other reliable means give public notice, and will provide a minimum of 14 days for persons to respond; or,
- (4) **If Council determines that the public should be notified of an application**; notice of the application will be by advertisement in a newspaper circulating in the area area or suitable alternative social media or other notification means as deemed appropriate by Council, and a minimum of 7 days will be provided for persons to respond;
- (5) A **Planning Impact Analysis** is proposed; Council will publish a notice in a newspaper circulating in the area or by other reliable means give public notice, and will provide a minimum of 14 days for persons to respond;
- (6) Notification regarding a variance will be carried out as follows: A **variance**; written notice of a variance application will be given directly to persons whose land is in the immediate vicinity of the land that is the subject of the variance who are likely to be affected (Minister's Development Regulations-see Appendix) and a minimum of 7 days will be provided for persons to respond;

#### **2.4.5 Briefing Sessions**

Council may require a public meeting to be held in respect of any matter arising under these Regulations.

Council shall advertise or require the applicant to advertise the application by a minimum of 1 advertisement in a newspaper circulating in the local area at least 10 calendar days prior to the holding of a briefing session where the application shall be discussed.

The newspaper notice shall: (a) contain a general description of the application; (b) specify the date set for the briefing session at which the application is to be discussed; (c) specify the date set for receipt of written representation on the application by the Town; (d) identify the place and time where the application can be viewed by the public; and (e) specify that Council shall cancel the briefing session if no written response is received by the deadline for the receipt of responses.

Council may make such effort as it deems reasonable to provide that written notices are mailed to the addresses of property owners, as identified on the current Town's assessment role, within a radius of at least 150 m from the application site, a minimum of 14 calendar days prior to a briefing session where such application is discussed.

Notes of the proceedings of the briefing session shall be recorded and these notes, together with any written representations, shall be considered by Council when it makes its decision on the matter, which is the subject of the briefing session.

An elected member of Council shall act as Chairperson of the briefing session.

#### **2.4.6 Approval in Principle**

Council may grant an approval in principle if it determines that the proposed development complies generally with the intent and purposes of the Municipal Plan and these Regulations.

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

An approval in principle will be valid for a period of 1 year and may be extended for 1 additional year, up to a maximum of 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

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 (as per 2.4.6) then the Approval in Principle is void and the application is rejected.

*Approval in principle will not constitute permission to commence development.* No form of development will 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 Act.

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

- (1) A written development permit issued by Council or its designated staff will constitute permission to develop in accordance with these Regulations, but such permission shall not relieve the applicant from full responsibility for obtaining all other permits or approvals prior to commencement of development and complying with all other regulations and statutes during development.
- (2) Council may attach conditions to a development permit to ensure compliance with the Municipal Plan and these Regulations, and the permit holder will be responsible for full compliance with these conditions. When approving an application for a discretionary use, Council shall state in writing the basis for its approval.
- (3) A permit is valid for such period, not in excess of 2 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 1 year, but a permit shall not be renewed more than 3 years; except for Signs (see Section 7.4.1.5).
- (4) No person shall change the application for which a development permit was issued unless written approval of the change has been issued by Council.
- (5) A copy of the development permit, along with plans and specifications, shall be kept on the site until the development is completed.
- (6) A decision by Council on an application to undertake development can be appealed in accordance with Section 42 of the Act.

#### **2.4.8 Permit responsibilities of the applicant**

Even though an applicant may receive a municipal development 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 with federal or provincial requirements before issuing municipal approval.

#### **2.4.9 Temporary Use Permit**

**Definition:** A temporary use permit means a permit for a development or the use of land that is limited in scope, duration, and frequency, and is allowed to operate on a short-term basis.

**Conditions:**

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

#### **2.4.10 Correction of Errors and Remedial Work**

The approval of any plans or drawings or the issuance of a Development Permit or permit shall not prevent Council or any officer from thereafter requiring the correction of errors or from ordering the cessation of, or remedial work on any development being carried out in the event that the same is in violation of these or any other regulations or statutes.

#### **2.4.11 Revoke Permit**

Council may revoke an approval and any subsequent permits for:

- (1) failure by the holder, to comply with these Regulations or any condition attached to the permit or
- (2) where the permit was issued contrary to the applicable regulations or
- (3) was issued on the basis of incorrect information.

#### **2.4.12 Fee for Permit**

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

#### **2.4.13 Written Reasons for Refusing a Permit or Setting Conditions on 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 Act.
- (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**

(1) No permit shall be issued for development within the Planning Area when:

- a. 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
- b. 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 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 CONDITIONS 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 will govern development of the property. The Development Agreement often including terms not otherwise required through existing regulations, such as the affordable housing incentives in Section 8.1.10. 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 Comprehensive Planned Development (Section 2.2.4) or a Development Scheme (Section 3.12) in the form of a binding agreement that specifies the negotiated terms of the development, but these tools may also be used independently.

Where a Development Agreement is required as a condition of a Development Permit or Approval-in-Principle, the Development Agreement set out the terms specific to that agreement and shall be signed by the applicant and Council within one year of the approval granted by Council.

Development cannot proceed until all conditions of the Development Permit are met and the Development Agreement is signed by the applicant and Council.

#### **2.5.2 Planning Impact Analysis (PIA)**

Council may require a Planning Impact Analysis to evaluate any proposed land use, development and/or situation that affects the implementation of policies contained in the Municipal Plan. Planning Impact Analysis (PIA) will be used to evaluate applications to determine the appropriateness of a proposed change in land use, and to identify potential issues and provide proposals for mitigation.

The Terms of Reference for a Planning Impact Analysis shall be approved by Council prior to its execution and shall become an integral part of the report itself. The PIA shall be prepared by qualified

individuals/consultants. The report and any supporting studies may be prepared at the expense of the applicant, at Council's discretion.

The following criteria may be considered for inclusion in the Terms of Reference:

- (1) compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area;
- (2) the size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to accommodate the intensity of the proposed use;
- (3) the supply of vacant land or vacant buildings in the area which is designated and/or zoned for the proposed uses;
- (4) the potential traffic generated by the proposed change, considering the most intense land uses that could be permitted by such a change, and the likely impact of this additional traffic and the location of vehicular access points, on Town streets, pedestrian and vehicular safety, and on surrounding properties.
- (5) the height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;
- (6) the exterior design in terms of bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area;
- (7) the potential impact of the development on surrounding natural features and heritage resources;
- (8) constraints posed by the environment, including but not limited to locations where adverse effects from landfill sites, sewage treatment plants, methane gas, contaminated soils, noise, ground borne vibration, and rail safety may limit development;
- (9) compliance of the proposed development with the provisions of the Town's Municipal Plan and Development Regulations; and,
- (10) measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis.

The report shall identify significant impacts, evaluate their importance, and recommend a Mitigation Plan indicating measures of control or mitigation, where appropriate.

Prior to the approval of a Planning Impact Analysis, Council shall provide adequate time for a public review of the report, using the procedures for public notification as outlined in Section 2.4.4.

### **2.5.3 Financial Guarantees by Developer**

Council may require a developer, before commencing a development, to make such financial provisions and/or enter into such agreements as may be required to guarantee the payment of service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit (including landscaping).

The financial provisions may be made in the form of:

- a. a cash deposit from the developer, to be held by Council;
- b. a security or guarantee by a bank, or other institution acceptable to Council, for expenditures by the developer;
- c. a performance bond provided by an insurance company or a bank, or;
- d. an annual contribution to a sinking fund held by Council.

The financial guarantee will be returned when the site has been restored and any conditions attached to the development permit have been carried out to Council's satisfaction.

#### **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 Land for Park/Public Use in Subdivisions**

Council may require the dedication of a percentage of the land area of any subdivision or other development not more than 10% to be developed as park land or other public use, and such land shall be conveyed to Council in accordance with Section 37 of the *Urban and Rural Planning Act, 2000*. The Town may consider cash in lieu as well.

#### **2.5.7 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.

## 2.6 APPEALS

The following excerpt is provided from the *Urban and Rural Planning Act, 2000* with respect to Appeals:

### Appeal

42.(1) A person or an association of persons aggrieved of a decision that, under the regulations, may be appealed, may appeal that decision to the appropriate board where the decision is with respect to

(a) an application to undertake a development;

(b) a revocation of an approval or a permit to undertake a development;

(c) the issuance of a stop work order; and

(d) decision permitted under this or another Act to be appealed to the board.

(2) A decision of a council, regional authority or authorized administrator to adopt, approve or proceed with a plan, scheme, development regulations and amendments and revisions of them is final and not subject to an appeal.

(3) An appeal board shall not make a decision that does not comply with a plan, scheme and development regulations that apply to the matter being appealed.

(4) An appeal made under this section shall be filed with the appropriate board not more than 14 days after the person who made the original application appealed from has received the decision being appealed.

(5) An appeal shall be made in writing and shall include

(a) a summary of the decision appealed from;

(b) the grounds for the appeal; and

(c) the required fee.

(6) A board may meet as often as it considers necessary to conduct its work in an expeditious manner.

(7) A person or group of persons affected by the subject of an appeal or their representatives may appear before a board and make representations concerning the matter under appeal.

(8) A board may inform itself of the subject matter of the appeal in the manner it considers necessary to reach a decision.

(9) A board shall consider and determine appeals in accordance with this Act and a plan, scheme and regulations that have been registered under section 24 and having regard to the circumstances and merits of the case.

(10) In determining an appeal, a board may confirm, reverse or vary the decision appealed from and may impose those conditions that the board considers appropriate in the circumstances and may direct the council, regional authority or authorized administrator to carry out its decision or make the necessary order to have its decision implemented.

(11) Notwithstanding subsection (10), where a council, regional authority or authorized administrator may, in its discretion, make a decision, a board shall not make another decision that overrules the discretionary decision.

(12) The decision of a majority of the members of a board present at the hearing of an appeal shall be the decision of the board.

(13) A board shall, in writing notify the appellant and the appropriate council, regional authority or authorized administrator of the decision of the board.

### **Hearing of evidence**

**43.**(1) Notwithstanding subsection 42(7), where:

(a) due to the isolation of an area that is the subject of an appeal, it would be difficult or costly for a board to hear representations from a council, regional authority, authorized administrator or other person; or

(b) the parties to an appeal agree in writing,

a council, regional authority, authorized administrator and other persons who are parties to the appeal may

(c) submit written arguments to the board; or

(d) present arguments by teleconference, telephone or other electronic means,

and the board may deliberate and make a determination on the matter based upon those written or other submissions.

(2) Where a board considers it necessary to visit and view a property that is the subject of an appeal, one member of that board or another person whom the board may authorize, may make that visit and, in writing, report to the board on the visit and viewing of the property.

(3) Information provided to a board under subsections (1) and (2) shall be considered to have been provided in the same manner as evidence before a board during a hearing of an appeal under section 42.

### **Fees**

**44.**(1) The minister may establish fees for the making of appeals under this Part.

(2) A fee paid under subsection (1) shall be paid to the board hearing the matter and shall be retained by that board.

(3) Where an appeal made under section 42 is successful, an amount of money equal to the fee paid by the appellant under subsection (1) shall be paid to the appellant by the council, regional authority or authorized administrator that made the appealed decision.

### **Development may not proceed**

**45** (1) Where an appeal is made under section 42, the development with respect to the appeal, work related to that development or an order that is under appeal shall not proceed or be carried out, pending a decision of the board.

(2) Where, on appeal, a permit to develop is confirmed or ordered to be issued, a council, regional authority or authorized administrator shall issue the permit as confirmed or ordered.

### **Appeal to court**

**46** (1) A decision of a board may be appealed to the court not later than 10 days after that decision has been received by the appellant.

(2) An appeal of a decision of a board under subsection (1) may be made on a question of law or jurisdiction.

(3) A board may be represented by counsel and heard on an appeal under this section.

(4) The court shall either confirm or vacate the order of the board and where vacated the court shall refer the matter back to the board with the opinion of the court as to the error in law or jurisdiction and the board shall deal with the matter in accordance with that opinion.

**- End of Excerpt -**

The Ministerial Development Regulations also address the requirements regarding appeals and the appropriate sections are provided in the following excerpt (including the numbering):

**“Notice of Right to Appeal**

5. Where the Authority makes a decision that may be appealed under section 42 of the Act, the Authority shall, in writing, at the time of making that decision, notify the person to whom the decision applies of the:
- a. person’s right to appeal the decision to the board;
  - b. time by which an appeal is to be made;
  - c. right of other interested persons to appeal the decision; and
  - d. manner of making an appeal and the address for the filing of the appeal.

**Appeal Requirements**

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

**Appeal Registration**

7. (1) Upon receipt of an appeal and fee as required under the Act and these regulations, the secretary of the Appeal Board as referred to in subsections 24(1) and (2), shall immediately register the appeal.
- (2) Where an appeal has been registered the secretary of the Appeal Board shall notify the Authority of the appeal and shall provide to the Authority a copy of the appeal and the documentation related to the appeal.
- (3) Where the Authority has been notified of an appeal that Authority shall within one week of notification forward to the appropriate board a copy of the application being appealed, all correspondence, council minutes, plans and other relevant information relating to the appeal including the names and addresses of the applicant and other interested persons of whom the authority has knowledge.
- (4) Upon receipt of the information under subsection (3), the secretary of the board shall publish in a newspaper circulated in the area of the appropriate authority, a notice that the appeal has been registered.
- (5) A notice published under subsection (4) shall be published not fewer than 2 weeks before the date upon which the appeal is to be heard by the board.

**Development Prohibited**

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

### **Hearing Notice and Meetings**

9. (1) An Appeal 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) An Appeal Board may meet as often as is necessary to conduct its work in an expeditious manner.

### **Hearing of Evidence**

- 10 (1) An Appeal Board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under regulation 29(1) or their representative may appear before the Appeal Board and make representations with respect to the matter being appealed.
- (2) An Appeal Board shall hear an appeal in accordance with section 43 of the Act and these regulations.
- (3) A written report submitted under subsection 43(2) of the Act respecting a visit to and viewing of a property shall be considered to have been provided in the same manner as evidence directly provided at the hearing of the Appeal Board.
- (4) In the conduct of an appeal hearing, the Appeal Board is not bound by the rules of evidence.

### **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.”

**END OF EXCERPT**

## **2.7 ENFORCEMENT AUTHORITY**

### **2.7.1 Delegation of Authority**

The *Urban and Rural Planning Act, 2000* provides for delegation of enforcement responsibilities under Section 109, where, an employee of a council may issue an order under the section (see below). An order made by an employee shall be confirmed by a majority vote of the members of the council present at the next meeting of that Council after the order is made and if the order is not confirmed in this manner, it shall be considered to be cancelled.

### **2.7.2 Right of Entry**

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

### **2.7.3 Enforcement Authorities**

- (1) Where it is determined that a use of land or development is contrary, or apparently contrary, to the Municipal Plan and Development Regulations, Council may initiate enforcement measures by issuing a stop work order.
- (2) A stop work order requires that person to stop the development or work connected therewith pending the final adjudication in any prosecution arising out the of the development.
- (3) Every inspector shall keep a record of any violation of these Regulations and report that violation to Council.
- (4) A person who does not comply with an Order is guilty of an offence under the provisions of the Act.

### **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) The following zones were developed to reflect the needs of the Town of Happy Valley-Goose Bay. The Municipal Plan states the Intent and Policies for each of the land use classes. The Development Regulations enable the implementation of these policies through the following zones:

###### **RESIDENTIAL LAND USE CLASS:**

1. Residential Low Density – 1 Zone (RLD-1)
2. Residential Low Density – 2 Zone (RLD-2)
3. Residential Varied Density Zone (RVD)
4. Residential High Density Zone (RHD)
5. Residential Multi-Unit Zone (RMU)
6. Residential Cluster Zone (RC)
7. Cottage Zone (COT)
8. Residential Rural Zone (RR)

###### **COMMERCIAL LAND USE CLASS**

9. Commercial Zone (COM)

###### **MIXED LAND USE CLASS**

10. Mixed Use Zone (MIX)

###### **INDUSTRIAL LAND USE CLASS:**

11. Industrial General Zone (IG)
12. Industrial Light Zone (IL)
13. Industrial Commercial Zone (IND-C)
14. Industrial Aviation Zone (IND-A)

###### **PUBLIC/INSTITUTIONAL LAND USE CLASS**

15. Public/Institutional Zone (P/I)

###### **CONSERVATION LAND USE CLASS:**

16. Environmental Protection-Management Units (EP-MU)
17. Environmental Protection (EP)
18. Open Space, Parks and Trails (OSPT)

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

19. Agriculture Zone (AGR)

RESOURCE LAND USE CLASS

20 Resource Zone (R)

PUBLIC UTILITIES LAND USE CLASS

21 Public Utility zone (PU)

FEDERAL LANDS LAND USE CLASS

22 Federal Lands Zone (FL)

DEVELOPMENT SCHEME AREA (DSA) LAND USE CLASS:

23 Development Scheme Areas Zone (DSA)

24 Town Centre Development Scheme Area (TC DSA)

25 Residential Development Scheme Area (RDSA)

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

This Chapter provides a Use Zone Tables for each zone 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 Site Development Standards table and also in more detail in Chapters 4, 5, 6 and 7.

#### **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 development standards and requirements of the Development Regulations.

#### **3.1.2.2 Discretionary Uses**

The discretionary uses listed in the Use Zone Tables may be permitted at the discretion of Council, provided that they are complimentary to uses within the permitted use class, or that their development will not inhibit or prejudice the existence or the development of such uses.

Council must be satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest.

Council is required to provide public notice of the application in accordance with sub-section 2.4.4 and has considered any objections or representations which may have been received on the matter

### **3.1.3 Accessory Uses and Accessory Building**

Accessory use means aiding or contributing in a secondary way to a principal use to carry out its function. Definitions and examples of an accessory use and accessory building is provided in Chapter 6 .

A permit is required for accessory uses and accessory buildings.

### **3.1.4 Uses Not Permitted**

Uses that are not listed as Permitted or Discretionary Use on a Use Zone Table shall not be permitted in that Use Zone.

### **3.1.5 Uses Permitted in All Land Use Zones**

The following uses will be permitted in any land use zone.

- (1) Conservation Land Use Class (Environmental protection, open space uses) including parks and trails and lands set aside for environmental protection purposes (Section 5);
- (2) Mineral exploration not classed as 'Development' (Section 5.3.11);
- (3) Development associated with public infrastructure and services, including public transportation infrastructure and utilities (Refer to Section 5.7);

### **3.1.6 Development Conditions and Standards**

- (1) All Development within the Planning Area, except for Federal Lands, must conform to:
  - a. Policies set out in the Municipal Plan;
  - b. Development standards and conditions set out in the Development Regulations:
    - Chapter 1.0- Authorities and Responsibilities
    - Chapter 2.0 - Administration of the Regulations
    - Chapter 3.0 - Land Use Zones
    - Chapter 4.0 - General Regulations
    - Chapter 5.0 - Land Use Definitions and Regulations
    - Chapter 6.0 - Accessory Uses & Buildings, and Home Businesses
    - Chapter 7.0 - Lot Siting, Landscaping, Parking and Signs
    - Chapter 8.0 - Subdivision of Land;
  - c. The National Building Code and ancillary codes (plumbing, electrical, etc.);
  - d. Any other Municipal regulation in force in the Planning Area buildings under the Municipalities Act, 1999, such as those regulating or controlling development, conservation, heritage, fences, and use of land and;
  - 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 Assessment Act, the proponent will 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 will apply.
- (5) If the proposed development is not a use that is a permitted or discretionary use in the Zone where the land is located; then, the applicant may consider an application to rezone the property.

## 3.2 RESIDENTIAL ZONES

### 3.2.1 Residential Low-Density-1 Zone (RLD-1)

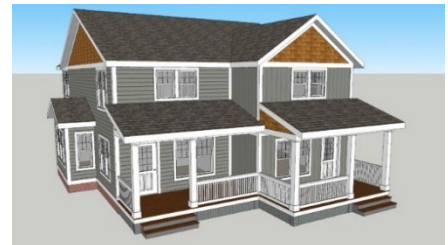
USE ZONE TABLE: RESIDENTIAL LOW-DENSITY-1	
PERMITTED USES	DISCRETIONARY USES
<ul style="list-style-type: none"> <li>- Single detached dwelling (5.6.1)</li> <li>-Semi-detached dwelling (5.6.2)</li> <li>-Uses set out in 3.1.5</li> </ul>	<ul style="list-style-type: none"> <li>-Assisted Living-Residential (5.6.10.1)</li> <li>-Non-profit housing (5.6.10.2)</li> <li>-Apartment building (5.6.7)</li> <li>-Convenience store (5.2.13)</li> <li>-Energy generating facility – residential only (5.7.3)</li> <li>-Garden Suite (Secondary Detached Dwelling) (5.6.4)</li> <li>-Plex housing (5.6.11)</li> <li>-Public Gathering Places-Indoor (5.5.4)</li> <li>-Infill-Residential (5.6.9)</li> <li>-Townhouse (5.6.5) See Condition 5</li> <li>-Urban agriculture (5.1.2)</li> </ul>

SITE DEVELOPMENT STANDARDS: RESIDENTIAL LOW DENSITY-1					
Standards:	Single Detached Dwelling	Semi-Detached (Double) Dwelling	Infill lot (single detached only)	3-Plex	4-Plex
<b>Minimum Standard:</b>					
Lot area (m <sup>2</sup> )	800	900	450	1500	1800
Floor area (m <sup>2</sup> )	90	80 per unit	90	n/a	n/a
Frontage (m)	15	10 per unit	15	30	30
Building Line (m)	10 – 12	10	10	10	10
Side yard Width (m)	3	3	1 & 3	3	3
Flanking Side yard (m)	8	8	6	8	8
Rear yard (m)	8	8	8	12	15
<b>Maximum Standards</b>					
Lot Coverage (%)	33	33	33	45	45
Height (m)	10	10	10	8	8

## Conditions

- (1) Development must conform to the requirements of Section 3.1.6 and the following additional standards are provided for clarity for this zone:
  - a. Staggered setback of 10- 12 m is permitted to provide for a more visually interesting streetscape
  - b. Site Development Standards for Discretionary Uses:
    - i. Must meet standards for Single Detached Dwelling (as noted above) or Commercial zone (3.2), whichever is greater;
    - ii. Must comply with buffers/separation distances set out in 4.3.
- (2) No subdivision of a corner lot is permitted in the Residential Low Density-1 zone.
- (3) Only one of either a subsidiary apartment or a garden suite can be on one residential lot, not both.
- (4) A Comprehensive Planned Development (Section 2.2.4) plan is required for an application to develop an apartment building, townhomes, and Plex buildings;
- (5) The development standards for Townhouse shall be as set out in the Residential Varied Density zone (Section 3.2.3).

*Examples of semi-detached homes that look like single detached dwellings and do not detract from the attractiveness of the residential neighbourhood*



### 3.2.2 Residential Low-Density-2 Zone (RLD-2)

USE ZONE TABLE: RESIDENTIAL LOW-DENSITY-2	
PERMITTED USES	DISCRETIONARY USES
<p>-Single detached dwelling (5.6.1)</p> <p>-Uses set out in 3.1.5</p>	<p>-Assisted Living-Residential (5.6.10.1)</p> <p>-Energy generating facility – residential only (5.7.3)</p> <p>-Garden Suite (5.6.4)</p> <p>-Infill-Residential (5.6.9)</p> <p>-Public Gathering Places-Indoor (5.5.4)</p> <p>-Semi-detached dwelling (5.6.2) – See condition 4</p>

DEVELOPMENT STANDARDS: RESIDENTIAL LOW DENSITY-2			
Standards:	Single Detached Dwelling	Semi-Detached (Double) Dwelling - ONLY allowed in area between Hefler & Oliver street and Morris and Kelland	Infill lot - single detached only
<b>Minimum Standard:</b>			
Lot area (m <sup>2</sup> )	1000	900	650
Floor area (m <sup>2</sup> )	90	80 per unit	90
Frontage (m)	20	10 per unit	15
Building Line Setback	10-12	10	10
Side yard Width (m)	3	3	3
Flanking Side yard (m)	8	8	n/a
Rear yard (m)	15	15	10
<b>Maximum Standards</b>			
Lot Coverage (%)	33	33	33
Height (m)	10	10	10

### Conditions

- (1) Development must conform to the requirements of Section 3.1.6 and the following additional standards are provided for clarity for this zone:
  - a. Staggered setback of 10-12 m is permitted to provide for a more visually interesting streetscape
  - b. Development Standards for Discretionary Uses:
    - i. Must meet standards for Single Detached Dwelling (as noted above) or Commercial zone (3.3), whichever is greater;
    - ii. Must comply with buffers/separation distances set out in 4.3.
  
- (2) No subdivision of a corner lot is permitted in the Residential Low Density-2 zone.
  
- (3) Only one of either a subsidiary apartment or a garden suite can be on one residential lot – not both.
  
- (4) Semi-Detached (Double) Dwelling - ONLY allowed in area between Hefler & Oliver street and Morris and Kelland – NOT in the other Residential Low Density-2 areas.

### 3.2.3 Residential Varied Density Zone (RVD)

USE ZONE TABLE: RESIDENTIAL VARIED DENSITY ZONE	
PERMITTED USES	DISCRETIONARY USES
<ul style="list-style-type: none"> <li>-Single detached dwelling (5.6.1)</li> <li>-Semi-detached dwelling (5.6.2)</li> <li>-Townhouse (5.6.5)</li> <li>-Uses set out in 3.1.5</li> </ul>	<ul style="list-style-type: none"> <li>-Apartment Building (5.6.7)</li> <li>-Assisted Living-Residential (5.6.10.1)</li> <li>-Convenience store (5.2.13)</li> <li>-Garden Suite (5.6.4)</li> <li>-Non-profit housing (5.6.10.2)</li> <li>-Plex housing (5.6.11)</li> <li>-Public Gathering Places-Indoor (5.5.4)</li> <li>-Urban agriculture (5.1.2)</li> </ul>

DEVELOPMENT STANDARDS: RESIDENTIAL VARIED DENSITY ZONE						
	Single Detached Dwelling	Semi-Detached Dwelling	Town house	Infill– Single Detached only	3- Plex	4- Plex
<b>Minimum standards</b>						
Lot size m <sup>2</sup>	740	450/unit	180/unit	450	1500	1800
Frontage(m)	20 (see condition 2)	10/unit	6/unit+9 for each	12	30	30
Building Line (m)	10	10	8	10	10	10
Side Yards (m)	1 & 3	3	3	1 & 3	3	3
Flanking Yard (m)	8	8	5 - 7	7	8	8
Rear Yard (m)	8	8	8	7	12	15
<b>Maximum standards</b>						
Lot Coverage %	33	33	33	33	45	45
Maximum Height (m)	8	8	10	8	8	8

<b>DEVELOPMENT STANDARDS: RESIDENTIAL MIXED DENSITY ZONE Apartment/Multi-Unit Residential Building</b>	
<b>Minimum</b>	
Lot area per unit (m <sup>2</sup> )	140
Lot Depth (m)	30
Frontage (m)	25
Front yard (building line setback (m)	10
Flanking yard (m)	8
Side Yard (m)	3
Rear yard (m)	10
<b>Maximum</b>	
Lot Coverage	38%
Height	14

**Conditions:**

- (1) Development must conform to the requirements of Section 3.1.6;
- (2) Council shall encourage 25 m frontages that, with the 1m/3m sideyards, allow for modular homes to be sited on the lot in a more attractive manner and enhance the curb appeal of this more affordable housing option;
- (3) Where a residential development abuts a waterway reservation the minimum rear yard shall be 5 m measured from the rear property line or reservation, whichever is greater;
- (4) A Comprehensive Planned Development plan(Section 2.2.4) is required for an application to develop an apartment building, townhomes, and Plex buildings
- (5) Development Standards for Discretionary Uses:
  - a. Must meet standards for Single Detached Dwelling (as noted above) or Commercial zone (3.3), whichever is greater;
  - b. Must comply with buffers/separation distances set out in 4.3.

### 3.2.4 Residential High Density (RHD)

USE ZONE TABLE: RESIDENTIAL HIGH DENSITY	
PERMITTED USES	DISCRETIONARY USES
<p>-Single detached dwelling (5.6.1)</p> <p>-Uses set out in 3.1.5</p>	<p>-Apartment building (5.6.7)</p> <p>-Assisted Living-Residential (5.6.10.1)</p> <p>-Energy generating facility-residential only (5.7.3)</p> <p>-Non-profit housing (5.6.10.2)</p> <p>-Infill- Residential (5.6.9)</p> <p>-Semi-detached dwelling (5.6.2)</p> <p>-Supportive housing (5.6.10.3)</p> <p>-Townhouse (5.6.5)</p> <p>-Transitional housing only (5.6.10.5)</p>

DEVELOPMENT STANDARDS: RESIDENTIAL HIGH DENSITY				
Standards:	Single Detached Dwelling	Semi-Detached (Double) Dwelling	Townhouse	Apartment/ multi-unit
<b>Minimum Standard:</b>				
Lot area (m <sup>2</sup> )	450	450/unit	180/unit	140/unit
Frontage (m) *	15	9 per unit	6/unit+9 for each end unit	25
Building Line Setback	10	10	10	10
Side yard Width (m)	1 and 3	2.4	3	3
Flanking Side yard (m)	8	8	5 - 7	8
Rear yard (m)	6	6	6	8
<b>Maximum Standards</b>				
Lot Coverage (%)	40	33	33	33
Height (m)	10	10	8	14

#### Conditions

- (1) Development must conform to the requirements of Section 3.1.6
- (2) A Comprehensive Planned Development application (2.2.4) is required for Townhouse and Apartment applications;

### 3.2.5 Residential Multi-Unit Zone (RMU)

USE ZONE TABLE: RESIDENTIAL MULTI-UNIT ZONE	
PERMITTED USES	DISCRETIONARY USES
<ul style="list-style-type: none"> <li>-Apartment building (5.6.7)</li> <li>-Single detached dwelling (5.6.1)</li> <li>-Semi-detached dwelling (5.6.2)</li> <li>-Townhouse (5.6.5)</li> <li>-Uses set out in 3.1.5</li> </ul>	<ul style="list-style-type: none"> <li>-Assisted Living-Residential (5.6.10.1)</li> <li>-Convenience store (5.2.13)</li> <li>-Emergency shelter (5.6.10.4)</li> <li>-Institutional – personal care facility only (5.5.2)</li> <li>-Non-profit housing (5.6.10.2)</li> <li>-Plex housing (5.6.11)</li> <li>-Supportive housing (5.6.10.3)</li> <li>-Transitional housing (5.6.10.5)</li> </ul>

DEVELOPMENT STANDARDS: RESIDENTIAL MULTI-UNIT ZONE				
	Single Detached Dwelling	Semi-Detached (Double) Dwelling	Townhouse	3- & 4-Plex
<b>Minimum</b>				
Lot size (m <sup>2</sup> )	450	140*	135*	1500
Front (m)	15	6*	5.5*	30
Building Line Setback (m)	8	8	8	10
Side Yards (m)	1.2 & 2.4	2.4	3	3
Flanking Yard (m)	7.5	7.5	7.5	8
Rear Yard (m)	8	8	8	12
<b>Maximum</b>				
Building line setback (m)	15	For discussion		
Lot Coverage %	50	45	55	45
Maximum Height (m)	8	8	10	8

\*Per unit

<b>DEVELOPMENT STANDARDS APARTMENT/MULTI-UNIT RESIDENTIAL BUILDING</b>	
<b>Minimum</b>	
Lot area per unit (m <sup>2</sup> )	90
Frontage (m)	25
Front yard (building line setback (m))	10
Side Yard (m)	3
Rear yard (m)	8
<b>Maximum</b>	
Lot Coverage (%)	45%
Height (m)	17

**Conditions**

- (1) Development must conform to the requirements of Section 3.1.6 and the following additional standards are provided for clarity for this zone:
- (2) A Comprehensive Planned Development application plan (2.2.4) is required for an application to develop an apartment building, Townhomes, and Plex housing;
- (3) Development Standards for Discretionary Uses:
- (4) Must meet standards for Single Detached Dwelling (as noted above) or Commercial Use (4.2), whichever is greater;
- (5) Must comply with buffers/separation distances set out in 4.3.



*Example of Town Home that could be attractive in Happy Valley-Goose Bay; note the landscaping and colours as well as the offset frontages.*

### 3.2.6 Residential Cluster Zone (RC)

**Intent:** Cluster development provides the opportunity for a land-condominium (*Condominium Act, 2009*) whereby the buildings are clustered and open space amenity areas consist of public open space areas shared by all the residents.

