DEVELOPMENT REGULATIONS

2025-2035

Town of Portugal Cove - St. Philip's

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TRACT

Draft-November 15, 2024

URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO APPROVE

THE TOWN OF PORTUGAL COVE-ST. PHILIP'S
DEVELOPMENT REGULATIONS, 2025-2035

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Portugal Cove-St. Philip's:

- adopted the Development Regulations for the Town of Portugal Cove-St. Philip's on the _____ day of_____, 205.

- gave notice of the adoption of the Development Regulations for the Town of Portugal Cove-St. Philip's by….

- set the_____day of_____, at_____at the Town Hall, for the holding of a public hearing to consider objections and submissions.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Portugal Cove-St. Philip's approves the Development Regulations for the Town of Portugal Cove-St. Philip's as adopted (or as amended as follows).

SIGNED AND SEALED this_____day of_____, 2025.

Mayor: _____

Town Manager/Clerk: _____

Development Regulations/Amendment
REGISTERED

Number _____
Date _____
Signature _____

(Council Seal)

URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO ADOPT

TOWN OF PORTUGAL COVE-ST. PHILIP'S
DEVELOPMENT REGULATIONS, 2025-2035

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Portugal Cove-St. Philip's adopts the Portugal Cove-St. Philip's Development Regulations, 2024-2033.

The Development Regulations (2025-2035) were adopted by the Town Council of Portugal Cove-St. Philip's on the_____day of_____, 2025.

Signed and sealed this____day of_____, 2025.

Mayor: _____

Municipal Clerk: _____

Town of Portugal Cove-St. Philip's seal

CANADIAN INSTITUTE OF PLANNERS (CIP) CERTIFICATION

I certify that the Town of Portugal Cove-St. Philip's Development Regulations, 2025-2035 have been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000* of the Province of Newfoundland and Labrador.

Member of Canadian Institute of Planners (MCIP)

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1.0 AUTHORITIES AND RESPONSIBILITIES

1.1 Applicability

These Development Regulations apply to:

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

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

The Town of Portugal Cove-St. Philip's Development Regulations, 2024-2034, are prepared pursuant to the authority of Section 35 of the *Urban and Rural Planning Act, 2000*.

1.2 Compliance with Statutes, Regulations, Policy, Guidelines and Standards

1) All Development within the Municipal Planning Area shall conform to:
   a. policies set out in the Municipal Plan;
   b. development standards and conditions set out in the Development Regulations;
   c. any other municipal regulation or bylaw in force in the Municipal Planning Area under the *Towns and Local Service Districts Act*;
   d. requirements of Federal legislation, regulations, policies, guidelines, and standards, as amended from time to time, including, the National Building Code, and associated codes, such as the Plumbing Code, the Fire Code, the Electrical Code, the Life Safety Code;
   e. requirements of Provincial legislation, regulations, policies, guidelines, and standards, as amended from time to time; and
   f. the St. John's Urban Region Regional Plan (SJURRP).

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) Where these Regulations are more stringent than Provincial or Federal legislation, these Regulations shall apply.

4) Even though an applicant may receive a municipal permit, the applicant is responsible for ensuring compliance with all relevant Federal and Provincial legislation, regulations, policies and guidelines, and Municipal regulations under the *Towns and Local Service Districts Act*, prior to commencing a

land use or development approved under these Development Regulations. Council may require proof of compliance prior to approval and a development permit shall not be issued if Council is aware that the proposed development does not comply with a provincial or federal government requirement.

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

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

7) The Development Regulations shall be subject to all Federal and Provincial legislation, regulations, policies and guidelines. Notwithstanding this requirement, these Development Regulations shall incorporate specific compliance requirements identified in the inter-governmental referral undertaken as part of the review process, as set out in Schedule A.

1.3 Legal Effect and Interpretation

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 in accordance with Section 24 (3) of the *Urban and Rural Planning Act, 2000*. 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 Portugal Cove-St. Philip's Development Regulations 2024", prepared under the authority of Section 35 of the *Urban and Rural Planning Act, 2000.*

To assist interpretation of the Municipal Plan and Development Regulations, technical planning definitions are found in Schedule C. Words and phrases used in these Regulations shall have the meanings ascribed to them in these regulations. The definitions from the *Urban and Rural Planning Act, 2000* and the *Minister's Development Regulations 03/01* cannot be amended by the Council. No Town-specific interpretive definitions provided in these regulations are intended to contravene definitions included within the *Urban and Rural Planning Act, 2000.* Words and phrases not defined shall have the meanings and interpretation which are commonly assigned to them in the context in which they are used in the Regulations.

As required under Section 36 of the *Urban and Rural Planning Act, 2000*, the *Minister's Development Regulations 03/01* are included in these regulations (Schedule D).

1.4 Delegation of Authority for Implementation of Development Regulations

Under the authority of Section 109 (2) of the Urban and Rural Planning Act, 2000: "A council …. may appoint an employee of that council …to approve or reject applications, as designated by the council…to develop land in accordance with the appropriate plan and regulations and that employee may outline the conditions applicable to that development." This delegation must be made in writing (Section 18, *Minister's Development Regulations 03/01*)

2.0 ADMINISTRATION OF THE REGULATIONS

This Section deals with the administration of processing applications for proposed land use and developments. It outlines when a permit is required, the process for making an application for a permit, the decision-making process by Council or it's 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

1) Council has the ability to determine the typology permits to be issued based on the development application submitted and approval in principle issued in conformity with the definition of development under Section 2(g) of the *Urban and Rural Planning Act, 2000*.
2) All development and subdivision of land carried out within the Municipal Planning Area shall have a permit issued by Council in accordance with these Regulations, and any other by-law or regulation enacted by Council.
3) Development is not permitted on un-subdivided land unless the development would not prejudice the potential to subdivide and develop the land in the future (either as an additional building lot or future road access), and sufficient area is reserved to satisfy the yards, setbacks, and other development standards called for in the Use Zone in which it is located, and the development standards shall be maintained when the adjacent land is developed. It must conform with Section 4.2.
4) No site work (clearing or grubbing) shall commence until a permit is issued.

   The definitions for development and subdivision from the *Urban and Rural Planning Act, 2000* are provided here for ease of reference:

   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:

   a. making of an access onto a highway, road or way,
   b. erection of an advertisement or sign,
   c. construction of a building,
   d. parking of a trailer, or vehicle used for the sale of refreshments or merchandise, or as an office, or for living accommodation,

   and excludes the

   e. carrying out of works for the maintenance, improvement or other alteration of a building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building,
   f. carrying out by a highway 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,
   g. 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
   h. use of a building or land within the courtyard of a dwelling house for a purpose incidental to the enjoyment of the dwelling house as a dwelling;"

"Subdivision means the dividing of land, whether in single or joint ownership into 2 or more pieces for the purpose of development" (*Urban and Rural Planning Act, 2000).*

For further clarification regarding subdivision, 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;

b. The fire separation for each dwelling unit is confirmed (this applies to buildings with zero lot line, such as townhomes or planned unit developments); and

c. A subsidiary apartment cannot be subdivided from the self-contained dwelling that it is constructed within.

2.2 NO PERMIT REQUIRED

2.2.1 No Permit Required

1) The following land uses do not require development permit approval (unless located within an environmentally sensitive area in accordance with Schedule E), but must comply with applicable external Federal and Provincial provisions and requirements, if applicable:

2) Removal, deposit, or grading of soil, sand, gravel, rock or other aggregate material if the activity affects less than forty (40) cubic metres (5 tandem truck loads) within the yard of a dwelling for a purpose incidental to the enjoyment of the dwelling as a dwelling.

3) Minor landscaping involving less than forty (40) cubic metres (5 tandem truck loads) of material within the yard of a dwelling for a purpose incidental to the enjoyment of the dwelling as a dwelling (examples: minor backfilling, fire pits, walkways, non-structural retaining walls, flowerboxes).

4) A passive recreational use such as a walking trail or picnic area (as discussed and approved by the Town's Community Services Department).

5) The clearing and working of agricultural land (as approved by the Provincial Department of Fisheries, Forestry and Agriculture).

6) A forestry use for personal cutting of fuel wood on Crown land (with Provincial permit), Christmas trees and similar domestic uses.

7) Replacement of a septic tank (not including replacement of a septic field, or construction and installation of a new septic system).

8) A conservation use to preserve natural areas.

9) The development of one (1) accessory building measuring 5.0 m^2 (53.8 ft^2) or less in ground area coverage and 4.0 m (13.1 ft) or less in height in the front yard of a residential property.

10) The development of one (1) accessory building measuring 8.0 m^2 (86.1 ft^2) or less in ground area coverage and 4.0 m (13.1 ft) or less in height in the side or rear yard of a residential property.

11) The development of one (1) greenhouse for residential purposes measuring 16 m^2 (172.1 ft^2) or less in ground coverage and 4.0 m (13.1 ft) or less in height that are temporary in nature and are constructed using wood or metal framing, plastic sheeting, and have no constructed flooring.

12) Storage structures/enclosures underneath patio/decks.

13) Residential fences 2.0 m (6.6 ft) or less in height.

14) Home Gardening (as set out in Section 5.2.11.2).

15) Construction, demolition, and/ maintenance of patio/decks (examples: patios, steps, landings, wheelchair ramps) only if detached from the building.

16) Driveway repairs and maintenance (excluding culvert replacement and/or widening).

17) Non-structural interior renovations (replacing drywall, flooring or cabinetry and painting).

18) Non-structural exterior renovations (replacing windows or doors with the same size and location, siding, roofs, shingles and other exterior finishes).

19) Construction and/or maintenance of ditches or drainage channels (excluding those that lead to a publicly owned road or an environmentally sensitive feature (watercourse, waterbody, wetland, etc.) excluding ditches or drainage channels which are part of an engineered grading plan that has been accepted by the Town and in effect.

20) Temporary swimming pools that are assembled and disassembled on a seasonal basis, or hot tubs measuring 8.0 m^2 or less.

2.2.2 Orders to Address Public Concern

An exemption from requiring a permit shall not prevent Council in issuing orders that may be required to address a matter of public concern.

2.3 APPLICATION FOR A PERMIT

2.3.1 Who Can Apply and How

1) An application for a *Permit* or for *Approval in Principle* (see 2.5.6) shall be made only by the owner, or by a person authorized by the owner, to Council on such form as may be prescribed by Council.

2) 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 and requirements to assist in the preparation of the application (Section 35 (1) (f) of the *Urban and Rural Planning Act, 2000*).

2.3.2 Application Requirements for all Applications

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

a. such application forms, plans, specifications and drawings as Council may require;
b. the application and/or permit fees required by Council; and,
c. all information required to process the application in accordance with these Regulations. Such information shall include the following:
    i. location of the site on a map;
    ii. details of proposed use: type, size and scale of operation, landscaping;
    iii. conformity with development standards for the zone in which the development occurs, including but not limited to, lot area, lot frontage, siting of structures, and building area and height, and general development standards set out in Chapter 4.0;
    iv. contours and significant natural features which may include the following: wetlands, watercourses, drainage channels, and slopes that exceed 15 percent, existing vegetation, trees, and any other environmentally sensitive features;
    v. existing streets, buildings, and land uses in the vicinity of the site;
    vi. a conceptual layout of proposed streets, trails, other main elements of the development;
    vii. proposed access/egress, off-street parking, loading requirements;
    viii. a landscaping plan, including buffers and/or separation distances;
    ix. proposed water supply, waste disposal and storm water drainage services; and,
    x. a legal survey plan prepared by a registered Newfoundland and Labrador land surveyor or other proof of ownership acceptable to Council.

2.3.3 Application Information Requirements for Discretionary Uses

1) 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 or provided other suitable notification (posting of notices in buildings, Social media, Town

website) 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.

2) In addition to the information requirements for lots and buildings in 2.3.2, an application for a Discretionary Use shall contain the following information relating to Discretionary Uses involving operation of a business/service, if applicable:

a. floor area to be used for Discretionary Use,
b. number of employees employed on site,
c. hours of operation and seasonal variation in hours of operation if applicable,
d. description of activities related to traffic, noise, fumes, or open storage of materials/equipment, and
e. Other operational information that may be requested by the Town.