USE ZONE TABLE RESIDENTIAL CLUSTER	
PERMITTED USES	DISCRETIONARY USES
<ul style="list-style-type: none"> <li>-Tiny house and Compact House (5.6.3)</li> <li>-Uses set out in 3.1.5</li> </ul>	<ul style="list-style-type: none"> <li>-Semi-Detached dwellings (5.6.2)</li> <li>-Single Detached dwellings (5.6.1)</li> <li>-Urban agriculture (4.2.2)</li> </ul>

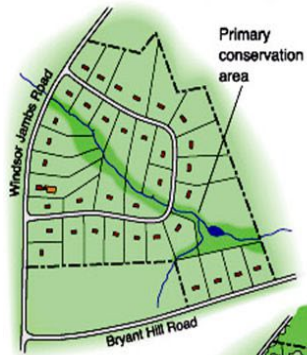


*Examples of housing that can be placed on narrow lots;  
Note the emphasis on interesting architectural features and landscaping.*

<b>DEVELOPMENT STANDARDS: RESIDENTIAL CLUSTER</b>				
<b>Standards:</b>	<b>Single Detached Dwelling</b>	<b>Semi-Detached (Double) Dwelling</b>	<b>Tiny house</b>	<b>Compact House</b>
<b>Minimum</b>				
Size of Cluster subdivision (ha)	2 or 8 buildings			
Open Space-as % of the site	50%	70%	50%	50%
Lot area (m <sup>2</sup> )	650	140 per unit	170 per unit	190 per unit
Floor area (m <sup>2</sup> ) per unit	80	80	<50	50-80
Frontage (m)	20	7 per unit	12	15
Building Line Setback (m)	10 (for all yards bounding the property including flanking sideyards)			
Side yard Width (m)	1.8	3	3 and 1	3 and 1
Rear yard (m)	7.5	7.5	7	7
<b>Maximum</b>				
Lot Coverage (%)	33	33	n/a	n/a
Height (m)	8	9	8	8

### Conditions

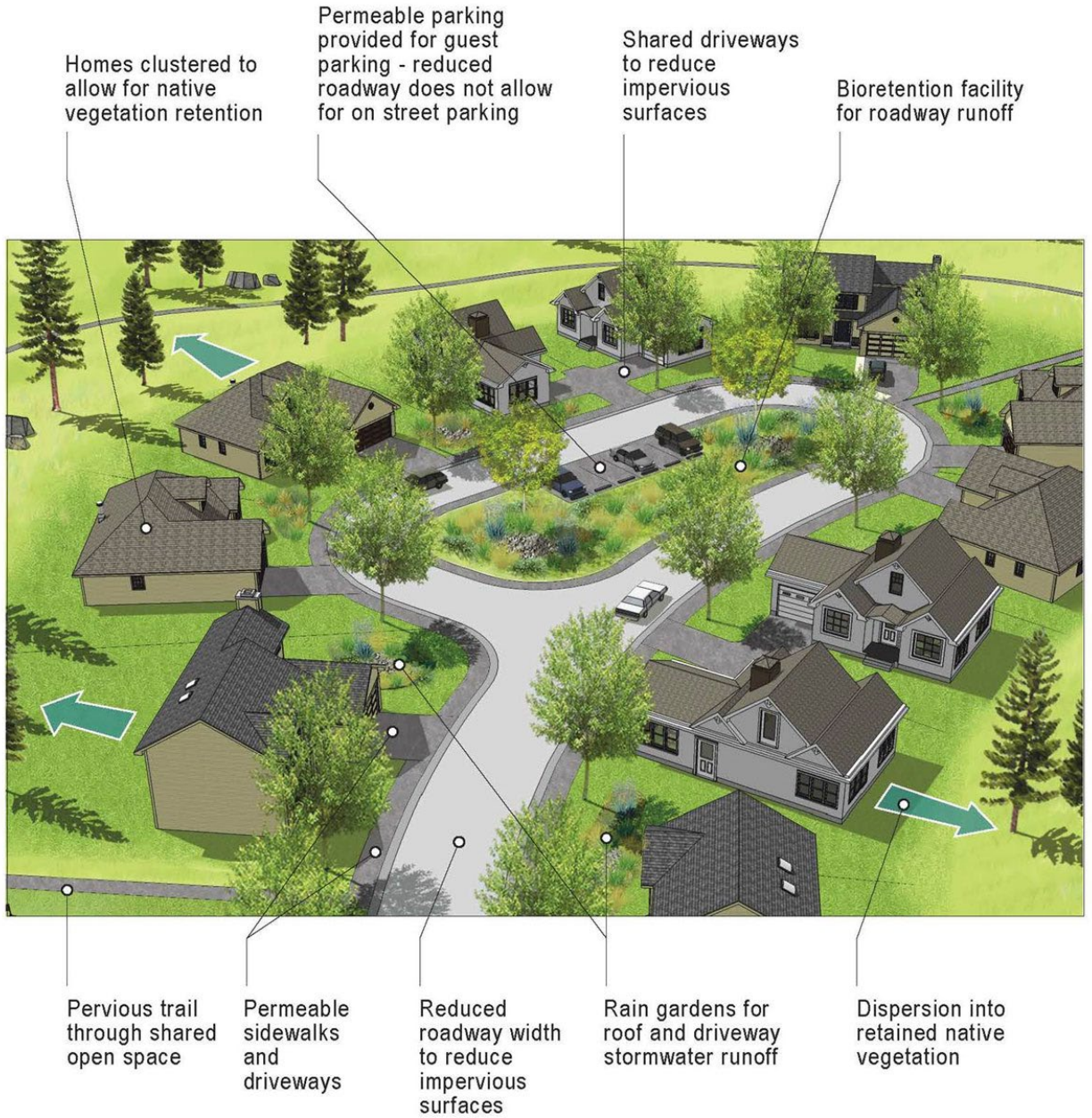
- (1) Development must conform to the requirements of Section 3.1.6;
- (2) A Comprehensive Planned Development application (2.2.4) is required for an application to develop a cluster development for tiny homes, single-detached and semi-detached dwellings;
- (3) Each plan of subdivision shall make provision for the grouping of building types and for landscaping in order to enhance the visual aspects of the completed development, provide greater amenity spaces, such as trails and parklands by incorporating site-specific topography and vegetation into the neighbourhood design.
- (4) Building groupings, once approved by Council, shall not be changed without written application to and subsequent approval of Council.



Designing for open space favors cluster housing (open-space zoning) over conventional subdivisions. Here, both plans contain 36 sites, but the lower has cluster homes.



**Example of Cluster or Conservation Subdivision Design  
incorporating Storm Water Management options**



### 3.2.7 Cottage (COT)

USE ZONE TABLE: COTTAGE	
PERMITTED USES	DISCRETIONARY USES
-Cottage (5.6.8) -Urban agriculture ( 5.1.2) -Uses set out in 3.1.5	

DEVELOPMENT STANDARDS: COTTAGE	
<b>Minimum</b>	
Lot size m <sup>2</sup>	3000
Frontage (m)	30
Floor area m <sup>2</sup>	20
Building Line Setback (m)	8
Side Yards (m)	7.5
Flanking Yard (m)	7.5
Rear Yard (m)	15
<b>Maximum</b>	
Lot size m <sup>2</sup>	4000
Frontage (m)	45
Height (m)	8

**Conditions:**

- (1) Cottage zones will be located outside the urban built-up area of the community;
- (2) 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.
- (3) Development must conform to the requirements of Section 3.1.6.

### 3.2.8 Residential Rural (RR)

USE ZONE TABLE: RESIDENTIAL RURAL	
PERMITTED USES	DISCRETIONARY USES
<ul style="list-style-type: none"> <li>-Emergency Shelter (5.6.10.4)</li> <li>-Single detached dwelling (5.6.1)</li> <li>-Urban agriculture (5.1.2)</li> <li>-Uses set out in 3.1.5</li> </ul>	<ul style="list-style-type: none"> <li>-Assisted Living-Residential (5.6.10.1)</li> <li>-Energy generating facility – residential only (5.7.3)</li> <li>-Supportive housing (5.6.10.3)</li> <li>-Transitional housing (5.6.10.5)</li> </ul>

DEVELOPMENT STANDARDS: RESIDENTIAL RURAL		
	Single Detached Dwelling	
Standards:	<i>No services provided</i>	<i>One service: water</i>
Lot area (m <sup>2</sup> )	1860	1400
Frontage (m) *	30	23
Building Line Setback	8	8
Side yard Width (m)	5	5
Side yard, Flanking (m)	15	15
Rear yard Depth* (m)	15	15
Height)	10	10

#### Conditions

- (1) Development must conform to the requirements of Section 3.1.6.

### 3.3 COMMERCIAL ZONE (COM)

USE ZONE TABLE : COMMERCIAL ZONE	
PERMITTED USES	DISCRETIONARY USES
<p>-Commercial Land Use Class (5.2): All Uses, <b>EXCEPT</b> Amusement Park/Attraction, Campgrounds, Resort</p> <p>-Emergency shelter (5.6.10.4)</p> <p>-Hostel (5.6.10.6)</p> <p>-Institutional/Public Land Use Class-All Uses (5.5) <b>EXCEPT</b> Cemetery (5.5.1) and note that Public Gathering-Indoor is a discretionary use</p> <p>-Uses set out in 3.1.5</p>	<p>-Apartment building (5.6.7) with commercial on main floor</p> <p>-Assisted Living, Residential (5.6.10.1)</p> <p>-Campground (5.2.9)</p> <p>-Industrial- Light (5.3.9) subject to Condition #3 below</p> <p>-Outdoor storage (4.14)</p> <p>-Public Gathering – Indoor (5.5.4)</p> <p>-Resort (5.2.25)</p> <p>-Supportive Housing (5.6.10.3)</p> <p>-Transitional housing (5.6.10.5)</p>

DEVELOPMENT STANDARDS: COMMERCIAL ZONE	
<b>Minimum Standards:</b>	
Front yard (building line) (m)	At the discretion of Council (See #2 below)
Side yard (m):	1 - 5 at the discretion of Council
Flanking yard (m):	4 – 6 at the discretion of Council
Rear yard (m):	5
<b>Maximum Standards</b>	
Height (m)	15

#### 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) Light Industrial uses must have a commercial component as an essential element of the development; light industrial without a commercial component will not be allowed.

### 3.4 MIXED USE ZONE (MIX)

USE ZONE TABLE: MIXED USE ZONE	
PERMITTED USES	DISCRETIONARY USES
<ul style="list-style-type: none"> <li>-Amusement establishment/use (5.2.1)</li> <li>-Business support service (5.2.8)</li> <li>-Club and Lodge (5.2.11)</li> <li>-Convenience store (5.2.13)</li> <li>-General Service/repair (5.2.16)</li> <li>-Medical or Dental Clinic (5.2.19)</li> <li>-Offices (5.2.24)</li> <li>-Personal Service (5.2.23)</li> <li>-Public Gathering Place – indoor (5.5.4)</li> <li>-Restaurant – full service (5.2.26.2)</li> <li>-Retail (5.2.27)</li> <li>-Single detached dwelling (5.6.1)</li> <li>-Semi-detached (double) (5.6.2)</li> <li>-Uses set out in 3.1.5</li> </ul>	<ul style="list-style-type: none"> <li>-Apartment building (5.6.7)</li> <li>-Bar (5.2.6)</li> <li>-Garden Suite (5.6.4)</li> <li>-Hostel (5.6.10.6)</li> <li>-Non-Profit housing (5.6.10.2)</li> <li>-Plex housing (5.6.11)</li> <li>-Supportive housing (5.6.10.3)</li> <li>-Townhouse (5.6.5)</li> <li>-Transitional housing (5.6.10.5)</li> </ul>

\*The apartment building can be a stand-alone building or combined with commercial, with commercial on the ground floor.

DEVELOPMENT STANDARDS: MIXED USE ZONE					
	Single Detached Dwelling	Semi-Detached Dwelling	Townhouse	Infill–single detached only	3- & 4-Plex
<b>Minimum standards</b>					
Lot size (m <sup>2</sup> )	800	270/unit	180/unit	550	1500
Front (m)	20	10/unit	6/unit+9 for each end unit	12	30
Building Line (m)	10	10	8	10	10
Side Yards (m)	1 & 3	3	3	1 & 3	3
Flanking Yard (m)	8	8	5 - 7	7	8
Rear Yard (m)	8	8	8	7	12
<b>Maximum standards</b>					
Lot Coverage %	33	33	33	33	45
Maximum Height (m)	8	8	10	8	8

DEVELOPMENT STANDARDS: MIXED USE ZONE		
	Apt/Multi-Unit Residential	Commercial
<b>Minimum</b>		
Lot area per unit (m <sup>2</sup> )	140	n/a
Lot Depth (m)	30	n/a
Frontage (m)	25	20
Front yard (building line setback (m))	10	At discretion of Council (See #2 below)
Flanking yard (m)	8	4 – 6 at the discretion of Council
Side Yard (m)	3	1 - 5 at the discretion of Council
Rear yard (m)	10	5
<b>Maximum</b>		
Lot Coverage (%)	38	38
Height (m)	14	15

## 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.

### 3.5 INDUSTRIAL ZONES

#### 3.5.1 Industrial General (IG)

USE ZONE TABLE: INDUSTRIAL GENERAL	
PERMITTED USES	DISCRETIONARY USES
<ul style="list-style-type: none"> <li>-Composting Facility (5.3.3)</li> <li>-Contractor – General (5.3.4)</li> <li>-Data Centre (5.3.17)</li> <li>-Fishery-related Use (5.3.5)</li> <li>-Industrial Light (5.3.9)</li> <li>-Natural Resource-related Industries (5.3.14)</li> <li>-Protective and Emergency Services (5.5.3)</li> <li>-Solid Waste Recycling/Disposal/Composting Site (5.3.16)</li> <li>-Uses set out in 3.1.5</li> </ul>	<ul style="list-style-type: none"> <li>-Aquaculture (5.3.1)</li> <li>-Crematorium (5.3.2)</li> <li>-Energy Generation Facilities (5.7.3)</li> <li>-Industrial-General (5.3.7)</li> <li>-Industrial-Heavy and Hazardous (5.3.8)</li> <li>-Marina (5.2.18)</li> <li>-Salvage/Scrap yard (5.3.15)</li> <li>-Wind Turbines (5.7.3.2)</li> </ul>

DEVELOPMENT STANDARDS: INDUSTRIAL GENERAL	
<b>Minimum Standards</b>	
Front yard (building line) (m)	10
Side yard. (m)	3
Flanking yard (m)	8
Rear yard (m)	10
<b>Maximum Standards</b>	
Height (m)	18

#### Condition

(1) Development must conform to the requirements of Section 3.1.6;

### 3.5.2 Industrial Light (IL)

USE ZONE TABLE: INDUSTRIAL LIGHT	
PERMITTED USES	DISCRETIONARY USES
<ul style="list-style-type: none"> <li>-Industrial – Light (5.3.9)</li> <li>-Industrial – Mall (5.3.10)</li> <li>-Uses set out in 3.1.5</li> </ul>	<ul style="list-style-type: none"> <li>-Data Centre (5.3.17)</li> <li>-Retail associated with the primary industrial use (5.2.27)</li> </ul>

DEVELOPMENT STANDARDS: INDUSTRIAL LIGHT	
<b>Minimum Standards</b>	
Front yard (building line) (m)	10
Side yard. (m)	3
Flanking yard (m)	8
Rear yard (m)	10
<b>Maximum Standards</b>	
Height (m)	18

#### Conditions

- (1) Development must conform to the requirements of Section 3.1.6;
- (2) For all new development in the Light Industrial zone located on Corte Real Road, a traffic impact analysis is required until such time as the Kelland Drive extension is developed which will accommodate industrial traffic. The impact of future additional industrial traffic on the residential neighbourhoods to the south of the Industrial zone will be evaluated from a public health and safety perspective.

### 3.5.3 Industrial Commercial (IND-C)

USE ZONE TABLE: INDUSTRIAL COMMERCIAL	
PERMITTED USES	DISCRETIONARY USES
<p>-All Commercial Land Use Class (5.2) EXCEPT Amusement Park/attraction (5.2.2), Campground (5.2.9), Child care-non-residential (5.2.10), Hotel (5.2.17), Resort (5.2.25)</p> <p>-Industrial – Light (5.3.9) AND Retail associated with the primary industrial use</p> <p>-Industrial – Mall (5.3.10)</p> <p>-Public Gathering Place – indoor (5.5.4)</p> <p>-Restaurant-Take out (5.2.26.1)</p> <p>-Uses set out in 3.1.5</p>	<p>-Data Centre (5.3.17)</p>

DEVELOPMENT STANDARDS: INDUSTRIAL COMMERCIAL	
<b>Minimum Standards</b>	
Front yard (building line) (m)	10
Side yard. (m)	3
Flanking yard (m)	8
Rear yard (m)	10
<b>Maximum Standards</b>	
Height (m)	18

#### Condition

- (1) Development must conform to the requirements of Section 3.1.6;

### 3.5.4 Industrial Aviation (IND-A)

USE ZONE TABLE : INDUSTRIAL AVIATION	
PERMITTED USES	DISCRETIONARY USES
<ul style="list-style-type: none"> <li>-Industrial Aviation (5.3.18)</li> <li>-Protective and Emergency Services (5.5.3)</li> <li>-Uses set out in 3.1.5</li> </ul>	<ul style="list-style-type: none"> <li>-Industrial – Light (5.3.9)</li> <li>-Retail (5.2.27) associated with the primary industrial use</li> <li>- Service Station (5.2.29)</li> </ul>

DEVELOPMENT STANDARDS: INDUSTRIAL AVIATION	
<b>Minimum Standards</b>	
Frontage (m)	20
Front yard (building line) (m)	8
Side yard. (m)	3
Flanking yard (m)	8
Rear yard (m)	10
<b>Maximum Standards</b>	
Height (m)	Refer to 4.1.10 Airport related Requirements

#### Conditions

- (1) Development must conform to the requirements of 3.1.6;
- (2) Applications for new development in the Industrial Aviation zone shall be referred to the Governments of Canada and Newfoundland and Labrador, the Department of National Defence and the Goose Bay Airport Authority for review before a permit is issued by the Town.

### 3.6 PUBLIC/INSTITUTIONAL ZONE (P/I)

USE ZONE TABLE: PUBLIC/INSTITUTIONAL	
PERMITTED USES	DISCRETIONARY USES
<p><i>-Institutional/Public Uses – ALL (5.5) including but not limited to: hospitals, government offices, educational facilities, convention centres or major cultural centres, such as Provincial arts and culture centres, recreation complex, such as an arena, multi-use sports and entertainment centres, swimming pools; and, personal care facilities (larger than residential home), such as nursing or senior’s homes, family and group care centres; EXCEPT Crematoria (discretionary use associated with funeral home)</i></p> <p><i>-Assisted Living-Residential (5.6.10.1)</i>  <i>-Emergency shelter (5.6.10.4)</i>  <i>-Hostel (5.6.10.6)</i>  <i>-Non-profit housing (5.6.10.2)</i>  <i>=Outdoor storage (4.14)</i>  <i>-Supportive housing (5.6.10.3)</i>  <i>-Transitional housing (5.6.10.5)</i>  <i>-Uses set out in 3.1.5</i></p>	<p><i>-Club and lodge (5.2.11)</i>  <i>-Crematoria associated with a funeral home</i>  <i>-Marina (5.2.18)</i>  <i>-Outdoor Market (5.2.22)</i></p>

DEVELOPMENT STANDARDS: PUBLIC/INSTITUTIONAL	
<b>Minimum Standards in Metres (m):</b>	
Frontage	15
Front yard (building line)	8
Side yard	5 or 2.4 at the discretion of Council
Flanking yard	8
Rear yard	15
<b>Maximum Standards</b>	
Height (m)	18
Coverage (%)	45%

#### Conditions

- (1) Development must conform to the requirements of Section 3.1.6
- (2) All Public/Institutional developments shall provide information regarding access/egress and on-site parking and loading details as part of a traffic plan (refer to Section 4.1).

### 3.7 CONSERVATION ZONES

#### 3.7.1 Environmental Protection - Management Unit (EP-MU)

USE ZONE TABLE: ENVIRONMENTAL PROTECTION - MANAGEMENT UNIT (EP-MU)	
PERMITTED USES	DISCRETIONARY USES
- <i>Environmental Protection (5.4.1)</i> - <i>Uses set out in 3.1.5</i>	- <i>Open Space, Parks and Trails (5.4.2)</i>

#### Conditions

- (1) Development must conform to the requirements of Section 3.1.6;
- (2) Any development must be in accordance to the commitments made in the 'Eastern Habitat Joint Venture Municipal Stewardship Agreement' signed on June 22, 2004.
- (3) Cottages are prohibited in this zone.
- (4) Any development within a specified distance of a designated trail or water course will be reviewed to ensure that development does not negatively impact such trail or watercourse and the property owner may be required by the Town to provide a buffer.
- (5) Where necessary to protect wild fowl habitat, trails for motorized vehicles can be limited or event prohibited. All development is subject to the approval of the Environmental Assessment Division (where it triggers registration), the Water Resource Management Division, the Wildlife Division regarding the commitments under the Eastern Habitat Joint Venture Municipal Stewardship Agreement.

**3.7.2 Environmental Protection (EP)**

<b>USE ZONE TABLE: ENVIRONMENTAL PROTECTION</b>	
<b>PERMITTED USES</b>	<b>DISCRETIONARY USES</b>
<ul style="list-style-type: none"> <li>- <i>Environmental Protection (5.4.1)</i></li> <li>- <i>Forest activities-domestic harvest only (5.3.6)</i></li> <li>- <i>Uses set out in 3.1.5</i></li> </ul>	<ul style="list-style-type: none"> <li>- <i>Open space, Parks and Trails (5.4.2)</i></li> <li>- <i>Uses permitted under the 'Policy for Development in Wetlands' and 'Policy for Flood Plain Management' (see section 4.9)</i></li> </ul>

**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 will be reviewed to ensure that development does not negatively impact such trail or watercourse and the property owner may be required by the Town to provide a buffer.
- (3) Where necessary to protect wild fowl habitat, trails for motorized vehicles can be limited or prohibited. All development is subject to the approval of the Environmental Assessment Division (where it triggers registration), the Water Resource Management Division, the Wildlife Division (who will be responsible for any referral to then federal Canadian Wildlife Service responsible for waterfowl habitat).

### 3.7.3 Open Space, Parks and Trails (OSPT)

USE ZONE TABLE: OPEN SPACE, PARKS AND TRAILS	
PERMITTED USES	DISCRETIONARY USES
<p><i>-Open space, Parks and Trails (5.4.2)</i>  <i>-Uses set out in 3.1.5</i></p>	<p><i>-Outdoor Market (5.2.22)</i>  <i>-Public gathering places-outdoor (5.5.5)</i>  <i>-Restaurant – Mobile Take Out, Street Vendor only (5.2.26.3)</i></p>

#### Conditions

- (1) Development must conform to the requirements of Section 3.1.6;
- (2) Development standards for Open Space, Parks and Trails are at the discretion of Council;

### 3.8 AGRICULTURE (AGR)

USE ZONE TABLE: AGRICULTURE	
PERMITTED USES	DISCRETIONARY USES
<ul style="list-style-type: none"> <li>-Commercial Agriculture- (5.1.1)</li> <li>-Forest activities (5.3.6)</li> <li>-Natural Resource-related Uses (5.3.14)</li> <li>-Uses set out in 3.1.5</li> </ul>	<ul style="list-style-type: none"> <li>-Kennel (5.1.2.4)</li> <li>-Open space, Parks and Trails (5.4.2)</li> <li>-Residential- a single detached dwelling associated with a permitted use only (5.6.1)</li> </ul>

#### Conditions

- (1) Development must conform to the requirements of Section 3.1.6;
- (2) The Development standards are at the discretion of Council, subject to approvals of the Land Resource Stewardship and the Government Service Centre (Service NL).

### 3.9 RESOURCE ZONE (R)

USE ZONE TABLE : RESOURCE ZONE	
PERMITTED USES	DISCRETIONARY USES
<ul style="list-style-type: none"> <li>-Forestry Activities (5.3.6)</li> <li>-Commercial Agriculture (5.1.1)</li> <li>-Conservation (5.4)</li> <li>-Cottage (5.6.8)</li> <li>-Mineral Working (5.3.12)</li> <li>-Uses set out in 3.1.5</li> </ul>	<ul style="list-style-type: none"> <li>-Amusement Park/Attraction (5.2.2)</li> <li>-Cemetery (5.5.1)</li> <li>-Campground (5.2.9)</li> <li>-Contractor- General (5.3.4)</li> <li>-Industrial-General (5.3.7)</li> <li>-Industrial-Heavy/Hazardous (5.3.8)</li> <li>-Kennel (5.1.2.4)</li> <li>-Marina (5.2.18)</li> <li>-Natural Resource-Related Uses (5.3.14)</li> <li>-Open space, Parks and Trails (5.4.2)</li> <li>-Outdoor Market (5.2.22)</li> <li>-Residential: (1) Single detached dwelling only in association with a permitted use (5.6.1)</li> <li>-Resort (5.2.25)</li> <li>-Protective and Emergency Services (5.5.3)</li> <li>-Public Gathering – Indoor (5.5.4)</li> <li>-Public Gathering – Outdoor (5.5.5)</li> <li>-Salvage/scrap yard (5.3.15)</li> <li>-Service Station (5.2.29)</li> <li>-Solid Waste Recycling/Disposal and Composting Site (5.3.16)</li> <li>-Veterinary Clinic (5.2.30)</li> </ul>

#### Conditions

- (1) Development must conform to the requirements of Section 3.1.6;
- (2) Any applications within the Agricultural Development Area (5.1.3) 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.

### 3.10 PUBLIC UTILITY ZONE (PU)

USE ZONE TABLE : PUBLIC UTILITIES	
PERMITTED USES	DISCRETIONARY USES
<i>- Public Infrastructure and Utilities(5.7)</i>  <i>-Uses set out in 3.1.5</i>	<i>- Open space, parks and trails (5.4.2)</i>

#### Conditions

- (1) Development must conform to the requirements of Section 3.1.6;
- (2) The requirements for the Public Utility zone are at the discretion of Council, and where applicable, after consultation and with the approval of Nalcor (Newfoundland Hydro) and other applicable provincial and federal agencies.

### 3.11 FEDERAL LANDS (FL)

USE ZONE TABLE: FEDERAL LANDS	
PERMITTED USES	DISCRETIONARY USES
<i>-As determined by the Government of Canada</i>	<i>-As determined by the Government of Canada</i>

#### Conditions

- (1) The conditions for development are as determined by the Government of Canada in consultation with the Town and the Government of Newfoundland and Labrador.

### 3.12 DEVELOPMENT SCHEME AREAS (DSA)

#### 3.12.1 GENERAL DEVELOPMENT SCHEME AREAS

USE ZONE TABLE: DEVELOPMENT SCHEME AREAS (DSA)	
PERMITTED USES	DISCRETIONARY USES
-Non-conforming uses (2.3.3) -Uses set out in 3.1.5	

#### Conditions

- (1) All development proposals shall be referred to the Water Resources Management Division for review before any development can be approved; development must comply with the policies of the Water Resources Management Division (refer to 4.9);
- (2) Development must conform to the requirements of Section 3.1.6;
- (3) The only accessory uses are those associated with the non-conforming use.
- (4) No new development can take place until a Development Scheme has been prepared as per Section 29 of the *Urban and Rural Planning Act, 2000* which requires that the DSA adheres to the process set out in sections 14-25 of the Act.
- (5) The following areas are identified on the Land Use Zoning Map as general Development Scheme Areas (DSAs):
  - a. A site to the west of Corte Real Road;
  - b. A site to the east of Corte Real Road;
  - c. A site north of Kelland Drive;
  - d. A site to the west of the intersection of the Trans Labrador Highway and Hamilton River Road;

### 3.12.2 TOWN CENTRE DEVELOPMENT SCHEME AREA (TC DSA)

The following conditions apply to the Town Centre Development Scheme Area (TC DSA):

- (1) All development in the Town Centre DSA must be fully serviced.
- (2) Development must conform to the requirements of Section 3.1.6;
- (3) Protected Access points will be identified on the Land Use zoning map in order to ensure that key accesses to the TC DSA are protected;
- (4) The TC DSA main collector roads will incorporate the existing infrastructure easements wherever possible into the road right of way.
- (5) Development applications must indicate buffers or screening to shield adjacent residential land owners from noise from either snowmobiles in winter or ATVs and dirt bikes in the summer;
- (6) The development applications for trails must indicate dust control measures as part of the trail plan in order to minimize this nuisance to adjacent land users and to the trail users as well;
- (7) Residential development in the Town Centre DSA may include the following zones: Residential Low Density-1; Residential Varied Density; Residential Multi-Unit; and, Residential Cluster Development;
- (8) Higher density, multi-unit residential units would be allowed either on top of, or adjacent to, the commercial enterprises in order to ensure readily available clientele to support these businesses and provide services and amenities within walking distance of homes;
- (9) Commercial development in the Town Centre DSA will be allowed as follows:
  - a. Where a commercial use is listed as a non-residential use in any of the Residential zones permitted in the Town Centre DSA; and
  - b. Provide for a 'Commercial-Town Centre' zone only along the main collector streets;
  - c. In the Commercial-Town Centre zone:
    - i. Permitted uses include: Amusement Establishment/use, Club and Lodge, Convenience Store, Custom Manufacturing Service (small/artisan), Personal Service, Restaurant-Full Service only; Medical or Dental clinic/office, Outdoor Market, Personal Service
    - ii. Discretionary uses include: Apartment building, with commercial on main floor; Public Gathering-Indoor, Sports and Recreation Facilities;
- (10) A Development Regulation amendment is required for all future development in the Town Centre DSA to indicate the proposed zoning from (7) and (9) to be applied to the TC DSA area involved. The proposal for development must include a Comprehensive Planned Development application.
- (11) Both a Municipal Plan Amendment (MPA) and a Development Regulation Amendment (DRA) is required if the site of proposed development is not consistent:
  - a. the Land Use Zoning map,
  - b. proposes a different use or development standard than what is stated in the policies of the Municipal Plan as stated in (7) and (9) above;
  - c. The Amendments must follow the procedure outlined in Sections 14-25 for the *Urban and Rural Planning Act, 2000* as set out in Section 2.

- (12) All development applications will be processed as per the procedures set out in the Development Regulations 2018-2028 under the *Urban and Rural Planning Act, 2000*. In addition to the requirements of 2.2.2 and 2.2.4, all development applications must indicate:
- a. information regarding access/egress and onsite parking and loading details, where applicable;
  - b. how the local road layout addresses the site access, traffic flow and control measures with the Town Centre HVGB;
  - c. pedestrian and cyclist connectivity within the TC DSA and to the surrounding trail systems;
  - d. Consideration of ATV and snowmobile access to designated trails and trail design elements;
  - e. measures to deal with 'street/trail' intersections, particularly the crossing of the main bike/snowmobile trail;
  - f. The application will indicate how 'Complete Street' components are integrated into the road design in order to create a Town Centre 'village' atmosphere, where people can walk or cycle from their homes to shops, recreation and wellness facilities, restaurants and other community services and amenities requires a safe and welcoming street design.

### **3.12.3 RESIDENTIAL DEVELOPMENT SCHEME AREA (RDSA)**

- (1) The following areas are identified on the Land Use Zoning Map as Residential Development Scheme areas where only residential zones will be permitted:
  - a. A site to the north of Kelland Drive; and,
  - b. A site south of Kelland Drive between Voisey Drive and Bird Street; this area may require a service road for access to residential properties in order to reduce the number of direct accesses onto Kelland Drive;
- (2) Development must conform to the requirements of Section 3.1.6;
- (3) The only accessory uses are those associated with the non-conforming use.
- (4) No new development can take place until a Development Scheme has been prepared as per Section 29 of the *Urban and Rural Planning Act, 2000* which requires that the DSA adheres to the process set out in sections 14-25 of the Act.

## 4.0 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.

### 4.1 Access to Town Roads and Fronting on to a Public Road

**Definition:** 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 (*definition from the Minister's Development Regulations*).

#### Conditions

- (1) All buildings shall front on to a publicly maintained road.
- (2) The front wall of a building shall face the street on which it is located and shall have a civic number;
- (3) A new street may not be constructed except in accordance with and to the design and specifications established by Council. An access on a municipal road shall be located as specified by the Council.
- (4) All access to a provincial highway is determined by the Department of Transportation and Infrastructure (Note: access permits are administered by Service NL).
- (5) No vehicular access shall be closer than 10 m to the street line of a street intersection of a local road, or 20 m to the street line of a street intersection in the case of a collector or arterial road.
- (6) 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:
- (7) All occupied lands within 7 m of a street intersection shall be kept free of any shrubs, plants, and trees that will impede the line of vision clear for motorists and pedestrians, and no building or structure shall be permitted to be erected, moved, enlarged, or reconstructed on any land that is within 7 m of a street intersection.
- (8) The Council may require the provision of service streets to reduce the number of individual accesses to an adjacent street.
- (9) Council may require the following conditions regarding off-street loading:
  - a. 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 will be provided and maintained on the lot measuring at least 15 m long and 4 m wide with a vertical clearance of at least 4 m. The space will have direct access to a public street or to a driveway of a minimum width of 6 m that connects to a public street.
  - b. The number of loading spaces to be provided will be determined by Council during application review.
  - c. The loading spaces required by this Regulation will be designed so that vehicles can maneuver clear of any street and so that it would not be necessary for any vehicle to reverse onto or from a street.
- (10) Access(es) shall be located to the specification of Council so as to ensure the greatest possible convenience and safety of the street system and Council may prescribe the construction of service streets to reduce the number of accesses to collector and arterial streets.

(11) In order to control access to streets, Council may, by the adoption of an Access Plan. Where Council has adopted an access plan, the location of accesses to existing and new developments shall be in accordance with that plan. The 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,
- d. reduce the minimum lot frontage required by on the Use Zone Table by up to 50%, provided that Council is satisfied that such a reduction will not create traffic hazards or demands for municipal services.

(12) Details regarding parking can be found in Chapter 7.

(13) Notwithstanding (1) above, the following types of Comprehensive developments 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:

- commercial rental cottages;
- seasonal commercial uses related to tourism;
- resort developments;
- cottage developments not intended for permanent residential use; and,
- vacant land condominium subdivisions.

#### **4.2 Archaeological Sites**

When the Town receives an application for development that is within 20 m of an archaeological site, Town staff will refer the application to the Provincial Archaeology Office (PAO), of the Tourism Division. If the development is approved and then an archaeological site or artefact is discovered during development of a property, the development shall stop and the owner/developer will inform Council. The Town will then consult with the Provincial Archaeology Office shall not proceed until the PAO has evaluated the site or authorized the development to proceed.

Before approval is granted for a major development such as a subdivision or a new commercial or public building, the application will be referred to the PAO for comments

Before any development proceeds in the vicinity (20 m) of a known archaeological site, the application shall be referred to the PAO.

Developments larger than four lots should also be referred to the PAO to determine if a preliminary site review is required.

### 4.3 Buffers and Separation Distances Between Land Uses

**Definition:** Buffer means a berm, wall or opaque fence, row of trees or shrubs, hedge, fence, or distance separation that provides a barrier between incompatible uses intended to obstruct or reduce the noise, lighting glare, unsightly views or any other nuisance of one land use or property onto another. Council may require landscaping and screening buffers for a proposed development in order to provide:

- a. an acoustic barrier;
- b. an attractive visual continuity and appearance between developments or on an individual site;
- c. delineation of an area; and
- d. protection for the natural environment.

#### Conditions

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

- (1) Council may, in the case of unsightly development or nuisance properties in zones not allowing such activities (for example, scrap yard in the Resource zone), order the owner or occupier to provide adequate and suitable landscaping or visual screening, including fencing.
- (2) Where any non-residential use abuts a residential use or area, the owner of the site of the non-residential development may be required to provide:
  - a. a buffer between any non-residential building or activity and the residential use. The buffer shall include the provision of grass strips, hedges, trees or shrubs, or structural barriers as may be required by the Town, and shall be maintained by the owner or occupier to the satisfaction of the Town.
  - b. A screen or separation between different or incompatible uses, principally between residential and non-residential uses, will consist of a visual screen or solid fence (not open) of a minimum height of 2.4 m and a buffer consisting of green space of 10 m which cannot be used for traffic or parking;
  - c. Where an industrial, commercial or public institutional development permitted in any Use Zone abuts a street that is used as an access into a residential area or zone, a structural barrier or fence may be required in the flanking street side yard by Council and the structure or barrier shall be maintained by the owner or occupier of the property to the satisfaction of Council.
- (3) Council shall consider general buffers for wildlife habitat and landscape connectivity for habitat protection in consultation with the Wildlife Division. This could include:
  - a. Maintaining appropriate riparian buffers, which are natural green belts along wetlands and waterbodies (ponds, rivers, creeks etc.). The Wildlife Division recommends a 50 m minimum undisturbed natural vegetated green belt could be a standard requirement when dealing with any type of land use activity; wider green belts are suggested when bordering land uses include for example agricultural practises.
  - b. To maintain landscape connectivity, green belts should be connected to forested areas or other habitat patches to create travel corridors for various wildlife species when considering retention of vegetation on development sites during lot clearing.

- c. Council should consider restricting vegetation clearing should always be done outside the May 01 to July 31 period (some raptors start breeding in March) as disturbance can be most detrimental during that sensitive breeding/ young rearing period.

The following tables provide recommended and mandatory minimum separation distances between various types of land uses that may not be compatible, depending upon location and site conditions.

<b>Table 1: Separation Between Non-Residential Uses and Residential Uses (minimum)</b>		
<b>Non-residential uses:</b>	<b>Buffer (m)</b>	<b>Mandatory (M)or Recommended ((R)</b>
Agriculture – farm operation for livestock	600	M
Amusement establishment	45	R
Auto repair, body repair, car wash	20	R
Bar, club, lodge,	100	R
Cottage	-	At discretion of Council
Crematorium	70	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-where no blasting is involved	300	M
Mineral working-where blasting is involved	1000	M
Public institutional	3	R
Restaurant – drive through	3	R
Salvage/scrap yard	300	M
Solid waste recycling/disposal &composting sites	300	R

<b>Table 2: Separation Between Non-Residential Uses (minimum)</b>		
<b>Uses</b>	<b>Separation distance in metres (m)</b>	<b>Mandatory (M)or Recommended (R)</b>
<b>Agriculture farm</b>	45 from Centerline of Street	M
<b>Cottage</b>	30 m from Watercourse	M
<b>Crematorium</b>	30 m to adjacent industrial uses	R
<b>Mineral working</b>	150 m from proposed development	M
	90 m from Designated Protected Road	M
	50 m from Local public roads and watercourse	M
	50 m Commercial, public &institutional uses	M
<b>Salvage/scrap yard</b>	100 m from Existing/future commercial areas	M
	50 m Public highway or street	M
	50 m from Watercourse/water body	M
	150 m from Potential development areas	R

Table 2: Separation Between Non-Residential Uses (minimum)		
Uses	Separation distance in metres (m)	Mandatory (M) or Recommended (R)
Solid waste recycling/disposal and composting sites	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
Waste Management Site	1.6 km radius for referrals to Pollution Prevention Branch for any proposed development	M

#### 4.4 Crown Land

**Definition:** Crown land has the meaning as set out in the *Lands Act, 1991*.

**Conditions:**

- (1) The use of Crown land is subject to the Town of Happy Valley-Goose Bay Municipal Plan and Development Regulations, including zoning and permitting requirements.
- (2) Crown land applications must be approved by the Council regarding the use and development of the land prior to approval for issuance of title by the Lands Branch of the Government of Newfoundland and Labrador.
- (3) Under the *Lands Act, 1991*, the Provincial Government has the authority to create Crown land reserves for the purpose of managing Crown land. In the Terrington basin, the 'Terrington Basin Cottage Freeze' in order to preserve water quality by stopping further cottage development thereby stopping additional sewage outflow into the bay.

#### 4.5 Federal and Provincial Government Interests and Land Use Zoning Map Overlays

Wherever possible, the requirements of the federal and provincial agencies expressed in the Interdepartmental Land Use Committee report #1722 have been incorporated into the Development Regulation standards; however, given that these change over time and other exigencies, applicants are responsible to ensure that all appropriate federal and provincial permits and approvals have been secured prior to the use and/or development of land within the planning area boundary.

The Land Use zoning mapping will show the boundaries of land use designations and buffers required by Provincial or Federal legislation as obtained from the Provincial Land Use Atlas, and provide reference to the relevant sections in the regulations. For the Town of Happy Valley-Goose Bay, these overlays on the Land Use Zoning mapping include:

- (1) the Agricultural Development Area - Refer to 5.1.3;
- (2) Protected Road Zoning Regulations Building Control Line - Refer to 4.6;
- (3) the Quarry Buffer of 300 m - Refer to 5.3.13;
- (4) the Nalcor Easement for the Lower Churchill Transmission Line - Refer to 5.7.2;
- (5) Wellhead Protected Water Supply Buffer - Refer to 5.4.3;
- (6) Waste Disposal Buffer - Refer to 5.3.16 (10);
- (7) Crown land reserve - Terrington Basin Cottage Freeze - Refer to 4.4;

- (8) Noise Exposure Forecast zones (Transport Canada Regulations, TP-1247E, Aviation-Land Use in the Vicinity of Aerodromes): 30, 35, 40 – Refer to 4.10 and Appendix 3.
- (9) the 1:20-year and 1:100-year Open Water Flood zone, the 1:20-year and 1:100-year Ice Affected Flood zone; the 1:20-year and 1:100-year Local Creek Flood zones; and the Lake Melville Typical High Tide (CC and CLC) - Refer to 4.9.

#### 4.6 Protected Roads

**Definition:** Protected Roads are provincial highways designated as ‘Protected Road’s in the *Protected Road Zoning Regulations, 1996* under the *Urban and Rural Planning Act, 2000*. They can be viewed on a map on the government website.

**Conditions:**

- (1) A Development Permit is required from Service NL for development occurring along a Protected Road within the Planning Area boundary as follows:
  - a. 150 m from the centre line of the provincial highway on either side - from the Planning Area to the Municipal Area boundary; and,
  - b. 100 m from the centre line of the provincial highway within the Municipal Area boundary.
- (2) The Municipal Plan and Development Regulation land use policies, designations, zoning and development regulations apply along Protected Roads within the Planning Area boundary.

#### 4.7 Nuisance, Danger or are Unsightly

**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 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) Unless otherwise provided for in the zoning and development standards and conditions, no building or land shall be used for any purpose which may be a nuisance, dangerous or unsightly.

**4.8 Soil or Quarry Material Removal, Soil Deposit and Site Grading**

- (1) No development permit for removal or deposit of soil, or the excavation and removal of excavated material or grading is required if it is part of an approved development project or affects less than 125 m<sup>3</sup> of soil, sand, gravel, rock or other substance down to and including bedrock. All other cut or fill work, excavation and removal and deposit of material or grading requires a development permit under these Regulations.
- (2) Removal or deposit of soil, topsoil, sods, or the excavation and removal of excavated material or grading requiring a development permit, provided the work is based on a grading plan must meet the following conditions:
  - a. land intended for the activity or grading has a slope of less than 25%;
  - b. resulting slopes are stable and without hazards;
  - c. when the work is completed, the area affected shall be covered with topsoil and other necessary material for vigorous plant growth and planted with appropriate vegetation;
  - d. drainage must be provided to the satisfaction of Council and will be designed so as not to impair existing surface drainage nor to create erosion either on the site or on adjacent sites.
- (3) Restrict development in environmentally sensitive areas such as steep slopes and areas prone to landslides and rockfall;
- (4) For approved developments where the extraction of quarry materials is occurring or may be expected occur, the Town will send a copy of the development permit to the Quarry Materials Section, Mineral Lands Division, at [quarries@gov.nl.ca](mailto:quarries@gov.nl.ca). Note that quarry materials include but are not limited to aggregate, fill, rock, stone, gravel, sand, clay, borrow material, topsoil, overburden, subsoil, peat. It is important that the Mineral Lands Division have the documentation necessary to distinguish excavation associated with an approved development from excavation that constitutes quarrying; possessing development permits for developments which may involve excavation will assist greatly in making this distinction.

**4.9 Water Body Protection and Flood zone**

**Definition:** (From the *Water Resources Act, 2002*) "body of water" means a surface or subterranean source of fresh or salt water within the jurisdiction of the Province, whether that source usually contains liquid or frozen water or not, and includes water above the bed of the sea that is within the jurisdiction of the Province, a river, stream, brook, creek, watercourse, lake, pond, spring, lagoon, ravine, gully, canal, wetland and other flowing or standing water and the land occupied by that body of water;

### Conditions:

To ensure conformance with requirements of the Water Resources Management Division (WRMD) of the provincial government regarding development within or adjacent to a watercourse or wetland or in a floodplain, the following applies:

- (1) All development must obtain a permit under Section 48 of the Water Resources Act, 2002 for any work in any body of water (including wetland) prior to the start of construction;
- (2) For all portions of a lot that are located **within 15 m** of the edge of a wetland or the top of the stream bank of a watercourse, no building or structure will be permitted, except in conformance with the **'Policy for Development in Wetlands'** including:
  - a- reconstruction of a building that was in existence on the date of approval of this Municipal Plan;
  - b- an accessory building or structure to the above reconstructed building;
  - c- a passive recreational use;
  - d- wharves, boathouses, slipways and breakwaters that conform to the guidelines provided by the Water Resources Management Division; and/or,
  - e- uses that require direct access to a body of water in buffers
- (3) A Section 48 permit under the *Water Resources Act, 2002* administered by the Water Resource Management Division and compliance with departmental policy is required, for:
  - a. Any *infilling work* within 15 m of a body of water and must comply with the **'Policy for Infilling Bodies of Water'**; and,
  - b. Any work in *Shore Water zones* ("Shore Water Zone" means the land that is intermittently occupied by water as a result of the naturally fluctuating surface water level in a body of water which can be either a fresh or salt water body and, in either case, the low water mark and high water mark of the water body defining the edges of the shore water zone) and must comply with the **'Policy for Development in the Shore Water Zone'**;
- (4) Any proposed development within a floodplain 20-year and 1:100-year Open Water Flood zone, the 1:20-year and 1:100-year Ice Affected Flood zone; the 1:20-year and 1:100-year Local Creek Flood zones; and the Lake Melville Typical High Tide on the Land Use Zoning map is subject to the WRMD **'Policy for Floodplain Management'** and requires written approval from the WRMD;
- (5) A Non-Domestic Water Use Permit from the Water Resource Management Division is required before construction and for all existing, new or planned *water use from any water source*;
- (6) On-site sewerage disposal systems are prohibited within 30 m from a waterbody or watercourse;
- (7) Where fish habitat is affected, Fisheries and Oceans Canada must be consulted;
- (8) To protect wildlife habitat in riparian areas, a buffer of 50 m may be required wherever possible along the Goose River, and along other rivers and wetlands located in the Resource zone.

## 4.10 Airport-Related Land Use Requirements

### 4.10.1 Airport Noise Exposure Forecast (NEF) restrictions

Transport Canada Regulations, TP-1247E, Aviation-Land Use in the Vicinity of Aerodromes (found in Appendix 3) sets out guidelines to encourage compatible land use in the vicinity of airports. It outlines examples of how various land uses would be assessed in the Noise Exposure Forecast (NEF) zones in terms of community response predictions. Table 2 in the TP-1247E sets out these land use examples in four categories that are captured by three NEF contours, <NEF 30, NEF 30-35, NEF 35-40 and >NEF 40; therefore, only these three NEF contours are indicated on the Land Use zoning maps.

For all zones within the NEF contours, the uses must be assessed with respect to the recommendations contained in Table 2 of the TP-1247E document which can be found in Appendix 3.

**Note:**

- (1) Land uses that are NOT restricted by the NEF: race tracks-auto, beaches & pools, marinas, parking lots, gasoline stations, warehouses, municipal utilities, ship yards and terminals, quarries, lumber yards, highways, crop farms, market gardens and plant nurseries, cemeteries, and similar uses.
- (2) No residential development shall be permitted above the NEF 35 contour as shown on the Land Use Zoning Maps UNLESS it is within, or immediately adjacent to, a built-up residential area with full municipal services, and that as a condition of a permit for a dwelling, the owner states that the owner is aware of the possible noise from aircraft noise, and that the owner will not bring legal action against the Town or the Government of Canada for any disturbance, possible health effects, or loss of property value or damage to property caused by aircraft noise or other activities associated with the Goose Bay Airport;
- (3) it is accessory to the use or operations of the Airport and/or is military in nature.

#### **4.10.2 Goose Bay Airport Zoning Regulations, SOR/2001-518**

All development is subject to the Goose Bay Airport Zoning Regulations, SOR/2001-518 (Transport Canada) which is included in Appendix 4 of these Regulations.

#### **4.11 Survey Control Monuments**

There are approximately 125 Survey Control Monuments within the Happy Valley- Goose Bay municipal planning area. Under the Lands Act a surveyor may enter upon lands at any time for the purpose of making observations to or from a control survey marker. The Lands Act also provides that a person who knowingly or wilfully pulls down, defaces, alters or removes a control survey marker is guilty of an offence and liable on summary conviction to a fine not exceeding \$500 or imprisonment for a period not exceeding 3 months

If development within the Town have the potential of disturbing an existing Control Survey Marker, the GIS and Mapping Division is required to be contacted ([GMDGov.nl.ca](http://GMDGov.nl.ca)). The locations of the markers can be viewed on the department website.

#### **4.12 Wildlife Issues (Endangered species, Migratory birds, Raptors)**

There are five avian (bird) species listed under the Newfoundland and Labrador Endangered Species Act (NLESA) (Ivory Gull, Olive-sided Flycatcher, Short-eared Owl, Rusty Blackbird, and Common Nighthawk), as well as several species of rare flora that are occurring within the outlined boundaries. Section 16 (1) of *Endangered Species Act, 2001* states, "A person shall not disturb, harass, injure, or kill an individual of a species designated as threatened, endangered, or extirpated". When assessing development proposals, the Wildlife Division requires the Town to consult them for advice regarding

vegetation clearing to ensure appropriate mitigation measures are put in place to address species habitat requirements and avoiding accidental takes.

The *Migratory Birds Convention Act, 1994 (Migratory Bird Regulations)* and *Wild Life Act, 1990 (Wild Life Regulations)* protect birds and prohibit the disturbance or destruction of bird nests and eggs in Canada. Proponents are advised to develop and implement appropriate preventative and mitigation measures to avoid incidental take of birds, nests and eggs.

The Wildlife Division requires that no vegetation clearing is to occur within 800 m of a bald eagle or osprey nest during the nesting season (March 15 to July 31) and 200 m during the remainder of the year. The 200 m buffer also applies to all other raptor nests (e.g. Northern Goshawk, Sharp-shinned Hawk, Merlin, American kestrel, Great Horned Owl, Boreal Owl, Northern Saw-whet Owl). The location of any raptor nest site must be reported to the Wildlife Division.

#### **4.13 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.

#### **4.14 Outdoor Storage**

- (1) Outdoor storage shall not be located in front yards.
- (2) The Council may require screening from street and other surrounding development.
- (3) Outdoor storage shall be maintained with a stable surface to prevent raising or movement of dust, clay, mud or loose particles.
- (4) Outdoor storage sideyard minimum requirement = 5 m.
- (5) The Council may, where a development is unsightly, a nuisance, or dangerous to health or safety, order the owner or occupier of the site to remove and dispose of unsightly or dangerous materials or buildings, or restore the unsightly or dangerous materials or buildings to a more acceptable and pleasing condition.

#### **4.15 Effluents**

- (1) Liquid or Semi-Solid Industrial Drainage: No liquid or semi-solid industrial waste or effluent shall be discharged on the surface or into the ground and no water borne industrial waste or effluent shall 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.
- (2) Any effluent or runoff leaving the site will be required to conform to the requirements of the *Environmental Control Water and Sewage Regulations, 2003*  
<http://assembly.nl.ca/Legislation/sr/regulations/rc030065.htm>.
- (3) Application forms for permits and licences, fee schedules, and guidelines are available at:  
<http://www.env.gov.nl.ca/env/waterres/regulations/appforms/index.html>.

#### **4.16 On-Site Services (Wells and onsite sanitary sewer systems)**

- (1) Approvals for installation of on-site water and sewer systems must be obtained from Service NL.

#### **4.17 Environmental Investigations**

- (1) Approvals for any development that may have an environmental impact must be referred to Environmental Investigations, Service NL, and/or the Pollution Prevention Division.

#### **4.18 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 shall be captured on site in accordance with the requirements of Council.
- (2) Development of land shall be undertaken with the objective of wherever possible achieving zero net run off with respect to on-site storm water runoff.
- (3) Prohibit alterations which will adversely affect adjacent property where there is concern that development may contribute to excessive storm-water increases, Council may require developers and landowners to:
  - a. Set aside land where storm-water can be discharged to naturally infiltrate into the soil;
  - b. Maintain vegetated buffers (bio-swales) between storm-water drainage outlets and watercourses to minimize direct discharges into watercourses;
  - c. Preserve existing trees or plant additional trees and shrubs to promote soil infiltration and capture sediments;
  - d. Channel runoff to gardens and low-lying areas on the development site and on individual lots (rainwater harvesting);
  - e. Take advantage of the topography to reduce storm drainage, for example, retain natural depressions in the landscape to accumulate runoff and promote soil infiltration;
  - f. Re-establish vegetative cover immediately on gravel surfaces, banks, drainage ditches, and other areas disturbed by construction activity;
  - g. Reduce parking and driveway footprint or utilize permeable pavement to reduce runoff;
  - h. Evaluate use of bio-retention systems in order to remove contaminants naturally by channeling runoff into a grass buffer strip, sand bed, wetland or ponding area which act as a filtering system;
- (4) Where development results in the discharge of storm water into a wetland, waterbody, or watercourse, such discharge shall be designed to minimize any environmentally detrimental effects on the receiving water or watercourse and shall be designed and constructed in accordance with the requirements and conditions of Council.
- (5) Consideration should be given to green approaches to storm water management.

#### **4.19 Cost/Benefit analysis for development proposals**

- (1) Implement Smart Growth principles to maximize efficient use of Municipal infrastructure and minimize the fiscal impact of ongoing operations and maintenance. In considering proposals for development, Council will consider the costs and benefits to the Town and:
  - a. Support development consistent with this Plan, where it is determined to have a net positive fiscal impact on the Town;
  - b. May refuse development that is premature, or that adds unnecessary financial burden to the Town where public costs exceed public benefits; and,
  - c. Will review and revise development cost charges so that they adequately reflect the public costs of development and are fairly and equitably applied.

## 5.0 LAND USE DEFINITIONS AND REGULATIONS

### 5.1 AGRICULTURE LAND USE CLASS

#### 5.1.1 Commercial Agriculture

**Definition:** Commercial Agriculture means of 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 or Poultry Producers in Newfoundland and Labrador);
- (2) The structure shall be at least 600 m 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 m from the boundary of the property on which it is to be erected.
- (4) The structure shall be at least 90 m from the centre line of a street.
- (5) The erection of the structure shall be approved by the Land Stewardship Resource Division, Government of Newfoundland and Labrador.
- (6) Manure storage must be located 100 m 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 Stewardship Resource Division, Government of Newfoundland and Labrador.
- (8) Approvals must be obtained from the Land 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.

#### 5.1.2 Urban Agriculture

**Definition:** Urban Agriculture means non-farm operation agricultural activities that are compatible within a developed urban setting, such as some residential and mixed-use zones, and includes, but is not limited to, horticulture, vegetable growing, fruit growing, and the use of land as market gardens, nursery grounds, community gardens, and keeping domestic animals, such and livestock, poultry and dogs.

##### 5.1.2.1 General Conditions:

- (1) Urban agricultural uses must meet the requirements for a home business (refer to 5.3 below);
- (2) A permit is not required for any residential market garden or home gardening that does not involve permanent structures, on-site sales, or keeping of animals.

### 5.1.2.2 Community Garden

A community garden use shall be subject to the following conditions:

- (1) Community gardens are to be maintained in a neat and tidy fashion; and
- (2) All disturbed areas not comprising the area of the community garden are to be reinstated with a minimum of grass sods to the satisfaction of the Town.

### 5.1.2.3 Livestock and Poultry Conditions

The following standards apply to livestock and poultry:

- (1) For every 0.4 hectare (with a minimum of 0.4 hectares), only one of any of the following is allowed (or a combination):
  - a. 2 of these livestock species: cow, bull, horse, mule, ass, swine or llama, and includes their young;
  - b. 6 sheep/goats;
  - c. 12 head of poultry (excluding roosters);
  - d. 12 rabbits; and,
- (2) On lots smaller than 0.4 hectares, but greater than  $669 \text{ m}^2 = 4$  chickens, no roosters shall be allowed.

### 5.1.2.4 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) the kennel must be located on a lot of 2 hectares or more;
- (2) appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties;
- (3) 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 m in height to screen the areas from adjacent properties;
- (4) all buildings related to the kennel shall contain at least 8 cm (3 inches) 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 m from any property line, and 90 m from any residence except the house on the kennel site; and,
- (6) Council shall be satisfied that the kennel shall not impact surrounding residential neighbourhoods.

### 5.1.3 Agriculture Development Area

**Definition:** Agriculture Development Area means an area designated by the Land Resource Stewardship Resource Division as an Agriculture Development Area for the purpose of agriculture and agriculture-related development.

**Conditions:**

- (1) All applications development applications within the ADA must be referred to the Land Resources Stewardship Resource Division for appropriate review according to provincial legislation and regulation.

## **5.2 COMMERCIAL LAND USE CLASS**

This class includes land uses and development for activities providing for the sale of goods and services. Generally, the Use Zone standards apply; however, as required, specific conditions are tailored to the activity and associated traffic in order to address public health, safety and conservation issues and achieve the intent of the community of the land use zone in which the activity is located.

### **5.2.1 Amusement Establishment/Use**

**Definition:** Amusement establishment use means the use of land or a building or a part thereof used by the public for indoor non-sport games, including but are not limited to, billiard and pool halls, bingo hall, mechanical amusement games (more than three game machines), video games. It does not include those on the premises of a hotel or bar.

**Conditions:**

- (1) Must meet Use Zone Site Development Standards and conditions;
- (2) Must address traffic access/egress and on-site movement as well as parking;
- (3) A temporary permit must address site rehabilitation after the event;

### **5.2.2 Amusement Park/Attraction**

**Definition:** Amusement park/attraction means an outdoor area where buildings or structures may be permanently or temporarily erected for the purpose of amusement, entertainment or education of a large number of people; including but are not limited to, a circus, carnival, midway show, race-track, sideshow, fairgrounds, or similar exhibition which may have mechanically or electrically operated amusement rides or games, and theme parks.

**Conditions:**

- (1) Required to submit a Comprehensive Planned Development application (2.2.2 & 2.2.4);
- (2) Must meet Use Zone Site Development Standards and conditions or except for temporary amusement operations;
- (3) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties;

### **5.2.3 Auto Body Shop**

**Definition:** An auto body shop consists of a building or a clearly defined space on a lot used for the storage and repair of motor vehicles including body repair, painting and detailing, but does not include a service station or an automobile repair shop or an automotive sales establishment.

**Conditions:**

- (1) Must meet Use Zone Site Development Standards and conditions;
- (2) Must be of 20 m from a residential lot;
- (3) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties;
- (4) There shall be no outdoor storage of inoperable vehicles on the premises and no scrapping of vehicles shall be permitted;
- (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) A parking area abutting a residential lot should be appropriately screened by a fence, wall, or hedge of height of about 2.4 m and located a minimum distance of 1 m from the edge of the parking area.

**5.2.4 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; and 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 m from residential use; and,
- (6) A parking area abutting a residential lot shall be appropriately screened by a fence, wall, or hedge of height not less than 1 m and located a minimum distance of 1 m from the edge of the parking area.

**5.2.5 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) The developer shall submit to Council an acceptable Comprehensive Planned Development application (2.2.2 & 2.2.4), which 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.
- (2) The automotive sales use shall have a principal building on the lot in which the business is conducted. The principal building will include washroom facilities and shall be connected to municipal water and sewer services where such services exist. Where municipal water and sewer services do not exist, the washroom facilities of the principal building shall be approved by and meet the requirements of Service NL.
- (3) The automotive sales lot shall be paved and shall provide drainage, lighting, curbs, and landscaping in accordance with the requirements of Council;
- (4) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties;
- (5) The automotive sales use shall be properly licensed under the Automobile Dealers Act prior to the use commencing.

**5.2.6 Bar/Licensed Liquor Establishment**

**Definition:** A Bar means a development licensed for the sale of alcoholic beverages to the public, for consumption within the premises and where entertainment and meals may be provided. Typical Uses include but are not limited to, dance clubs, cabarets, nightclubs, lounges, tavern, neighbourhood pubs and bars, brewpubs, beverage rooms, private clubs, cocktail lounges, and similar uses.

**Conditions:**

- (1) Must meet Use Zone Site Development Standards and conditions;
- (2) Recommend consideration of a separation distance of 100 m from a residential lot;
- (3) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties;

**5.2.7 Building Supply Store**

**Definition:** A Building supply store means a building or land on which building and construction supplies and home improvement materials are kept for sale.

**Conditions:**

- (1) Must meet Use Zone Site Development Standards and conditions; and,
- (2) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties;
- (3) Recommend that storage of supplies is appropriately screened and/or fenced in order to prevent unsightly property.

### 5.2.8 Business Support Service

**Definition:** A Business support service means development used to provide support services to businesses which are characterized by one or more of the following features: the use of mechanical equipment for printing, duplicating, binding or photographic processing; the provision of office maintenance, custodial or security service, and the sale, rental, repair or servicing of office equipment, furniture and machines.

**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;

### 5.2.9 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, will require a Comprehensive Planned 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 will not be located on separate properties.
- (2) All camp sites and on-site facilities that form part of the development will be accessible only via the internal road network of the development.
- (3) The development permit will specify the maximum number of campsites for different uses such as tents, trailers, and RVs that will be permitted on the site.

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

#### **5.2.10 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. (Note: child care - residential is found in 6.3.4)

**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;
- (2) 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; and,
- (3) The use must be compatible with nearby uses.

#### **5.2.11 Club and Lodge**

**Definition:** Club and Lodge means a building or structure used by a non-profit association or organization for fraternal, social, or recreational purposes, including but not limited to such examples as, the Lion's Club, Kinsmen Club. Note that this can also be an Accessory Use (refer to 6.1.1)

**Conditions:**

- (1) Must meet Use Zone Site Development Standards and conditions;
- (2) Note that this can also be an Accessory Building (refer to 6.1)

#### **5.2.12 Contractor-Limited (Small)**

**Definition:** Contractor, limited (small) means a building or part thereof providing services for electrical, plumbing, heating, painting and similar contractor services to individual households including accessory sale of goods associated with this service where and there is no accessory manufacturing or fleet of vehicles consisting of more than 4 vehicles.

**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) Recommend that all materials are within an enclosed building

### 5.2.13 Convenience Store

**Definition:** Convenience store means a building which is used as a retail store providing a range of household and grocery items, and may include, but not limited to, postal services, take-out, and may be licensed to sell alcohol, but is not a supermarket. The convenience store may also be a subsidiary use within a primary use, such as a service station.

**Conditions:**

- (1) The store may form part of, or be attached to, a dwelling unit or be a stand-alone building;
- (2) The retail use shall be subsidiary to the residential character of the area and shall not affect residential amenities or adjoining properties;
- (3) The take-out use shall be subject to the conditions set out in 5.2.26.1;
- (4) Adequate provision for on-site parking, loading, buffering and landscaping must be provided;
- (5) The hours of operation are appropriate to the nature of the building and surrounding neighbourhood and the operation does not create a nuisance.
- (6) Must meet Use Zone Site Development Standards and conditions;
- (7) A Take Out associated with a convenience store shall be subject to the following standards:
  - a. A Take-Out Food Use shall 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.

### 5.2.14 Custom Manufacturing Service (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;

### 5.2.15 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 m from residential uses; and appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties;

**5.2.16 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;

**5.2.17 Hotel or Inn**

**Definition:** Hotel or Inn means a commercial establishment offering lodging and guest services to travelers and sometimes to permanent residents, and may have restaurants, meeting rooms, conference facilities, a lounge, stores, etc., that are available to the general public. In general, to be called a hotel (not a bed and breakfast), an establishment must have a minimum of five letting rooms accessed from within the building, at least three of which must have ensuite private bathroom facilities.

**Conditions:**

- (1) Require to submit a Comprehensive Planned Development application (2.2.2 & 2.2.4);
- (2) Must meet Use Zone Site Development Standards and conditions
- (3) The Hotel or Inn must be registered with and receive a rating with Canada Select and approved by the Provincial Tourism Division of Newfoundland and Labrador.
- (4) A Hotel or Inn is for temporary accommodation. The unit is not a place of residence or dwelling. Units may be rented on a temporary basis but not as an open-ended monthly apartment.
- (5) The Hotel or Inn shall contain a lobby with a front desk and office, along with a maintenance, housekeeping and laundry room(s) large enough to accommodate the needs of the commercial-residence.
- (6) Housekeeping services including cleaning, provision of clean linen and towels (daily or weekly) will be provided. Hostels may additionally offer organized and managed cooperative cleaning and cooperative kitchen.
- (7) Access to units will be through or associated with a clearly defined lobby. 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 will not have individual driveways to the street. Parking will be provided in a parking lot with parking spaces and aisles and access for the overall parking lot to the street.

- (9) The Hotel or Inn will 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 will not be separate utility connections or utility billing or addressing for individual rooms

### 5.2.18 Marina

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

**Conditions:**

- (1) Required to submit a Comprehensive Planned Development application (2.2.2 & 2.2.4)
- (2) Must meet Use Zone Site Development Standards and conditions
- (3) Provide and maintain public access to the shoreline via a walkway, path or trail, located, designed and constructed to the satisfaction of the Council
- (4) Parking shall be provided for both vehicles and boat trailers with adequate turning areas within the parking lot;
- (5) Outdoor storage areas for boats or other equipment shall be landscaped and screened to the requirements of the Council;
- (6) Marinas shall be serviced with a supply of potable water and facilities for the collection and disposal of wastewater in a manner acceptable to the Council;
- (7) Wharf/Boathouse/Slipway/Breakwater structures shall follow the guidelines for the *Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses* which are available at: [http://www.env.gov.nl.ca/env/waterres/regulations/appforms/Guidelines\\_for\\_Wharves.pdf](http://www.env.gov.nl.ca/env/waterres/regulations/appforms/Guidelines_for_Wharves.pdf)
- (8) The Applicant must obtain a permit under of the *Water Resources Act, 2002* under Section 48 (<http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm>) 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

### 5.2.19 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.

### 5.2.20 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 Comprehensive Planned Development application (2.2.2 & 2.2.4)
- (2) Must meet Use Zone Site Development Standards and conditions
- (3) The Motel must be registered with and receive a rating with Canada Select and approved by the Provincial Tourism Division 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) The Motel shall contain a lobby with a front desk and office, along with a maintenance, housekeeping and laundry room(s) large enough to accommodate the needs of the commercial-residence.
- (7) Housekeeping services including cleaning, provision of clean linen and towels (daily or weekly) will be provided.
- (8) Access to units will be through or associated with a clearly defined lobby. Exterior access to units can be provided as long as access to each unit is from a common parking lot on the site,
- (9) Units will not have individual driveways to the street. Parking will be provided in a parking lot with parking spaces and aisles and access for the overall parking lot to the street.
- (10) The Motel will 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.
- (11) There will not be separate utility connections or utility billing or addressing for individual rooms

### 5.2.21 Outdoor Commercial Patio

**Definition:** Outdoor commercial patio means any outdoor area used in conjunction with any establishment licensed under the Liquor License Act, where meals or refreshments are served to the public for consumption on the premises.

**Conditions:**

- (1) An outdoor commercial patio shall not accommodate more than 50% of the licensed capacity of the restaurant with which the patio is associated, or 50 persons, whichever is the greater.
- (2) It is recommended that no outdoor commercial patio shall be permitted in any yard facing or abutting a residential zone or abutting a yard or lane facing or abutting a residential zone unless:
  - a. it is located a minimum of 30 m from the residential zone; and
  - b. it is screened and physically separated from the residential zone by a building, structure or wall that is at least 2 m in height so that noise from the outdoor patio is mitigated.
- (3) Unless otherwise determined by Council, an outdoor commercial patio shall have a minimum setback of 1.5 m from any lot line.

- (4) The location of an outdoor commercial patio on a lot shall not obstruct the view or path of pedestrian and vehicular traffic that accesses or egresses to or from a street onto or out of the lot.
- (5) The outdoor commercial patio must not encroach on or eliminate any required parking or loading space, driveway or aisle for the lot on which it is located.
- (6) The outdoor commercial patio shall be so located on the lot as to not interfere with snow clearing and snow operations of Council.
- (7) No outdoor commercial patio shall be so located above the elevation of the floor of the first storey of the principal building where the lot adjoins a residential use zone.
- (8) Any outdoor lighting shall be directed toward or onto the outdoor commercial patio area and away from adjoining properties and streets.
- (9) No loading space shall be required for an outdoor patio restaurant.
- (10) No music (whether performed live or recorded), dancing or other forms of entertainment shall be permitted.
- (11) Parking spaces shall be required for the gross floor area associated with the outdoor commercial patio use at the same ratio as for restaurants.

### 5.2.22 Outdoor Market

**Definition:** Outdoor market means the sale of goods or products at an open property with no permanent buildings; temporary facilities or open stalls may be used to hold and display the goods being sold. Examples may include, but are not limited to, farmers markets, fish market, flea markets or other types of goods.

**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) Requires sufficient off street/highway parking for customers and ensure that the sight lines (visual) or sign distance at any intersection is not obstructed.