2.3.4 Application Information Requirements for Planned Unit Developments

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

Conditions:

1) Required to submit a Planned Unit Development application (2.3.2 & 2.3.4);
2) A Planned Unit Development shall front onto a publicly maintained 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 shall meet requirements of provincial agencies, in particular, the Water Resource Management Division and Service NL;
3) Roads and services provided in a Planned Unit Development, whether they are publicly or privately owned, may be designed and treated as if they were public roads, public services and public utilities for the purpose of approvals by the Authority and other agencies.
4) The Planned Unit Development shall comply with the requirements of the Municipal Plan or any scheme adopted under it, and with the land use 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, the Planned Unit Development would be prepared and reviewed by the Council according to its regular development approval process.
5) In a Planned Unit Development, the Council may also, at its discretion, approve the erection of buildings which are designed to form part of a zero-lot line development provided that the buildings are designed to provide both privacy and reasonable access to natural daylight, and the overall density

conforms to standards set out in the Use Zone Table, and Service NL requirements.

6) In addition to the information in 2.3.2, the following requirements shall apply to all proposed Planned Unit development applications involving new street construction or development of large sites for commercial (including commercial recreational), industrial, residential and public institutional development. A Planned Unit Development application would normally contain the following:
   i. Goals, objectives and land use policies for the development area;
   ii. Identification of developable area of site, indicating accommodation of site conditions such as poor drainage, steep slopes, flooding potential and rocky ground;
   iii. Proposed siting of new buildings, or additions, including building square footage area size, building height, and setback distances to property lines;
   iv. Building lot area coverage where applicable;
   v. Total number of proposed multi-unit residential dwellings, or strata unit commercial and/or industrial units, and interior floor plans;
   vi. 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;
   vii. Identification of outdoor amenity and open space and recreation areas;
   viii. Identification of unenclosed storage areas and area size;
   ix. Overview of landscaping treatment and approach for the site development;
   x. Phasing of the development;
   xi. Street and servicing layout, including on-site road pattern and traffic and relation to surrounding community in conformance with Town standards;
   xii. Indicate any issues related to the long-term maintenance of streets and other services; and
   xiii. if required, an amendment to the Municipal Plan and Development Regulations where the Planned Unit Development is not listed in the Use Zone table for the zone in which it occurs.

2.4 OPTIONS WHEN A PROPOSAL DOES NOT FIT REGULATIONS

After providing the information required in section 2.3, it may become evident that the proposed development does not meet the requirements of the Development standards. The applicant can consider whether this could be addressed by:

- applying a variance;
- undertaking research to determine whether there is an issue of the use being a non-conforming use/development and subject to additional considerations; or
- whether an amendment to the Development Regulations should be requested to accommodate the needs of the proposal.

The following sections outline how these options apply.

2.4.1 Variances

Where the proposed development does not comply with any numeric requirement in the applicable use zone table set out in these Regulations for the zone in which the site occurs, Council may, in its discretion, provide a variance to the requirement to a maximum of ten percent (10%) if, in Council's opinion, compliance with the development standards would prejudice the proper development of the land, building, or structure in question or would be contrary to public interest (the 10% is stipulated in the Minister's *Development Regulations 3/01* in Schedule D and cannot be amended by Council). The applicant may request the variance.

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

Council shall not permit a variance from the development standards where the proposed use would increase the non-conformity of an existing non-conforming 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, or by any other means approved by the Local Governance and Land Use Planning Division and allow a minimum period of seven (7) days for response. Notices shall be forwarded to property owners whose properties are located within a minimum 50 m offset of the land that is the subject of the variance.

2.4.2 Non-Conforming Uses & Non-Conforming Development

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

If a non-conforming development or land use is discontinued after these Regulations came into legal effect, a right to resume a discontinued non-conforming use of land shall not exceed **two years** after the discontinuance occurred. For the purpose of this Regulation, discontinuance of a non-conforming use begins when any one of the following conditions is met:

a. The building or use of land is clearly vacated or the building is demolished,

b. The owner or tenant has ceased paying residential or business taxes for that use, or The owner or tenant has stated in writing that the use has ceased.

Regarding a notice of an application to change a non-conforming use: this shall be by advertisement in a newspaper circulating in the area, or by any other means approved by the Local Governance and Land Use Planning Division, and a minimum of seven (7) days shall be provided for persons to respond. (*Minister's Development Regulations 3/01*-see Schedule D). If notices are to be forwarded to properties in the immediate vicinity, notices shall be forwarded to property owners whose properties are located within a minimum 50 m offset of the land that is the subject of the change in non-conforming use.

2.4.3 Amendment to Development Regulations

A request to amend these Development Regulations may be made by any person and an application in the required form shall be submitted to the Council. This may also require an associated amendment to the Municipal Plan and/or the St. John's Urban Region Regional Plan.

All costs for the amendment are to be borne by the person requesting the amendment, (Section 27, the *Urban and Rural Planning Act, 2000*) except when initiated by Council.

Where an amendment request proposes to rezone privately owned lands (except when initiated by Council), the person requesting an amendment application shall be the property owner or a person operating under the owner's written consent. A copy of this written consent must accompany the application.

An amendment to the text of the Development Regulations and/or the Land Use Zoning Map which requires an associated amendment to the Municipal Plan must follow the amendment process set out in Sections 14 – 25 of the *Urban and Rural Planning Act, 2000*.

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

Where a Municipal Plan amendment and/or Development Regulation amendment is requested, all, or some, of the following criteria may be considered:

a. all of the criteria listed in the policies of the Plan;

b. the height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;

c. the location of vehicular access points and the impact of traffic generated by the proposal on streets, pedestrian and vehicular safety, and on surrounding properties;

d. 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;

e. the potential impact of the development on surrounding natural features and heritage resources;

f. 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, and ground borne vibration may limit development;

g. compliance of the proposed development with the provisions of the Town's Municipal Plan and Development Regulations; and,

h. 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.

An applicant for a proposed change in land use may be required to provide information and details on the development and its likely impacts.

Under the authority provided in the *Urban and Rural Planning Act, 2000*, Council determines the uses that may or may not be developed in a Land Use zone on the Land Use Zoning map and those uses shall be listed in Chapter 3 as discretionary, permitted or prohibited uses. If Council refuses a request for an amendment, that decision cannot be appealed to the Department of Municipal and Provincial Affairs.

2.5 COUNCIL DECISION-MAKING

2.5.1 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, approve, approve with conditions, or refuse the application, and shall inform the applicant in writing.

2.5.2 Timely Decision-Making

Applications properly submitted in accordance with these Regulations which have not been determined

by Council and on which a decision has not been communicated to the applicant within eighty (80) days of the application being received by Council, shall be deemed to be refused.

2.5.3 Deferment of Application:

1) Council may, with the written agreement of the applicant, defer consideration of an application. Council may defer decisions on an application for a Permit and/or an application for an amendment to these Regulations.

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

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

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

2.5.4 Public Notice (Refer to Ministerial Development Regulations, Sections 13 & 15)

1) Council shall, at the applicant's expense (Section 35 (1) of the *Urban and Rural Planning Act, 2000*), publish a notice in a newspaper circulating in the area of the application, or by any other means approved by the Local Governance and Land Use Planning Division, and consider any representations or submissions received in response to that advertisement, for the following:
   a. A ***change in a non-conforming use***; notice of an application to change a non-conforming use shall be by advertisement in a newspaper circulating in the area, or by other reliable means as deemed appropriate by Council, and a minimum of seven (7) days shall be provided for persons to respond. (*Minister's Development Regulations 3/01*-see Schedule D). Notice shall also be given directly to persons-whose land is within a minimum 50 m offset of the land that is the subject to the proposed change in a non-conforming use;
   b. A proposed development is listed as *a* ***discretionary use*** on the Use Zone Table for a zone**;** notice of an application regarding a proposed discretionary use be by advertisement in a newspaper circulating in the area, or by other reliable means as deemed appropriate by Council. This may include providing notice given directly to persons whose land is in the immediate vicinity of the land that is subject to the proposed discretionary use, and a minimum of seven (7) days shall be provided for persons to respond. Notice shall also be given directly to persons whose land is within a minimum 50 m offset of the land that is the subject to the proposed discretionary use;
   c. A ***Planned Unit Development*** is proposed; Council shall publish a notice in a newspaper circulating in the area or by other reliable means as deemed appropriate by Council, which shall include providing notice directly to persons whose land is within a minimum 200 m offset of the land that is the subject to the proposed Planned Unit Development, and shall provide a minimum of

fourteen (14) days for persons to respond;

d. ***If Council determines*** that the public should be notified of an application; notice of the application shall be by either advertisement in a newspaper circulating in the area, or by other reliable means as deemed appropriate by Council. This may include providing notice given directly to persons whose land is within a minimum 50 m offset of the land that is the subject of the application, and a minimum of seven (7) days shall be provided for persons to respond;

e. If a ***Planning Impact Analysis*** is proposed; Council shall publish a notice in a newspaper circulating in the area or by other reliable means as deemed appropriate by Council. This may include providing notice given directly to persons whose land is within a minimum 200 m offset of the land that is the subject of the application, and shall provide a minimum of fourteen (14) days for persons to respond;

f. A ***Variance*****:** written notice of a variance application shall 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 3/01*-see Schedule D) and a minimum of seven (7) days shall be provided for persons to respond. Notice shall be given directly to persons whose land is within a minimum 50 m offset of the land that is the subject to the proposed variance.

2.5.5 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 one (1) advertisement in a newspaper circulating in the local area or by other reliable means as deemed appropriate by Council, at least ten (10) calendar days prior to the holding of a briefing session where the application shall be discussed.

The 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 two hundred metres (200 metres) from the application site, a minimum of fourteen (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.

2.5.6 Approval in Principle

1) 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.

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

3) An approval in principle shall be valid for a period of two (2) years and may be extended for one (1) additional year, up to a maximum of three (3) years. Where conditions within an approval in principle must be completed within a certain timeframe, council may limit the validity period of an approval in principle to a shorter time frame.

4) Where approval in principle is granted under these Regulations, the issuance of any subsequent permit shall be subject to the subsequent approval by Council or its designated staff of the details and conditions as listed in the approval in principle, which shall be received ***not later than two years*** from the issuance of the approval in principle. If the details and conditions are not received, and there is no request for an extension, then the approval in principle is void.

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

6) 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.

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

2.5.7 Approval of a Permit

1) A written permit issued by Council or its designated staff shall constitute permission to develop in accordance with these Regulations.
2) This permission shall not relieve the applicant from full responsibility for obtaining all other permits or approvals prior to commencement of development and complying with all other regulations and statutes during development.
3) Council may attach conditions in writing to a permit to ensure compliance with the Municipal Plan and these Regulations, and the permit holder shall be responsible for full compliance with these conditions.
4) When approving a discretionary use, Council shall state in writing the basis for approval.
5) A permit is valid for such period, not in excess of two years, as may be stated therein, and if the development has not commenced, the permit may be renewed for a further period not in excess of

one additional year; except for Signs (see Section 7.0).

6) No person shall change the application for which a permit was issued unless written approval of the change has been issued by Council.
7) A copy of the permit, along with plans and specifications, shall be kept on the site until the development is completed.
8) A decision by Council on an application to undertake development can be appealed in accordance with Section 42 of the *Urban and Rural Planning Act, 2000*.

2.5.8 Permit Responsibilities of the Applicant

The applicant shall meet the requirements of the Regulations and conditions attached to the permit to develop. 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.

2.5.9 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, such as, a temporary outdoor market, mobile vendor, or exhibition grounds for an event.

Conditions:

1) At its discretion, Council may issue a development permit for a temporary use, which shall comply with the Municipal Plan and these Regulations.

2) The permit may be for a period not exceeding 1 year of continuous occupation and may be extended at the request of the applicant for 1 additional year, up to a maximum of 2 years.

3) The permit may be issued for a shorter period of time on an annual basis.

2.5.10 Correction of Errors and Remedial Work

The approval of any plans or drawings or the issuance of a 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.

2.5.11 Revoke Permit

Council or any designated officer 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 or issued in error.

2.5.12 Fee for Permit

Council may charge fees for development approvals and permits in accordance with the annual Schedule of Fees adopted by Council. Council may change fees or introduce new fees during a year and such fees will be in effect immediately after such a decision is made without necessarily being shown on the annual Schedule of Fees adopted at the beginning of the year.