### 5.2.23 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

#### **5.2.24 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

#### **5.2.25 Resort**

**Definition:** Resort means the use of land, buildings and that provides for recreation uses, including but not limited to 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 sleeping accommodations, communal or individual facilities for cooking and serving of meals for guests or a restaurant, and may include accommodation for the operator and staff. The accommodation, recreation and service facilities are located on the same property and generally occupy a large area of land.

**Conditions:**

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

#### **5.2.26 Restaurants**

##### **5.2.26.1 Restaurant-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 public for immediate consumption either within an eating area inside or outside of the building or within the patron's own motor vehicle onsite, or for elsewhere off the premises it may include a seating area for in-house consumption and parking for in-house patrons. It is not licensed to sell alcoholic beverages.

**Conditions:**

- (1) A Restaurant-Drive-Through shall have a stacking lane with a minimum length before the pick-up window, as determined by Council based on the projected level of traffic to be generated by the Restaurant drive-through use as listed below, and the stacking lane length may be modified on the basis of the recommendations of a Planning Impact Assessment.
- (2) A minimum of 6 m after the pick-up window to on-site aisle or parking area.

- (3) It is recommended that a Restaurant-Drive-Through Use related to a shop or bank use shall have a stacking lane with a minimum length of 18 m from the pick-up window or automated teller machine and a minimum of 6 m after the pick-up window or automated teller machine to the on-site aisle or parking area.
- (4) Restaurant-Drive-through stacking lanes shall:
  - a. not be located between the street and the building;
  - b. shall be located away from adjacent residential and institutional uses whenever possible;
  - c. should be separated by raised islands, be well signed to provide for ease of use and located so as to avoid crisscrossing of lanes;
- (5) Council may require the applicant to undertake a Planning Impact Assessment to assess the impact of the proposed Restaurant-Drive-Through Use and mitigation measures where the Restaurant-Drive-Through Use is in close proximity to residential uses.
- (6) No drive-through stacking lane, order window, or order board shall be located within 3 m of a lot line abutting a residential use.
- (7) A buffer consisting of a sound-proof fence and landscaping shall be provided adjacent to residential uses. A fence, berm, and landscaping or a combination of these elements shall be used to reduce headlight glare, order board lighting, and noise from the Restaurant-Drive-Through Use. Garbage receptacles shall be placed either before the pick-up window or after the pickup window as determined by Council.
- (8) If the use of any land, building or structure is composed of a combination of Restaurant-Drive-Through Use and any one or more other uses, those uses shall not be construed as accessory to one another and all provisions pertaining to each use shall apply.
- (9) Must meet Use Zone Site Development Standards and conditions
- (10) Required to submit a Comprehensive Planned Development application (2.2.2 & 2.2.4)

#### 5.2.26.2 Restaurant-Full-Service

**Definition:** Restaurant-full service means a building or part of a building wherein the primary purpose is the preparation of food for sale to the public y for consumption within the building and may include a take-out area. It is characterized by the provision of table service, including buffet service and may also be licensed to serve alcoholic beverages.

**Conditions:**

- (1) Must meet Use Zone Site Development Standards and conditions
- (2) Refer to Outdoor Commercial Patio for standards related to outdoor areas

#### 5.2.26.3 Restaurant-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 refreshments or merchandise or as an office shall be subject to the following conditions.

- (1) The parking of a vehicle or trailer for vending or office purposes shall 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 a 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 Service NL regarding the storage and preparation of food and/or refreshments.
- (6) A vehicle or trailer will 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 1 year and the permit may be renewed on an annual basis if the applicant wishes to continue the use.

#### **5.2.27 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

#### **5.2.28 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 mall) normally selling goods such as Do-It-Yourself goods, building supplies, furniture, electrical goods, carpets and gardening goods, offices, and box stores with car parking.

#### **Conditions:**

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

### 5.2.29 Service Station

**Definition:** Service Station means land or building used exclusively for the sale/installation of petroleum products (oil or lubricant change) and may include minor repair to vehicles, cleaning and maintenance essential to the actual operation of vehicles, and the sale of automotive accessories; but does not include an automotive body repair shop, automotive sales establishment. Service stations are classified as: Residential or Highway as outlined below.

#### Conditions that apply to both Residential and Highway Service Stations:

Minimum Standards for all Service Stations and Gas Bars, notwithstanding the development standards of the Use Zone in which a service station or gas bar is located, a service station and/or gas bar shall be subject to the following conditions:

- (1) All gasoline pumps shall be located on pump islands designed for such purpose, and to which automobiles may gain access from either side, except in the case of propane, diesel, and kerosene pumps, which may access from one side;
- (2) Pump islands and canopies shall be set back at least 4 m from the required landscaped front or side yards;
- (3) Accesses shall be clearly marked and, where a service station is located on a corner lot, the minimum distance between an access and the intersection of street lines at the junction shall be 10 m and the lot line between entrances shall be clearly indicated;
- (4) Surface runoff shall be directed to an oil/water separator before being discharged into a storm sewer or other drainage system.
- (5) Minimum of 2 access points for access/egress.
- (6) Landscaping required along front and exterior lot lines.
- (7) Required to submit a Comprehensive Planned Development application (2.2.2 & 2.2.4)

#### 5.2.29.1 Service Station-Residential

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

#### Condition:

- (1) All Service station requirements apply (5.2.29).

#### 5.2.29.2 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.

#### Condition:

- (1) All Service station requirements apply (5.2.29);
- (2) Required to submit a Comprehensive Planned 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.

### 5.2.30 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.

## 5.3 INDUSTRIAL LAND USE CLASS

### 5.3.1 Aquaculture Facility

**Definition:** Aquaculture facility has the meaning as defined in the *Aquaculture Act, 1990*.

**Conditions:**

- (1) Required to submit a Comprehensive Planned Development application (2.2.2 & 2.2.4)
- (2) Must meet Use Zone Site Development Standards and conditions
- (3) Must meet requirements of provincial and federal agencies having jurisdiction for aquaculture development.

### 5.3.2 Crematorium

**Definition:** A crematorium is a facility containing a certified furnace or similar device intended for use in the incineration of human or animal corpses.

**Conditions:**

- (1) A buffer between the crematorium and a sensitive land use, such as, a higher intensity land use with a concentration of employees, may be required at the discretion of the Council based on the following guideline:
  - a. The buffer shall be a minimum of 70 m from a residential or sensitive land use, such as elementary and secondary schools, daycares unless there are extenuating physical characteristics of the site that would provide natural screening;
  - b. The buffer between other industrial uses may be 30 m unless there are extenuating physical characteristics of the site that would provide natural screening;

- (2) All crematory facilities shall be located within an enclosed building that meets building and fire code requirements.
- (3) All applicable local, provincial, and federal laws and regulations shall be met.

### 5.3.3 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) Storage must not create a nuisance become unsightly as per 4.7.

### 5.3.4 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

### 5.3.5 Fishery Use

**Definition:** Fishery use means land and buildings used for the production, processing, storage and maintenance of fishery products or equipment including aquaculture and shall include land and buildings designated for the building, launching, docking or storage of a commercial fishing vessel, and similar operations, such as a marine centre, fish processing plant.

**Conditions:**

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

### 5.3.6 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 Comprehensive Planned 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.

**5.3.7 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-shipment 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. 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 Comprehensive Planned 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;
  - a. Surface runoff shall be directed to an oil/water separator before being discharged into a storm sewer or other drainage system;
  - b. Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties.
  - c. Where it deems necessary, the Town shall require the provision of buffering by the developer which shall be to the satisfaction of the Town.

### 5.3.8 Industrial-Heavy And/or Hazardous

**Definition:** Industrial-heavy and/or hazardous means industrial uses, which, by their nature, generate noise, fumes, odours, and are hazardous or obnoxious.

This would include manufacturing uses which are required to be registered under the Environmental Assessment Act, such as:

- a. Processing of meat, fish and poultry products
- b. Feed Mills
- c. Distilleries, breweries or wineries (excluding micro-breweries)
- d. Manufacture of rubber products such as tires and tubes
- e. Manufacture of plastic products
- f. Leather and allied products such as leather tanneries
- g. Manufacture of textile products
- h. Sawmills, planing mills, shingle mill products industries
- i. Paper and allied products manufacturing
- j. Manufacturing, refining and fabricating of metal products
- k. Manufacturing of clay products, cements, and other non-metallic mineral products
- l. Refining of petroleum products
- m. Manufacture of chemical and chemical products including industrial, agricultural, plastics and synthetic resins, paints and varnishes, soaps and cleaning compounds
- n. Other manufacturing uses including photographic films and plates, floor tiles and coated fabrics manufacturing.

**Conditions:**

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

### 5.3.9 Industrial - Light

**Definition:** Industrial-light means the use of any land or buildings for any general industrial use that can be carried out without hazard or intrusion and without detriment to the amenity of the surrounding area by reason of noise, vibration, smell, fumes, smoke, grit, soot, ash, dust, glare or appearance., unsightly outdoor storage, refuse matter, or effluent. Examples include but are not limited to, a recycling depot, wholesale and warehouse uses, rental storage uses, commercial – custom service, catering services, industrial bakeries, food processing, light manufacturing and assembly (clothing, furniture, consumer electronics), broadcast studio, and similar uses; but does not include a salvage/scrap yard.

**Conditions:**

- (1) Required to submit a Comprehensive Planned Development application (2.2.2 & 2.2.4);
- (2) Must meet Use Zone Site Development Standards and conditions;
- (3) Light industry uses 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.

### 5.3.10 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 % of the gross floor area of an industrial mall is used for accessory office or related commercial uses.

**Conditions:**

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

### 5.3.11 Mineral Exploration

**Definition:** Mineral exploration refers to the search for mineral deposits. Mineral exploration ranges from hobby prospecting to advanced techniques such as trenching and diamond drilling. Mineral exploration activities may include traditional prospecting, geochemical sampling, airborne and ground-based geophysical surveys, line cutting, test pitting, stripping of bedrock, trenching, and diamond drilling, and may be accompanied by the creation of new (temporary) access trails, equipment laydown areas, campsites, or, less commonly, constructed access roads.

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

The Mineral Lands Division, administers the Mineral Act 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' and does not involve appreciable ground disturbance, construction of access roads, or objectionable noise, odour or appearance, of little or no visible impact (for example, prospecting, ground-based geophysical surveys, geochemical sampling surveys) will be permitted anywhere in the Planning Area, provided that adequate notification is provided to Council;
- (3) Mineral exploration, which is classed as 'Development', may be permitted provided that:
  - a. adequate provision is made for buffering and mitigation of potential impacts on adjacent zones; mineral exploration shall be subject to conditions that control noise, appearance, and other impacts that may arise, as well as the duration of the exploration program. The precise

nature of these controls will depend upon the location of the mineral exploration in relation to built-up and environmentally sensitive areas, such as water supply areas, watercourses, and wetlands.

- b. Where there is to be ground disturbance, the developer shall provide a site restoration surety and/or other satisfactory guarantees of site landscaping to Council.
  - c. Council will not issue a permit for mineral exploration until all necessary permits and approvals have been obtained from the Departments of Industry, Energy and Technology, Service NL, and Climate Change, Environment and Municipalities, and any other relevant Provincial agency.
  - d. It complies with provincial standards. Basic environmental requirements for mineral exploration are already set out in the Mineral Regulations under the Mineral Act, for example, that all excavated, stripped, and grubbed sites be rehabilitated by backfilling or re-contouring, as appropriate, and then placing stockpiled organic materials back over the site. The Mineral Lands Division conducts inspections year-round to ensure that the Mineral Regulations and the terms and conditions of exploration approvals are adhered to, including that rehabilitation, once due, is completed as required
- (4) According to the Mineral Lands Branch, mineral exploration that is classed as development should be at least a discretionary use in all zones, provided that the work is subject to conditions appropriate to the use zone and which address any other concerns specific to the location.
- (5) Should a town have concerns about any mineral exploration activity, whether before or after the issuance of an exploration approval from the Mineral Lands Division to conduct the work, the town shall contact the Mines Branch, Mineral Lands Division in order to have the concerns addressed. Exploration for quarry materials (for example, sand, gravel) is permitted using the same procedure and typically involves the excavation of test pits followed by their immediate rehabilitation.

### 5.3.12 Mineral Working

**Definition:** Mineral working means land or buildings used for the working, stockpiling or extraction of quarry materials as defined under the *Quarry Materials Act, 1998*, including peat extraction.

#### 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 Mineral Lands Division 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 will apply.
- {4} Council shall be satisfied that the mineral working areas will not create a nuisance and will not adversely affect the amenity of the specified development or natural feature, no mineral working shall be located closer than the minimum distances set out below to the specified development or natural feature by implementing the following buffers:

Minimum Buffer Distance of Pit and Quarry Workings	
-From existing or proposed Residential Development:	
- where no blasting is involved	300 m
- where blasting is involved	1000 m
-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 to less than the required distance due to encroachment of development towards the quarry.	

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

- ~~(10)~~ Council may require the mineral working site or excavated areas of a pit or quarry working to be enclosed by a fence designed and constructed to its specifications and no less than 1.8 m in height.
- ~~(11)~~ Effective tree screens shall be maintained around the periphery of any mineral working. Where trees are not present to create an effective screen, Council may require the installation of a landscaped embankment or fence.
- ~~(12)~~ Topsoil removed for mineral working shall be retained for restoration of the site.
- ~~(13)~~ No mineral working shall be conducted which causes danger or nuisance to the public.
- ~~(14)~~ No mineral working shall be permitted within the view of a designated scenic road.
- ~~(15)~~ Proposed mineral working operations will be evaluated carefully by Council in conjunction with the Mineral Lands Division.
- ~~(16)~~ No mineral working shall unacceptably reduce the quality of water in a watercourse or waterbody. Any access road which crosses a watercourse shall have a bridge or culvert according to the regulations of the Department of Climate Change, Environment and Municipalities.
- ~~(17)~~ No mineral working shall result in the excavation of land below the level of the water table nor cause the ponding of water. However, settling ponds may be permitted with the approval of the Department of Climate Change, Environment and Municipalities.
- ~~(18)~~ No mineral working shall be carried out in a manner which causes the erosion of adjacent land.
- ~~(19)~~ The mineral working shall be kept clean of refuse, abandoned vehicles and equipment, and derelict buildings.
- ~~(20)~~ Upon completion of mineral working, and when there is no intention to re-open such operations, all buildings and machinery shall be removed from the site and the site restored so as not to constitute a danger to the public or present an unsightly appearance.
- ~~(21)~~ No mineral working or associated drainage shall unacceptably reduce the quality of water in any waterbody or watercourse. Any access road to a pit or quarry working which crosses a brook or stream shall be bridged or have a culvert at the crossing, in accordance with the Regulations of the Department of Climate Change, Environment and Municipalities.
- ~~(22)~~ No mineral working or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any waterbody or watercourse. Any access road to a pit or quarry working which crosses a brook or stream shall be bridged or have a culvert at the crossing, in accordance with the Regulations of the Department of Climate Change, Environment and Municipalities.
- ~~(23)~~ No mineral working shall be carried out in a manner so as to cause erosion of adjacent land.
- ~~(24)~~ The mineral working shall be kept clean of refuse, abandoned vehicles, and abandoned equipment and any derelict buildings.
- ~~(25)~~ During extended periods of shutdown, access roads to a mineral working shall be ditched or barred to the satisfaction of Council.
- ~~(26)~~ All stumps, organic material and topsoil, including the rusty coloured and iron-stained layer, shall be stripped and stockpiled at least 5 m from active quarry or stockpile areas. The owner or operator shall ensure that the quality of the topsoil is not affected by dilution with other materials.
- ~~(27)~~ Upon completion of the mineral working, the following work shall be carried out by the operation:
- a. All buildings, machinery and equipment shall be removed.
  - b. All pit and quarry slopes shall be graded to slopes less than 20° or to the slope conforming to that existing prior to the mineral working.
  - c. Topsoil and any organic materials shall be re-spread over the entire quarried area.
  - d. The access road to the working shall be ditched or barred to the satisfaction of Council.

- ~~(28)~~ If the mineral working contains reserves of material sufficient to support further extraction operations, Council may require the work described above to be carried out only in areas of the site where extraction has depleted aggregate reserves.
- ~~(29)~~ The following conditions shall apply to a Mineral Working which is subject to a Mineral Lands Division Quarry Permit or which is proposed for a duration of less than five years. Council may require an applicant for a development permit under this condition to meet the stipulations set out below, if Council determines that the size of the parcel or of the proposed mineral working, or the size of the aggregate resource in the surrounding area is sufficiently large or the duration is sufficiently long to warrant the application of condition 18.
- ~~(30)~~ An application for a development permit for the proposed Mineral Working use shall be accompanied by a detailed sketch or sketches satisfactory to Council which shall show the location of physical site features and extraction and processing features required by Council, including but not limited to:
- a. the general area of the location of the mineral working;
  - b. boundaries of the parcel to be mined (for example, land covered by the development application);
  - c. extent of the site area to be mined;
  - d. roads, parking and loading areas and entrance and exit to the site;
  - e. waterbodies within the boundaries;
  - f. waterbodies within 250 m radii of the boundary;
  - g. channels or ponds to be removed, shifted and created; and
  - h. the location of any building or structure and equipment which will be located on the site.
- ~~(31)~~ Upon completion of the mineral working operations on the site, the developer shall meet the conditions set out above and any other condition(s) stated in the development permit that Council deems necessary for restoration of the site.
- ~~(32)~~ A temporary development permit may be issued for a maximum of one year and may not be renewed after five consecutive years. Upon expiry of the development permit Council shall inspect the site to confirm compliance with the development permit and development regulations.

#### Long-term Mineral Workings

The following conditions shall apply to a Mineral Working development subject to a Mineral Lands Division Quarry Lease.

- (1) An application for a development permit shall include a Mineral Working Development Plan satisfactory to the Council for the proposed Mineral Working use, which shall include a site plan showing the location of physical site features and extraction and processing features required by the Council including but not limited to:
  - a. boundaries of the parcel to be mined;
  - b. extent of site area(s) to be mined;
  - c. buildings and structures on the site;
  - d. roads, parking and loading areas and entrance and exit to the site;
  - e. fences, berms and landscaping provided for screening;
  - f. waterbodies and channels to be removed, shifted and created;
  - g. location and expected maximum height of stockpiles of mined ores, sand and gravel;

- h. location of major machinery and conveyors for receiving and processing raw ores including machinery for sifting, washing and grading ores, and the manufacturing of concrete and stone products;
  - i. the probable location of storage piles of topsoil and overburden removed from earlier phases of mined areas and temporarily being stored for replacement under the Reclamation plan; and
  - j. intended phases of mining operations to be carried out over all portions of the site.
- (2) An application for a development permit shall include a Mineral Working Reclamation Plan satisfactory to Council for the proposed mineral working use which shall explain, illustrate and show to the satisfaction of Council a plan for restoration of the site which includes final ground contours, slopes, depth of topsoil, and vegetation and a phasing plan, if necessary, in the form of a grading and landscape plan or plans.

### 5.3.13 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* administered by the Mineral Lands Division. "Mineral" for the purpose of interpreting the definition of mining is as defined under the *Mineral Act*. Mining may include, as secondary activities, mineral exploration (development) and mineral working. Note that under the *Mineral Act* dimension stone (for example, stone used for building facades, gravestones, etc.) is considered a mineral in Newfoundland (but a quarry material in Labrador) and therefore extraction of dimension stone would be considered mining.

#### Conditions

The following conditions shall apply to a Mining application subject to Mineral Lands Division regulatory and permitting requirements:

- (1) An application for a development permit shall include a Mineral Working Development Plan satisfactory to the Council for the proposed Mining use, which shall include a site plan showing the location of physical site features and extraction and processing features required by the Council including but not limited to:
- a. boundaries of the parcel to be mined;
  - b. extent of site area(s) to be mined;
  - c. buildings and structures on the site;
  - d. roads, parking and loading areas and entrance and exit to the site;
  - e. fences, berms and landscaping provided for screening;
  - f. waterbodies and channels to be removed, shifted and created;
  - g. location and expected maximum height of stockpiles of mined ores, sand and gravel;
  - h. location of major machinery and conveyors for receiving and processing raw ores including machinery for sifting, washing and grading ores, and the manufacturing of concrete and stone products;
  - i. the probable location of storage piles of topsoil and overburden removed from earlier phases of mined areas and temporarily being stored for replacement under the Reclamation plan; and
  - j. intended phases of mining operations to be carried out over all portions of the site.

- (2) An application for a development permit shall include a Mining Reclamation Plan satisfactory to Council for the proposed mineral working use which shall explain, illustrate and show to the satisfaction of Council a plan for restoration of the site which includes final ground contours, slopes, depth of topsoil, and vegetation and a phasing plan, if necessary, in the form of a grading and landscape plan or plans.

#### **5.3.14 Natural Resource-Related Uses**

**Definition:** Natural resource-related uses means the use of land or buildings for any commercial or industrial development directly associated with, or requiring proximity to, farm operation, fisheries, forestry or mineral working industries; for example, processing of meat, fish and poultry products, feed mills, sawmills, planing mills, single mill products industries, asphalt plant, gravel crushing operation sand may include, but not limited to, such uses as animal husbandry services, produce or grain 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;
- (2) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties;

#### **5.3.15 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:
- (3) Where tree screens exist between the use and adjacent public highways and streets or other land uses (excepting forestry and agriculture), the tree screens shall 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 will be prevented. The tree screens must be maintained by the owner or occupier of the use to retain 30 m in a forested appearance.
- (4) Where vegetation dies or is removed from the 30 m strip, the Council may require new trees of a minimum height of 1 m 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 shall 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.

- (5) It is recommended that a visual screen fence satisfactory to the Town of at least 2.4 m in height be erected around the area used for open storage;
- (6) Where it is located within or adjacent to a commercial, residential or institutional area or development, there is no outdoor storage;
- (7) Unless the Council is satisfied that the use will not create a nuisance and will 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 on Tables 1 and 2 in 4.3.

### 5.3.16 Solid Waste Recycling/Disposal and Composting Site

**Definition:** Solid waste recycling/disposal and composting means a waste disposal site as defined by the guidelines established under the *Environmental Protection Act, 2002*, such as waste transfer stations, composting or recycling.

**Conditions:**

- (1) Must meet Use Zone Site Development Standards and conditions;
- (2) A vegetated or landscaped buffer zone of at least 15 m around the perimeter of the use, in order to minimize any potential nuisance associated with noise, dust, or odors, or any objections based on visual aesthetics is provided;
- (3) There is adequate availability of utilities, including water, sewer, and electricity, to provide water for firefighting and wash down of floors, electrical power for machinery and lighting, and for staff amenities;
- (4) The volume of material to be handled and/or stored is provided and the facility designed with sufficient capacity to handle peak material volumes;
- (5) Measures to prevent storm water and runoff from contacting waste materials will be required and all waste containers used shall be leak proof or provide for the collection and treatment of contaminated water and other liquids. Proper disposal of contaminated water shall be ensured;
- (6) Fencing shall be provided around the perimeter of the site, with a lockable gate at any entrance point. The type of fencing may vary with the natural site features;
- (7) Containers intended to receive organic waste will be required to have lids, screens, or covers that will prevent access by bears and other predators, rodents, and birds, or be placed inside predator-proof enclosures;
- (8) Where organic wastes are involved, buildings shall be specifically designed to prevent infestation by rats and other small mammals, and to be predator-proof.
- (9) If the solid waste recycling/disposal or composting site is visible from a public street or highway or a developed area, then the visual buffer is required to a height sufficient to prevent visibility.
- (10) No solid waste disposal site shall be located closer than 1.6 km from a residential development.
- (11) Note buffer requirements on Tables 1 and 2 in 4.3.

### 5.3.17 Data Centre

**Definition:** Data centres mean a building, or portions of a building, in which computer network hardware and the equipment that supports that hardware are located. This may include storage hardware, telecommunications equipment, power supplies, and environmental controls (such as cooling equipment). Security access may limit access to the data centre. Data centres often also include redundant systems such as back-up storage capabilities, back-up data communications equipment,

and back-up power supplies. This does not include computer servers that are part of an Institutional use as defined in 5.5.2, Industrial Mall (5.3.10) or Comprehensive Development (2.2.4). No matter the size of the data centre the requirements include:

- Continuous power;
- Continuous connectivity;
- Continuous access for operating personnel;
- Appropriate security;
- Controlled temperatures; and
- Controlled humidity.

**Conditions:**

- (1) Must meet Use Zone Development Standards;
- (2) Applications for Data Centres must submit information regarding power requirements, connectivity and water and wastewater needs, indicate secondary use of heat generated by data centre operation; as part of application for consideration by Council;
- (3) Data centres must:
  - a. register with the Town of Happy Valley-Goose Bay as a business;
  - b. not create a nuisance to the neighbourhood, including unsightly development, noise or traffic, or other public health or safety hazard;
  - c. receive Fire and Life Safety Inspection and meet all Service NL requirement for a commercial business;

### 5.3.18 Industrial Aviation

**Definition:** These are businesses associated with operation of an airport, air transport needs (storage, transshipment) flying or operating planes, businesses involved in manufacturing and operating equipment associated with aircraft or airport operations. Example include aerospace research development, aircraft sales/rentals/repairs/maintenance/construction, airport terminal and navigational facilities and educational services (public and private), and fuel depots. Other associated activities may include industrial vehicle and equipment services, and fleet services.

**Conditions:**

- (1) Must meet Use Zone Development Standards;

## 5.4 CONSERVATION LAND USE CLASS

### 5.4.1 Environmental Protection Area

**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.

These lands are protected by two zones: Environmental Protection and Environmental Protection – Management Unit (EP-MU).

**Conditions that apply to both zones:**

- (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 will not permit development vulnerable to flooding in areas known to be subject to local flooding.
- (4) Provide public access to identified environmentally significant areas and the shoreline of Churchill River and Hamilton Inlet in appropriate locations where there is no danger to public safety, and where significant natural features and ecological functions can be protected;
- (5) Require that development of 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,
- (6) 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.
- (7) Activities within the stewardship zone(s) should be managed on a “sustainable use” or “wise use” basis, whereby permitted activities are implemented so as to minimize impacts on wetlands, waterfowl or wildlife populations. Development proposals which, in the view of council, may negatively impact wetland habitat, waterfowl or wildlife within the stewardship zone(s) should be forwarded to staff of the EHJV for comment with a thirty-day notice period.

**Additional conditions for EP-MU**

- (1) Zone two areas selected in consultation with the Wildlife Division as EP-MU: Birchy Island and an area south of Goose River;
- (2) All development is subject to the approval of the Minister of Municipal Affairs and Environment before a permit is issued by the Town;
- (3) Activities within the management units will be managed on a sustainable use basis, whereby permitted activities do not result in the loss of wetland or waterfowl populations. As such, wetland habitat will be at the forefront of management decisions. Efforts will be made to reduce pre-existing habitat degradation within Management Units. Only activities that have no negative or adverse impact upon wetland habitat and waterfowl/wetland-associated wildlife using those habitats should be permitted within the management units. Development proposals which, in the view of council, may impact wetland within the Management Units should be forwarded to staff of the EHJV for comment with a thirty-day notice period.
- (4) The Province, via the provincial *Lands Act, 1991* – Section 7(1), generally requires a crown land reserve or easement of 15 meters along all water bodies greater than 1 meter in width and the maintenance of permanent riparian areas next to watercourses within the Province. It is important that the town ensures adherence to this crown land reserve designation by all of its residents. The vegetated (untouched) buffer exists as the minimum protection around all waterbodies and marsh areas and is considered critical within the designated Management Unit(s). Agriculture and cottage development seem like the two most likely disturbances to riparian vegetation.

#### 5.4.2 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 m width as a pedestrian corridor with/without use by bicycles.
- (6) Council may require a screen or vegetative buffer between a trail and adjacent land uses to ensure that nuisance factors are minimized and trail activities do not hinder the enjoyment of property.
- (7) In the Resource zone: Recreational Open Space and Trails may be permitted in this zone subject to the following conditions:
  - a. the proposed use shall not interfere with adjacent agricultural and other natural resource uses by virtue of noise, increased traffic or other activities;
  - b. the proposed use shall not prejudice the continuation of existing agricultural and other natural resource uses and operational practices which may not be compatible with the proposed use;

#### 5.4.3 Wellhead Protected Water Supply Area/ Protected Public Wellhead Water Supply Area

**Definition:** Protected Public Wellhead Water Supply Areas are designated under the *Water Resources Act, 2002* for the protection of Public Water Supply and Protected Public Wellhead Water Supply Areas.

**Conditions:**

- (1) Prior to the start of construction within the protected water supply area, the proponent must apply for and obtain a permit under the *Water Resources Act, 2002*, specifically Section 39 <http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm> for any proposed development(s) adjacent to or within a Protected Public Water Supply Area.
- (2) Any work adjacent to or within a designated Protected Public Water Supply Area must comply with the Water Resources Management Division Policy for Land and Water Related Developments in Protected Public Water Supply Areas.
- (3) Notwithstanding the use zone, within a Well-Field Protection Area any development except renovations to an existing structure, fences and minor landscaping shall be referred to the Department of Climate Change, Environment and Municipalities for approval before a permit is issued by the Town.

- (4) Notwithstanding the use zone or zones underlying the Well-Field Protection Area, the following chemicals/activities are prohibited unless it has been proven to the satisfaction of the Minister of Environment and Conservation that such uses will not cause deterioration of the quality of the water supply over the long term and that measures satisfactory to the Minister have been undertaken to prevent leaks or contamination from tanks and other storage facilities into the aquifer of the well or wells:
- a. petroleum fuels in excess of 25 L;
  - b. petroleum solvents in excess of 10 L;
  - c. chlorinated solvents in excess of 10 L;
  - d. pesticides and preservatives in excess of 10 L;
  - e. new sewerage systems
  - f. manure storage;
  - g. manure application;
  - h. mining and aggregate removal;
  - i. inorganic fertilizers (no bulk storage);
  - j. forestry (salvage cutting permitted);
  - k. sawmill operations;
  - l. groundwater extraction (non-private wells);
  - m. groundwater heat pumps;
  - n. road salt (no bulk storage);
  - o. waste disposal.
- (5) Tanks and other material containment facilities shall be inspected at least once a year to ensure their soundness in accordance with the standards established by the Minister of Environment and Conservation.
- (6) Council will not approve any development or activity in the Protected Public Wellhead Water Supply Area unless and until all required approvals have been obtained from the Water Resources Branch of the Department of Climate Change, Environment and Municipalities.

## 5.5 PUBLIC/INSTITUTIONAL LAND USE CLASS

### 5.5.1 Cemetery

**Definition:** Cemetery means a facility or land area reserved and dedicated to the burial of the dead and includes a columbarium, mausoleum, mortuary and related maintenance facility. A discretionary accessory use might include a crematorium (a facility containing a certified furnace or similar device intended for use in the incineration of human or animal corpses) subject to conditions.

**Conditions:**

- (1) Council may require a landscape plan to be submitted as part of the Development Application. The landscape plan shall illustrate areas of landscaping in relation to the burial plots and shall identify the location and types of plant species that are to be planted.
- (2) It is recommended that a minimum 6 m wide buffer shall be maintained between any lot line of the cemetery and areas designated for burial purposes and, within this buffer, trees and shrubs are to be planted to provide a landscaped screen between the cemetery uses and abutting properties.

- (3) A fence shall be constructed and erected along all lines of the cemetery
- (4) A cemetery use shall receive the approval of the Service NL and Municipal Affairs and Environment and shall be developed in accordance with the conditions of these Departments.
- (5) A discretionary crematorium is subject to the following conditions:
- (6) A buffer between the crematorium and a sensitive land use such as residential, day care, elementary or secondary school or higher intensity land use, may be required at the discretion of the Council based on the following guideline:
  - a. The buffer between the crematorium structure within the cemetery to the lot line shared with residential or sensitive land use, such as elementary or secondary schools, daycare, shall be a minimum of 70 m unless there are extenuating physical characteristics of the site that would provide natural screening
  - b. The buffer between other resource uses shall be a minimum of 30 m but may be less if there are extenuating physical characteristics of the site that would provide natural screening;
- (7) All crematory facilities shall be located within an enclosed building that meets building and fire code requirements;
- (8) All applicable local, provincial, and federal laws and regulations shall be met;

### 5.5.2 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 Condition 3 below).

#### Conditions:

- (1) Required to submit a Comprehensive Planned 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 will be treated as a single comprehensive 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 – will be attractive and compatible with other uses in the vicinity.

- d. A single management authority shall 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. The total lot coverage of all buildings will not exceed 35%.
- g. adequate noise separation shall be maintained between the use and adjoining dwelling units in an apartment building,
- h. adequate noise separation shall be maintained between the use and adjoining commercial uses,
- i. a fire exit for the exclusive use of the facility use shall be provided,
- j. 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,
- k. 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,
- l. a minimum of 5 m<sup>2</sup> of net floor space per person shall be provided for use by the facility users, this aggregate floor space shall be utilized for the purpose of group amenity areas and individual rest areas;

### 5.5.3 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 equipment and vehicles, which is necessary for the local distribution of utility services. Typical uses include police stations, fire stations and ancillary training facilities.

**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 nuisance impact on surrounding properties.

### 5.5.4 Public Gathering Places-Indoor

**Definition:** Public gathering places-Indoor means a building or part thereof designed and equipped to be used for public gatherings for entertainment, religious (place of worship), cultural, civic, educational, charitable, philanthropic or social purposes and may include, but are not limited to, a movie theatre, playhouse, museum, art gallery, place of worship, funeral home, community or cultural centre, library. These are smaller than regional institutional uses, like a hospital or college campus, as the patrons generally are not such a broad segment of society and therefore does not create the same level of activity in terms on onsite use and traffic.

**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) Where permitted as a discretionary use on a Use Zone Table in Chapter 3, a place of worship or an educational use shall conform to the frontage, building line setback, side yard, rear yard, lot coverage and height requirement specified for a single detached dwelling.
- (4) Crematory facilities may be allowed as a discretionary accessory use to a funeral home when the funeral home is the principal use, subject to meeting the following conditions:
  - a. A buffer between the crematorium and a sensitive land use, such as residential, day care, school or higher intensity land use, may be required at the discretion of the Council based on the following guideline, that the buffer be a minimum of 70 m from a residential or sensitive land use, such as elementary or secondary schools, daycare unless there are extenuating physical characteristics of the site that would provide natural screening;
  - a. All crematory facilities shall be located within an enclosed building that meets building and fire code requirements.
  - b. All applicable local, provincial, and federal laws and regulations shall be met

### 5.5.5 Public Gathering Places-Outdoor

**Definition:** Public gathering places-outdoor means an open-air assembly use requiring the minimum of permanent facilities, and included, but is not limited to, facilities in the form of or similar to, an outdoor worship service and informal outdoor recreation, including, but not limited to, a picnic or barbecue area, playground and walking or jogging trails; but does not include sport and recreation facilities or a recreation complex.

**Conditions:**

- (1) Required to submit a Comprehensive Planned Development application (2.2.2 & 2.2.4)
- (2) Must meet Use Zone Site Development Standards and conditions;
- (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 main or primary use of the property and its 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 will 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 will 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.

### 5.5.6 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.

## 5.6 RESIDENTIAL LAND USE

### 5.6.1 Single Detached Dwelling

**Definition:** A single detached means a detached dwelling containing one main dwelling unit which has a private entrance, and which is not attached to another dwelling; and, does not include mobile homes or recreational vehicles, but does include mini-homes or tiny homes; but it may contain a subsidiary apartment (see 6-1.2)

**Conditions:**

- (1) Must meet Use Zone Site Development Standards and conditions;
- (2) In the Resource zone, a single dwelling may only be permitted only as accessory to an agricultural use. A dwelling is subject to the approval of the Land Resource Stewardship and the Government Service Centre before a permit is issued by the Town.

### 5.6.2 Semi-Detached Dwelling (Double dwelling or Duplex)

**Definition:** A semi-detached dwelling means a building containing two dwelling units, where each dwelling unit has a private entrance as compared to apartment buildings with a common entrance, where the units can be placed one above the other, or side by side, but does not mean a Single Detached Dwelling containing a subsidiary apartment. Both units must front on the street.

**Conditions:**

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

### 5.6.3 Tiny House and Compact House

#### Definitions:

**Tiny house** means a residential single dwelling unit intended for year-round use designed to be used with a permanent foundation and has permanent provisions for living, sleeping, eating, cooking and sanitation, typically with a maximum floor area of <50 m<sup>2</sup>.

**Compact house** means a residential single dwelling unit intended for year-round use designed to be used with a permanent foundation and has permanent provisions for living, sleeping, eating, cooking and sanitation, typically with a maximum floor area of between 50 m<sup>2</sup> to 80 m<sup>2</sup>.

**Tiny House and Compact House Subdivision** means a concept proposal, approved by Council to subdivide property into a minimum of 8 or more tiny house residential lots subject to conditions outlined in a development agreement. It generally shows topographic information and natural features, such as waterways and vegetation. The concept proposal will also identify proposed residential lots which may typically require infrastructure such as streets drainage, culverts, pavement, sidewalks and curbs.

#### Conditions:

- (1) Tiny and Compact houses shall be constructed to the requirements of the National Building Code;
- (2) Tiny and Compact houses shall only be considered if they form part of a residential subdivision (Chapter 8.0) or a Cluster Development (3.2.6) of not less than eight (8) lots designed specifically for Tiny or Compact houses;
- (3) The location of a tiny house subdivision shall be determined by Council in any residential zone and subject to any conditions identified by council outlined in a development agreement;
- (4) Must meet Use Zone Site Development Standards and conditions; that is, all other siting requirements of the residential land use zone shall apply;
- (5) Tiny and Compact houses shall have permanent provisions for living, sleeping, eating, cooking and sanitation;
- (6) An accessory building in the Tiny House or Compact House Subdivision shall not exceed the size of the tiny house.
- (7) A Comprehensive Planned Development plan is required as part of the application to develop.

### 5.6.4 Garden Suite

**Definition:** A Garden suite (or Secondary Detached Dwelling) is a self-contained dwelling unit without a basement, located in the rear yard of a lot containing a permanent, single dwelling. It is equipped with its own kitchen, living area, a maximum of one bedroom, bathroom and storage space. It does not have a subsidiary unit and is detached from the primary dwelling on the lot. It may be constructed onsite or transported as a modular unit to the lot but cannot include a mobile home or mini-home.

#### Conditions:

- (1) No more than 1 garden suite shall be allowed on a single residential lot occupied by a single detached dwelling;

- (2) The single detached dwelling cannot have a subsidiary apartment and a garden suite; that is, there can only be one accessory dwelling unit, either a garden suite OR a subsidiary apartment, but not both;
- (3) The affected property must contain a legally conforming and permanent, owner-occupied habitable single detached dwelling, to which the garden suite is accessory;
- (4) The garden suite shall not exceed 40% of the total habitable floor space of the primary dwelling or 70 m<sup>2</sup>, whichever is the lesser;
- (5) The applicant is responsible to submit a real property report as part of an application for a garden suite;
- (6) A garden suite will not be allowed on properties smaller than 800 m<sup>2</sup> in size;
- (7) Garden suites shall be placed on a cement pad or footing (no basement) or similar footing acceptable to Council;
- (8) Garden suites shall comply with all the yard requirements for the principal dwelling;
- (9) The minimum separation distance between the principal dwelling and any garden suite shall be in compliance with the requirements of the zone and the National Building Code;
- (10) Where available, garden suites shall be connected to the municipal water and sewer systems;
- (11) Access to the garden suite shall be provided by the existing driveway(s);
- (12) A minimum of 1 off- street parking space must be provided for the garden suite in addition to a parking space for the subsidiary apartment (if any);
- (13) The exterior of garden suite should incorporate building materials, textures, and colours that are similar to that of the principal dwelling;
- (14) A garden suite shall be owned by the owner of the primary dwelling and shall not be sold as a condominium unit;
- (15) A garden suite may be constructed on site or be transported as a modular unit to the lot, but will not include a mobile or mini-home; and,
- (16) Prior to the construction or placement of a garden suite, the Council may require a written agreement with the owner of the affected property to deal with matters such as the installation, maintenance and possible removal of the secondary suite, the period of occupancy, and the rehabilitation of the site.

### 5.6.5 Townhouses

**Definition:** A townhouse is a single-family home that shares one or more walls with other independently-owned units. They are often in rows of uniform homes, two stories or taller. Residents own their interior and exterior walls, lawn, and roof, as well as the insurance for both their home and property. Residential townhouses are usually three or more dwelling units, each unit separated vertically from the others, each of which must have an independent entrance to a front and rear yard immediately abutting the front and rear walls of the unit, and each of which may be located on a separate lot. All units must front on a street.

**Conditions:**

- (1) Must meet Use Zone Site Development Standards and conditions;
- (2) Required to submit a Comprehensive Planned Development application (2.2.2 & 2.2.4);
- (3) Shared walls must meet all national code regulations;

### 5.6.6 Mini-Home and Mobile Homes

**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 concrete foundation, either a full basement or crawlspace, but does not include a mobile home. Mini homes do not have axles or a chassis.

**MOBILE HOME - Definition:** Mobile home means a transportable factory-built single detached family dwelling unit:(a) which complies with space standards substantially equal to those laid down in the Canadian Code for Residential Construction and is in accordance with the construction standards laid down and all other applicable provincial and;(b) which is designed to be transported on its own wheels and chassis to a mobile home lot, and subsequently supported on its own wheels, jacks, posts or piers, or on a permanent foundation and connected to exterior public utilities , in order to be suitable for year round term occupancy.

**Mobile Home or 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.

**Mobile Home or 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 authority. A mobile home may not be located within a mini home subdivision; however, a mini home may be located within a mobile home subdivision.

#### Conditions:

- (1) A mobile home may be located outside a mobile home park or subdivision provided that the structure meets the following conditions:
  - a. The home is placed on a permanent foundation or otherwise permanently supported and fixed, with wheels and axles removed, and shall be provided with a visible foundation or skirting acceptably similar in appearance to foundations of dwellings in the immediate area;
  - b. The lot otherwise meets the standards of a residential lot.
- (2) Mini-home may be located outside a mini-home park or subdivision provided that the design is compatible with housing design of existing homes in the neighbourhood.
- (3) A mobile/mini home subdivision/park is required to submit a Comprehensive Planned Development Application (2.2.2 & 2.2.4);
- (4) The minimum size of parcel for a Mini/mobile home subdivision/park is 2 hectares.
- (5) Where municipal services are not provided, the maintenance of the services is the shared responsibility of the members of the park.
- (6) A development application for a mini/mobile home subdivision/park shall provide the same information as a set out this Part for major subdivisions.

### 5.6.7 Apartment Building

**Definition:** Apartment building means a building containing three or more dwelling units which have a shared entrance and hallway but does not include a townhome or a subsidiary apartment.

**Conditions:**

- (1) Must meet Use Zone Site Development Standards and conditions;
- (2) Required to submit a Comprehensive Planned Development application (2.2.2 & 2.2.4);
- (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 will serve local needs of the residents and surrounding neighbourhood;  
and,
  - c. The use will not detract from the residential character of the neighbourhood by virtue of generating excessive noise or traffic.

### 5.6.8 Cottage

**Definition:** Cottage 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 will 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 Management Division, Government of Newfoundland and Labrador.
- (6) In the Resource zone, cottages may only be permitted if the Town is satisfied that it will not create an obligation to provide municipal services and that it will not have a negative impact on resource exploration and development within the Resource zone. Cottage developments or subdivisions are permitted in the Resource zone, as well, individual remote cottages will be allowed, except in areas shown to exclude cottages. Sites shall be carefully considered with regard to access and potential future demand for Municipal services or conversion to permanent homes.

### 5.6.9 Infill-residential

**Definition:** An Infill-residential a single-family dwelling meeting the infill lot development standards as set out in the Use Zone Table of a residential zone. These will only be considered as a discretionary use in areas served by municipal water and sewer services.

**Conditions:**

- (1) Must meet Use Zone Site Development Standards and conditions;
- (2) Council shall review Infill-residential development to ensure:
  - a. the type, scale, massing, and design of the development is generally appropriate to the neighbourhood;
  - b. preservation of side/back/front yards for public safety requirements;
  - c. Building line setbacks shall conform to the existing development pattern; and,
  - d. adequate provision is made for light, privacy, and amenity.

### 5.6.10 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 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. Non-market housing is defined for the purposes of land use zoning in the Town of Happy Valley-Goose Bay and the location of each use is indicated as permitted and discretionary use in Chapter 3 – Land Use Zones.

#### General Conditions:

- (1) The use and appearance of the dwelling shall not materially differ from, or adversely affect, the amenities of adjacent dwellings or the neighbourhood;
- (2) Council may require special access and safety features to be provided to the occupants before occupancy is permitted.
- (3) Must meet Use Zone Site Development Standards and conditions;
- (4) A personal care or group home is permitted in a dwelling unit that is adequate in size to accommodate the number of persons living in the group, inclusive of staff.

#### 5.6.10.1 Assisted Living, Residential (Personal care-residential)

**Definition:** Housing with supports or Independent living or personal care home in a single detached dwelling that has been converted for this specific use according the *Community Health and Services Act, 2000* and licenced by the regional health authority. Residential assisted housing is usually for seniors and people with physical and/or mental disabilities that includes on-site hospitality and personal-care support services (for example, Level 1 & 2 care) and does not include people requiring ‘supportive housing’ described in 5.6.10.3 (below).

#### 5.6.10.2 Non-profit housing

**Definition:** A housing development providing housing for low/no income people who cannot afford market housing; such as, Newfoundland & Labrador Housing, Co-op housing;

#### 5.6.10.3 Supportive housing (Group home)

**Definition:** 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 multiple complex needs; Recent release from incarceration. This can include a 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.

#### **5.6.10.4 Emergency shelter**

**Definition:** Otherwise referred to as Safe home/homeless shelter, Homeless Hub: Immediate, short-stay housing for people who are homeless or at risk of becoming homeless;

#### **5.6.10.5. Transitional housing**

**Definition:** Housing for residents for between 30 days and 3 years. This type of housing aims to transition individuals to long-term, permanent housing.

#### **5.6.10.6 Hostel**

**Definition:** A hostel is typically a single room in a building with shared bathrooms and kitchens.

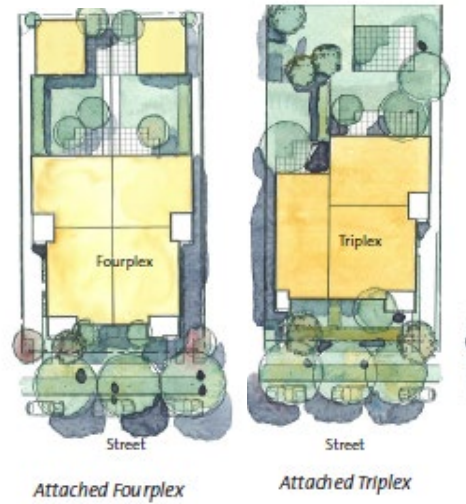
#### **5.6.11 Plex housing (3-plex and 4-plex residential buildings)**

**Definition of Three-Plex and Four-Plex buildings:** A 3-plex and 4-plex is a building with 3 or 4 self-contained dwelling units where each unit has exterior entrance and there is no shared interior access. While the building may appear to be like an apartment building, there is no shared interior access to each unit. Generally, the building has one owner and the individual units are rented (the owner might live in one unit); however, if the units are to be owned separately, then the development by must comply with the *Condominium Act, 2009*.

#### **Conditions:**

- (1) Must meet Use Zone Site Development Standards and conditions;
- (2) Three- and Four-Plex housing can be arranged either vertically so that dwellings may be placed over others, or horizontally so that dwellings may be attached at the rear as well as at the side;
- (3) Mandatory front façade;
- (4) Council shall review this type of development to ensure:
  - a. the type, scale, massing, and design of the development is generally appropriate to the neighbourhood;
  - b. preservation of side/back/front yards for public safety and amenity requirements;
  - c. Building line setbacks shall conform to the existing development pattern; and,
  - d. adequate provision is made for light, privacy, and amenity.
- (5) The following diagrams illustrate acceptable site layouts for 3-plex and 4-plex:

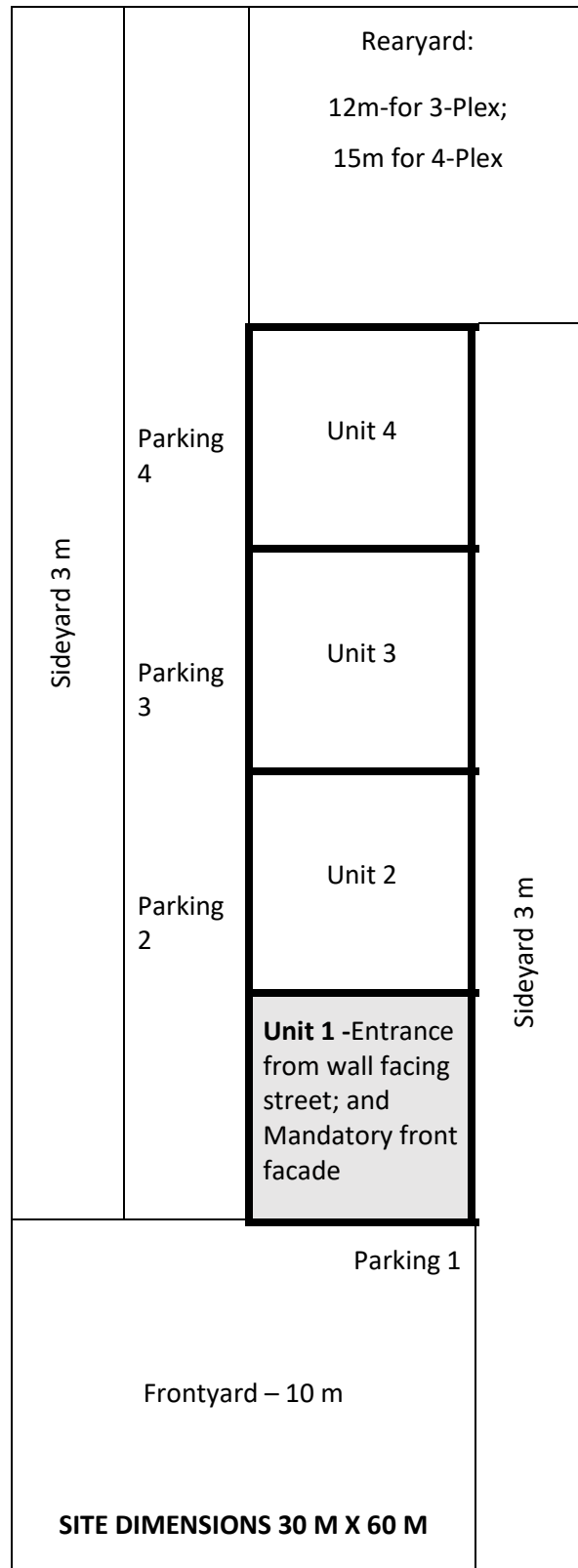
- a. Preferable development would be only two dwelling units deep on a lot with each dwelling unit having a front on the street as shown in Figures 1 & 2
- b. Alternatively, to accommodate the existing large lots size found throughout the Town (30 m x 60 m), a 4-plex development may be considered four dwelling units deep provided that the end-unit facing the street would be the front façade and entrance. This will enhance street appeal and also provide much needed affordable housing.



*Figures 1 & 2 –  
Attached 3-Plex and 4-Plex with street frontage*

Figure 3 – Attached 4-Plex -four dwelling units deep on large lot (30m x 60 m)

(sketch not to scale-illustrative purpose only)



## 5.7 PUBLIC INFRASTRUCTURE AND UTILITIES

### 5.7.1 Communications

**Definition:** Communications means a television, radio, cell phone, or transmission tower or antenna, as well other communications transmitting or receiving building or infrastructure and includes wireless communications facilities, such as, infrastructure regulated by the federal government that enables wireless communications including broadcast antennas, cellular phone towers including private antenna systems for ham radio and citizen band radio, mounted on the ground or on another structure such as a rooftop.

**Conditions:**

- (1) Council may, within any zone, permit land or a building to be used in conjunction with telecommunications structures or antennas subject to the following standards:
  - a. must meet Industry Canada standards;
  - b. where it is deemed feasible, a new telecommunications structure or antenna will share existing telecommunications structure or antenna infrastructure or will modify or replace an existing telecommunications structure or antenna to accommodate the new and existing telecommunications structure or antenna provided the changes to the existing telecommunications structure or antenna do not detract from the appearance and character of the surrounding properties;
  - c. the colour, location, and design of a new telecommunications structure or antenna will not detract from the appearance and character of the surrounding properties and do not negatively impact aesthetically on adjacent lands and uses; and,
- (2) The site or the building on which the telecommunications structure or antenna is erected or situated shall be landscaped or treated in such a manner to minimize the visual impact on the surrounding area.

### 5.7.2 Easement for Municipal services and Public Utilities

**Definition:** Easement means the right to use land, most commonly for access to other property, or as a right-of-way for utility service.

**Conditions:**

- (1) No permanent building shall be constructed over any known easement, whether that easement has been assigned to the Town, a department of the provincial or federal government, or any utility company (for example, Newfoundland Power, telephone, cable television, Crown Land). Permanent buildings include, but are not limited to, all dwellings and accessory buildings.
- (2) Within any Use Zone, Council may permit land to be used for the provision of public services and public utilities if the use of that land is necessary to the proper operation of the public service or public utility concerned, provided that the design and landscaping of any development of any land so used is, in the opinion of Council, adequate to protect the character and appearance of the area.

### 5.7.3 Energy Generation Facilities

#### 5.7.3.1 General

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

**Conditions:**

- (1) Required to submit a Comprehensive Planned 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:
- (4) 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 shall 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.
  - a. A wind, solar, or small hydro generator within a built-up residential area will be limited to a single unit that serves an individual property.
  - b. An adequate separation distance will 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.
  - c. 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.

#### 5.7.3.2 Wind Turbines

**Definition:** Wind turbine generator (commercial) means a structure designed to convert wind energy into mechanical or electrical energy. A commercial wind turbine shall include, but not be limited to, wind turbine, generator, operations and maintenance buildings, meteorological towers, collector grids and electrical substations. Note that a Wind Farm or Wind Park: means more than one wind turbine generator located on a lot.

#### Commercial wind turbine generator

**Conditions:**

- (1) A commercial wind turbine which has a collective energy nameplate rating of one hundred (100) kW or greater shall be connected to a transmission line and/or the local power grid.
- (2) All developments shall meet applicable federal and provincial regulatory requirements.
- (3) The development shall not create hazards or any negative impacts on neighbouring properties. In cases where there are potential conflicts or impacts between a proposed development and neighbouring property, Council may require the developer to ensure that adequate buffers or screening are maintained to reduce the impacts on adjoining properties or other mitigation measures that may be necessary to reduce the impacts.
- (4) The wind turbine tower shall be located to minimize visual impacts on the Town.

- (5) The wind turbine tower shall have a clear unobstructed fall zone that has a radius equal to or greater than the height of the structure and is accommodated within the property bounds.
- (6) The wind turbine tower shall be designed and constructed to meet design loads for operational requirements including ice buildup. The blades shall either have de-icing capabilities or be constructed of a material (for example, poly carbonate composite) that resists ice buildup.
- (7) Access to the site shall be restricted and shall include: fencing, gate, and signage posted as to the property owner, company name, twenty-four (24) hour emergency telephone number, and warnings of dangers to trespassers.
- (8) Should the wind turbine cease operations for a period of longer than two (2) years, the wind turbine, tower, and any related infrastructure shall be removed from the property.

### **Private Wind Turbine**

#### **Conditions**

- (1) Private turbines shall primarily be for the generation or electrical power for the property owner of a residential use, for business owners and for varied public use buildings and other similar sites, but not for outside sale.
- (2) Council may determine that the minimum parcel size of 2,000 m<sup>2</sup> with a wind turbine height of approximately 10 m; if this is not sufficient to mitigate impacts to adjacent properties, the wind turbine proposal may be denied by Council.

### **5.7.4 Utilities**

**Definition:** Utilities means a development that comprises a system or works including municipal services used to provide one or more of the following for public consumption, benefit, convenience or use:

- a. water;
- b. sewage disposal;
- 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 5.3.4).

#### **Conditions:**

- (1) Must meet Use Zone Site Development Standards and conditions;
- (2) Water treatment plant, sewage treatment plant, solid waste landfill, or power plant will 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 shall be made for buffering in the form of landscaped areas between uses;

## 6.0 ACCESSORY USES & BUILDINGS AND HOME BUSINESSES

### 6.1 ACCESSORY USES

#### 6.1.1 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 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 subsidiary apartment which is a separate dwelling unit constructed within and subsidiary to a self-contained dwelling or commercial building;
- g. a home business;
- h. a residence only associated with a resource use, such as a farm house on an agriculture farm operation;
- i. a satellite dish or similar device attached to a building;
- j. a wind generator, solar panel, radio antenna, or similar device;

**General Condition for all accessory uses:**

- (1) Must conform to zone development conditions associated with the primary use;

#### 6.1.2 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 only where there is no Garden Suite;
- (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) A minimum of two off-street parking spaces shall be required, one for the primary use and one for the subsidiary apartment.
- (6) The minimum floor area required is 40 m<sup>2</sup> for a one-bedroom subsidiary apartment, plus 10 m<sup>2</sup> for each additional bedroom.
- (7) The apartment shall not alter the appearance of the structure as a single detached residential dwelling;
- (8) The apartment must be completely self-contained, with facilities for cooking, sleeping, and bathing.
- (9) For lots without municipal water, Service NL shall determine water and sewerage disposal requirements and a permit will be issued subject to its approval.

### **6.1.3 Satellite Dish-Residential**

Notwithstanding the requirements of the Use Zone Tables, a satellite dish associated with a residential use shall be permitted subject to the following condition: a satellite dish which is attached to or forms part of a dwelling shall not exceed a diameter of one decimal two five metres (1.25 m);

### **6.1.4 Satellite Dish-Commercial**

A satellite dish associated with a commercial use shall be permitted to the following conditions:

- (1) unless otherwise determined by Council, there shall be one satellite dish per lot;
- (2) the satellite dish shall not be located in the front yard or flanking side yard of a lot, unless the area surrounding the satellite dish is screened from public view by an adequate natural buffer or screen, the dish is consistent with the surrounding development of the area and the satellite dish does not create any visual obstruction to adjacent developments or passing vehicular traffic.
- (3) the satellite dish does not obstruct views from other properties.
- (4) the satellite dish is anchored to the building or site to withstand the appropriate wind loads as determined by Council.
- (5) the satellite dish design, structure and colour are complimentary and sensitive to both the development to which it is attached or situated and the immediate surrounding properties. In cases where Council deems it appropriate, a satellite dish will be required to be screened or landscaped in accordance with Council's requirements. The satellite dish shall not be located in the front yard or flanking side yard of a lot, unless the area surrounding the satellite dish is screened from public view by an adequate natural buffer.

## **6.2 ACCESSORY BUILDINGS**

### **6.2.1 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 in the Resource and Agriculture Use Zones.
- (5) Accessory buildings shall not be located in an easement;

**6.2.2 Accessory Buildings - Residential Use Classes (excluding Garden Suites)**

**Conditions**

- (1) An accessory building shall not be built within any easement area;
- (2) 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.
- (3) Size of accessory building:
  - a. On lots greater than 800 m<sup>2</sup>, the combined lot coverage of accessory buildings together with principal and other buildings on a lot shall not exceed 33%;
  - b. For lots less than 800 m<sup>2</sup>, the maximum accessory building size is 7% of the lot coverage.
- (4) Setbacks:
  - a. A minimum of 1.2 m from any property boundary; and,
  - b. 2.4 m from any building;
- (5) Height:
  - a. Where the residence (primary use) is one-storey in height, the accessory building shall not exceed the height of the primary building;

- b. Where the primary building (single detached dwelling, detached dwelling, townhome, etc.) is more than two stories in height, the accessory building cannot be greater than 2/3 the height of the primary building;
- (6) Accessory buildings shall not be used for commercial or industrial uses on a residential property, regardless of the use zone in which it is located, unless Council has issued a permit for such use;
- (7) Repairs to vehicles, other than minor vehicle maintenance, are prohibited in accessory buildings;
- (8) No truck, bus, semi-trailer, or other vehicle body shall be used as an accessory building (Note that shipping (freight)t containers are dealt with in 6.2.3.3);
- (9) Except for minor maintenance, no accessory building will be used for the repairing, painting, dismantling, or scrapping of vehicles or machinery;
- (10) An accessory building may be used for a home business as outlined in Home business section.
- (11) Exterior Cladding: With the exception of greenhouses, the exterior cladding of the accessory building shall match or coordinate with the exterior siding of the main dwelling on the lot and shall be residential in character.
- (12) Discretionary Decisions of Council: In making discretionary decisions with respect to accessory buildings, Council shall consider:
  - a. The location of the accessory building on the lot;
  - b. The size of the accessory building compared to the dwelling on the lot and the size of structures on neighbouring properties;
  - c. Visibility of the structure from neighbouring properties and/or street;
  - d. If the accessory building will block a view and/or light from adjoining properties;
  - e. The use of the accessory building;
  - f. Site conditions, such as topography and the presence of wetlands; and
  - g. Any other on-site conditions that may warrant Council's considerations.
- (13) Residential swimming pool: Subject to the following requirements, the swimming pool shall:
  - a. be located in the rear yard of a residential property;
  - b. not encroach upon any easement;
  - c. not be located under any overhead power line;
  - d. have a minimum setback of two metres (2 m) from any property boundary; and
  - e. have an area surrounding a swimming pool and pool deck shall be fully fenced to prevent people, especially children, from unauthorized access to the pool area.

### 6.2.3 Accessory Buildings – Non-Residential

An accessory building associated with a non-residential use shall be permitted, subject to the following requirements:

- (1) an accessory building shall be located on the lot so that it has no undesirable impact on the private enjoyment of adjoining residential lots;
- (2) the use of an accessory building shall be directly related to the principal use or building on the lot;
- (3) an accessory building shall not be erected or placed upon any easements; (e) an accessory building shall maintain a minimum side yard and rear yard of 1 m;
- (4) an accessory building shall maintain a minimum separation distance of 2 m from the main building;
- (5) radio and television antennae shall have a maximum height of 15 m;
- (6) the exterior siding of an accessory building shall match or be complimentary to the exterior siding of the principal building on the lot.

- (7) For a use that could occur in residential, public/institutional, commercial and industrial zones, a wharf/Boathouse/Slipway/Breakwater is subjected to the following conditions:
- a. Must meet Use Zone Site Development Conditions;
  - b. Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties;
  - c. Wharf/Boathouse/Slipway/Breakwater structures for both commercial or residential/cottage use shall follow the guidelines for the *Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses* which are available at:  
[http://www.env.gov.nl.ca/env/waterres/regulations/appforms/Guidelines\\_for\\_Wharves.pdf](http://www.env.gov.nl.ca/env/waterres/regulations/appforms/Guidelines_for_Wharves.pdf)
  - d. The Applicant must obtain a permit under of the *Water Resources Act, 2002* under Section 48 (<http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm>) 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.

#### 6.2.4 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 shall be located in the rear yard of the lot so that it is not visible from the street;
- (4) the trailer shall not be permitted to be located in a rear yard which abuts a residential or open space Use Zone;
- (5) the trailer shall 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 will be required to be removed from the site immediately.

#### 6.2.5 Shipping Containers

**Definition:** A shipping container means an intermodal freight container that is an enclosed unit that is used for the transportation and storage of goods and materials which are loaded onto trucks, trains or ships for the purpose of moving of goods and materials. For the purpose of this definition a shipping container does not have wheels and does not include a truck body, trailer or transport trailer.

##### **Conditions:**

Shipping containers will be permitted as an Accessory Building in the following use zone classes: Public/Institutional, Industrial, Commercial, Agricultural, and Resource.

- (1) Shipping containers may be used as an accessory building as a discretionary use In the Residential and Mixed land use zones provided they are repurposed and retrofitted to meet the structural, siting, landscaping, aesthetic, and safety requirements of these Regulations and the National Building Code, National Fire Code and any other relevant building regulation required by the Town.

- (2) The Town shall require a security bond or financial guarantee to bring the shipping container into compliance with these Regulations to ensure that if the individual does not meet the conditions of the permit the Town can cash the bond to either remove the structure or finish the required work.
- (3) Notwithstanding the other Use Zone requirements in these Regulations, the following conditions shall apply to shipping containers. A shipping container shall:
  - a. Be regulated as accessory storage buildings. In all cases where shipping containers are permitted, a building permit and inspection services will be required to ensure that the structure is modified to be safe for the intended use in compliance with the requirements of the National Building Code and the National Fire Code and any other relevant building regulation required by the Town.
  - b. Have an Engineer's report prepared for proof of structural soundness to ensure that the structure meets the National Building Code and National Fire Code requirements for safety; Modifying the structure to eliminate the risk of explosion or installing ventilation to equalize the pressure difference could involve weakening the structure. Ventilation would also allow smoke to escape from the structure, which would therefore alert those nearby of the presence of a fire. It should be noted that these modifications would be required as part of the building permit and inspection process established for making these structures legal and code compliant, and establishing safety protocols.
- (4) Where permitted, only be used, placed, stored, repaired, cleaned, upgraded, or modified to comply with the requirements of the zone as if it were a building or structure.
- (5) Only be permitted as an accessory use for storage only on a lot where a principal permitted use already exists; and shall not be used for human habitation, display, advertising, work areas, shops, office uses, or retail sales, screening, or fencing;
- (6) Not be permitted as the sole structure on any property;
- (7) Only be located to the interior sideyard or the rearyard of the permitted use provided that it is:
  - a. Screened from view from the street and abutting properties, except in the Agricultural zone;
  - b. Complies with the lot coverage and setback requirements of the zone;
  - c. Not be located in any required yard;
  - d. not be any closer than 30m to any street line; and
  - e. Not located in any required parking areas or landscape buffer.
- (8) Be included in all calculations for the purpose of determining maximum lot coverage.
- (9) Where permitted, the shipping container must be in a condition free from rust, peeling paint and any other form of visible deterioration and shall be maintained in good condition, free from rust, and in keeping with the principal use of the property;
- (10) Not be permitted on any lot less than 4 hectares in an Agricultural Zone, and in no case shall a shipping container be permitted on a lot having less than 0.4 hectares;
- (11) Not be stacked one on top of the other;
- (12) Be subject to the provisions of 4.14 - outside storage;
- (13) Comply with a minimum setback of 30 m shall be maintained from the high-water mark of any water body or water course;
- (14) Be set back a minimum of 5 m from all other structures;
- (15) Be subject to screening from adjacent residential uses in the form of fencing or plantings, or a suitable alternative;
- (16) Not be placed for the purpose of display or advertising;
- (17) The following shall not be stored in a shipping container:

- a. Gasoline, propane, or any other flammable, combustible liquid or compressed gas; or
  - b. Explosives
- (18) Not exceed a height of 3 m or a total length of 16.76 m;
- (19) In Industrial areas, allow for a shipping container only where it does not compromise any other regulations;
- (20) In Commercial areas, permit only one shipping container per property as an accessory use in association with a commercial use (to ensure that there are not multiple shipping containers based on multiple commercial uses on one site) subject to the shipping container matches or compliments the colour of the existing commercial structure;
- (21) Not be located in any non-residential yard abutting a Residential Zone unless there is a minimum 10 m setback;
- (22) Shall be anchored to the ground in accordance with the National Building Code;
- (23) Be constructed on an appropriate base (for example, timber skid foundation on gravel base, reinforced concrete slab) to the satisfaction of the Town.
- (24) Shipping Containers as a Temporary Use:
- a. If a shipping container is proposed to be used as a temporary use/building, it is subject to the retention of a valid Building Permit. The use of any land, or the erection or use of any building, trailer or structure for a construction camp, work camp, temporary accommodation tool shed, scaffold or other building or structure incidental to and necessary for construction work on the premises, may be allowed under these Regulations but only for so long as such use, building or structure is necessary for such construction work which has not been finished or abandoned.
  - b. As a temporary use during construction, a shipping container could be used as a temporary office or for equipment storage on a property for which a valid building permit had been issued. In this instance, security would need to be posted to cover the cost of removal of the structure within 30 days of the closing or expiry of the building permit.
  - c. Shipping containers are proposed to be permitted as a temporary use on residential properties during a period of construction where a valid building permit has been issued. With this exception, shipping containers are recommended to be prohibited as accessory structures for residential uses.
  - d. Temporary (moving) containers should be located so as not to interfere with sight triangles (to ensure safe passage of vehicles and pedestrians) and should not be located within the road allowance. A temporary use permit for this purpose would be as follows:
    - e. a maximum time frame of 1 month for this type of use within a residential area;
    - f. a maximum time frame of 4 months within a calendar year in commercial areas; and
    - g. regulate the location of the use (for example, yard location)

### 6.2.6 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* which are available at: [http://www.env.gov.nl.ca/env/waterres/regulations/appforms/Guidelines\\_for\\_Wharves.pdf](http://www.env.gov.nl.ca/env/waterres/regulations/appforms/Guidelines_for_Wharves.pdf),
- (4) The Applicant must obtain a permit under of the *Water Resources Act, 2002* under Section 48 (<http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm>) 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

### 6.3 HOME BUSINESS IN THE RESIDENTIAL LAND USE CLASS

Accessory uses in residential areas are primarily subsidiary activities occurring in homes, commonly referred to as 'home business'. The following standards are set out to ensure that the intent of each residential zone can be protected for the enjoyment of its residents.