2.5.13 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;
    b. advise the applicant of their right to appeal (Section 42 of the *Urban and Rural Planning Act, 2000*; and,
    c. provide the decision in writing.

2) Where a development application for a land or building development or for an amendment to the Development Regulations has been refused by resolution of Council, an application for the same development, building or amendment shall not be considered within 12 months of the date of the previous refusal. New applications will only be considered within 12 months related to a previously rejected application where additional or revised information is submitted.

2.5.14 Refusal: Premature development

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

2) A permit shall not be issued for development within the Planning Area unless the owner of the property which is subject of the application remits payment of any and all outstanding taxes for the previous calendar year, and any and all other fees, or charges owed by the owner, whether or not the said taxes, fees or charges pertain to the property which is the subject of the application. Council may, in its sole discretion, waive this requirement upon the owner making satisfactory payment arrangements for such taxes, fees or charges.

2.5.15 Appeal

1) The person to whom a Town's decision applies shall have the right to appeal that decision in accordance with Sections 40 to 46.2 of the *Urban and Rural Planning Act, 2000* and Sections 5 to 11 of the Development Regulations under that *Urban and Rural Planning Act, 2000*.

2) The applicant shall be informed of the right to appeal in the letter of refusal.

2.5.16 Register

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

2.6 SPECIAL REQUIREMENTS FOR DEVELOPMENT

2.6.1 Development Agreement

A development agreement is a voluntary contract between a local jurisdiction and a person who owns or controls property within the jurisdiction detailing the obligations of both parties and specifying the standards and conditions that shall govern development of the property. The requirements and conditions outlined in a development agreement are considered to be additional conditions to a development permit.

These agreements can specify various elements of the development process ranging from phasing of a larger comprehensively planned community to tax-sharing for retail development, to critical infrastructure responsibilities. Development agreements are sometimes used in combination with a Planned Unit Development (Section 2.5.1) Scheme, Section 29 of the *Urban and Rural Planning Act, 2000,* 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 two years 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.

2.6.2 Planning Impact Analysis (PIA)

Council may require a PIA to evaluate any proposed land use, development and/or situation that affects the implementation of policies contained in the Municipal Plan.

A PIA may be required by Council 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 PIA shall document the criteria used in the application review process.

The Terms of Reference for a PIA 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 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 PIA, Council shall provide adequate time for a public review of the report, using the procedures for public notification as outlined in Section 2.5.4.

2.6.3 Agriculture Impact Assessment (AIA)

1) Council may require an AIA for proposed non-Agricultural developments of 4 (four) or more residential lots, proposed within the 300-metre separation distance for Livestock/Poultry Farm Operations and within the 30-metre distance between non-Agricultural developments and a non-Livestock/Poultry operation. An AIA may be required to contain the following information:
    a. Description of the proposed development and farm operations, small farms within the AIA Buffer;
    b. Description and map of on-site and surrounding land uses and physical resources, including vegetation, waterbodies, areas of slope, existing fences;
    c. The physical and socio-economic components of the agricultural resource base;
    d. Identification of the direct and indirect impacts of the proposed development on existing agricultural operations and on the ability of the area to support different types of agriculture;
    e. the Town may require consultation with Provincial representatives; and/or,
    f. Identified methods of impact reduction and recommendation of further methods to reduce impact.

2) Subdivision Plan design is another tool which can be utilized to minimize conflict between proposed residential development in the vicinity of Farm Operations. These plans may be phased to facilitate orderly expansion of urban development which will reduce the possibility of impacts on agricultural lands. Design elements which may be recommended to be incorporated into subdivisions concept plan include:
    a. Road design to direct traffic away from farming areas;
    b. Increased lot depths/sizes along the boundary to allow for greater separation between uses;
    c. Implementation of vegetation buffers and/or fencing buffers to protect residential areas from possible spray drift, dust and/or noise;
    d. Recognition that a road right of way may be an adequate buffer, implementation of augmenting vegetation to improve the existing roadway buffer; and/or,
    e. Implementation of increased building setback provisions above and beyond minimums set out in the zoning by-law to increase the separation between uses.

2.6.4 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:

i. a cash deposit from the developer, to be held by Council;

ii. a security or guarantee by a bank, or other institution acceptable to Council, for expenditures by the developer;

iii. a performance bond provided by an insurance company or a bank~~,~~

iv. an annual contribution to a sinking fund held by Council; or,~~.~~

v. another form of financial guarantee that Council may approve.

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

2.6.5 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 136 of the *Towns and Local Service Districts* Act).

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 these Regulations.

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.

2.6.6 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 development.

2.6.7 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.

2.7 ENFORCEMENT AUTHORITY

2.7.1 Delegation of Enforcement 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 102. 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 which Council is empowered to regulate (Section 105 *of Urban and Rural Planning Act, 2000*).

2.7.3 Enforcement Authorities

1) Where it is determined that a use of land or development is contrary, or there is sufficient reason to believe it is contrary, to the Municipal Plan and Development Regulations, Council may initiate enforcement measures by issuing a stop work order pursuant to Section 102 of the *Urban and Rural Planning Act, 2000*. An order issued by council is subject to appeal under the *Urban and Rural Planning Act, 2000.*

2) A stop work order requires that person to stop the development or work connected with 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 *Urban and Rural Planning Act, 2000*.

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3.0 LAND USE ZONES, OVERLAYS, ACCESSORY USES & BUILDINGS, HOME BUSINESSES

3.1 INTERPRETATION OF LAND USE ZONING AND DEVELOPMENT STANDARDS

3.1.1 Land Use Zones

1) The Municipal 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 Section 3 of the Municipal Plan.

2) The boundaries of the Use Zones shown on the Land Use Zoning Maps are general only and, except where they coincide with roads, shorelines, or other prominent physical features, are not intended to define exact limits. No Development Regulation amendment shall be required in order to accommodate minor adjustments of the Use Zone boundaries.

3) Other than such minor boundary adjustments, no development shall be permitted that does not conform to the Use Zone delineated on the Land Use Zoning Maps.

4) Where there is uncertainty regarding the existence of a watercourse identified on the zoning map, this can be confirmed in the field. If it is determined that the watercourse does not exist, the area in question shall be treated as if it is occurring within the surrounding zone.

5) The Municipal Plan states the objectives and policies for each of the land use designations including the establishment of the following zones:
    1. Agriculture (AG)
    2. Conservation (CON)
    3. Conservation-Cultural (CON-C)
    4. Protected Water Supply (PW)
    5. Commercial-Industrial (CI)
    6. Rural-Industry (RUR-I)
    7. Mixed Development (MD)
    8. Community Mixed (CM)
    9. Traditional Community (TC)
    10. Public Use (PU)
    11. Recreation (REC)
    12. Arts, Wellness and Heritage (AWH)
    13. Residential Low Density (RLD)
    14. Residential Medium Density (RMD)
    15. Residential Rural (RR)
    16. Residential Small Lot (RSL)

17. Residential Sustainable Subdivision (RSS)
18. Rural (RUR)
19. Eco-Village Cluster (EVC)
20. Eco-Village Sustainable Agriculture (EVSA)

3.1.2 Land Use Zone Tables: Permitted and Discretionary uses

This Chapter provides Use Zone Tables which set out the Permitted and Discretionary Uses for each Zone. The standards, requirements, and conditions applicable to these Uses are set out in an associated Development Standards table with zone-specific conditions, in addition to the overall requirements set out in these Regulations. Sections 2.5.1 and 2.5.14 provide Council with discretion regarding decisions for both Permitted and Discretionary Uses.

3.1.2.1 Permitted Uses

Subject to these Regulations, Permitted Uses set out in the Use Zone Table shall be permitted by Council in that Use Zone provided that it meets the 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 listed as Permitted Uses, and that their development shall not inhibit or prejudice the existence or the development of the Permitted Uses.

Council shall 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 for a Discretionary Use in accordance with Section 2.5.4. Council shall consider any objections or representations which may have been received on the matter.

3.1.3 Accessory Uses & Accessory Buildings and Home Businesses

A permit is required for accessory uses & accessory buildings and home businesses. Definitions and examples are provided in Sections 3.4 and 3.5.

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 Zones and requirements that apply in all zones

The following uses shall be permitted in all land use zones:

a. Conservation Land Use Class: 'Environmental protection' and 'Open space, park, & trail' uses (as set out in Section 5.5).

b. Mineral exploration not classed as 'Development'. Does not include Mineral Exploration as defined in Section 5.4.12.

c. Development associated with public infrastructure and services, including public transportation infrastructure and utilities (as set out in Section 5.8).

d. Accessory uses and accessory buildings provided the buildings are clearly incidental and complimentary to the main buildings' character, size and use; wharves, boathouses, slipway, breakwaters, subject to 3.4.2.5 where they are accessory to a principal use; and accessory detached dwelling units are permitted in residential zones or a permitted commercial use only (refer to 3.4.2.3).

3.1.6 Development Standards and Requirements for all Development

1) All Development within the Municipal Planning Area shall conform to:

   a. Policies set out in the Municipal Plan;

   b. Development standards and conditions set out in the Development Regulations;

   c. Any other municipal regulation in force under the *Towns and Local Service Districts Act*; and,

   d. Requirements of Federal and Provincial legislation, regulations, policies and guidelines and standards, as amended from time to time.

2) If Council is aware that a proposed development may not comply with (1) (d) requirements, it may require the applicant to provide confirmation that necessary government approvals have been obtained before issuing a development permit.

3) Where these Development Regulations are more stringent than (1) (d), these Development Regulations shall apply.

4) The existing or proposed trail system, either the East Coast Trail or a Town trail identified in the Town's Trails Master Plan, in the Town shall be protected by a minimum 15-metre undisturbed buffer between the proposed development and the trail unless otherwise waived by Council. Where trails are located along existing street rights of way, no buffer is required. These trails are intended for pedestrian use and in the interests of public safety, ATV/snowmobile use on these pathways is prohibited except on trails that are identified specifically for ATV/snowmobile use.

5) Council shall consider measures to preserve natural features such as beaches, mature tree cover, areas of steep slopes and wetlands to support the preservation of ecosystems, landscape features, and areas of cultural significance. New development shall adhere to conditions specified by Council to

preserve such features and minimize adverse environmental impacts.

6) Council shall ensure that public access to and along the shoreline is preserved. New development shall not be permitted to block or prevent public access by virtue of backfilling, depositing materials, erection of gates or fences unless specifically allowed as part of a development permit. The impact on public access shall be considered in the review and approval of development applications for the construction of wharves, docks or marinas along the shoreline.

7) Nothing in these Regulations shall prevent the designation of conservation areas or the establishment of public parks and playgrounds in any zones provided that such parks and playgrounds are not located in areas which may be unsafe and hazardous to their use, are not operated for commercial purposes, and are within the financial resource capacity of the Town for any future potential ongoing maintenance costs.

3.2 LAND USE ZONES

3.2.1 Agriculture (AG)

The intent of this zone is to protect agricultural lands from conflicting uses of land and to provide existing farm operations with the assurance that they can continue to operate without conflict. This zone also intends to reflect opportunities that complement the objectives of the regional Strategy led by the Town.

USE ZONE TABLE: AGRICULTURAL	
PERMITTED USES	**DISCRETIONARY USES**
-Agriculture Related Housing (5.2.1) *-Agri-Tourism (5.2.2)* *-Closed-Sided Animal Enclosure (5.2.3)* *-Community Garden (5.2.4)* *-Extension Residential (5.7.11) see Condition 5* *-Farm Operation (5.2.5)* *-Farm Retail Sales (5.2.7)* *-Horse Boarding Stable (5.2.8)* *-Keeping of Animals (5.2.9)* *-Outdoor Market (5.3.22)* *-Residential Agriculture (5.2.11)* *-Small Farm (Homestead) (5.2.12)* *-Uses as set out in 3.1.5*	*-Composting Facility (5.4.3)* *-Energy Generation Facilities (5.4.5)* *-Farm Processing (5.2.6)* *-Kennel (5.2.10)* *-Industrial - Light (5.4.10)* *-Natural resource related uses (5.4.15) – directly related to agriculture <u>only</u>*

Conditions:

1) Subject to all other applicable requirements as set out in 3.1.6.