#### 6.3.1 General Home Business

**Definition:** General home business means a subsidiary use of a dwelling or associated accessory building for commercial use involving the provision or sale of goods and/or services without detracting from the residential character of the neighbourhood in terms of traffic, or any other nuisance. Examples may include, but not limited to:

- a. Professions, such as an accountant, architect, auditor, engineer, realtor, insurance agent, planner, lawyer;
- b. Personal service that do not disrupt the residential character of the neighbourhood, such as a hairdressing, tailor, photographer, pet groomer, caterer's establishment, shoe repair, dressmaking, sewing repairs and tailor shop, small appliance, clock/watch, bicycle, ski and snowboard and computer repair, locksmiths, manicurists;
- c. Care services, such as child care, or home-care; and similar occupations or businesses.
- d. Artisan and other home crafts;
- e. Food preparation for catering services and baking;
- f. Bed and Breakfasts;
- g. Music and dance lessons and educational tutoring;
- h. Telephone and mail order business;
- i. Art gallery and framing shop;
- j. Pet grooming services;
- k. Furniture repair and upholstery;
- l. Sale of bedding plants and trees grown on the same lot;
- m. Any business applying for only a phone/fax/internet service is permitted;
- n. Discretionary Uses as approved by the Authority.

#### Exclusions:

An accessory home-based business shall not include any business activity related to any of the following uses:

- a. Occupations that discharge or emit odors, noxious or toxic matter or vapors; heat, glare, noise and/or radiation;
- b. Manufacturing, welding or any other light industrial use;
- c. The salvage, repair, maintenance or sales of motor vehicles, or motor vehicle engines or parts;
- d. Tow truck operations;
- e. The use of mechanical or electrical equipment except as ordinarily utilized in purely domestic, household, recreational hobbies or a home office use;
- f. The use of any motor vehicle exceeding 4,500 kg licensed gross vehicle weight, or a commercial vehicle unless such vehicle is completely enclosed within a building;
- 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 result 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 will 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 shall provide a site plan that indicates the parking spaces location and any landscape improvements related thereto at time of business license application.
- (11)The only home businesses that can be conducted outside the dwelling or accessory building are Non-farm operation animal husbandry and market or home garden uses as defined under 'Agriculture – Urban' and Child Care.
- (12)A non-illuminated identification sign not exceeding 0.2 m<sup>2</sup> in area shall be permitted provided that the sign is consistent with the residential character of the neighbourhood.
- (13)The use must be carried out inside the dwelling unit or inside an accessory building located on the same lot; the home business will occupy:
  - a. no more than thirty percent (30%) of the total floor area of the dwelling unit to a maximum of 55 m<sup>2</sup> can be used for the home occupation; and,
  - b. the home business can be housed all or in part in 1 accessory building.
- (14)Council may require fencing, screening, and/or a minimum buffer to protect the amenity of adjacent uses.
- (15)The home business will not create traffic safety or traffic congestion concerns. The use shall not generate traffic in excess of an average of 3 customer visits per hour and no home business will operate between 9 p.m. and 7 a.m.
- (16)Sufficient off-street parking must be provided; one dedicated parking spot is required if there is the allowed employee of the home business working in the dwelling (over and above the parking requirement of the primary use). If there will be customer visits, adequate parking should be provided to ensure no parking on the street by residents, staff, or customers from the property housing the home business. Parking should respect and maintain the residential character of the neighbourhood and must be identified in the application;
- (17)The home business will adhere to all other conditions that Council considers necessary to protect the amenity of adjacent uses and the neighbourhood.
- (18)The home business will not use water or generate sewage in excess of what is normal is the residential area and can be accommodated by the municipal water supply and sewage system.

### 6.3.2 Bed and Breakfast

**Definition:** Bed and breakfast, sometimes referred to as a hospitality home or inn, means an owner-occupied or owner-managed dwelling for paid temporary accommodation with no more than four (4) guest rooms. The establishment may include a self-serving dining area for the use by overnight guests. Catered dining may be considered on a limited-use basis. It does not include a hotel, motel or hostel.

**Conditions:**

- (1) The principal use of the residential dwelling unit shall continue to be the home for the ongoing occupation by a single family; no other use such as for a Residential Care or Boarding use shall be permitted at the same time as a Bed and Breakfast use;
- (2) The person(s) operating the Bed and Breakfast shall hold a valid license issued by the agency/ agencies having jurisdiction or authority, such as, Canada Select and the Tourism Division, Government of Newfoundland and Labrador;
- (3) No more than four bedrooms accommodating not more than eight persons at any one time may be used by residential homes for a Bed and Breakfast use;
- (4) Bed and Breakfast amenities shall include a minimum of sleeping accommodation area per bedroom of 12 m<sup>2</sup> and full bathroom and washroom facilities with potable hot and cold water for each bedroom;
- (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.

### 6.3.3 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 business permit is required for 1 or 2 boarders in a single detached dwelling.

**Conditions:**

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

### 6.3.4 Day Care-Residential

**Definition:** Day care or family and group care means a single detached dwelling accommodating up to but no more than 6 persons exclusive of family or staff receiving care in a home-like setting, for example, group homes, halfway house, child care, 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 40% of the floor area of the dwelling unit;
- (4) the use shall have a maximum of 6 adult day care users present at any time;
- (5) a minimum of 5 m<sup>2</sup> of net floor space per person shall be provided for use by adult day care users, this aggregate floor space shall 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.

### **6.3.5 Dispatch operation**

**Definition:** A Dispatch operation consists of a service which provides communication and coordination of off-site activities, such as food delivery or ride-share services.

#### **Conditions**

- (1) No vehicles will be accessing or leaving the property;
- (2) The activity takes place inside the dwelling unit;
- (3) The business must ensure that the vehicles dispatched by this service have received the appropriate approvals under provincial jurisdiction for this use for the safety of the public.

## **7.0 LOT SITING, LANDSCAPING, PARKING AND SIGNS**

### **7.1 LOT SITING**

#### **7.1.1 Lot Area**

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

#### **7.1.2 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.

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

- (1) Where a Council may vary established building lines on an existing or proposed street, it must take 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 where the property line is the same as the road reservation; if the property line is different from the road reservation, then the building line is measured from the road reservation.
- (3) No portion of a dwelling shall project into the minimum building line setback except for the following circumstances and in accordance with the following provisions. The following projections shall be permitted:
  - a. chimney breast, eaves, sills or cornices not projecting more than 1 m into a required front yard depth;
  - b. unenclosed steps with or without a landing;
  - c. an unenclosed or enclosed porch that projects no more than 2 m into the required front yard depth or beyond the established building line for the lot;
  - d. a patio or veranda in accordance with the conditions as outlined in the specific Use Zone; and
  - e. wheelchair ramps or other accessibility devices as approved by Council.

- f. Council may permit the projection to exceed beyond 2 m into the building line setback if it is the view of Council that the projection does not negatively impact the sight lines or streetscape of the residential street, does not create obstructed views for adjacent or nearby residential properties, and the projection is architecturally and aesthetically compatible with the dwelling to which it is attached.
    - i. The projection does not encroach upon or reduce the minimum amount of parking required for the lot; and
    - ii. The projection does not encroach upon or create an obstruction in the sight triangle for corner lots;
- (4) 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.
- (5) 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;
- (6) To encourage a more interesting streetscape Council can allow staggered building line setbacks
- (7) 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.
- (8) If required, the building line as set out in the provincial ***Building Near Highways Regulation*** along any provincial highway, must be adhered to.

#### **7.1.4 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.

#### **7.1.5 Side Yards**

An unobstructed side yard shall be provided on the exposed sides of every building in order to provide access for the maintenance of that building.

#### **7.1.6 Multiple Uses on One Lot**

Where two or more different uses may exist in a single building, more than one main building may be permitted on a single lot, or a single lot may contain more than one permitted use, provided that each use shall conform to all requirements in these regulations that are applicable to that use. EXCEPTION: This does not apply to a single detached dwelling that is not part of a comprehensive development.

Multiple use may not be permitted where the Authority determines that the proposed use would not be compatible with existing uses on or adjacent to the lot by reason of safety, amenity, appearance, or nuisance.

Where more than one main building is developed on a single lot, sufficient area shall be reserved to satisfy the yard requirements and other allowances outlined in the Use Zone Table applicable to the lot. These allowances shall be maintained when the adjacent land is developed.

## **7.2 LANDSCAPING**

### **7.2.1 General Requirements**

- (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 shall 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) Proposed landscaping or a minimum of suitable ground cover must be achieved within 2 years of issuance of the development permit.
- (4) The Council may require a landscape deposit or a financial guarantee (refer to 2.5.3) in the amount to cover the costs of the landscaping of the lot or area as a condition of the Development Permit:
- (5) The deposit shall be paid prior to the issuance of the applicable permit by the Town.
- (6) The deposit shall be returned upon the successful completion of the landscaping to the satisfaction of the Town.
- (7) The amount of the landscape deposit may be set at the amount required to meet minimum suitable ground cover to prevent soil erosion.
- (8) A landscape plan accompanying a permit application will 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;
- (9) The landscaped area shall comprise a minimum of soil and grass cover and may also include flower beds, trees, shrubs, and/or other materials in a design approved by the Town. Note that mulch or pebbles alone are not considered landscaping unless they are part of an overall landscape plan.
- (10) Wherever grass is a requirement for the development of a lot or space, a minimum topsoil depth of 100 mm will be required for the planting of grass or the laying of grass sods.
- (11) To preserve existing natural vegetation on a new site, at the direction of Council, the limits of new development shall be delineated in the field and site work will be located in such a manner to minimize disruption on the existing and surrounding natural vegetation.
- (12) All areas that are disrupted by construction shall be reinstated by the developer using natural landscaping with a minimum of topsoil (100 mm) and grass.
- (13) Whenever an alternate landscaping treatment is approved by Council and the treatment includes ornamental gravel, the developer or property owner shall ensure that an appropriate retaining wall or border is constructed to contain the gravel within the lot boundaries and along hard-surfaced driveways, vehicular circulation areas, and parking areas;

- (14) Any development along Corte Real Road, Hamilton River Road, Kelland Drive, the Trans Labrador Highway, and/or other streets identified by the Town, shall provide a landscaped area extending from the front property line to the closest structure or parking area that is at least five metres deep. Where the development is located on a corner lot, then the 5 m deep landscaped strip shall extend along the flanking road.
- (15) Landscaping of the Town road right of ways adjacent the property shall be the responsibility of the property owner. All areas between the curb/sidewalk and the property are to be landscaped.
- (16) The landscaping requirements of properties and lots may be guided by considerations set out in Chapter 9 – Development Design and Landscaping Guidelines.
- (17) Council may require the planting of trees as a condition of a development permit approval.
- (18) Man-made ground covers, such as tarp or temporary shelter fences to inhibit blowing sand, can only be used as an interim temporary measure to prevent soil erosion when it is not possible to plant a minimum requirement of grass cover due to the time of year.
- (19) All landscaping must be maintained in good condition, not create a nuisance, and provide sufficient cover to prevent soil erosion.

### **7.2.2 Subdivisions**

- (1) Wherever possible, natural areas should be maintained in their natural state and the destruction of these natural areas by development shall be minimized. If the natural area is a part of a public open space area, the developer shall 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 will illustrate the grading relationships between developed and natural areas of the park.
- (2) Minimum landscaping of the recreational open space area shall 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.

### **7.2.3 Residential**

- (1) The entire property, front, side, and rear yards of a residential lot, shall be landscaped with a minimum treatment of grass and related natural vegetation, and any variation or alternative landscaping treatment to this shall be proposed in the form of a landscaping plan. Note that mulch or ornamental stone alone are not considered landscaping unless they are part of an overall landscape plan.
- (2) All the front yard of a residential lot is to be landscaped, with the driveway, parking area and sidewalk taking up to no more than 1/3 of the front yard and the remainder to be landscaped with grass and vegetation. Second driveways are only permitted by widening of existing approved driveway.
- (3) The front yard landscaping of townhomes and apartment building lots will be determined by the Town as part of the application and plan review process.

- (4) The driveway and all vehicle circulation areas, including parking stalls and parking and shipping areas in all yards (front, side, and rear), shall be hard-surfaced.
- (5) Trees must be planted at least 2 m and shrubs at least 50 mm from a property line.

#### **7.2.4 Commercial and Public Use/Institutional**

- (1) The front, side, and rear yards of a commercial lot shall be landscaped with a minimum treatment of grass and related natural vegetation, and any variation or alternative to this requirement shall be proposed in the form of a landscaping plan. Note that mulch or pebbles alone are not considered landscaping unless they are part of an overall landscape plan.
- (2) The driveway and all vehicle circulation areas, including parking stalls and parking and shipping areas in all yards (front, side, and rear), shall be hard-surfaced or consist of a compacted material to prevent sand erosion.

#### **7.2.5 Industrial**

- (1) In the landscaped front yard of an industrial lot, a combination of natural landscaping elements and non-natural (pavement, flower boxes, etc.) shall be required as part of the development or redevelopment of the lot in order to prevent erosion of soil and blowing of sand. Note that mulch or pebbles alone are not considered landscaping unless they are part of an overall landscape plan.
- (2) The required side and rear yards of an industrial lot shall be landscaped with a minimum treatment of grass and related natural vegetation, and any variation or alternative landscaping treatment to this requirement shall be proposed in the form of a landscaping plan.
- (3) A landscape plan shall be required as a condition of the development and the appropriate amount of landscaping as determined by the Town shall be illustrated on the landscaping plan.
- (4) The driveway and all vehicle circulation areas, including parking stalls and parking and shipping areas, in all yards in the front, side, and rear yards (with the exception of exterior storage yards), shall be hard-surfaced or consist of a compacted material to prevent sand erosion.

### **7.3 PARKING**

#### **7.3.1 Parking Area Standards**

- (1) For every building, structure or use to be erected or enlarged, there shall be provided and maintained a quantity of off-street parking spaces sufficient to ensure that the flow of traffic on adjacent streets is not impeded by on-street parking of vehicles associated with that building, structure or use. Off-street parking requirements are set out in 7.3.3.
- (2) Each parking space, except in the case of a single detached, semi-detached or attached dwelling, will be made accessible by means of a right-of-way at least 3 m wide.
- (3) Residential parking spaces shall be provided on the same lot as the dwelling or dwellings.
- (4) No regular parking of commercial vehicles or trailers except for vehicles with a gross weight of no greater than one tonne will be permitted in a residential zone unless specific provision has been made for this type of parking with the approval of Council.
- (5) Parking space for apartment buildings will be provided in the rear yard where possible.

- (6) Non-residential parking spaces shall be provided not more than 200 m from the use for which the parking is required.
- (7) The parking facilities required by this Regulation will, except in the case of single detached, semi-detached or attached dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.
- (8) Where Council permits parking perpendicular to the curb, the minimum dimensions of each parking stall will be as follows:

• Parking stall width	2.75 m
• Parking stall length or depth	5.5 m
• Aisle width separating opposite parking stalls	7.3 m
• Aisle width separating a stall from another	7.3 m
• Driveway width	7.0 m

- (9) Where Council permits parking horizontal to the curb, the minimum length of the stall will be 7 m and the aisle width will be at least 4 m, or more if deemed necessary by Council.
- (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 will be constructed and maintained to the specifications of Council,
  - b. Lights for illumination of the parking area will 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 will be located or maintained in a parking area,
  - d. No part of any off-street parking area will be closer than 1.5 m from the front lot line in any zone,
  - e. 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 will use the full amount of the levy for the provision and upkeep of alternative parking facilities within the vicinity of the development.
- (12) 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 m to any lot line in any zone;
  - d. access to a parking area in non-residential zones shall 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 m in height shall be erected and maintained along all lot lines;
- (13) 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 shall be used by Council for the provision and upkeep of alternative parking facilities within the general vicinity of the development.

### 7.3.2 Parking Development Plans

Council may exempt or change all the off-street parking required under 7.3.3 for a designated area, provided the development within the designated area is controlled by a Comprehensive Planned Development.

### 7.3.3 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.
- (2) Adequate off-street provision for the drop-off and pick-up of persons will be provided on the same lot as the development unless otherwise stipulated by Council.
- (3) The number of spaces to be provided for off-street parking will be in accordance with the following table.

USE/DEVELOPMENT	MINIMUM OFF-STREET PARKING REQUIREMENT
Amusement	One space for every 15 m <sup>2</sup> of gross floor area
Animal Grooming	One parking space for every 20 m <sup>2</sup> of gross floor area
Apartment Building	Three spaces for every two dwelling units
Automotive Sales	In addition to the parking spaces required for the principal building, one parking space for every 20 vehicles of capacity for sales display at the automotive sales lot
Bakery	One parking space per 15 m <sup>2</sup> of net floor area
Bank	One parking space per 15 m <sup>2</sup> of net floor area
Bank – Drive through	One parking space per 15 m <sup>2</sup> of net floor area
Bar (night club)	One parking space for every 5 m <sup>2</sup> of seating area
Bed and Breakfast	One parking space per guest room in addition to the two spaces for the dwelling unit
Car Wash	One parking space per washing bay and one parking space for each 30 m <sup>2</sup> of office space
Clinic	Three parking spaces per examining room

<b>USE/DEVELOPMENT</b>	<b>MINIMUM OFF-STREET PARKING REQUIREMENT</b>
Club and Lodge	One space for every 3 persons that may be accommodated at one time
Commercial Garage	One parking space per 30 m <sup>2</sup> of net floor area (parking provision for the storage of new and used vehicles for sale shall not be counted towards this requirement)
Convenience Store	One space for every 20 m <sup>2</sup> of gross floor area
Public Gathering Places	One space for every 60 m <sup>2</sup> of gross floor areas
Day Care-non-residential	One space for every 30 m <sup>2</sup> of gross floor area
Day Care-residential	One parking space per 30 m <sup>2</sup> of net floor area
Semi-Detached (Double)	Two spaces for every dwelling unit
Dry Cleaning	One parking space per 30 m <sup>2</sup> of net floor area
Educational	Schools - 2 spaces for every classroom; Further education - 1 space for every 5 persons using the facilities (students, faculty and staff)
Funeral Home	One parking space for every 5 m <sup>2</sup> of gross floor area used by visitors
Furniture & Appliance	One parking space for every 50 m <sup>2</sup> of gross floor area
General Industry	One parking space for every employee
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	Once space per 22 m <sup>2</sup> of suite or ward area
Mobile and Mini Homes	Two spaces for every dwelling unit
Office	One space for every 30 m <sup>2</sup> of gross floor area

USE/DEVELOPMENT	MINIMUM OFF-STREET PARKING REQUIREMENT
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
Town homes	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

#### 7.3.4 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 spaces provided on the lot, whichever is greater, according to the regulations, and such parking space or spaces shall 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*.

## **7.4. SIGNS (ADVERTISEMENTS)**

### **7.4.1 Permit Required**

No sign or advertisement shall be erected or displayed in the Planning Area unless a permit for the advertisement is first obtained from the Authority, except for those signs that are exempt from control as listed in the following provision.

#### **7.4.1.1 Signs/Advertisements Exempt from Control**

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

- (1) on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.2 m<sup>2</sup> in area;
- (2) on an agricultural holding or farm, a notice board not exceeding 1 m<sup>2</sup> in area and relating to the operations being conducted on the land;
- (3) on land used for forestry purposes, signs or notices not exceeding 1 m<sup>2</sup> in area and relating to forestry operations or the location of logging operations conducted on the land;
- (4) on land used for mining or quarrying operations, a notice board not exceeding 1 m<sup>2</sup> in area relating to the operation conducted on the land;
- (5) on a dwelling or within the curtilage of a dwelling, one nameplate not exceeding 0.2 m<sup>2</sup> in area in connection with the practice of a professional person carried on in the premises;
- (6) on any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board not exceeding 1 m<sup>2</sup> in area;
- (7) on the principal facade of any commercial, industrial or public building, the name of the building or the name of the occupants of the building, in letters not exceeding one-tenth of the height of that facade or 3 m, whichever is the lesser;
- (8) on any parking lot, directional signs and one sign not exceeding 1 m<sup>2</sup> in size, identifying the parking lot.

#### **7.4.1.2 Provincial Highway Sign Regulations, 1996 (under the Urban and Rural Planning Act, 2000)**

- (1) A permit for erection or display of advertisement on Provincial Highways shall be obtained from the Government Service Centre. This requirement applies within a control line established on each side of every highway.
  - a. Every control line shall be 400 m distant, measured horizontally, from the centre line of the roadway or the centre line of the nearest lane of a divided highway.
  - b. Notwithstanding (a) above, within the boundaries of each incorporated municipality or the built-up established areas of unincorporated communities, the control line shall be 100 m distant, measured horizontally, from the centre line of the roadway or the centre line of the nearest lane of a divided highway.

#### **7.4.1.3 Application for Permit**

Application for a permit to erect or display an advertisement shall be made to the authority in accordance with the requirements for a development permit as set out in the Administration Chapter.

#### **7.4.1.4 Signs/Advertisements Prohibited in Street Reservation**

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

#### **7.4.1.5 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.

#### **7.4.1.6 Removal of Signs/Advertisements**

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

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

#### **7.4.1.7 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 set out in Chapter 3 these Regulations and land use and development definitions and associated development conditions set out in Chapter 5.

#### **7.4.1.8 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 could be permitted if the development was in a Use Zone appropriate to its use, and subject to any other conditions deemed appropriate by the Authority.

### **7.4.2 Sign Standards for Specific Zones**

The following limitations on size and placement of signs apply to the following zones: All residential zones;

#### **7.4.2.1 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:

- (1) 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.
- (2) No advertisement shall exceed 1.5 m<sup>2</sup> in area.
- (3) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential area.

#### **7.4.2.2 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:

- (1) No advertisement shall exceed 1.5 m<sup>2</sup> in area.
- (2) 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.

## **8.0 SUBDIVISION OF LAND**

### **8.1 SUBDIVISION STANDARDS**

#### **8.1.1 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; and,

#### **8.1.2 Subdivisions standards do not apply**

The requirements of this Part 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 Resource zone;
- (4) Conservation, open space, park uses;
- (5) Minor subdivisions of 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 associated with the Use Zone.

#### **8.1.3 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 will that purports to subdivide land is of any effect to subdivide that land contrary to these Regulations.

#### **8.1.4 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.

#### **8.1.5 Form of Application**

Application for a permit to develop a subdivision shall be made to Council in accordance with the requirements for submitting and application in Administration chapter (Chapter 2).

### **8.1.6 Subdivision Subject to Zoning**

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

### **8.1.7 Subdivision Permit Subject to Considerations**

- (1) A permit shall not be issued when, in the opinion of Council, the development of a subdivision does not contribute to the orderly growth of the Town or does not demonstrate sound design principles.
- (2) In considering an application, Council shall, without limiting the generality of the foregoing, consider:
  - a. the location of the land;
  - b. the availability of and the demand created for schools, services, and utilities;
  - c. the provisions of the Municipal Plan and Regulations affecting the site;
  - d. the land use, physical form, and character of adjacent developments;
  - e. the transportation network and traffic densities affecting the site;
  - f. the relationship of the project to existing or potential sources of nuisance;
  - g. soil and subsoil characteristics;
  - h. the topography of the site and its drainage;
  - i. natural features such as lakes, streams, topsoil, trees and shrubs and potential environmental effects with respect to watercourses, wetlands, steep slopes, drainage patterns, storm water generation and control, and loss or fragmentation of habitat,
  - j. prevailing winds;
  - k. visual quality;
  - l. community facilities;
  - m. municipal costs related to the provision and maintenance of roads, other infrastructure, and municipal services;
  - n. energy conservation; and,
  - o. such other matters as may affect the proposed development.

### **8.1.8 Restriction on Sale of Lots**

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

- (1) the lot can be serviced with satisfactory water supply and sewage disposal systems,
- (2) satisfactory access to a street is provided for the lots, and
- (3) the lot meets the minimum development standards for the Use Zone in which the lot is located.

### **8.1.9 Building Permits Required**

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

### **8.1.10 Affordable Housing Incentives**

The following incentives are available for the consideration and application by Council:

- (1) *Inclusionary zoning*: This requires a developer to contribute to below market cost housing units (directly through building or through funding) triggered as part of a rezoning for a development.
- (2) *Density bonus policy*: This is an incentive that allows increased development potential as long as affordable housing is included. The number of affordable units created is often based as a percentage of market units (for example, 10-20%).
- (3) *Establish a Housing Fund* whereby developers can contribute to a fund instead of actually constructing the affordable units within their subdivision. These funds can then be used to partner with other affordable housing funding agencies to build the most suitable, needed housing in the appropriate location.

## **8.2 SUBDIVISION PERMIT REQUIREMENTS**

### **8.2.1 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.

### **8.2.2 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.

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

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 Department of Climate Change, Environment and Municipality's 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:

- (1) A groundwater assessment study will not be required for subdivisions less than 5 lots, each having a minimum 2,203m<sup>2</sup> size, unless the area has documented drinking water quality and/or quantity problems.
- (2) A proposed subdivision from 5 to 15 lots will require a Level I assessment, as defined in the Groundwater Supply Assessment and Reporting Guidelines.
- (3) A proposed subdivision greater than 15 lots will require a Level II assessment, as defined in the Groundwater Supply Assessment and Reporting Guidelines.

Number of Lots	Groundwater Assessment Requirement		Number of Test Wells
	Level 1	Level 2	
1-4	No-but may be required if site has history of ground water quality and quantity issues	No	0
5-15	Yes	may be required if site has history of ground water quality and quantity issues	may be required if site has history of ground water quality and quantity issues
16-30	Yes	Yes	1
31-45	Yes	Yes	2
46-60	Yes	Yes	3
61-75	Yes	Yes	4
75-90	Yes	Yes	5
91-105	Yes	Yes	6

## 8.2.4 Fees, Service Levies and Development Charges

### 8.2.4.1 Subdivision Fees

Subdivision Application Fee: The applicant shall pay a subdivision application fee as determined by Council at the time of submitting a Development Application to subdivide.

The subdivision application fee shall be calculated on a per-lot basis for every lot created by the subdivision of land. This fee shall be calculated in addition to any other fee or charge required under the regulation addressing Development Charges.

### 8.2.4.2 Service Levies and Local Improvement Assessments

- (1) The applicant shall be required to pay all service levies and local improvement assessments identified by Council for connection to services, utilities, streets, and for the construction or improving of capital works funded by Council or under Council's direction which benefit and accommodate the development or subdivision. The service levies or local improvements assessments will be paid in such amount and in such form as determined by Council as a condition of permit or as a condition of a Development Agreement to subdivide land and such payment will be agreed upon prior to construction occurring on the land.
- (2) This section shall not affect any outstanding levies and/or assessments that were determined prior to the enactment of these Regulations.
- (3) The applicant shall pay the cost of all capital works necessary to serve the proposed development or subdivision.

#### **8.2.4.3 Deposit of Securities**

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

#### **8.2.4.4 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.

### **8.3 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 10%.
- (2) The plan should indicate which streets are classified as arterial, collector or service (local) roads.
- (3) Every cul-de-sac shall be provided with a turning circle of a diameter of not less than 30 m.
- (4) The maximum length of any cul-de-sac (or dead-end street) shall be:
  - a. 200 m in areas served by, or planned to be served by, municipal piped water and sewer services;
  - b. 300 m in areas not served by, or planned to be served by, municipal piped water and sewer services;

- c. all cul de sac water mains will be connected to a water main on an adjoining street or will be looped back to ensure continuous water flow and prevent stagnant water at the end of dead-end pipes.
- (5) Emergency vehicle access to a cul-de-sac shall be not less than 3 m wide and shall connect the head of the cul-de-sac with an adjacent street.
  - (6) No cul-de-sac shall be located so as to appear to terminate a collector street.
  - (7) New subdivisions shall have street connections with an existing street or streets.
  - (8) No lot intended for residential purposes shall have a depth exceeding four times the frontage.
  - (9) Residential lots shall not be permitted which abut a local street at both front and rear lot lines.
  - (10) Council may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed.
  - (11) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land.
  - (12) All street intersections shall be constructed within 5° of a right angle and this alignment shall be maintained for 30 m from the intersection.
  - (13) No street intersection shall be closer than 40 m to any other street intersection.
  - (14) No more than four streets shall join at any street intersection.
  - (15) No residential street block shall be longer than 490 m between street intersections.
  - (16) Streets in residential subdivisions shall be designed in accordance with the approved standards of Council, but in the absence of such standards, shall conform to the following minimum standards:

Type of Street	Street Reservation	Carriageway or Pavement Width	Sidewalk Width	Sidewalks
Arterial Streets	30 m	15 m	1.5 m	Council Discretion
Collector Streets	20 m	15 m	1.5 m	2
Local Residential Streets				
where more than 50% of the units are single detached or semi-detached (double) dwellings	15 m	9 m	1.5 m	1
where 50% or more of the units are row houses or apartments	18-20 m	9 m	1.5 m	Council Discretion
Service Streets	18 m	9 m	1.5 m	Council Discretion

## **8.4 SUBDIVISION ENGINEERING STANDARDS**

No permit shall be issued for the development of a subdivision under these Regulations unless the design of the subdivision conforms to the requirements established by Council.

### **8.4.1 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 Manager of Engineering Services. 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 Director 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 Manager of Engineering Services, 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.

### **8.4.2 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 and Geoscientists of Newfoundland and Labrador and in effect at the time the work is carried out.

### **8.4.3 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 Manager of Engineering Services 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.

#### **8.4.4 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.

#### **8.4.5 Structures in Street Reservation**

No structures shall be placed within any street reservation of any structure (for example,, a utility pole, bus shelter, fire hydrant, mail box, fire alarm, school bus shelter, sign post) without prior approval of Council which shall take into consideration safety considerations, such as, sight lines, obstructions, safe construction, and the relationship of the structure to the adjoining buildings and other structures within the street reservation, and relationship to the movement of vehicles and pedestrians.

#### **8.4.6 Transfer of Streets and Utilities to Council**

The developer shall, following the approval of the subdivision of land and upon request of Council, transfer to the Town, at no cost to the Town, and clear of all liens and encumbrances:

- a. all lands in the area proposed to be developed or subdivided which are approved and designated by Council for public uses as streets, or other rights-of-way, or for other public use; and
- b. all services or public works including streets, water supply and distribution, and sanitary and storm drainage systems installed in the subdivision that are normally owned and operated by Council.

Before Council shall accept the transfer of lands, services, or public works of any subdivision, the Manager of Engineering Services shall, at the cost to the developer, test the streets, services and public works installed in the subdivision and certify satisfaction with their installation.

Council shall not provide maintenance for any street, service, or public work in any subdivision until such time as such street, service, or public work has been transferred to and accepted by Council.



**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;

**ACT**  unless the context indicate otherwise, means the *Urban and Rural Planning Act, 2000*;

**ADJACENT LAND** means land that is contiguous to, physically touching or shares a boundary with, the parcel of land that is the subject of an application and includes land that would be contiguous if not for a highway, road, river or stream.