2) Applications for rezoning of Agriculture zone to a non- agricultural zone shall contain a soil assessment prepared by a professional (accredited) soil specialist for review by Council.

3) All proposed development within the Agricultural Development Area lands (ADA) designated under the *Lands Act, 1990* shall be referred to the Land Development Advisory Authority for approval.

4) Buffers and Separation distances:

a. It is the responsibility of the vendor and purchaser to inform themselves regarding surrounding agricultural uses and potential associated buffers.

b. Buffers and separation distances shall apply in accordance with Section 4.1 of these Regulations.

5) Extension Residential

a. Agricultural Development Areas
No single detached dwelling shall be permitted on Agricultural Development Area lands unless the proposal for the single detached dwelling has been approved by the Land Development Advisory Authority under the St. John's Urban Region Agriculture Development Area and provided for within the Town's Municipal Plan and Development Regulations.

b. Dwellings Subsidiary to a Main Use
At Council's discretion, a single detached dwelling may be permitted on agricultural lands in the Agricultural or Rural zones outside the Agricultural Development Area as a subsidiary use to a commercial agricultural operation, horse boarding stable, or kennel, subject to the following:

i. It is clearly demonstrated to Council that the operation is a bona fide commercial agricultural operation (farm operation), horse boarding stable, or kennel operation from which the owner derives a major portion of his or her income,

ii. It is clearly demonstrated to Council that full-time habitation on the site is necessary for the successful operation of the agricultural operation, horse boarding stable, or kennel, and

iii. The dwelling must have a minimum floor area of 65m² and a minimum front yard of 10.0 metres.

c. Dwellings not Subsidiary to a Main Use
At Council's discretion, a single detached dwelling, unrelated to a commercial agricultural operation, horse boarding stable, or kennel, may be permitted on Town controlled lands:

i. Only if Council is satisfied that it will not have an adverse impact on existing agricultural operations or future agricultural development of the surrounding area,

ii. Only if the proposed lot fronts directly on an existing public street, and

iii. Only if it meets the same standards for single dwellings as specified for the Residential Rural zone.

3.2.2 Conservation (CON)

The intent of this zone is to protect the natural environment for its intrinsic value, values related to natural asset management, enhancing the aesthetics of the community, providing parks for the enjoyment of the natural environment for residents and tourists, and protecting trails and trail assets and ensuring the safety of trail users.

USE ZONE TABLE: CONSERVATION	
PERMITTED USES	**DISCRETIONARY USES**
-Uses set out in 3.1.5	*-Outdoor Market (5.3.22)* *-Public gathering places-outdoor (5.6.5)* *-Restaurant-mobile take-out/street vendor only (5.3.26.3)*

Conservation (CON) Development Standards	
STANDARDS	**All Uses**
Min. Front Yard (m)	10
Max. Front Yard (m)[A]	32
Min. Side Yard (m)	5
Min. Flanking Side Yard (m)	6
Min. Rear Yard (m)	10
Max. Height (m)	15
[A]May be adjusted at the discretion of Council	

Conditions

1) Development shall conform to the requirements of Section 3.1.6.

2) Development standards for Conservation purposes are at the discretion of Council.

3) The existing or proposed trail system, either the East Coast Trail or a Town trail identified in the Town's Trails Master Plan, shall have a 15-metre buffer to protect the integrity of the route and safety of trail users.

3.2.3 Conservation-Cultural (CON-C)

The intent of this zone is to protect the natural environment for its intrinsic value, values related to arts, wellness and heritage, enhancing the aesthetics of the community, providing parks for the enjoyment of the natural environment for residents and tourists, and protecting trails and trail assets and ensuring the safety of trail users.

USE ZONE TABLE: CONSERVATION-CULTURAL	
PERMITTED USES	**DISCRETIONARY USES**
-Campground (5.3.9) -subject to Condition 4 *-Custom manufacturing service and sales (5.3.14) subject to Condition 5* *-Uses set out in 3.1.5*	*-Outdoor Market (5.3.22)* *-Public gathering places-outdoor (5.6.5)* *-Resort-accommodation only (5.3.25.1)*

Conservation-Cultural Development Standards	
STANDARDS	**All Uses**
Min. Front Yard (m)	10
Max. Front Yard (m)[A]	32
Min. Side Yard (m)	5
Min. Flanking Side Yard (m)	6
Min. Rear Yard (m)	10
Max. Height (m)	15
[A]May be adjusted at the discretion of Council	

Conditions

1) Development shall conform to the requirements of Section 3.1.6.

2) Development standards for Conservation purposes are at the discretion of Council.

3) The existing or proposed trail system, either the East Coast Trail or a Town trail identified in the Town's Trails Master Plan, shall have a 15-metre buffer to protect the integrity of the route and safety of trail users.

4) No Recreational Vehicle campgrounds are allowed.

5) These services are limited to artist/artisan and cultural heritage businesses.

3.2.4 Protected Water Supply (PW)

The intent of this zone is to protect Water Supply Areas which are the source of drinking water for the Town of Portugal Cove-St. Philip's and neighbouring communities. The Protected Water Supply area is a provincially designated and protected water supply under the *Water Resources Act, 2002*.

USE ZONE TABLE **PROTECTED WATER SUPPLY**	
Uses shall be consistent with the 'Policy Directive on Land and Water Development in Protected Public Water Supply Areas' W.R. 95-01 (See Schedule F)	
PERMITTED USE CLASSES (See Condition (1) -*Uses set out in 3.1.5*	**DISCRETIONARY USE CLASSES**

Conditions:

1) Uses shall be consistent with the 'Policy Directive on Land and Water Development in Protected Public Water Supply Areas' by the Water Resource Management Division.

2) All land use and development activities within a designated Protected Water Supply under the *Water Resources Act, 2002* (except the Windsor Lake Protected Water Supply Area) shall be referred to the Water Resources Division of the provincial government for review and approval. No development is allowed without Water Resources approval. Refer to sections 4.1.10 Water Body Protection for more information regarding provincial government requirements. Any work within this designated Protected Public Water Supply Area shall comply with this Department's Policy for Land and Water Related Developments in Protected Public Water Supply Areas.

3) Development standards at the discretion of Council, subject to the Water Resources Management Division Policy W.R. 95-01.

4) Where the Windsor Lake Protected Water Supply Area falls within the Town's boundary, no development activity shall be undertaken without approval from the City of St. John's as authority for this watershed.

5) Where the Great Pond Potential Water Supply Area falls within the Town's boundary, no development activity shall be undertaken without approval from the Town of Torbay as authority for this potential water supply area.

3.2.5 Commercial-Industrial (CI)

USE ZONE TABLE: COMMERCIAL-INDUSTRIAL	
PERMITTED USES	**DISCRETIONARY USES**
-Commercial Land Use Class (5.3): All Uses, ***EXCEPT*** *Campgrounds, Resort – accommodation only, Hostel, Outdoor Market, Marina, and Short term residential rental* *-Industrial - General (5.4.8)* *-Industrial Mall (5.4.11)* *-Industrial - Light (5.4.10)* *-Protective and Emergency Service (5.6.3)* *-Public Gathering Places – Indoor (5.6.4)* *-Uses set out in 3.1.5*	*-Composting Facility (5.4.3)* *-Contractor, General (5.4.4)* *-Crematorium (5.4.2)* *-Energy Generation Facilities (5.4.5)* *-Industrial-Heavy and/or Hazardous (5.4.9)* *-Marina (5.3.18)* *-Outdoor Market (5.3.22)* *-Salvage/scrap yard (5.4.16)* *-Solid Waste/Recycle/Disposal/Compost (5.4.17)* *-Sports and Recreation Facilities (5.6.6)*

Commercial-Industrial Development Standards	
STANDARDS	**All Uses**
Min. Front yard (m)	4 (Subject to condition 3)
Min. Side yard (m)	4 (Subject to Condition 4)
Min. Flanking side yard (m)	4
Min. Rear yard (m)	8
Max. Height (m)	At discretion of Council

Conditions

1) Development shall 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 buildings to complement the setbacks of existing conforming buildings on adjoining or nearby lots on the same street and may allow buildings to be permitted to abut existing sidewalks.

3) Unimpeded emergency vehicle access of 4 metres shall be maintained between buildings, except where buildings are built with adjoining party walls.

3.2.6 Rural-Industry (RUR-I)

USE ZONE TABLE: RURAL-INDUSTRY	
PERMITTED USES	**DISCRETIONARY USES**
-Agriculture-related housing (5.2.1) *-Agri-Tourism (5.2.2)* *-Closed-Sided Animal Enclosure (5.2.3)* *-Community Garden (5.2.4)* *-Composting Facility (5.4.3)* *-Contractor, General (5.4.4)* *-Extension Residential (5.7.11)* *-Farm Operation (5.2.5)* *-Farm Retail Sales (5.2.7)* *-General Service/Repair Shop (5.3 16)* *-Home Business (3.5)-as set out in Condition 2* *-Horse Boarding Stable (5.2.8)* *-Keeping of animals (5.2.9)* *-Kennel (5.2.10)* *-Mineral Exploration-development (5.4.12)* *-Natural Resource-related uses (5.4.15)* *-Outdoor Market (5.3.22)* *-Protective and Emergency Services (5.6.3)* *-Residential Agriculture (5.2.11) including Hobby farm and Home Gardening* *-Single detached dwelling (5.7.1)-as set out in Conditions 5 & 6* *-Small Farm (Homestead) (5.2.12)* *-Uses set out in 3.1.5* *-Veterinary Clinic (5.3.30)*	*-Amusement establishment/use (5.3.1)* *-Amusement Park/Attraction (5.3.2)* *-Auto Body shop (5.3.3)* *-Automotive Repair (5.3.4)* *-Automotive sales and service establishment (5.3.5)* *-Building Supply Store (5.3.7)* *-Cemetery (5.6.1)* *-Campground (5.3.9)* *-Cottage (5.7.5)* *-Crematorium (5.4.2)* *-Custom Manufacturing Service and Sales (Small/Artisan) (5.3.14)* *-Energy Generation Facilities (5.4.5)* *-Farm Processing (5.2.6)* *-Home Business (3.5)-as set out in Condition 3* *-Industrial - Light (5.4.10)* *-Industrial - General (5.4.8)* *-Industrial Mall (5.4.11)* *-Industrial-Heavy and/or Hazardous (5.4.9)* *-Mineral Working (5.4.13)* *-Mining (5.4.14)* *-Public Gathering Places – Indoor (5.6.4)* *-Public Gathering Places – Outdoor (5.6.5)* *-Resort – Tourist Establishment (5.3.25)* *-Retail (5.3.27)* *-Salvage/scrap yard (5.4.16)* *-Service Station (5.3.29)* *-Solid Waste Recycle/Disposal and Composting Site (5.4.17)* *-Sport and Recreation facilities (5.6.6)*

Conditions

1) Development shall conform to the requirements of Section 3.1.6.

2) Home businesses that are permitted uses, including 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, 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. Artisan and other home crafts;
   d. Food preparation for catering services and baking where goods are consumed off-site;
   e. Music and dance lessons and educational tutoring;
   f. Studio and rehearsal spaces for artists;
   g. Telephone and mail order business; and,
   h. Daycare services, such as child care, or home-care; and similar occupations or businesses.

3) Home businesses as discretionary uses, including but not limited to:
   a. Art gallery and framing shop;
   b. Pet grooming services;
   c. Bed and Breakfasts;
   d. Boarding house;
   e. Furniture repair and upholstery; or
   f. Sale of bedding plants and trees grown on the same lot.

4) 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.

5) The Development standards are at the discretion of Council.

3.2.7 Mixed Development (MD)

USE ZONE TABLE: MIXED DEVELOPMENT	
PERMITTED USES	**DISCRETIONARY USES**
-Business support service (5.3.8) *-Child Care, Non-residential (5.3.10)* *-Service Club and Lodge (5.3.11)* *-Community Garden (5.2.4)* *-Convenience store (5.3.13)* *-Dormitory (5.7.9)* *-Garage/public parking, taxi stand (5.3.15)* *-General Service/repair shop (5.3.16)* *-Homes businesses (3.5)- as set out in Condition 3* *-Keeping of Animals (5.2.9)* *-Medical or Dental Clinic/office (5.3.19)* *-Non-market housing (5.7.8)* *-Offices: Professional, Financial and associated support services (5.3.24)* *-Personal Service (5.3.23)* *-Public Gathering Place – indoor (5.6.4)* *-Residential Agriculture (5.2.11)* *-Restaurant (5.3.26)* *-Retail (5.3.27)* *-Short Term Residential Rental (5.3.33)* *-Single detached dwelling (5.7.1)* *-Semi-detached dwelling (5.7.2)* *-Uses set out in 3.1.5*	*-Amusement establishment/use (5.3.1)* *-Apartment building* (5.7.4)* *-Bar/licensed liquor establishment (5.3.6)* *-Building supply store (5.3.7)* *-Contractor, General (5.4.4)* *-Contractor, Limited (Small) (5.3.12)* *-Custom manufacturing service and sales (small/artisan) (5.3.14)* *-Garage, Public parking/taxi stand (5.3.15)* *-Hostel (5.3.32)* *-Hotel or Inn (5.3.17)* *-Industrial – light (5.4.10)* *-Industrial Mall (5.4.11)* *-Institutional uses (5.6.2)* *-Mobile street vendor (non-food) or office (5.3.31)* *-Motel (5.3.20)* *-Outdoor Commercial Patio (5.3.21)* *-Outdoor Market (5.3.22)* *-Plex Housing (5.7.10)* *-Protective and Emergency services (5.6.3)* *-Public Gathering Places-indoor (5.6.4)* *-Public Gathering Places-outdoor (5.6.5)* *-Service Station (5.3.29)* *-Shopping centres/retail warehouse/strip mall (5.3.28)* *-Sport and Recreation Facilities (5.6.6)* *-Veterinary Clinic (5.3.30)*

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

Mixed Development - Development Standards Fully Serviced Lots (municipal water & municipal sewer)									
STANDARDS	**Single Detached Dwellings**		**Multiple Dwellings**		**Apartment Buildings**				**Non-Residential Building**
	Single Detached Dwelling	**Single Detached Dwelling with Pond Frontage**	**Semi-detached Dwelling**	**Plex Housing**	**One Bdrm**	**Two Bdrm**	**Three Bdrm**	**Four Bdrm**	
Min. Lot Area (m^2)	470	3,000	275[B]	275[B]	200[B]	200[B]	250[B]	300[B]	470
Min. Floor Area (m^2)	50	50	50[B]	50[B]	40[B]	40[B]	50[B]	50[B]	50
Min. Frontage (m)	15	30	10[B]	10[BC]	30				15
Min. Pond Frontage (m)		30							
Min. Front Yard (m)	6	6	6	6	6				6
Max. Front Yard (m)[A]	32	See 4.3.12	32	32	32				32
Min. Side Yard (m)	1.5	2.5	2.5	2.5	5				1.5
Min. Flanking Side Yard (m)	6	6	6	6	6				6
Min. Rear Yard (m)	9	9	9	9	9				9
Max. Lot Coverage (%)	33	33	33	33	33				33
Max. Height (m)	10	10	10	10	10				10
[A]May be adjusted at the discretion of Council [B]per unit [C]or as per Section 5.7.10 (4)									

Mixed Development - Development Standards Semi-Serviced Lots (municipal water and on-site sewer OR municipal sewer and on-site water)				
STANDARDS	**Single Detached Dwelling**		**Multiple Dwellings**	**Non-Residential Building**
	Single Detached Dwelling	**Single Detached Dwelling with Pond Frontage**	**Semi-detached Dwelling**	
Min. Lot Area (m^2)	1,400	3,000	1,400[B]	1,400
Min. Floor Area (m^2)	50	50	50[B]	50
Min. Frontage (m)	23	30	23[B]	23
Min. Water Frontage (m)		30		
Min. Front Yard (m)	6	6	6	6
Max. Front Yard (m)[A]	32	See 4.3.12	32	32
Min. Side Yard (m)	2.5	2.5	2.5	2.5
Min. Flanking Side Yard (m)	6	6	6	6
Min. Rear Yard (m)	9	9	9	9
Max. Lot Coverage (%)	33	33	33	33
Max. Height (m)	10	10	10	10
[A]May be adjusted at the discretion of Council [B]per unit				

Mixed Development - Development Standards Un-Serviced Lots (on-site water and on-site sewer)				
STANDARDS	**Single Detached Dwelling**		**Multiple Dwellings**	**Non-Residential Building**
	Single Detached Dwelling	**Single Detached Dwelling with Pond Frontage**	**Semi-detached Dwelling**	
Min. Lot Area (m^2)	1,860	8,000	1,860[B]	1,860
Min. Floor Area (m^2)	50	50	50[B]	50
Min. Frontage (m)	30	30	30[B]	30
Min. Water Frontage (m)		30		
Min. Front Yard (m)	9	9	9	9
Max. Front Yard (m)[A]	32	See 4.3.12	32	32
Min. Side Yard (m)	3	3	3	3
Min. Flanking Side Yard (m)	6	6	6	6
Min. Rear Yard (m)	9	9	9	9
Max. Lot Coverage (%)	33	33	33	33
Max. Height (m)	10	10	10	10
[A]May be adjusted at the discretion of Council [B]per unit				

Conditions

1) Development shall 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 a new building to complement the setbacks of existing conforming buildings on adjoining or nearby lots on the same street and may allow buildings to be permitted to abut existing sidewalks.

3) Home businesses that are permitted uses, including 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, shoe repair, dressmaking, sewing repairs and tailor shop, small appliance, clock/watch, bicycle, ski and snowboard and computer repair, locksmiths, manicurists;
   c. Artisan and other home crafts;
   d. Food preparation for catering services and baking where goods are consumed off-site;
   e. Music and dance lessons and educational tutoring;
   f. Studio and rehearsal spaces for artists;
   g. Telephone and mail order business;
   h. Daycare services, such as child care, or home-care; and similar occupations or businesses;

i. Art gallery and framing shop;
a. Pet grooming services;
b. Bed and Breakfasts;
c. Boarding house;
d. Furniture repair and upholstery; and,
e. Sale of bedding plants and trees grown on the same lot.

4) More than one (1) building may be constructed on a single parcel of land as a Planned Unit Development in accordance with the provincial *Condominium Act, 2009,* as amended, and, notwithstanding the development standards for the Mixed Development zone, shall comply with the following standards:

Mixed Development - Development Standards Fully Serviced Lots in Planned Unit Developments (municipal water & municipal sewer)						
STANDARDS	**Multiple Dwellings**	**Apartment Buildings**				**Non-Residential Building**
	Plex Housing	**One Bdrm**	**Two Bdrm**	**Three Bdrm**	**Four Bdrm**	
Min. Lot Area (m²)	350*	200[C]	200[C]	250[C]	300[C]	470[C]
Min. Floor Area (m²)	50*	40[C]	40[C]	50[C]	50[C]	50[C]
Min. Frontage (m)[A]	30	30				15
Min. Front Yard (m)	6	6				6
Max. Front Yard (m)[B]	32	32				32
Min. Side Yard (m)	5	5				1.5
Min. Flanking Side Yard (m)	6	6				6
Min. Distance from Other Buildings (m)	2.4	2.4				2.4
Min. Rear Yard (m)	9	9				9
Max. Lot Coverage (%)	33	33				33
Max. Height (m)	10	10				10
[A]total for all buildings [B]only one building must comply with this standard [C]per unit						

3.2.8 Community Mixed (CM)

USE ZONE TABLE: COMMUNITY MIXED	
PERMITTED USES	**DISCRETIONARY USES**
-Apartment building (5.7.4) *-Business support service (5.3.8)* *-Child Care, Non-residential (5.3.10)* *-Service Club and Lodge (5.3.11)* *-Community Garden (5.2.4)* *-Convenience store (5.3.13)* *-Dormitory (5.7.9)* *-General Service/repair shop (5.3.16)* *-Home Business (3.5) -as set out in Condition 5* *-Hostel (5.3.32)* *-Institutional Use (5.6.2)* *-Keeping of Animals (5.2.9)* *-Medical or Dental Clinic/office (5.3.19)* *-Non-Market Housing (5.7.8)* *-Offices: Professional, Financial and Associated Support Services (5.3.24)* *-Personal Service (5.3.23)* *-Plex housing (5.7.10)* *-Protective and Emergency Services (5.6.3)* *-Public Gathering Places – indoor (5.6.4)* *-Public Gathering Places - outdoor (5.6.5)* *-Residential Agriculture (5.2.11)* *-Restaurants (5.3.26)* *-Retail (5.3.27)* *-Semi-detached dwelling (5.7.2)* *-Short Term Residential Rental (5.3.33)* *-Single detached dwelling (5.7.1)* *-Sports and recreation facilities (5.6.6)* *-Uses set out in 3.1.5*	*-Amusement establishment/use (5.3.1)* *-Bar/licensed liquor establishment (5.3.6)* *-Garage, public parking/taxi stand (5.3.15)* *-Mobile street vendor (non-food) or office (5.3.31)* *-Outdoor Commercial patio (5.3.21)* *-Outdoor Market (5.3.22)* *-Shopping centres/retail warehouse/strip mall (5.3.28)* *-Tiny homes (5.7.7)*

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

Community Mixed Development Standards	
STANDARDS	**All Uses**
Min. Front Yard (m)	9
Max. Front Yard (m)[A]	32
Min. Side Yard (m)	5
Min. Flanking Side Yard (m)	6
Min. Rear Yard (m)	10
Max. Lot Coverage (%)	40%
Max. Height (m)	15
[A]May be adjusted at the discretion of Council	

Conditions

1) Development shall 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 buildings to complement the setbacks of existing conforming buildings on adjoining or nearby lots on the same street and may allow buildings to be permitted to abut existing sidewalks.

3) Unimpeded emergency vehicle access of 4 metres between buildings, except where buildings are built with adjoining party walls.

4) Single Detached Dwellings and multiple dwellings not part of a Planned Unit Development must comply with the development standards of the Mixed Development zone.

5) Home businesses that are permitted uses, including 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, shoe repair, dressmaking, sewing repairs and tailor shop, small appliance, clock/watch, bicycle, ski and snowboard and computer repair, locksmiths, manicurists;
   c. Artisan and other home crafts;
   d. Food preparation for catering services and baking where goods are consumed off-site;
   e. Music and dance lessons and educational tutoring;
   f. Studio and rehearsal spaces for artists;
   g. Telephone and mail order business;
   h. Daycare services, such as child care, or home-care; and similar occupations or businesses;
   i. Art gallery and framing shop;
   j. Pet grooming services;
   k. Bed and Breakfasts;

l. Boarding house;
m. Furniture repair and upholstery; and,
n. Sale of bedding plants and trees grown on the same lot.