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

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

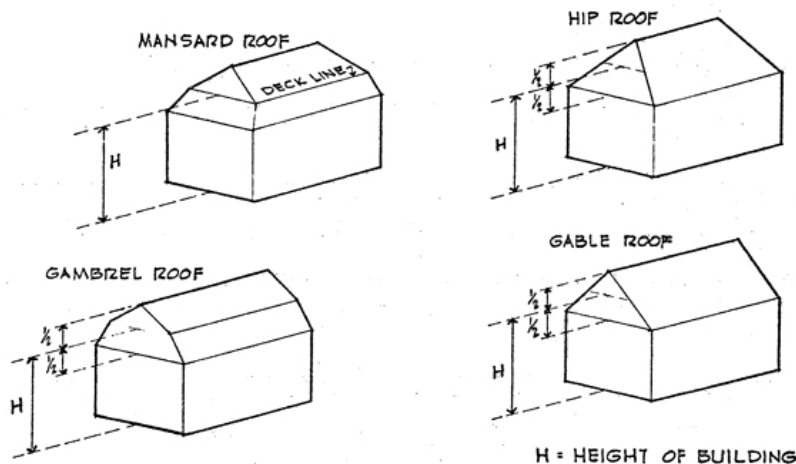
**AUTHORITY**  means a council, authorized administrator or regional authority;


**BUILDING**  means

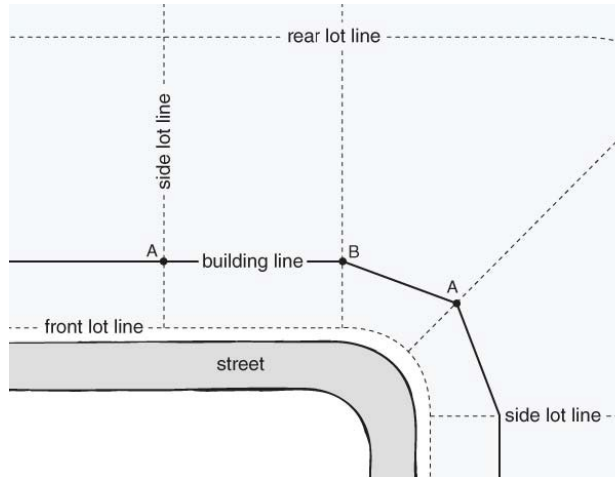
- (i) a structure, erection, alteration or improvement placed on, over or under land or attached, anchored or moored to land,
- (ii) mobile structures, vehicles and marine vessels industrial and other similar uses,
- (iii) a part of and fixtures on buildings referred to in subparagraphs (i) and (ii),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


**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
- (ii) 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;




**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;




**BUILDING CONTROL LINE**  means a conceptual line paralleling the centre line of a Protected Road at a distance perpendicular to the road in order to delineate the area for the application of these regulations; a Protected Road is a road designated under the *Protected Road Zoning Regulations, 1996* under the *Urban and Rural Planning Act, 2000*;


**BOARD**  except in Part IX, means an appeal board established under section 40;

**COUNCIL**  means a council as defined in the Town of Corner Brook Act, Town of Mount Pearl Act, Municipalities Act, 1999 and the Town council as defined in the Town of St. John's Act;



**COURT**  unless the context indicates otherwise, means the Trial Division;


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

**DEPARTMENT**  means the department presided over by the minister responsible for the *Urban and Rural Planning Act (the Act)*;

**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;

**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, 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,

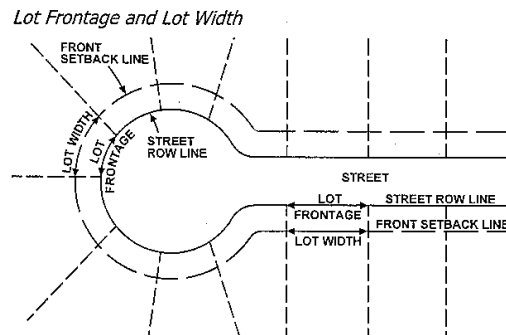
- (i) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or


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





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


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




**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 building on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot;


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


**MUNICIPALITY**  includes a Town incorporated under the *Town of Corner Brook Act*, *Town of Mount Pearl Act* and the *Town 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 could 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 neighbourhood or interferes with the rights of neighbours to the normal use and enjoyment of any land or building;

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

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


**PLAN**,  unless the context indicates otherwise, means a regional plan and a municipal plan established under section 8 or 10; (regional plan or municipal plan);


**PLANNING AREA**  , unless the context indicates otherwise, means a regional planning area and a municipal planning area established under sections 6 and 11;


**PROHIBITED USE**  means a use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that an authority specifies as not permitted within a use zone;


**RECREATION VEHICLE OR RECREATIONAL TRAILER** means a vehicle or portable structure designed to provide temporary living accommodation which is either self-propelled or mounted on, or pulled by another vehicle, and includes a travel/holiday trailer, camper trailer, truck camper, motorhome, fifth


wheel trailer, tent trailer, travel trailer, camper van or recreational trailer or other similar vehicle, but not a mobile home or mini-home. A converted bus is not a recreation vehicle;


**REGION**  means a region as defined in the *Municipalities Act, 1999*;

**REGIONAL AUTHORITY**  means a regional authority established under section 7 of the Act; scheme means a scheme established under section 29 of the Act;


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


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


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

**SUBDIVISION**  means the dividing of land, whether in single or joint ownership into 2 or more pieces for the purpose of development;

**TOWN**  means a town as defined in the *Municipalities Act, 1999*;


**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;

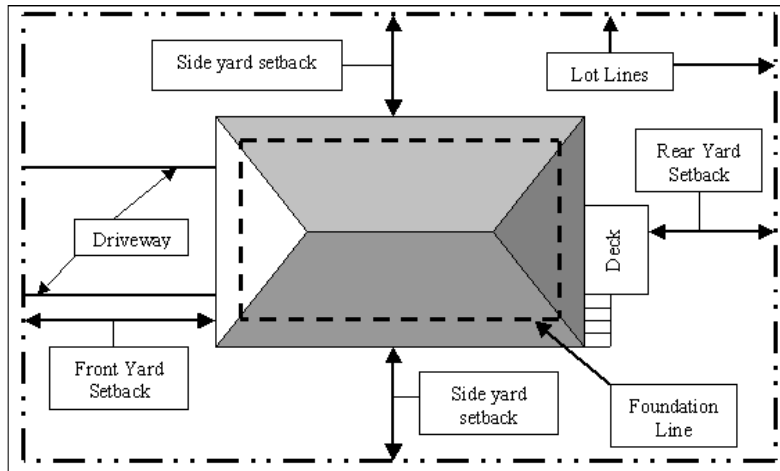
**VARIANCE**  means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the authority's regulations;


**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: 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*

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- [2. Definitions](#)
- [3. Application](#)
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- [13. Notice of variance](#)
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## Short title

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

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## Definitions

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

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## 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;

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

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

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

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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.

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

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

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

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

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### **Appeal registration**

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

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

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

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

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

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### **Development prohibited**

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

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

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

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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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### **Variances**

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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### **Notice of variance**

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

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### **Residential non-conformity**

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

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

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

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

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

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

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

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### **Delegation of powers**

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

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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 3 TP1247E – Aviation – Land Use in the Vicinity of Aerodromes

**TABLE 2 – Land Use Tables**

**Table 1 - Community Response Prediction**

Response Area	Response Prediction *
1 (over 40 NEF)	Repeated and vigorous individual complaints are likely. Concerted group and legal action might be expected.
2 (35-40 NEF)	Individual complaints may be vigorous. Possible group action and appeals to authorities.
3 (30-35 NEF)	Sporadic to repeated individual complaints. Group action is possible.
4 (below 30 NEF)	Sporadic complaints may occur. Noise may interfere occasionally with certain activities of the resident.
* It should be noted that the above community response predictions are generalizations based upon experience resulting from the evolutionary development of various noise exposure units used by other countries. For specific locations, the above response areas may vary somewhat in accordance with existing ambient or background noise levels and prevailing social, economic and political conditions.	

**Table 2 - Land Use Tables - Aircraft Noise Considerations Only**

This land use tabulation should not be considered as an exhaustive listing, but merely as examples of how various land uses would be assessed in the Noise Exposure Forecast zones in terms of community response predictions.

NO	Indicates that new construction or development of this nature should not be undertaken.
NO	Indicates that new construction or development of this nature should not be undertaken. <a href="#">See Explanatory Note B.</a>
A	This particular land use may be acceptable in accordance with the appropriate note and subject to the limitations indicated therein.
YES	The indicated land use is not considered to be adversely affected by aircraft noise and no special noise insulation should be required for new construction or development of this nature.

The land uses contained in the following tables are included for compatibility purposes from a noise perspective only. Caution should be exercised as some of the recommended uses may not be optimal from a safety perspective (i.e bird and wildlife habitat)

**Table 2A - Residential**

Noise Exposure Forecast Values	> 40	40-35	35-30	< 30
Response Areas	1	2	3	4
Detached, Semi-Detached	NO	NO	NO	A
Town Houses, Garden Homes	NO	NO	NO	A
Apartments	NO	NO	NO	A

**Table 2B- Recreational - Outdoor**

Noise Exposure Forecast Values	>40	40-35	35-30	< 30
Response Areas	1	2	3	4
Athletic Fields	NO	J	K	YES
Stadiums	NO	NO	K	YES
Theatres - Outdoor	NO	NO	NO	H
Racetracks - Horses	NO	K	K	YES
Racetracks - Autos	YES	YES	YES	YES
Fairgrounds	K	K	YES	YES
Golf Courses	YES	YES	YES	YES
Beaches and Pools	YES	YES	YES	YES
Tennis Courts	NO	K	YES	YES
Playgrounds	K	K	YES	YES
Marinas	YES	YES	YES	YES
Camping Grounds	NO	NO	NO	NO
Park and Picnic Areas	NO	K	YES	YES

**Table 2C - Commercial**

Noise Exposure Forecast Values	>40	40-35	35-30	< 30
Response Areas	1	2	3	4
Offices	F	E	D	YES
Retail Sales	F	D	YES	YES
Restaurants	F	D	D	YES
Indoor Theatres	NO	G	D	YES
Hotels and Motels	NO	F	G	YES
Parking Lots	YES	YES	YES	YES
Gasoline Stations	YES	YES	YES	YES
Warehouses	YES	YES	YES	YES
Outdoor Sales	E	K	YES	YES

**Table 2D - Public**

Noise Exposure Forecast Values	>40	40-35	35-30	< 30
Response Areas	1	2	3	4
Schools	NO	NO	D	C
Churches	NO	NO	D	C
Hospitals	NO	NO	D	C
Nursing Homes	NO	NO	D	C
Auditoriums	NO	NO	D	C
Libraries	NO	NO	D	C
Community Centres	NO	NO	D	C
Cemeteries	N	N	N	N

**Table 2E - Municipal Utilities**

Noise Exposure Forecast Values	>40	40-35	35-30	< 30
Response Areas	1	2	3	4
Electric Generating Plants	YES	YES	YES	YES
Gas & Oil Storage	YES	YES	YES	YES
Garbage Disposal	YES	YES	YES	YES
Sewage Treatment	YES	YES	YES	YES
Water Treatment	YES	YES	YES	YES
Water Storage	YES	YES	YES	YES

**Table 2F - Industrial**

Noise Exposure Forecast Values	>40	40-35	35-30	< 30
Response Areas	1	2	3	4
Factories	I	I	YES	YES
Machine Shops	I	I	YES	YES
Rail Yards	YES	YES	YES	YES
Ship Yards	YES	YES	YES	YES
Cement Plants	I	I	YES	YES
Quarries	YES	YES	YES	YES
Refineries	I	I	YES	YES
Laboratories	NO	D	YES	YES
Lumber Yards	YES	YES	YES	YES
Saw Mills	I	I	YES	YES

**Table 2G - Transportation**

Noise Exposure Forecast Values	>40	40-35	35-30	< 30
Response Areas	1	2	3	4
Highways	YES	YES	YES	YES
Railroads	YES	YES	YES	YES
Shipping Terminals	YES	YES	YES	YES
Passenger Terminals	D	YES	YES	YES

**Table 2H - Agriculture**

Noise Exposure Forecast Values	>40	40-35	35-30	< 30
Response Areas	1	2	3	4
Crop Farms	YES	YES	YES	YES
Market Gardens	YES	YES	YES	YES
Plant Nurseries	YES	YES	YES	YES
Tree Farms	D	YES	YES	YES
Livestock Pastures	M	YES	YES	YES
Poultry Farms	L	L	YES	YES
Stockyards	M	YES	YES	YES
Dairy Farms	M	YES	YES	YES
Feed Lots	M	YES	YES	YES
Fur Farms	K	K	K	K

**Explanatory Notes for Table 2**

The location of the lines between noise zones cannot be fixed exactly. It will therefore be necessary for the responsible public authority to make an appropriate interpretation of what regulations are to apply at a specific location.

In cases where reference is made to a detailed on-site noise analysis, or to peak noise levels, it will be appreciated that the notes are intended to apply specifically at existing aerodromes, where a field assessment is possible. For planning with respect to new aerodromes, such zones should be considered cautionary. Before reaching a final decision with respect to permitting the particular land-use in question, the authority may wish to consider local topographic effects and ambient noise levels, in conjunction with generalized peak noise level "footprints" for the predominant aircraft types to be using the new aerodrome.

A	Annoyance caused by aircraft noise may begin as low as NEF 25. It is recommended that developers be made aware of this fact and that they undertake to so inform all prospective tenants or purchasers of residential units. In addition, it is suggested that development should not proceed until the responsible authority is satisfied that acoustic insulation features, if required, have been considered in the building design. 2
B	(b) This Note applies to NEF 30 to 35 only. New residential construction or development should not be undertaken. If the responsible authority chooses to proceed contrary to Transport Canada's recommendation, residential construction or development between NEF 30 and 35 should not be permitted to proceed until the responsible authority is satisfied that: (1) appropriate acoustic insulation features have been considered in the building and (2) a noise impact assessment study has been completed and shows that this construction or development is not incompatible with aircraft noise. Notwithstanding point 2, the developer should still be required to inform all prospective tenants or purchasers of residential units that speech interference and annoyance caused by aircraft noise are, on average, established and growing at NEF 30 and are very significant by NEF 35.
C	These facilities should not be located close to the 30-NEF contour unless the restrictions outlined in Note D below are applied.
D	These uses should not be approved unless a detailed noise analysis is conducted and the required noise insulation features are considered by the architectural consultant responsible for the building design.
E	When associated with a permitted land use, an office may be located in this zone provided that all relevant actors are considered and a detailed noise analysis is conducted to establish the noise reduction features required to provide an indoor environment suited to the specific office function.
F	It is recommended that this specific land use should be permitted only if related directly to aviation-oriented activities or services. Conventional construction will generally be inadequate and special noise insulation features should be included in the building design.
G	Generally, these facilities should not be permitted in this zone. However, where it can be demonstrated that such a land use is highly desirable in a specific instance, construction may be permitted to proceed provided that a detailed noise analysis is conducted and the required noise insulation features are included in the building design.
H	Facilities of this nature should not be located close to the NEF 30 contour unless a detailed noise analysis has been conducted.
I	Many of these uses would be acceptable in all NEF zones. However, consideration should be given to internally generated noise levels, and acceptable noise levels in the working area.
J	Undesirable if there is spectator involvement.
K	It is recommended that serious consideration be given to an analysis of peak noise levels and the effects of these levels on the specific land use under consideration.

<b>L</b>	The construction of covered enclosures should be undertaken if this use is to be newly introduced to the noise environment. (See Note M below).
<b>M</b>	Research has shown that animals condition themselves to high noise levels. However, it is recommended that peak noise levels be assessed before this use is allowed.
<b>H</b>	This appears to be a compatible land use in all NEF zones.

**APPENDIX 4: GOOSE BAY AIRPORT ZONING REGULATIONS, SOR/2001-518**



**Goose Bay Airport Zoning Regulations**

**SOR/2001-518**

**AERONAUTICS ACT**

**Registration 2001-11-22**

**Goose Bay Airport Zoning Regulations**

**P.C. 2001-2147 2001-11-22**

Whereas, pursuant to subsection 5.5(1)Footnote a of the Aeronautics Act, a copy of the proposed Goose Bay Airport Zoning Regulations, substantially in the form set out in the annexed regulations, was published in two successive issues of newspapers serving the area to which the proposed regulations relate, namely on March 19 and 26, 2001 in The Labradorian and in two successive issues of the Canada Gazette Part I, on March 24 and 31, 2001, and a reasonable opportunity was afforded to interested persons to make representations to the Minister of National Defence with respect to the proposed regulations;

Return to footnote R.S., c. 33 (1st Supp.), s. 1

And Whereas the proposed regulations would prevent lands adjacent to or in the vicinity of the Goose Bay airport from being used or developed in a manner that is, in the opinion of the Minister of National Defence, incompatible with the safe operation of an airport or aircraft;

Therefore, Her Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, pursuant to paragraph 5.4(2)(b) Footnote a of the Aeronautics Act, hereby makes the annexed Goose Bay Airport Zoning Regulations.

**Interpretation**

1 The following definitions apply in these Regulations.

airport means the Goose Bay Airport, situated in the Electoral District of Lake Melville, in the Province of Newfoundland. (aéroport)

airport zoning reference point means a point having an elevation of 44.6 metres above mean sea level, described in Part 1 of the schedule. (point de repère du zonage de l'aéroport)

approach surfaces means the imaginary inclined planes that extend upward and outward from each end of a strip, more particularly described in Part 3 of the schedule. (surface d'approche)

outer surface means an imaginary plane located above and in the immediate vicinity of the airport, more particularly described in Part 5 of the schedule, the outer limits of which are described in Part 6 of the schedule. (surface extérieure)

strip means a rectangular portion of the landing area of the airport, including the runway, that is prepared for the take-off and landing of aircraft in a particular direction, more particularly described in Part 2 of the schedule. (bande)

transitional surface means an imaginary inclined plane that extends upward and outward from the lateral limits of a strip and its approach surfaces, more particularly described in Part 4 of the schedule. (surface de transition)

### **Application**

2 These Regulations apply in respect of all lands, other than airport lands, and public road allowances that are adjacent to or in the vicinity of the airport, the outer limits of which lands are described in Part 7 of the schedule.

### **Building Restrictions**

3 No person shall place, erect or construct or permit to be placed, erected or constructed on any land in respect of which these Regulations apply any building, structure or object, or an addition to any existing building, structure or object, the highest point of which would exceed in elevation at the location of the building, structure or object

(a) an approach surface;

(b) the outer surface; or

(c) a transitional surface.

### **Natural Growth**

4 No owner or lessee of any lands in respect of which these Regulations apply shall permit an object of natural growth to exceed in elevation any of the surfaces referred to in section 3 that project immediately over and above the surface of the land at the location of the object.

### **Electronic Zoning**

5 No owner or lessee of any lands in respect of which these Regulations apply shall permit those lands or any part of them to be used in a manner that may cause interference with aeronautical communications.

## **Bird Hazards**

6 In order to reduce bird hazards to aviation, no owner or lessee of lands referred to in these Regulations shall permit those lands or any part of them to be used as a site for

- (a) a sanitary land fill;
- (b) a food garbage disposal site;
- (c) a sewage lagoon; or
- (d) an open water storage reservoir.

## **Repeal**

7 [Repeal]

## **Coming into Force**

8 These Regulations come into force on the day on which they are registered.

## **SCHEDULE**

**(sections 1 and 2)**

### **PART 1**

#### **Description of the Airport Zoning Reference Point**

The airport zoning reference point is a point located at the intersection of the centre line projection of runway 08-26 and the easterly end of the strip associated with the approach surface to Runway 26. The reference point has grid coordinates of North 5 910 381.35 metres and East 377 749.17 metres and is shown on Public Works and Government Services Canada Goose Bay Airport Zoning Plan No. S-4006, dated February 11, 2000.

### **PART 2**

#### **Description of Each Strip**

Each strip is described as follows:

- (a) the strip associated with Runway 08-26 is three hundred (300) metres in width, one hundred and fifty (150) metres being on each side of the centre line of the runway and the strip being three thousand four hundred eighty-eight and thirty-three hundredths (3 488.33) metres in length; and
- (b) the strip associated with Runway 16-34 is three hundred (300) metres in width, one hundred and fifty (150) metres being on each side of the centre line of the runway and the strip being three thousand

forty-one and fifteen hundredths (3 041.15) metres in length, which strips are shown on Public Works and Government Services Canada Goose Bay Airport Zoning Plan No. S-4006, dated February 11, 2000.

### **PART 3**

#### **Description of Approach Surfaces**

The approach surfaces, shown on Department of Public Works and Government Services Canada Goose Bay Airport Zoning Plan No. S-4006, dated February 11, 2000, are surfaces that abut each end of the strips associated with the runways 08-26 and 16-34, and that are more particularly described as follows:

(a) a surface that abuts the end of the strip associated with runway 08 and consists of an inclined plane having a ratio of one (1) metre measured vertically to sixty (60) metres measured horizontally rising to an intersection with the outer surface; thence the approach surface slopes upward at a ratio of one (1) metre measured vertically to fifty (50) metres measured horizontally rising to an imaginary horizontal line drawn at right angles to the projected centre line of the strip and at a distance of fifteen thousand (15 000) metres measured horizontally from the end of the strip, the outer ends of the imaginary horizontal line being 2 400 metres from the projected centre line, the imaginary horizontal line being two hundred ninety-one and seven tenths (291.7) metres measured vertically above the assigned elevation at the end of the strip;

(b) a surface that abuts the end of the strip associated with runway 26 and consists of an inclined plane having a ratio of one (1) metre measured vertically to sixty (60) metres measured horizontally rising to an intersection with the outer surface; thence the approach surface slopes upward at a ratio of one (1) metre measured vertically to fifty (50) metres measured horizontally rising to an imaginary horizontal line drawn at right angles to the projected centre line of the strip and at a distance of fifteen thousand (15 000) metres measured horizontally from the end of the strip, the outer ends of the imaginary horizontal line being 2 400 metres from the projected centre line, the imaginary horizontal line being two hundred ninety-one (291.0) metres measured vertically above the assigned elevation at the end of the strip;

(c) a surface that abuts the end of the strip associated with runway 16 and consists of an inclined plane having a ratio of one (1) metre measured vertically to sixty (60) metres measured horizontally rising to an intersection with the outer surface; thence the approach surface slopes upward at a ratio of one (1) metre measured vertically to fifty (50) metres measured horizontally rising to an imaginary horizontal line drawn at right angles to the projected centre line of the strip and at a distance of fifteen thousand (15 000) metres measured horizontally from the end of the strip, the outer ends of the imaginary horizontal line being 2 400 metres from the projected centre line, the imaginary horizontal line being two hundred ninety-one and two tenths (291.2) metres measured vertically above the assigned elevation at the end of the strip;

(d) a surface that abuts the end of the strip associated with runway 34 and consists of an inclined plane having a ratio of one (1) metre measured vertically to sixty (60) metres measured horizontally rising to

an intersection with the outer surface; thence the approach surface slopes upward at a ratio of one (1) metre measured vertically to fifty (50) metres measured horizontally rising to an imaginary horizontal line drawn at right angles to the projected centre line of the strip and at a distance of fifteen thousand (15 000) metres measured horizontally from the end of the strip, the outer ends of the imaginary horizontal line being 2 400 metres from the projected centre line, the imaginary horizontal line being two hundred ninety-one (291.0) metres measured vertically above the assigned elevation at the end of the strip.

#### **PART 4**

##### **Description of Each Transitional Surface**

Being a surface consisting of an inclined plane rising at a ratio of one (1) metre measured vertically to seven (7) metres measured horizontally at right angles to the centre line and centre line produced of each strip and extending upward and outward from the lateral limits of each strip and its approach surfaces to an intersection with the outer surface or another transitional surface of an adjoining strip which surfaces are shown on Public Works and Government Services Canada Goose Bay Airport Plan No. S-4006, dated February 11, 2000.

#### **PART 5**

##### **Description of the Outer Surface**

Being an imaginary surface consisting of a common plane established at a constant elevation of forty-five (45) metres above the elevation of the Airport Zoning Reference Point, except that where the common plane is less than nine (9) metres above the ground at any point, the outer surface is an imaginary plane located at nine (9) metres above the ground, which outer surface is shown on Public Works and Government Services Canada Goose Bay Airport Zoning Plan No. S-4006, dated February 11, 2000.

#### **PART 6**

##### **Description of the Outer Limits of the Outer Surface**

Commencing at the point of intersection of the northerly limit of the approach surface to runway 16, with the arc of a circle having a radius of 4 000 metres, the centre of the circle being located at the midpoint of the westerly end of runway 16-34 and the said point of intersection having grid coordinates of North 5 914 909.10 metres and East 373 255.10 metres;

Thence following the arc to the right a distance of 5 004.31 metres to a point;

Thence on an azimuth of 124°21'50", a distance of 2 447.50 metres to a point;

Thence following the arc of a circle to the right a distance of 2 900.98 metres to a point, the circle having a radius of 4 000 metres with the centre of the circle being located at the midpoint of the northerly end of runway 08-26;

Thence on an azimuth of 165°55'03", a distance of 596.91 metres to a point;

Thence following the arc of a circle to the right a distance of 5 482.40 metres to a point, the circle having a radius of 4 000 metres with the centre of the circle being located at the midpoint of the easterly end of runway 16-34;

Thence on an azimuth of 244°26'49", a distance of 3 198.44 metres to a point;

Thence following the arc of a circle to the right a distance of 8 916.40 metres to a point, the circle having a radius of 4 000 metres with the centre of the circle being located at the midpoint of the westerly end of runway 26-08;

Thence on an azimuth of 12°09'54", a distance of 3 416.82 metres to a point;

Thence following the arc of a circle to the right a distance of 2 828.66 metres to the place of commencement, the circle having a radius of 4 000 metres, with the centre of the circle being located at the midpoint of the northerly end of runway 34-16.

Which outer limits are shown on Public Works and Government Services Canada Goose Bay Airport Zoning Plan No. S-4006, dated February 11, 2000.

All azimuths, distances and coordinates contained herein are MTM grid, referenced to longitude 61°30' west, the central meridian of Zone 4, NAD 83.

## **PART 7**

### **Description of the Outer Limits of Lands Affected by These Regulations**

Commencing at the point of intersection of the northerly limit of the approach surface to Runway 16, with the arc of a circle having a radius of 8 000 metres, the centre of the circle being located at the midpoint of the westerly end of runway 16-34 and the said point of intersection having grid coordinates of North 5 918 004.73 metres and East 370 719.98 metres;

Thence following the arc to the right a distance of 10 148.11 metres to a point;

Thence on an azimuth of 124°21'50", a distance of 2 447.50 metres to a point;

Thence following the arc of a circle to the right a distance of 1 473.35 metres to a point, the circle having a radius of 8 000 metres with the centre of the circle being located at the midpoint of the northerly end of runway 08-26;

Thence on an azimuth of 45°54'53", a distance of 7 250.61 metres to a point;

Thence on an azimuth of 144°26'44", a distance of 4 800.00 metres to a point;

Thence on an azimuth of 242°58'35", a distance of 7 250.61 metres to a point;

Thence following the arc of a circle to the right a distance of 1 667.48 metres to a point, the circle having a radius of 8 000 metres with the centre of the circle being located at the midpoint of the northerly end of runway 08-26;

Thence on an azimuth of 165°55'03", a distance of 596.91 metres to a point;

Thence following the arc of a circle to the right a distance of 6 521.53 metres to a point, the circle having a radius of 8 000 metres with the centre of the circle being located at the midpoint of the easterly end of runway 16-34;

Thence on an azimuth of 123°37'24", a distance of 7 250.61 metres to a point;

Thence on an azimuth of 222°09'14", a distance of 4 800.00 metres to a point;

Thence on an azimuth of 320°41'05", a distance of 7 250.61 metres to a point;

Thence following the arc of a circle to the right a distance of 1 782.12 metres to a point, the circle having a radius of 8 000 metres with the centre of the circle being located at the midpoint of the easterly end of runway 16-34;

Thence on an azimuth of 244°26'49", a distance of 3 198.44 metres to a point;

Thence following the arc of a circle to the right a distance of 9 839.34 metres to a point, the circle having a radius of 8 000 metres with the centre of the circle being located at the midpoint of the westerly end of runway 26-08;

Thence on an azimuth of 225°54'53", a distance of 7 250.61 metres to a point;

Thence on an azimuth of 324°26'44", a distance of 4 800.00 metres to a point;

Thence on an azimuth of 62°58'35", a distance of 7 250.61 metres to a point;

Thence following the arc of a circle to the right a distance of 5 332.31 metres to a point, the circle having a radius of 8 000 metres with the centre of the circle being located at the midpoint of the westerly end of runway 26-08;

Thence on an azimuth of 12°09'54", a distance of 3 416.81 metres to a point;

Thence following the arc of a circle to the right a distance of 2 856.70 metres to a point, the circle having a radius of 8 000 metres with the centre of the circle being located at the midpoint of the westerly end of runway 34-16;

Thence on an azimuth of 303°37'24", a distance of 7 250.61 metres to a point;

Thence on an azimuth of 42°09'14", a distance of 4 800.00 metres to a point;

Thence on an azimuth of 140°41'05", a distance of 7 250.61 metres to the place of commencement, which outer limits of land affected in these regulations are shown on Public Works and Government Services Canada Goose Bay Airport Zoning Plan No. S-4006, dated February 11, 2000.

All azimuths, distances and coordinates contained herein are MTM grid, referenced to longitude 61°30' west, the central meridian of Zone 4, NAD 83.

**APPENDIX 5: DESIGN GUIDELINES**



# 1 PURPOSE AND APPLICATION

## 1.1 Purpose

The Design Guidelines outline additional optional requirement of the Development Application outlined in 2.2. The purpose of the Development Design Guidelines is to support the goals of the Town of Happy Valley-Goose Bay of building liveable neighbourhoods by enhancing the visual appearance of the neighbourhood and incorporate Smart Growth principles into the design of new development. The intent is to promote orderly and compatible development by implementing a high standard of attractive and functional building design.

The objective is to provide design guidelines that:

1. Provide criteria to achieve a high standard of building design, land use compatibility and site aesthetics that promote neighbourhood cohesiveness;
2. Encourage development scheme proposals for the Comprehensive Residential Development Areas to provide a mix of housing forms, choices, densities and affordability for residents of all ages;
3. Integrate the proposed Comprehensive Residential Development Areas in a manner that is cohesive with the existing community and the future objectives of the Town;
4. Ensure a high standard of neighbourhood aesthetics, such as landscaping, planting of trees, creation of open spaces, providing pedestrian mobility, minimizing site signage;
5. Facilitate more fiscally sustainable forms of residential development through efficient growth patterns;
6. Promote a neighbourhood environment that focuses on social interaction and pedestrian mobility;
7. Encourage residential development densities that can support community commercial land uses over the long term;
8. Reinforce the community character atmosphere of Happy Valley-Goose Bay by extensive use of landscaping and general 'greening' of both residential commercial sites and protecting the local sense of place by retaining natural features and vegetation, facilitating a the traditional mixed-age community by allowing for the needs of all ages, and maintaining local history through the use of architectural design elements;
9. Facilitate pedestrian street-friendly scale neighbourhood commercial development by reducing building setbacks to property lines, bringing stores closer to the street, providing for more shade areas, rest benches and amenity areas, creating more streetscape visual appeal, and making parking lot areas safer.

10. Encourage development scheme proposals for the Residential Development Scheme Areas to provide a mix of housing forms, choices, densities and affordability for residents of all ages around a neighbourhood hub;
11. Integrate the proposed Residential Development Scheme Areas in a manner that is cohesive with the existing community and the future objectives of the Town;

## **1.2 Application**

1. These design guidelines will apply to residential, commercial, and industrial zones and the comprehensive planned developments and development scheme areas for each of these land use categories.
2. The guidelines identify general design criteria for specific types of new developments. These form a basis for Council review and consideration of building development proposals, prior to approval of a development permit or providing 'approval in principle, or allowing any site construction;
3. At the discretion of Council, certain design guidelines may be waived;
4. In the event of a conflict between the Design Guidelines and the requirements a Use Zone Table of the Development Regulations, the Use Zone Table requirements should take precedence.
5. Council may require an applicant to include an assessment for compliance with the Design Guidelines as a component of the application. In addition to the site plan information required with the development application, these may include, but not limited to:
  - a. Comprehensive plan, including principal and accessory buildings siting, parking configuration, unenclosed storage and landscaped areas;
  - b. Building form details, including façade and design appearance, and building elevation drawings;
  - c. Site landscape plan;
  - d. Signage detail; and,
  - e. Development design approval process.

## **2 SUBMISSION FORMAT FOR DEVELOPMENT DESIGN AND LANDSCAPE SITE PLAN**

### **2.1 Comprehensive Planned Development Site Plan**

The contents of a Comprehensive Planned Development Site Plan must contain the items listed in 2.2.4.

### **2.2 Building Design Information**

1. In addition to the information provided in accordance with Site Plan property detail and to address the Design Guidelines, at the discretion of Council, a land development applicant should provide in the minimum, in whole or in part, the following building design information, on the proposed site development:
  - a. The front, rear and building side elevation views of all buildings proposed for the site;
  - b. Detailed building design articulation elements such as for the front entrance, facades, roof lines, cornices and window placement and trim, and design attention to the building form and character to avoid monotony of design, use of blank walls and massing of the building;
  - c. Building materials and colour schemes;
  - d. Coordination of design of all buildings on site, and integration with the design character of the adjacent neighbourhood; and,
  - e. Integration of site design elements of landscaping, parking and amenity areas with building design;

### **2.3 Landscape Plan**

1. In addition to the site design information on a proposed site development that is provided, at the discretion of Council, a land development applicant may be required to provide in a minimum, in whole or in part, the following landscape plan information on the proposed site development:
  - a. Landscape plans should be for the entire site and should include all proposed new plantings of hedges, shrubbery, trees, flowering plants, groundcover and grass areas, as well as existing landscaping, including trees proposed to be retained;
  - b. Landscape improvements should include those identified minimum landscape requirements within the applicable zone category for the proposed use;
  - c. Landscape plans should focus on the front and exterior side yard areas to the adjacent streets, on the front entrance to the principal building and on landscape treatments that complement the exterior of the principal building;
  - d. Landscape plans should additionally provide for screening of unenclosed storage areas, to minimize offsite glare from vehicle lights from the parking area, to screen rooftop heating, ventilation and air conditioning systems, and to provide for privacy and separation from adjacent land uses;
  - e. All site developments should provide for landscaping between the asphalt area of the parking area and the building face; and,
  - f. Landscape plans are to include all proposed fences, masonry walls and landscape berms;

## 2.4 Signage Detail

1. In addition to the site design and landscape information provided on a proposed site and building development, at the discretion of Council, a land development applicant may be required to provide, in whole or in part, the following signage detail information on the proposed site development:
  - a. Signage should be complimentary to the overall site, building and landscape design for the development project;
  - b. Multi-tenant use of a commercial, industrial or comprehensive development zone site, should utilize one shared sign;
  - c. Decorative landscape treatment to the base of site signage should be incorporated with the landscape plan for the development; and,
  - d. A statement of rationale of how the proposed signage detail meets the intent of the design guidelines.

## 2.5 Development Design Approval

1. Review and approval consideration by the Authority of a proposal's compliance to the Development Design Guidelines should be subject to the following conditions:
  - a. The procedural process for consideration of Approval of the Development Design application should be established by the Authority, and should be in compliance with the *Urban and Rural Planning Act, 2000*;
  - b. Development Design approval consideration may occur in conjunction with the Authority's consideration of a development permit or a rezoning application for the same property;
  - c. Development Design approval should be valid for a two-year period from the date of Approval by the Authority;
  - d. Upon expiration of the two-year period, and in the absence of an extension from the Authority, a new application for Development Design and Landscaping Approval will be required;
  - e. No Building Permit for a development subject to a Development Design approval should be issued except in compliance to the approved Development Design plan;
  - f. All site, building, landscape and signage detail approved by the Authority for the Development Design plan should be adhered to in site construction and development, except for minor changes as subsequently approved by the Authority; and,
  - g. A Landscape Letter of Credit to ensure suitable growth and adaptation of the landscape planting materials as part of the site development may be required by the Authority.

### 3 RESIDENTIAL DEVELOPMENT DESIGN GUIDELINES (except apartment buildings)

#### 3.1 Building Design

Council may consider the following requirements for residential development:

1. All single detached residential dwellings and duplex lot houses should have their principal façade and entry facing the front lot line and the street;
2. The front façade of the residential house should not be blank but should include prominent and identifiable design articulation building forms and features such as appurtenances, porches, verandas and stoops so as to promote the home's exterior living space and street orientation to enhance social interaction and contribute to the ambiance of the neighbourhood;
3. Columns and posts at the front entry should be spaced no farther apart than they are tall;
4. The front facades of compact and duplex homes should be finished with more than one finish material, and where more than one material is used, traditionally heavier materials such as stone and brick should be located below lighter building materials such as wood, and fibre cement board;
5. Unless designed as a continuous architectural theme, adjacent compact and duplex lot buildings should be visually distinct from each other;



1. At least two of the following design elements should vary for each adjacent compact and duplex residential building along a street:
  - a. building materials;
  - b. roofline;
  - c. windows;
  - d. building recesses;
  - e. building setbacks;
  - f. height;

- g. entries;
  - h. colour;
  - i. building form; or
  - j. architectural details.
2. Use of wood and materials such as hardi-board for building cladding, and incorporation of other architectural details such as to accent window trim and doorways, and cornices, is encouraged;
  3. Use of heritage colours (where appropriate) is encouraged;
  4. Vinyl siding as building cladding is not encouraged;
  5. Blank walls along the side and rear of the home are discouraged (unless required by the National Building Code) and the side and rear elevations of homes should have design variation;
  6. Windows should be framed with design detail materials, and should include a sill that is wider than the window opening;
  7. Windows should be oriented to make best use of passive solar;
  8. Downspouts should match rain gutters in material and finish, and where feasible all roof drains should be recharged into the site;
  9. Parking should be provided on-site within garages or within discrete parking areas and to the rear of residences accessed by a lane, and where parking is to be accommodated at the front of the house, if unenclosed, the area should be landscaped, and where parking is to be provided within a garage, design attention should include recessing the front of a garage from the house and use of similar design features and materials as the façade of the house;



10. All buildings should reflect environmentally responsible design and construction practices, and include consideration of the Energy Star program;

11. Energy efficiency and conservation should be considered in the design of landscaped areas and in the selection of plantings through:
- a. Retention of existing mature trees and vegetation where feasible;
  - b. The use of native and/ or drought resistant plant species;
  - c. Designing the landscaping to moderate the effect of the wind, to provide shade in the summer and to allow daylight into residential dwellings; and,
  - d. Allowing natural drainage and permeation throughout the site.

### **3.2 Residential: exterior stairwells, decks, balconies, ramps, heat pumps**

#### **3.2.1 Residential Stairwells and Stairwell Enclosure-Exterior**

- (1) An open stairwell enclosure shall not be permitted in a side yard unless the stairwell meets the minimum side yard setback requirement.
- (2) In the case of an existing side yard stairwell, Council shall permit the enclosure of the stairwell subject to the following requirements:
  - a. the enclosed stairwell is no closer than 1.2 m to the side lot line,
  - b. the enclosed stairwell is not located within a utility easement, and
  - c. the stairwell does not direct water onto the abutting property.
- (3) An enclosed stairwell may be permitted closer than 1.2 m to the side lot line subject to the following requirements:
  - a. the stairwell is not located within a utility easement; and
  - b. the abutting property owner provides a certified copy of an easement agreement (registered at the Registry of Deeds) to allow access to perform maintenance on the structure.

#### **3.2.2 Residential Decks (Patio), Balconies, and Verandas**

A patio, which is a paved area situated directly on the ground, which can either be attached or detached from a house, shall meet the following development standards:

- (1) minimum building line setback: 6 m provided the patio does not encroach upon or reduce the number of off-street parking spaces required for the residential use;
- (2) minimum side yard: 1.2 m;
- (3) minimum rear yard depth: 1.2 m;
- (4) maximum height: at ground level or up to a maximum of 0.6 m above ground level;
- (5) if a roof is constructed as part of the patio or deck, or the patio or deck and the roof are attached to the building, the patio or deck will be considered an extension to the building; the roof will be complimentary to the dwelling to which it is attached and will be designed in a manner that is sensitive to surrounding properties; and the maximum height of the roof over the patio or deck shall be 3.1 m; and,
- (6) Council may permit at its discretion permit the erection of a patio in the minor side yard that is bordering onto a flanking street with an adjacent Town owned Open Space intended for snow storage purpose.

#### **3.2.3 Decks**

A deck, which is an open outdoor porch or platform without a roof that extends from a house, shall meet the following development standards:

- (1) a deck is not permitted in a front yard;
- (2) minimum side yard: 1.2 m;
- (3) minimum rear yard depth: 6 m unless otherwise determined by Council; maximum height: greater than 0.6 m above the established grade and up to but not higher than the first storey of the dwelling; and,
- (4) if a roof is constructed as part of the patio or deck, or the patio or deck and the roof are attached to the building, the patio or deck will be considered an extension to the building; the roof will be complimentary to the dwelling to which it is attached and will be designed in a manner that is sensitive to surrounding properties; and the maximum height of the roof over the patio or deck shall be 3.1 m.

#### **2.3.4 Balconies**

A balcony shall meet the following development standards:

- (1) a balcony is not permitted within the building line setback;
- (2) minimum side yard width: 2 m;
- (3) minimum rear yard depth: 6 m; and
- (4) a balcony shall not extend beyond a maximum projection of 2 m into any yard.

#### **3.2.5 Residential Wheelchair Ramp Wheelchair Ramps**

- (1) A wheelchair ramp must be built to the Building Code of Canada standards;
- (2) Minimum side yard setback: 0.3 m unless the ramp is being built adjacent to a boundary that abuts an open space Town-owned property where the side yard setback is 0 m;
- (3) Every effort must be made to construct a wheelchair ramp such that it runs adjacent to the dwelling that it provides access to, rather than extend at an angle away from the dwelling face.
- (4) At its discretion, Council may, after consulting with abutting property owners, permit an access ramp for a wheel chair to be erected outside the minimum setback of the front yard, side yard, or rear yard of a lot if:
  - a. There is no alternative means to provide the access ramp, and
  - b. The ramp does not create a safety hazard or block sight lines.
- (5) An access ramp or open deck is not deemed to be part of the building when calculating lot coverage for the purposes of the Use Zone Table.
- (6) At its discretion, in order to accommodate the mobility needs of disabled and elderly persons, Council may require higher or special standards or provisions in the design and construction of streets, sidewalks, parking areas, building entrances, building internal spaces, parks, trails, playgrounds, recreational sites and facilities, and public spaces

#### **3.2.6 Heat Pump, Mini-Split Heat Pump, Air Conditioner, or External Fan**

- (1) A heat pump, air conditioner or external fan shall be located:

- a. in the flanking street side yard or rear yard of the principle building of the lot of property on which the heat pump, air conditioner or external fan is situated;
  - b. no closer than 2.4 m from a side lot line of the lot or property on which the heat pump, air conditioner or external fan is situated; and
  - c. no closer than 3 m to a door or window of a dwelling on an adjoining lot.
- (2) Upon receipt of a noise complaint about a heat pump, mini-split heat pump, air conditioner or external fan unit, the unit shall be inspected and certified to be in appropriate working order by a company certified to service the equipment. Proof of inspection and certification must be made available upon request by the Town. If the noise continues and exceeds the noise level permitted for a heat pump, mini-split heat pump, air conditioner or external fan unit, the property owner will be required to undertake noise mitigation measures or relocate the unit.
- (3) A heat pump shall be placed on a concrete base that rests on or in the ground, or equivalent.
- (4) A mini-split heat pump shall:
- a. be located in any yard of the principle building of the lot or property on which the mini-split heat pump is situated;
  - b. be attached securely to the principle building of the lot or property on which the mini-split heat pump is situated as per the manufacturer's specifications, or equivalent, and in a manner, that prevents any potential vibration of the equipment during operation or attached securely to a concrete base resting on or in the ground; and not generate noise exceeding 55 dBA at the property boundary. If a mini-split heat pump is found to be exceeding that limit, noise mitigation measures shall be employed to reduce the noise level to a maximum of 55 dBA.

### **3.2.7 Building Orientation and Quality**

- (1) Building Orientation: Wherever possible, development or the siting of a building on a lot should be configured to optimize winter solar exposure and shall take into consideration street/building layout, shading, landscaping, and on-site parking.
- (2) Building Quality: Building Materials: All building materials for exterior finish will be subject to approval of Council in respect to acceptable visual quality and design appearance and 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.

## **3.2 Landscaping**

1. All areas of a compact or duplex lot located outside of the building envelope should be fully landscaped and maintained with grassed areas, a variety of shrubs, hedges, and flowering plants, and a minimum of one street tree in the front yard area;
2. Fences, garden walls or hedges should be used along all side lot lines, and lot lines which abut alleys; and,
3. The front yard area of the lot should provide for an attractive landscape area and a pleasing streetscape view.

### 3.3 Parking

1. Parking should be provided on-site within garages or within discrete parking areas and to the rear of residence accessed by a lane, and where parking is to be accommodated at the front of the house, if unenclosed, the area should be landscaped, and where parking is to be provided within a garage, design attention should include recessing the front of a garage from the house and use of similar design features and materials as the façade of the house;

### 3.4 Signage

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 should be as follows:

- a. The size, shape, illumination and material construction of the advertisement should 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 should exceed 1.5 m<sup>2</sup> in area.
- c. Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential area.

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, should be as follows:

- a. No advertisement should exceed 1.5 m<sup>2</sup> in area.
- b. When the advertisements relate to a specific land use, they should 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.

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

- a. on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.2 m<sup>2</sup> in area; and,
- b. on a dwelling or within the curtilage of a dwelling, one nameplate not exceeding 0.2 m<sup>2</sup> in area in connection with the practice of a professional person carried on in the premises.

## 4 MULTI-UNIT AND APARTMENT BUILDING DESIGN GUIDELINES

### 4.1 Building Design

Council may consider the following requirements for multi-unit/apartment development:

1. Design and siting of multi-unit residential buildings should seek to preserve and maximize views of the existing neighbourhood, to enhance privacy and liveability of the neighbourhood, to add attractive residential design to the neighbourhood, and to not overwhelm the character of the neighbourhood;
2. All multi-unit residential projects, especially those for congregate care, should include provisions for universal accessibility including power assisted door openers, wide doorways, weather protection and exterior safety lighting, as well as specific dwelling unit design considerations;
3. Building materials, colour and architectural design of all multi-unit residential projects should complement the existing neighbourhood character and the natural landscape;



4. A common architectural theme of building form and character is encouraged to be used throughout the residential project while emphasizing strong individual dwelling unit identity through smaller design components;
5. The liveability of all new multi-unit residential dwelling units with regard to views and sunlight should be considered in the building design through utilization of staggered building elevations, having all units above grade, and locating landscaped open spaces next to windows and adjacent buildings;
6. All multi-unit residential developments are to face the street, or give the appearance of facing the street, so as to provide an attractive street front orientation through attention to the building façade, unique building entrances, landscaping and fence treatment along the street;
7. Multi-unit residential developments adjacent to lower density residential homes should create a transition in building mass and form, and where feasible, concentrate density to the centre of the development site, and locate lower density components of the development adjacent to nearby lower density residential homes;

8. Buildings that are more than two storeys in height should be set back further than adjacent one- and two-storey houses so that the multi-unit residential buildings seem smaller from the street;
9. Clustering of buildings on sites with environmentally sensitive areas or significant natural areas is encouraged;
10. Small clusters of town home units are a preferred design for town home developments;
11. Town home developments that contain more than three units per structure should provide variation in building facades to help reduce the visual length of individual buildings, and incorporate design components such as porch covered and ground level door entries that express strong individual unit identity so as to avoid significant repetition in adjacent dwelling units;
12. Larger apartment buildings and long rows of building frontages that reflect too much building massing, should avoid large expanses of any one building cladding material, and should incorporate architectural detail design elements that break up building massing through incorporation of variation in colour, recesses and articulation such as chimneys, projections and balconies, strategically placed windows and doors, use of varying building materials, and attention to appropriate and compatible roof forms to reduce and provide relief to building monotony;
13. Blank and/or flat building facades on all sides of a multi-unit residential development should be avoided through the differentiating design articulation attention to wall lines and texture, use of protrusions such as bay windows, and innovative use of building materials;



14. Balconies and ground level patios of multi-unit residential buildings should be designed with initial attention to the usability of the space by the resident, and secondly to the overall design of the building to ensure a cohesive attractive building image;

15. Recessed or semi-recessed balconies are preferred over projecting balconies that have the appearance of being ‘tacked on’;
16. Adequate storage space should be provided within each multi-unit dwelling or within a common area of a building so as to avoid ‘clutter’ of storage on balconies, patio areas and garages;
17. The exposed undersides of balconies and porches that are visible from the street should be covered with exterior finishes to provide a finished appearance to public view;
18. All proposed flat roofs should have a prominent articulated cornice treatment;
19. Screening of mechanical equipment, especially mechanical systems sited on rooftops, is encouraged and, wherever possible, integrated into the architecture of the development;
20. Garage doors as part of a multi-unit residential development should not individually face the street but rather should be recessed behind the main building façade, grouped in pairs between adjacent residential units to allow individual unit entrances and facades to achieve more visual prominence to the street, or have garages sited in a manner that avoids multi-driveway accesses to the adjacent street;
21. Pedestrian pathways, with adequate lighting and landscaping treatment, are encouraged throughout multi-unit developments to connect the residential dwelling units with the site parking areas, and with the sidewalks;
22. Site design elements such as park benches, formal open space courtyards, shade areas and community gardens are encouraged with multi-unit residential sites;
23. Fencing for screening purposes should complement the overall site and building design by being in short lengths, and constructed of materials similar to the building design, or of decorative brick;
24. The size, height, location and design of multi-unit residential project name signs should be architecturally integrated into the overall design of the form and character of project buildings; and,
25. Integration of Crime Prevention through Environmental Design (CPTED) principles and design elements into building form and character considerations is required.

## **4.2 Landscaping**

1. Attractive site landscaping that creates visual interest and identity, a pleasing street image, and a buffer to adjacent land uses, must be incorporated into the design and development of all multi-unit residential projects;
2. In addition to the landscaping objectives of 6.3 the intent for multi-unit residential sites is to maximize the amount of landscaped areas on the site including retention of stands of mature trees, and to minimize the amount of impervious surfaces so as to increase the natural absorption of rainwater of the site through consideration of innovative practices such as incorporating vegetated swales and rain gardens into the parking lot areas to capture and absorb rainwater runoff;

3. The frontage of new multi-unit residential developments should be entirely landscaped with specific attention to providing tree species and a variety of plant materials and treatments, some of which should achieve substantial size at maturity, and in creating visual landmarks of hard and soft landscaping features on significant street corners and at locations of high visibility;
4. All multi-unit residential buildings should have immediately adjacent landscaped areas that include shrubbery and flowering plants;
5. The use of landscaping pockets of vegetation such as flowering shrubs within a well maintained and cut grassed area is encouraged throughout the site, and in side yard and perimeter areas of the site, the use of decorative brick walkways to open space elements such as shade areas, park benches and formal courtyards is encouraged;
6. Large continuous open spaces on the site should be used to serve as a landscaped buffer to adjacent properties and buildings, and to provide privacy and access to sunlight for residents;
7. In non-apartment multi-unit development sites, each dwelling unit should be provided with its own private open space, and landscape attention to the site should delineate private open space from the more public open space areas;
8. Use of attractive fencing materials, including decorative masonry walls, should be complimented by landscaping treatment at the base, but long monotonous lengths of fencing are not encouraged; and,
9. Where on site community vegetable gardens are to be provided to residents, water from rooftop runoff and downspouts should be redirected into rain barrels for later irrigation use, or directly into vegetated areas.



### 4.3 Parking Area Design

1. Successful site design of multi-unit residential projects extends to blending the parking areas of higher density residential developments into the overall site goals for form and character. For apartment residential developments, wherever feasible, automobile parking is encouraged to be sited underground, and where parking for multi-unit residential projects is not underground, surface paved parking areas will require design attention;
2. Surface parking areas should not be located within the building setback areas for the site, and they should be visually screened as much as possible from streetscape and frontage view through the use of landscape hedges, raised landscape berms, sloped grassed or flower bed areas, or by design elements such as decorative and brick fences;
3. Access to parking areas should occur from a rear lane whenever possible, and where access is to originate from a street, the number of site access and egress locations should be minimized to maintain the streetscape appearance of the development, and to minimize disruption to pedestrian movement on the sidewalks adjacent to the street;
4. 'Viewing aisles' into the development and into the parking areas to maintain site safety should be integrated into site screening considerations;
5. Multi-unit residential developments with large parking requirements should break up the surface parking locations into several smaller parking nodes, and connect the parking nodes with internal shared driveways;
6. Town home and similar multi-unit residential projects should not create individual driveway access to the street for each dwelling unit but through site design layout, should coordinate the site parking to provide for a minimum number of accesses to the street;
7. The use of alternative construction materials to asphalt such as paving stones, brick or aggregate concrete is encouraged to complement the overall landscape design of the site;
8. Pedestrian pathways that are clearly articulated and landscaped are encouraged to be provided to safely connect the multi-unit residential buildings with the site's parking areas, and to the sidewalks of the abutting streets;
9. Provision for bicycle parking and storage should also be addressed; and,
10. Refuse collection containers and recycling storage areas are encouraged to be sited within buildings, underground or in the minimum, fully enclosed with attractive fencing and roofing, if necessary, that complements the principal building materials, or screened to an adequate height by similar landscape treatment.



#### **4.4 Signage**

1. The size, height and design of multi-unit project name signs should be architecturally integrated into the overall design of the site buildings and landscaping; and,
2. Refuse collection containers and recycling storage areas are encouraged to be sited within buildings, underground or in the minimum, fully enclosed with attractive fencing and roofing, if necessary, that complements the principal building materials, or screened to an adequate height by similar landscape treatment

### **5 COMMERCIAL DEVELOPMENT DESIGN GUIDELINES**

While it is acknowledged that existing commercial developments in the community have limited or no consistent building and landscape design pattern, new commercial development is intended to be coordinated with regard to building siting, form and character by encouraging a more aesthetically attractive and appealing streetscape and site appearance;

#### **5.1 Building Design**

Council may consider the following requirements for commercial development:

1. Building form and character must include designing new buildings that are pleasant to look at, by providing for design attention and variation to the storefront façade, roof lines, exterior finish, colours and materials, and limiting the size and massing of buildings. Flat roof lines, blank expanses of exterior walls, buildings that appear to be temporary structures and asphalt paving that abuts the building face are commercial construction practices that are not encouraged;
2. The streetscape created by new building forms should complement each other and those existing buildings on adjacent sites, thereby avoiding monotony, but creating a positive visual effect;

3. Exterior finishes of new commercial buildings should be wood, brick, finished and textured concrete, natural stone or other materials of warm appearance. Substantial areas of unfinished concrete or metal cladding should be avoided;
4. Significant corners of new commercial buildings should be given added design emphasis with vertical architectural features and roof cornice elements;
5. Where a commercial building or development is located at a street intersection, the building design appearance should be orientated to have the building 'front' all the adjacent streets;
6. New building development should be sited to have the building frontage on the main street alignment;
7. Buildings should be designed and located on a site to minimize impacts to adjacent land uses such as residential, to preserve views, to retain mature trees, to setback from any environmentally sensitive areas and retain natural vegetation, and to accommodate the natural grades of the site as much as possible to ensure that minimal site grading is required;
8. New commercial developments are encouraged to site closer to the front lot line and provide for attractive storefront design through façade attention, articulated window design and prominent store entry locations, and for enhanced pedestrian elements such as widened walkways and rest benches and overhead weather protection, and planting of deciduous street trees;
9. Large lot commercial developments should provide for site development of buildings that are coordinated with each other, and are connected by pedestrian sidewalk linkages and incorporation of public spaces for open space amenity areas, public art, and shade areas with rest benches;
10. Attractive storefront façade and use of murals depicting the community's history, as approved by Council, on exterior building walls are encouraged;
11. Commercial developments will involve the siting and design of buildings to respect the residential character of the neighbourhood through a smaller commercial scale of buildings, to provide for a design theme that is compatible with the neighbourhood, significant site landscaping to provide for an effective transition from residential to commercial land uses and attention to parking area design to prevent lighting glare spilling over to residential areas;
12. Commercial growth through new building development and building renovation will be encouraged to consider the historic elements and character of downtown commercial cores and integrate this existing character with new design concepts through significant attention on the ground level storefront façade width and height, storefront window patterns and placement, storefront entrances, pedestrian weather protection, colours and materials, and to the building design treatment of the second storey, to the roof lines and to the building sides to avoid massing, to lighting for the building and signage;

13. All new Commercial building developments should consider and provide for an attractive streetscape view in conjunction with significant site landscaping, and convenient, well-lit and safe pedestrian access from the parking area to the principal building;
14. All new commercial buildings should also be designed from the perspective of universal access for disabled and other persons and provide for multiple curb let downs, power assisted door openers, weather protection and other design elements;
15. Screening of mechanical equipment, especially mechanical systems sited on rooftops, is encouraged and, wherever possible, integrated into the architecture of the development; and,
16. Integration of Crime Prevention through Environmental Design (CPTED) principles and design elements into building form and character considerations is required in the design of all new and all significantly renovated commercial developments.

## **5.2 Landscaping**

1. Attractive and substantial site landscaping that creates visual interest and identity, a pleasing street and pedestrian image, acts a buffer to adjacent land uses, screens parking and paved areas of the site, and emphasizes the natural environment character of Happy Valley-Goose Bay, must be incorporated into the design and development of all commercial development projects;
2. In addition to the landscaping objectives of Regulation 47.3 (18), the intent for commercial development sites is to maximize the amount of landscaped areas on the site including retention of stands of mature trees, and to minimize the amount of impervious surfaces so as to increase the natural absorption of rainwater of the site through consideration of innovative practices such as incorporating oil-water separators in the catch basins of parking lot drains to cleanse parking lot runoff waters before they enter watercourses;
3. The frontage of new commercial developments, and other lot areas adjacent to a street, should be entirely landscaped with a minimum 3.0 m wide landscape boulevard to serve as the primary buffer area between the adjacent street and the paved area of the site, with specific attention to providing within the landscape boulevard area, deciduous street tree species and a variety of plant materials and treatments, some of which should achieve substantial size at maturity, and in creating visual landmarks of hard and soft landscaping features on significant street corners and at locations of high visibility;
4. Street trees on a commercial site should be a minimum of 1.8 m in height at time of planting, and planted at a ratio of one tree for every three parking spaces on site;
5. Use of hedges, floral displays, lawns with park benches, brickwork fences, shade areas and ornamental lights is also encouraged to be included in the site landscape plan;
6. On large sites such as for shopping centre developments, landscaping is to also consider the provision of public art or features such as water fountains and outside landscaped amenity, courtyard or plaza areas;

7. Unenclosed storage areas are to be sited to the rear of buildings and screened by landscaping or well-maintained fencing;
8. Large parking areas should incorporate landscape features to create separated clusters of parking spaces and enable safe pedestrian circulation; and,
9. A Landscape Letter of Credit may be required by the Authority from the Development Design applicant to ensure successful planting of landscape material and ongoing maintenance for a minimum two-year period.

### 5.3 Parking Area Design

Since commercial site parking areas will be highly visible from adjacent streets, and the development design objective is to 'soften' the hard appearance of parking lot areas, surface parking lots should be screened as much as possible from streetscape view by use of landscape hedges, grassed and raised landscape berms, and in specific locations, by attractive good-quality fencing;



1. No asphalt paving of a parking area should directly abut a building face but rather an interface landscape area should be planted between the car stops of the parking lot and the side of the building;

2. Large parking areas for commercial sites should be encouraged to be broken up through the use of internal site landscaping islands that are curbed and planted with trees, raised pedestrian walkways and rest bench areas, and connective vehicle maneuvering aisles;
3. Commercial buildings should be strategically located on development sites to ensure safe pedestrian movement from the surface parking areas by initiatives such as maintaining clear public walking access to the entrance of commercial storefronts;
4. Short term bicycle parking facilities such as bike racks, should be sited in well-lit locations close to building entrances;
5. Loading and service areas should be located to the rear and side of commercial buildings, removed from the main site parking areas and all pedestrian movements;
6. Parking areas should be designed to support and assist disabled persons, and all disabled parking spaces should be located close to the building entrance;
7. All surface parking spaces should be clearly marked and painted with white parking space lines, and where 'small car parking spaces' are to be used, 'small cars' should be clearly painted on the parking spaces;
8. The amount of asphalt surfaces on commercial parking lots is encouraged to be minimized through consideration of use of more permeable surface treatments such as decorative pavers and bricks; and,
9. Lighting for commercial parking lots should not 'spill-over' and create glare on adjacent properties.

#### **5.4 Signage and other design considerations**

1. The size, height and design of commercial development name signs should be architecturally integrated into the overall design of the site, and be generally limited to one sign per site, or on the basis of overall site frontage for large commercial developments; and,
2. Refuse collection containers and recycling storage areas are encouraged to be sited within buildings, or in the minimum, fully enclosed with attractive fencing and roofing, if necessary, that complements the principal building materials, or screened to an adequate height by similar landscape treatment.

## **6 INDUSTRIAL DEVELOPMENT DESIGN GUIDELINES**

### **6.1 Site Design**

Council may consider the following requirements for industrial development:

1. Industrial sites are to be designed in a manner to reflect an appealing public appearance by being sited as close to the adjacent street as possible, accentuated with an attractive front of building orientation to the street and complimented with well-maintained site landscaping;
2. Overall site planning and development should address the entire property, and any environmentally sensitive areas should be identified, fenced and preserved;
3. Open space areas should be created wherever possible on an industrial site, particularly within setback areas, and for employee amenity areas;
4. Site landscaping is to assume a greater role in overall site design and site layout so as to achieve goals of creating permeable areas for site drainage, and to generally 'green' the site to reflect the natural setting of the community;
5. Wherever achievable, new developments are encouraged to incorporate Low Impact Development (LID) techniques such as rain gardens, vegetated swales, separation of impervious surfaces, and/or redirecting water from drain pipes into rain barrels and other systems for watering site landscaping;
6. Lighting of parking and outside work areas should not illuminate adjacent or nearby properties to an intensity greater than existing street lights adjacent to nearby impacted sites;
7. Exterior site storage is encouraged to be minimized, and where present located away from public view as much as possible, and where necessary enclosed by an opaque or translucent screen, raised landscape berms, trees and substantial site landscaping;
8. Refuse collection and recycling areas are to be completely screened by landscaped vegetation or by fencing material that compliments the building design;
9. Loading areas are encouraged to be located to the rear or side of a building where a building façade does not face a street, and designed in keeping with the appearance of the principal building; and,
10. Signage is to be coordinated with the overall design of the site and landscaping.

## **6.2 Building Design**

1. Buildings within the IL zone are to be designed to create an appealing visual relationship between buildings and streetscape;
2. Design detail for all new industrial buildings will be encouraged to consider the proposed building's bulk and size, and its height and massing in relation to neighbourhood area, and what building materials are to be used, and what level of landscape improvements are to be made to the building setback areas and parking locations, and additionally consider:
  - a. Orientating the building to the street to present an attractive public 'face' for the industrial operation;

- b. Locating the office component of a new building to the front of the building and using materials such as glazing to highlight the building front;
  - c. Differentiating one face of the building from another by utilizing different architectural features, colours and materials;
  - d. Ensuring individual unit identity to units in multi-tenant buildings; and,
  - e. Providing for finished treatment of open space on the site through attractive and well-maintained landscaping.
3. Developments should address the impact and visual exposure of building roof appearance by varying the design of the roof line, and considering all roof top equipment, stacks, roof vents, and mechanical systems as part of the overall building design, and group and screen as much as possible;
  4. No exposed surfaces of buildings are encouraged to be finished with metal cladding or unpainted concrete blocks in the IL zone; and,
  5. Manufactured mobile structures are not deemed as an appropriate building form in any industrial zone.

### **6.3 Landscaping**

1. Attractive and substantial site landscaping that creates visual interest and identity, a pleasing street and pedestrian image, acts a buffer to adjacent land uses, screens parking and paved areas of the site, and emphasizes the natural environment character of Happy Valley-Goose Bay, must be incorporated into the design and development of all industrial development projects;
2. The overall landscaping intent for industrial development sites is to maximize the amount of landscaped areas on the site including retention of stands of mature trees, and to minimize the amount of impervious surfaces so as to increase the natural absorption of rainwater of the site through consideration of innovative practices such as incorporating oil-water separators in the catch basins of parking lot drains to cleanse parking lot runoff waters before they enter watercourses;
3. The frontage and streetscape sides of new industrial developments in the Industrial Light zone should be landscaped with a minimum 3.0m wide landscape boulevard to serve as the primary buffer area between the adjacent street and the building area of the site, with specific attention to providing within the landscape boulevard area, deciduous street tree species and a variety of plant materials and treatments, some of which should achieve substantial size at maturity, and in creating visual landmarks of hard and soft landscaping features on significant street corners and at locations of high visibility;
4. Street trees on an industrial site should be a minimum of 1.8 m in height at time of planting, and planted at a ratio of one tree for every four parking spaces on the perimeter of the site;

5. Use of hedges, floral displays, lawns with park benches, brickwork fences, shade areas and ornamental lights is also encouraged to be included in the front building area and employee amenity areas;
6. Wherever possible, use of raised landscape berms to screen parking and storage areas of a site is encouraged; and,
7. The overall industrial development is encouraged to maximize the positive impact of finished open space.

#### **6.4 Parking Area Design**

1. Employee parking areas and loading bays are not to be located within the setback area between the building and the street;
2. Since industrial site parking areas will be highly visible from adjacent streets in the IL zone, and the development design objective is to 'soften' the hard appearance of parking lot areas, surface parking lots should be screened as much as possible from streetscape view by use of landscape hedges, grassed and raised landscape berms, and in specific locations, by attractive good-quality fencing;



3. No asphalt paving of a parking area should directly abut a building face but rather an interface landscape area should be planted between the car stops of the parking lot and the side of the building;

4. Parking lot area and loading bay access locations to the street should be minimized;

5. Parking areas should be designed to support and assist disabled persons, and all disabled parking spaces should be located close to the building entrance;

6. All surface parking spaces should be clearly marked and painted with white parking space lines, and where 'small car parking spaces' are to be used, 'small cars' should be clearly painted on the parking spaces; and,

7. Short term bicycle parking facilities for employees such as bike racks, should be sited in well lighted locations close to building and workplace entrances.



## 7 GREEN APPROACHES TO STORMWATER MANAGEMENT

The following green approaches to stormwater management can be considered by the Town as required:

1. Land Conservation: Land conservation is another good tool for communities to use for reducing the risks of storm water runoff and sewer overflows. The water quality and flooding impacts of urban storm water also can be addressed by protecting open spaces and sensitive natural areas within and

adjacent to a Town while providing recreational opportunities for town residents. Natural areas that should be a focus of this effort include riparian areas, wetlands, and steep hillsides.

2. **Bioswales:** Bioswales are essentially rain gardens placed in long narrow spaces such as the space between the sidewalk and the curb. Bioswales are vegetated, mulched, or xeriscaped channels that provide treatment and retention as they move storm water from one place to another. Vegetated swales slow, infiltrate, and filter storm water flows. As linear features, they are particularly well suited to being placed along streets and parking lots.



3. **Planter Boxes:** Planter boxes are an attractive tool for filtering storm water as well as reducing the runoff that goes into a sewer system. Planter boxes are urban rain gardens with vertical walls and either open or closed bottoms. They collect and absorb runoff from sidewalks, parking lots, and streets and are ideal for space-limited sites in dense urban areas and as a streetscaping element.
4. **Permeable Pavements:** Permeable pavement is a good example of a practice that catches water where it falls. Permeable pavements infiltrate, treat, and/or store rainwater where it falls. They can be made of pervious concrete, porous asphalt, or permeable interlocking pavers. This practice could be particularly cost effective where land values are high and flooding or icing is a problem.
5. **Green Streets and Alleys:** Green streets combine more than one feature to capture and treat storm water. Green streets and alleys are created by integrating green infrastructure elements into their design to store, infiltrate, and evapo-transpire storm water. Permeable pavement, bioswales, planter boxes, and trees are among the elements that can be woven into street or alley design.



6. **Green Parking:** Parking lots are a good place to install green infrastructure that can capture storm water that would usually flow into the sewer system. Many green infrastructure elements can be seamlessly integrated into parking lot designs. Permeable pavements can be installed in sections of a lot and rain gardens and bioswales can be included in medians and along the parking lot perimeter. Benefits include mitigating the urban heat island and a more walkable built environment.
7. **Urban Tree Canopy:** Town trees, or tree canopy, soak up storm water, provide cooling shade and help to slow traffic. Trees reduce and slow storm water by intercepting precipitation in their leaves and branches. Many cities have set tree canopy goals to restore some of the benefits of trees that were lost when the areas were developed. Homeowners, businesses, and community groups can participate in planting and maintaining trees throughout the urban environment.
8. **Downspout Disconnection:** Water from the roof flows from this disconnected downspout into the ground through a filter of pebbles. This simple practice reroutes rooftop drainage pipes from draining rainwater into the storm sewer to draining it into rain barrels, cisterns, or permeable areas. You can use it to store storm water and/or allow storm water to infiltrate into the soil. Downspout disconnection could be especially beneficial to cities with combined sewer systems.
9. **Rainwater Harvesting:** This rainwater harvesting system is adapted to the architecture of the building and its surroundings. Rainwater harvesting systems collect and store rainfall for later use. When designed appropriately, they slow and reduce runoff and provide a source of water. This practice could be particularly valuable in arid regions, where it could reduce demands on increasingly limited water supplies.
10. **Rain Gardens:** A rain garden can be beautiful as well as functional. Rain gardens are versatile features that can be installed in almost any unpaved space. Also known as bioretention, or bio-infiltration, cells, they are vegetated basins that collect and absorb runoff from rooftops, sidewalks, and streets. This practice mimics natural hydrology by infiltrating and evaporating and transpiring—or “evapo-transpiring”—storm water runoff.

**APPENDIX 6: LAND USE ZONING MAP**