5) More than one (1) building may be constructed on a single parcel of land as a Planned Unit Development in accordance with the provincial *Condominium Act, 2009,* as amended, and, notwithstanding the development standards for the Mixed Development zone, shall comply with the following standards:

Community Mixed Development Standards **Fully Serviced Lots in Planned Unit Developments (municipal water & municipal sewer)**						
STANDARDS	**Multiple Dwellings**	**Apartment Buildings**				**Non-Residential Building**
	Plex Housing	**One Bdrm**	**Two Bdrm**	**Three Bdrm**	**Four Bdrm**	
Min. Lot Area (m^2)	350[C]	200[C]	200[C]	250[C]	300[C]	350[C]
Min. Floor Area (m^2)	50[C]	40[C]	40[C]	50[C]	50[C]	50[C]
Min. Frontage (m)[A]	30	30				30
Min. Front Yard (m)	6	6				6
Max. Front Yard (m)[B]	32	32				32
Min. Side Yard (m)	5	5				5
Min. Distance from Other Buildings (m)	2.4	2.4				2.4
Min. Rear Yard (m)	9	9				9
Max. Lot Coverage (%)	33	33				33
Max. Height (m)	10	10				10
[A] total for all buildings [B] only one building must comply with this standard [C] per unit						

3.2.9 Traditional Community (TC)

USE ZONE TABLE: TRADTIONAL COMMUNITY	
PERMITTED USES	**DISCRETIONARY USES**
-Keeping of Animals (5.2.9) *-Child Care, non-residential (5.3.10)* *-Community Garden (5.2.4)* *-Convenience store (5.3.13)* *-Home Business (3.5)-as set out in Condition 2* *-Marina (5.3.18)* *-Medical or Dental Clinic/office (5.3.19)* *-Non-Market Housing (5.7.8)* *-Personal Service (5.3.23)* *-Public Gathering Place – indoor (5.6.4)* *-Residential Agriculture (5.2.11)* *-Restaurants (5.3.26)* *-Retail (5.3.27)* *-Semi-detached dwelling (5.7.2)* *-Short Term Residential Rental (5.3.33)* *-Single Detached Dwelling (5.7.1)* *-Uses set out in 3.1.5*	*-Amusement establishment/use (5.3.1)* *-Aquaculture facility (5.4.1)* *-Bar/licensed liquor establishment (5.3.6)* *-Business support service (5.3.8)* *-Campground (5.3.9)* *-Cemetery (5.6.1)* *-Service Club and Lodge (5.3.11)* *-Fishery Use (5.4.6)* *-General Service/repair shop (5.3.16)* *-Home Business (3.5)-as set out in Condition 3* *-Hostel (5.3.32)* *-Hotel or inn (5.3.17)* *-Industrial - General (5.4.8)* *-Industrial - Light (5.4.10)* *-Institutional Use (5.6.2)* *-Motel (5.3.20)* *-Outdoor Market (5.3.22)* *-Personal Service (5.3.23)* *-Protective and emergency services (5.6.3)* *-Public Gathering Places-outdoor (5.6.5)* *-Resort-Accommodations only (5.3.25.1)* *-Small farm (homestead) (5.2.12)* *-Sports and Recreation facilities (5.6.6)* *-Plex Housing (5.7.10)*

Traditional Community Development Standards Fully Serviced Lots (municipal water & municipal sewer)									
STANDARDS	**Single Detached Dwellings**		**Multiple Dwellings**		**Apartment Buildings**				**Non-Residential Building**
	Single Detached Dwelling	**Single Detached Dwelling with Pond Frontage**	**Semi-detached Dwelling**	**Plex Housing**	**One Bdrm**	**Two Bdrm**	**Three Bdrm**	**Four Bdrm**	
Min. Lot Area (m^2)	470	3,000	275[B]	350[B]	200[B]	200[B]	250[B]	300[B]	470
Min. Floor Area (m^2)	50	50	50[B]	50[B]	40[B]	40[B]	50[B]	50[B]	50
Min. Frontage (m)	15	30	10[B]	10[BC]	30				15
Min. Pond Frontage (m)		30							
Min. Front Yard (m)	6	6	6	6	6				6
Max. Front Yard (m)[A]	32	See 4.3.12	32	32	32				32
Min. Side Yard (m)	1	2.5	1	2.5	5				1
Min. Flanking Side Yard (m)	6	6	6	6	6				6
Min. Rear Yard (m)	9	9	9	9	9				9
Max. Lot Coverage (%)	33	33	33	33	33				33
Max. Height (m)	8	8	8	8	8				8
[A]May be adjusted at the discretion of Council [B]per unit [C]or as per Section 5.7.10 (4)									

Traditional Community Development Standards SEMI-SERVICED LOTS (municipal water and on-site sewer OR municipal sewer and on-site water)				
STANDARDS	**Single Detached Dwelling**		**Multiple Dwellings**	**Non-Residential Building**
	Single Detached Dwelling	**Single Detached Dwelling with Pond Frontage**	**Semi-detached Dwelling**	
Min. Lot Area (m^2)	1,400	3,000	1,400[B]	1,400
Min. Floor Area (m^2)	50	50	50[B]	50
Min. Frontage (m)	23	23	23[B]	23
Min. Pond Frontage (m)		23		
Min. Front Yard (m)	6	6	6	6
Max. Front Yard (m)[A]	32	See 4.3.12	32	32
Min. Side Yard (m)	2.5	2.5	2.5	2.5
Min. Flanking Side Yard (m)	6	6	6	6
Min. Rear Yard (m)	9	9	9	9
Max. Lot Coverage (%)	33	33	33	33
Max. Height (m)	8	8	8	8
[A]May be adjusted at the discretion of Council [B]per unit				

Traditional Community Development Standards UN-SERVICED LOTS (on-site water and on-site sewer)				
STANDARDS	**Single Detached Dwelling**		**Multiple Dwellings**	**Non-Residential Building**
	Single Detached Dwelling	**Single Detached Dwelling with Pond Frontage**	**Semi-detached Dwelling**	
Min. Lot Area (m^2)	1,860	8,000	1,860[B]	1,860
Min. Floor Area (m^2)	50	50	50[B]	50
Min. Frontage (m)	30	30	30[B]	30
Min. Pond Frontage (m)		30		
Min. Front Yard (m)	9	9	9	9
Max. Front Yard (m)[A]	32	See 4.3.12	32	32
Min. Side Yard (m)	3	3	3	3
Min. Rear Yard (m)	9	9	9	9
Max. Lot Coverage (%)	33	33	33	33
Max. Height (m)	8	8	8	8
[A]May be adjusted at the discretion of Council [B]per unit				

Conditions

1) Subject to all other applicable requirements as set out in 3.1.6.

2) Home businesses that are permitted uses, including 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, shoe repair, dressmaking, sewing repairs and tailor shop, small appliance, clock/watch, bicycle, ski and snowboard and computer repair, locksmiths, manicurists;
   c. Artisan and other home crafts;
   d. Food preparation for catering services and baking where goods are consumed off-site;
   e. Music and dance lessons and educational tutoring;
   f. Studio and rehearsal spaces for artists;
   g. Telephone and mail order business; and,
   h. Daycare services, such as child care, or home-care; and similar occupations or businesses.

3) Home businesses as discretionary uses, including but not limited to:
   a. Art gallery and framing shop;
   b. Pet grooming services;
   c. Bed and Breakfasts;
   d. Boarding house;

e. Furniture repair and upholstery; and,
f. Sale of bedding plants and trees grown on the same lot.

4) **Commercial and Public Buildings:** The permitted floor area and building mass of a new or expanding commercial or public building must comply with the development standards for a non-residential building. In review of the proposal, Council may define additional terms and conditions to ensure the proposed development complements, or is compatible with, the character of the surrounding area. It may also reject proposals altogether if it feels the development will adversely affect the area's heritage character in design appearance and architectural style.

5) **General and Light Industrial Uses**: General and light industrial uses of a traditional type and scale (e.g. related to fish harvesting, small-scale fish processing, marine transportation and warehouses) may be considered and allowed at the discretion of Council subject to the following conditions:

a. Outdoor storage will not be permitted in front yards unless it can be clearly demonstrated that such storage is vital to the operation. Storage may be permitted in side yards (where access to and maintenance of on-site buildings is not impeded) and/or rear yards. Council may require fencing or other forms of screening to avoid unsightly appearances.

b. A minimum of ten (10.0) metres shall be required between general and light industrial uses and abutting residential uses. Vegetation and structural barriers may be required.

c. Uses having close ties to traditional uses may be considered. For example, a marine-related business such as a tour boat or scuba diving operation or a small food processing business;

d. The use shall not be intrusive in terms of noise, odour and appearance; and,

e. The use shall not result in increased traffic flow or parking problems in the community.

6) **Heritage Preservation**: It is a priority of Council to preserve heritage sites and buildings in the Traditional Community zone. Therefore, Council will undertake the following in the Traditional Community zone:

a. Council will consider a range of proposals for new and enhanced uses of historical sites and buildings that will facilitate their preservation, and will pursue all available options to prevent their demolition; and,
b. Priority will be given to ensuring that new buildings proposed in the Traditional Community zone conform to the character of the site and do not detract from historical buildings and land use character.

7) **Non-Residential Development**: A non-residential development permitted as a discretionary use will be subject to the following conditions:

   a. Council may require special conditions to ensure it enhances, or does not detract from, the architectural and landscape heritage of surrounding buildings and sites;

   b. A freestanding non-residential development on a separate lot shall comply with the development standards tables established for non-residential buildings;

   c. It must be located and designed to minimize the impact of traffic, appearance, noise, odour, lighting and signage on surrounding residential uses;

   d. It must be designed and maintained to a high standard with regard to safety, appearance, and compatibility with surrounding land uses;

   e. It must provide for adequate off-street parking in accordance with Schedule B;

   f. Outdoor storage associated with the use will not be permitted in the front yard unless adequately screened and otherwise authorized by Council. Storage may be permitted in side (so long as access to and maintenance of the on-site buildings is not impeded) and rear yards subject to terms and conditions aimed at reducing potential visual impacts on neighbouring properties;

   g. A non-residential development may be required to establish spatial buffers and/or screening (e.g. fencing) between the development and abutting residential uses;

   h. Permission to develop the non-residential use will be in accordance with a development permit issued by Council; and

   i. No change in the type or scale of the use will be permitted except in accordance with the development permit.

8) More than one (1) building may be constructed on a single parcel of land as a Planned Unit Development in accordance with the provincial *Condominium Act, 2009,* as amended, and, notwithstanding the development standards for the Traditional Community zone, shall comply with the following standards:

Traditional Community Development Standards Fully Serviced Lots in Planned Unit Developments (municipal water & municipal sewer)		
STANDARDS	**Multiple Dwellings** **Plex Housing**	**Non-Residential Building**
Min. Lot Area (m^2)	350[C]	500[C]
Min. Floor Area (m^2)	50[C]	50[C]
Min. Frontage (m)[A]	30	30
Min. Front Yard (m)	6	8
Max. Front Yard (m)[B]	32	32
Min. Side Yard (m)	5	5
Min, Flanking Side Yard (m)	6	6
Min. Distance from Other Buildings (m)	2.4	2.4
Min. Rear Yard (m)	9	9
Max. Lot Coverage (%)	33	33
Max. Height (m)	8	8
[A]total for all buildings [B]only one building must comply with this standard [C]per unit		

3.2.10 Public Use (PU)

USE ZONE TABLE: PUBLIC USE	
PERMITTED USES	**DISCRETIONARY USES**
-Amusement establishment/use (5.3.1) *-Child Care-non-residential (5.3.10)* *-Service Club and lodge (5.3.11)* *-Community Garden (5.2.4)* *-Garage, Public Parking/taxi stand (5.3.15)* *-Institutional Use (5.6.2)* *-Medical and Dental clinic/office (5.3.19)* *-Public Gathering Place – indoor (5.6.4)* *-Public Gathering Place – outdoor (5.6.5)* *-Sports and recreation facilities (5.6.6)* *-Restaurants – (5.3.26)* *-Uses set out in 3.1.5*	*-Cemetery (5.6.1)* *-Outdoor Market (5.3.22)*

Conditions

1) Development shall 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 buildings to complement the setbacks of existing conforming buildings on adjoining or nearby lots on the same street and may allow buildings to be permitted to abut existing sidewalks.

3.2.11 Recreation (REC)

USE ZONE TABLE: RECREATION	
PERMITTED USES	**DISCRETIONARY USES**
-ALL Conservation uses (5.5) *-Amusement Park/Attraction (5.3.2)* *-Child care - non-residential (5.3.10)* *-Community Garden (5.2.4)* *-Institutional Uses – (5.6.2) INSTITUTIONAL USES LIMITED TO recreation complex, such as an arena, multi-use sports and entertainment centres, swimming pools; and outdoor sports fields & bleachers* *-Mobile Street Vendor (non-food) or office (5.3.31)* *-Public Gathering-Outdoor (5.6.5)* *-Sports and Recreation Facilities (5.6.6)* *-Uses set out in 3.1.5*	*-Campground (5.3.9)* *-Marina (5.3.18)* *-Outdoor Market (5.3.22)*

Recreation Development Standards	
STANDARDS	**All Uses**
Min. Front Yard (m)	10
Max. Front Yard (m)[A]	32
Min. Side Yard (m)	5
Min. Flanking Side Yard (m)	6
Min. Rear Yard (m)	10
Max. Height (m)	15
[A]May be adjusted at the discretion of Council	

Conditions

1) Development shall 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) Unimpeded emergency vehicle access of 4 metres between buildings, except where buildings are built with adjoining party walls.

3.2.12 Arts, Wellness and Heritage (AWH)

USE ZONE TABLE: ARTS, WELLNESS & HERITAGE	
PERMITTED USES	**DISCRETIONARY USES**
-Campground (5.3.9)-as set out in Condition 2 *-Child care - non-residential (5.3.10)* *-Community Garden (5.2.4)* *-Custom Manufacturing Service and Sales (small/ artisan) (5.3.14)–as set out in Condition 3* *-Garage, public parking/taxi stand (5.3.15)* *-Offices: Professional, Financial and Associated Support Services (5.3.24)* *-Outdoor Market (5.3.22)* *-Public Gathering Places – Indoor (5.6.4)* *-Public Gathering Places – Outdoor (5.6.5)* *-Resort – Tourist Establishment (5.3.25)* *-Restaurants (5.3.26)* *-Retail (5.3.27)* *-Short Term Residential Rental (5.3.33)* *-Uses set out in 3.1.5*	*-Agri-Tourism (5.2.2)* *-Amusement establishment/use (5.3.1)* *-Bar/licensed liquor establishment (5.3.6)* *-Business support service (5.3.8)* *-Service Club and lodge (5.3.11)* *-Hostel (5.3.32)* *-Mobile street vendor (non food) or office (5.3.31)* *-Personal service (5.3.23)*

Conditions

1) Development shall conform to the requirements of Section 3.1.6.

2) No Recreation Vehicle campground is allowed.

3) These artisan uses shall be limited to the manufacture and sale of arts, wellness and heritage products only.

4) Development standards shall be established at the discretion of Council.

3.2.13 Residential Low Density (RLD)

USE ZONE TABLE: RESIDENTIAL LOW DENSITY	
PERMITTED USES	**DISCRETIONARY USES**
-Child Care - non-residential (5.3.10) *-Community Garden (5.2.4)* *-Convenience store (5.3.13)* *-Home Business (3.5)-as set out in Condition 2* *-Keeping of Animals (5.2.9)* *-Non-Market Housing (5.7.8)* *-Residential Agriculture (5.2.11)* *-Short-Term Residential Rental (5.3.33)* *-Single Detached Dwelling (5.7.1)* *-Uses set out in 3.1.5*	*-Business support service (5.3.8)* *-Convenience store (5.3.13)* *-Energy Generation facilities (5.4.5) -private only* *-Home Business (3.5)-as set out in Condition 3* *-Hostel (5.3.32)* *-Institutional Use (5.6.2)* *-Offices: Professional, Financial and Associated Support Services (5.3.24)* *-Personal Service (5.3.23)* *-Public Gathering Places - Indoor (5.6.4)* *-Restaurant-drive through & take out (5.3.26.1)* *-Retail (5.3.27)* *-Semi-detached dwelling (5.7.2)* *-Small Farm (Homestead) (5.2.13)*

Residential Low Density Development Standards **Fully-Serviced Lots (municipal water & municipal sewer)**				
STANDARDS	**Single Detached Dwellings**		**Multiple Dwellings**	**Non-Residential Building**
	Single Detached Dwelling	**Single Detached Dwelling with Pond Frontage**	**Semi-detached Dwelling**	
Min. Lot Area (m^2)	690	3,000	403[B]	690
Min. Floor Area (m^2)	50	50	50[B]	50
Min. Frontage (m)	23	30	15[B]	23
Min. Pond Frontage (m)		30		
Min. Front Yard (m)	6	6	6	6
Max. Front Yard (m)[A]	32	See 4.3.12	32	32
Min. Side Yard (m)	2.5	2.5	2.5	2.5
Min. Flanking Side Yard (m)	6	6	6	6
Min. Rear Yard (m)	9	9	9	9
Max. Lot Coverage (%)	25	25	25	25
Max. Height (m)	10	10	10	10
[A]May be adjusted at the discretion of Council [B]per unit				

Residential Low Density Development Standards Semi-Serviced Lots (municipal water and on-site sewer OR municipal sewer and on-site water)			
STANDARDS	**Single Detached Dwellings**		**Non-Residential Building**
	Single Detached Dwelling	**Single Detached Dwelling with Pond Frontage**	
Min. Lot Area (m^2)	1,400	3,000	1,400
Min. Floor Area (m^2)	50	50	50
Min. Frontage (m)	23	30	23
Min. Pond Frontage (m)		30	
Min. Front Yard (m)	9	9	9
Max. Front Yard (m)[A]	32	See 4.3.12	32
Min. Side Yard (m)	3	3	3
Min. Flanking Side Yard (m)	6	6	6
Min. Rear Yard (m)	9	9	9
Max. Lot Coverage (%)	25	25	25
Max. Height (m)	10	10	10
[A]May be adjusted at the discretion of Council			

Residential Low Density Development Standards Un-Serviced Lots (on-site water AND on-site sewer)			
STANDARDS	**Single Detached Dwellings**		**Non-Residential Building**
	Single Detached Dwelling	**Single Detached Dwelling with Pond Frontage**	
Min. Lot Area (m^2)	1,860	8,000	1,860
Min. Floor Area (m^2)	50	50	50
Min. Frontage (m)	30	30	30
Min. Pond Frontage (m)		30	
Min. Front Yard (m)	9	9	9
Max. Front Yard (m)[A]	32	See 4.3.12	32
Min. Side Yard (m)	3	3	3
Min. Flanking Side Yard (m)	6	6	6
Min. Rear Yard (m)	9	9	9
Max. Lot Coverage (%)	25	25	25
Max. Height (m)	10	10	10
[A]May be adjusted at the discretion of Council			

Conditions

1) Subject to all other applicable requirements as set out in 3.1.6.

2) Home businesses that are permitted uses, including 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, shoe repair, dressmaking, sewing repairs and tailor shop, small appliance, clock/watch, bicycle, ski and snowboard and computer repair, locksmiths, manicurists;
   c. Artisan and other home crafts;
   d. Food preparation for catering services and baking where goods are consumed off-site;
   e. Music and dance lessons and educational tutoring;
   f. Studio and rehearsal spaces for artists;
   g. Telephone and mail order business; and,
   h. Daycare services, such as child care, or home-care; and similar occupations or businesses.

3) Home businesses as discretionary uses, including but not limited to:
   a. Art gallery and framing shop;
   b. Pet grooming services;
   c. Bed and Breakfasts;
   d. Boarding house
   e. Furniture repair and upholstery; and,
   f. Sale of bedding plants and trees grown on the same lot.

3.2.14 Residential Medium Density (RMD)

USE ZONE TABLE: RESIDENTIAL MEDIUM DENSITY	
PERMITTED USES	**DISCRETIONARY USES**
-Child Care - non-residential (5.3.10) *-Community Garden (5.2.4)* *-Convenience store (5.3.13)* *-Home Business (3.5)-as set out in Condition 2* *-Keeping of Animals (5.2.9)* *-Non-Market Housing (5.7.8)* *-Residential Agriculture (5.2.1)* *-Semi-detached Dwelling (5.7.2)* *-Short-Term Residential Rental (5.3.33)* *-Single Detached Dwelling (5.7.1)* *-Uses set out in 3.1.5*	*-Business support service (5.3.8)* *-Energy Generation facilities (5.4.5) -private only* *-Home Business (3.5)-as set out in Condition 3* *-Hostel (5.3.32)* *-Institutional Use (5.6.2)* *-Offices: Professional, Financial and Associated Support Services (5.3.24)* *-Personal Service (5.3.23)* *-Plex housing (5.7.10)* *-Public Gathering Places - Indoor (5.6.4)* *-Restaurant-drive through & take out (5.3.26.1)* *-Retail (5.3.27)* *-Small Farm (Homestead) (5.2.12)*

Residential Medium Density Development Standards **Fully-Serviced Lots (municipal water and municipal sewer)**									
STANDARDS	**Single Detached Dwellings**		**Multiple Dwellings**		**Apartment Buildings**				**Non-Residential Building**
	Single Detached Dwelling	**Single Detached Dwelling with Pond Frontage**	**Semi-detached Dwelling**	**Plex Housing**	**One Bdrm**	**Two Bdrm**	**Three Bdrm**	**Four Bdrm**	
Min. Lot Area (m^2)	470	3,000	275[B]	275[B]	200[B]	200[B]	250[B]	300[B]	470
Min. Floor Area (m^2)	50	50	50[B]	50[B]	40[B]	40[B]	50[B]	50[B]	50
Min. Frontage (m)	15	30	10[B]	10[BC]	30				15
Min. Water Frontage (m)		30							
Min. Front Yard (m)	6	6	6	6	6				6
Max. Front Yard (m)[A]	32	See 4.3.12	32	32	32				32
Min. Side Yard (m)	1.5	2.5	2.5	2.5	5				1.5
Min. Flanking Side Yard (m)	6	6	6	6	6				6
Min. Rear Yard (m)	9	9	9	9	14				9
Max. Lot Coverage (%)	33	33	33	33	33				33
Max. Height (m)	10	10	10	10	10				10
[A]May be adjusted at the discretion of Council [B]per unit [C]or as per Section 5.7.10 (4)									

Residential Medium Density Development Standards Semi-Serviced Lots (municipal water and on-site sewer OR municipal sewer and on-site water)			
STANDARDS	**Single Detached Dwelling**		**Non-Residential Building**
	Single Detached Dwelling	**Single Detached Dwelling with Pond Frontage**	
Min. Lot Area (m^2)	1,400	3,000	1,400
Min. Floor Area (m^2)	50	50	50
Min. Frontage (m)	23	30	23
Min. Pond Frontage (m)		30	
Min. Front Yard (m)	6	6	9
Max. Front Yard (m)[A]	32	See 4.3.12	32
Min. Side Yard (m)	2.5	2.5	2.5
Min. Flanking Side Yard (m)	6	6	6
Min. Rear Yard (m)	9	9	9
Max. Lot Coverage (%)	33	33	33
Max. Height (m)	10	10	10
[A]May be adjusted at the discretion of Council			

Residential Medium Density Development Standards Un-Serviced Lots (on-site water and on-site sewer)			
STANDARDS	**Single Detached Dwellings**		**Non-Residential Building**
	Single Detached Dwelling	**Single Detached Dwelling with Pond Frontage**	
Min. Lot Area (m^2)	1,860	8,000	1,860
Min. Floor Area (m^2)	50	50	50
Min. Frontage (m)	23	30	30
Min. Pond Frontage (m)		30	
Min. Front Yard (m)	9	9	9
Max. Front Yard (m)[A]	32	See 4.3.12	32
Min. Side Yard (m)	3	3	3
Min. Flanking Side Yard (m)	6	6	6
Min. Rear Yard (m)	9	9	9
Max. Lot Coverage (%)	25	25	25
Max. Height (m)	10	10	10
[A]May be adjusted at the discretion of Council			

Conditions:

1) Subject to all other applicable requirements as set out in 3.1.6.

2) Home businesses that are permitted uses, including 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, shoe repair, dressmaking, sewing repairs and tailor shop, small appliance, clock/watch, bicycle, ski and snowboard and computer repair, locksmiths, manicurists;
   c. Artisan and other home crafts;
   d. Food preparation for catering services and baking where goods are consumed off-site;
   e. Music and dance lessons and educational tutoring;
   f. Studio and rehearsal spaces for artists;
   g. Telephone and mail order business; and,
   h. Daycare services, such as child care, or home-care; and similar occupations or businesses.

3) Home businesses as discretionary uses, including but not limited to:
   a. Art gallery and framing shop;
   b. Pet grooming services;
   c. Bed and Breakfasts;
   d. Boarding house
   e. Furniture repair and upholstery; and,
   f. Sale of bedding plants and trees grown on the same lot.

4) More than one (1) building may be constructed on a single parcel of land as a Planned Unit Development in accordance with the provincial *Condominium Act, 2009,* as amended, and, notwithstanding the development standards for the Residential Medium Density zone, shall comply with the following standards:

Residential Medium Density Development Standards **Fully-Serviced Lots in Planned Unit Developments (municipal water & municipal sewer)**		
STANDARDS	**Multiple Dwellings** **Plex Housing**	**Non-Residential Building**
Min. Lot Area (m^2)	350[C]	470[C]
Min. Floor Area (m^2)	50[C]	50[C]
Min. Frontage (m)[A]	30	15
Min. Front Yard (m)	6	6
Max. Front Yard (m)[B]	32	32
Min. Side Yard (m)	5	1.5
Min. Flanking Side Yard (m)	6	6
Min. Distance from Other Buildings (m)	2.4	2.4
Min. Rear Yard (m)	9	9
Max. Lot Coverage (%)	33	33
Max. Height (m)	10	10
[A] total for all buildings [B] only one building must comply with this standard [C] per unit		

3.2.15 Residential Rural (RR)

USE ZONE TABLE: RESIDENTIAL RURAL	
PERMITTED USES	**DISCRETIONARY USES**
-Child Care - non-residential (5.3.10) *-Community Garden (5.2.4)* *-Convenience store (5.3.13)* *-Home Business-Home Business (3.5)-as set out in Condition 2* *-Keeping of Animals (5.2.9)* *-Non-Market Housing (5.7.8)* *-Residential Agriculture (5.2.11)* *-Short-Term Residential Rental (5.3.33)* *-Single Detached Dwelling (5.7.1)* *-Uses set out in 3.1.5*	*-Energy Generation facilities (5.4.5) -private only* *-Home Business (3.5)-as set out in Condition 3* *-Institutional Use (5.6.2)* *-Offices: Professional, Financial and Associated Support Services (5.3.24)* *-Personal Service (5.3.23)* *-Public Gathering Places – indoor (5.6.4)* *-Retail (5.3.27)* *-Small Farm (Homestead) (5.2.12)*

Residential Rural Development Standards **Un-Serviced Lots (on-site water & on-site sewer)**			
STANDARDS	**Single Detached Dwelling**		**Non-Residential Building**
	Single Detached Dwelling	**Single Detached Dwelling with Pond Frontage**	
Min. Lot Area (m^2)	4,000	8,000	4,000
Min. Floor Area (m^2)	50	50	50
Min. Frontage (m)	30	30	30
Min. Pond Frontage (m)		30	
Min. Front Yard (m)	9	9	9
Max. Front Yard (m) [A]	32	See 4.3.12	32
Min. Side Yard (m)	3	3	3
Min. Flanking Side Yard (m)	6	6	6
Min. Rear Yard (m)	15	15	15
Max. Lot Coverage (%)	20	20	20
Max. Height (m)	10	10	10
[A]May be adjusted at the discretion of Council			

Conditions

1) Subject to all other applicable requirements as set out in 3.1.6.

2) Home businesses that are permitted uses, including 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, shoe repair, dressmaking, sewing repairs and tailor shop, small appliance, clock/watch, bicycle, ski and snowboard and computer repair, locksmiths, manicurists;
    c. Artisan and other home crafts;
    d. Food preparation for catering services and baking where goods are consumed off-site;
    e. Music and dance lessons and educational tutoring;
    f. Studio and rehearsal spaces for artists;
    g. Telephone and mail order business; and,
    h. Daycare services, such as child care, or home-care; and similar occupations or businesses.

3) Home businesses as discretionary uses, including but not limited to:
    a. Art gallery and framing shop;
    b. Pet grooming services;
    c. Bed and Breakfasts;
    d. Boarding house
    e. Furniture repair and upholstery; and,
    f. Sale of bedding plants and trees grown on the same lot.

3.2.16 Residential Small Lot (RSL)

USE ZONE TABLE: RESIDENTIAL SMALL LOT	
PERMITTED USES	**DISCRETIONARY USES**
-Apartment Building (5.7.4) *-Child Care - non-residential (5.3.10)* *-Community Garden (5.2.4)* *-Convenience store (5.3.13)* *-Home Business (3.5)-as set out in Condition 2* *-Medical or Dental Clinic/office (5.3.19)* *-Mini Home (5.7.6)* *-Non-Market Housing (5.7.8)* *-Plex Housing (5.7.10)* *-Residential Agriculture (5.2.11)* *-Semi-Detached Dwelling (5.7.2)* *-Short-Term Residential Rental (5.3.33)* *-Single Detached Dwelling (5.7.1)* *-Uses set out in 3.1.5*	*-Dormitory (5.7.9)* *-Energy Generation facilities (5.4.5) – private only* *-Home Business (3.5)-as set out in Condition 3* *-Offices: Professional, Financial and Associated Support Services (5.3.24)* *-Personal Service (5.3.23)* *-Institutional Use (5.6.2)– school and nursing home only* *-Retail (5.3.27)* *-Tiny home (5.7.7)*

Development Standards **RSL Fully-Serviced Lots** **(municipal water & municipal sewer)**								
STANDARDS	**Single Detached Dwellings**	**Single Detached Dwellings (Mini Homes)**	**Semi-detached Dwelling**	**Plex Housing**	**Apartment Building**			
					One Bdrm	**Two Bdrm**	**Three Bdrm**	**Four Bdrm**
Min. Lot Area (m^2)	360	225	275[B]	200[B]	170[B]	200[B]	230[B]	250[B]
Min. Floor Area (m^2)	50	n/a	50[B]	47[B]	40[B]	40[B]	50[B]	50[B]
Min. Frontage (m)	12	7.5	10[B]	6[BC]	30			
Min. Front Yard (m)[A]	8	8	8	8	8			
Min. Side Yard (m)	1.5	1.5	2	3	5			
Min. Flanking Side Yard (m)	6	6	6	6	7			
Min. Rear Yard (m)	6	6	6	7	7			
Min. Lot Depth (m)	30	30	30		n/a			
Max. Lot Coverage (%)	35	28	35[B]	35[B]	35			
Max. Height (m)	10	10	10	10	10			
[A]May be adjusted at the discretion of Council [B] per unit [C]or as per Section 5.7.10 (4)								

Conditions

1) Subject to all other applicable requirements as set out in 3.1.6.

2) Home businesses that are permitted uses, including 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, shoe repair, dressmaking, sewing repairs and tailor shop, small appliance, clock/watch, bicycle, ski and snowboard and computer repair, locksmiths, manicurists;
    c. Artisan and other home crafts;
    d. Food preparation for catering services and baking where goods are consumed off-site;
    e. Music and dance lessons and educational tutoring;
    f. Studio and rehearsal spaces for artists;
    g. Telephone and mail order business; and,
    h. Daycare services, such as child care, or home-care; and similar occupations or businesses.

3) Home businesses as discretionary uses, including but not limited to:
    a. Art gallery and framing shop;
    b. Pet grooming services;
    c. Bed and Breakfasts;
    d. Boarding house;
    e. Furniture repair and upholstery;
    f. Sale of bedding plants and trees grown on the same lot;

4) More than one (1) building may be constructed on a single parcel of land as a Planned Unit Development in accordance with the provincial *Condominium Act, 2009,* as amended, and, notwithstanding the development standards for the Residential Small Lot zone, shall comply with the following standards:

Residential Small Lot Development Standards Fully-Serviced Lots in Planned Unit Developments (municipal water & municipal sewer)						
STANDARDS	**Multiple Dwellings**	**Apartment Buildings**				**Non-Residential Building**
	Plex Housing	**One Bdrm**	**Two Bdrm**	**Three Bdrm**	**Four Bdrm**	
Min. Lot Area (m^2)	200[C]	170[C]	210[C]	230[C]	250[C]	360[C]
Min. Floor Area (m^2)	47[C]	40[C]	50[C]	50[C]	50[C]	50[C]
Min. Frontage (m)[A]	30	30				12
Min. Front Yard (m)	8	6				8
Max. Front Yard (m)[B]	32	32				32
Min. Side Yard (m)	5	5				1.5
Min. Flanking Side Yard (m)	6	6				6
Min. Distance from Other Buildings (m)	2.4	2.4				2.4
Min. Rear Yard (m)	9	9				6
Max. Lot Coverage (%)	35	33				35
Max. Height (m)	10	10				10
[A] total for all buildings [B] only one building must comply with this standard [C] per unit						

3.2.17 Residential Sustainable Subdivision (RSS)

Notwithstanding any other Section of these Regulations, Council may permit the development of residential sustainable subdivisions with the uses indicated the Use Zone Table.

USE ZONE TABLE: RESIDENTIAL SUSTAINABLE SUBDIVISION	
PERMITTED USES	**DISCRETIONARY USES**
-Child Care - non-residential (5.3.10) *-Community Garden (5.2.4)* *-Convenience store (5.3.13)* *-Home Business (3.5)-as set out in Condition 1* *-Keeping of Animals (5.2.9)* *-Non-Market Housing (5.7.8)* *-Residential Agriculture (5.2.11)* *-Semi-detached Dwelling (5.7.2)* *-Short-Term Residential Rental (5.3.33)* *-Single Detached Dwelling (5.7.1)* *-Plex Housing (5.7.10)* *-Uses set out in 3.1.5*	*-Apartment building* (5.7.4)* *-Energy Generation facilities (5.4.5) -private only* *-General Service/repair shop (5.3.16)* *-Home Business (3.5)-as set out in Condition 2* *-Offices: Professional, Financial and Associated Support Services (5.3.24)* *-Personal Service (5.3.23)* *-Restaurant-Take-out only (5.2.26)* *-Retail (5.3.27)* *-Tiny homes (5.7.7)*

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

Conditions:

1) Home businesses that are permitted uses, including 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, shoe repair, dressmaking, sewing repairs and tailor shop, small appliance, clock/watch, bicycle, ski and snowboard and computer repair, locksmiths, manicurists;
    c. Artisan and other home crafts;
    d. Food preparation for catering services and baking where goods are consumed off-site;
    e. Music and dance lessons and educational tutoring;
    f. Studio and rehearsal spaces for artists;
    g. Telephone and mail order business; and,
    h. Daycare services, such as child care, or home-care; and similar occupations or businesses.
2) Home businesses as discretionary uses, including but not limited to:
    a. Art gallery and framing shop;
    b. Pet grooming services;

c. Bed and Breakfasts;
d. Boarding house
e. Furniture repair and upholstery;
f. Sale of bedding plants and trees grown on the same lot;

Development Standards:

1) Requires submission of a residential sustainable subdivision concept plan which shall contain:

   a. A road layout for the proposed residential sustainable subdivision to be developed (which shall include constructed through connections to existing public streets and allowance for future connectivity to the remaining RSS zone); and,

   b. The lot layout by applying the development standards of any of the following zones:
      i. Residential Low Density (3.2.13),
      ii. Residential Medium Density (3.2.14),
      iii. Residential Rural (3.2.15), or
      iv. Residential Small Lot (3.2.16).

2) The residential sustainable subdivision concept plan is subject to all applicable requirements as set out in 3.2.17.

3) Requires submission of a Planning Impact Analysis (PIA) subject to all applicable requirements as set out in 2.6.2.

4) No development will be permitted in any area of the RSS zone until a detailed site plan has been prepared for the proposed residential sustainable subdivision and approved by Council, as follows:

   a. The detailed site plan will show all road(s), public open space, and detailed lot layout with areas, frontages, and setbacks according to the standards and conditions of the proposed densities for the RSS zone;

   b. Be subject to a planning and engineering evaluation that will assess the feasibility of the proposed development with respect to environmental impacts, storm drainage, traffic circulation, the expected costs of future municipal servicing and infrastructure maintenance;

   c. Council will consider approving a residential sustainable subdivision development application only if it deems the proposal to be feasible and appropriate for the area; and,

   d. The proposed concept plan must meet the requirements of Chapter 6 – Subdivision of Land.

5) The following considerations must be addressed for the RSS zones in the following locations:

#1: Neary's Pond/Western Round Pond

a. Public access to Neary's Pond and Western Round Pond shorelines;

b. Road linkages with Neary's Pond Road, Witch Hazel Road and Old Broad Cove Road;

c. Connections to trail system on Beachy Cove Hill, Greyman's Beard Hill and Princess Mountain Lookout;

d. Site design that is sensitive to environmentally sensitive area (waterbodies, watercourses, wetlands, steep slopes, and flood risk areas); and,

e. Appropriate transition with Residential, Rural and Agriculture surroundings.

#2: Mitchell's Pond/Hugh's Pond

a. Maintaining public access to Mitchell's Pond and Hugh's Pond;

b. Road linkages with Bennetts Road, Hugh's Pond Road and Oliver's Pond Road;

c. Integration of watercourse from Mitchell's Pond North into community design;

d. Site design that is sensitive to and preserves wetlands; and,

e. Appropriate transition with Residential and Protected Watershed surroundings.

#3: Tucker's Hill

a. Road linkage with Tucker's Hill Road;

b. Public access to the coastline and integration with the East Coast Trail;

c. Site design that is sensitive to steep slopes and scenic coastal views; and,

d. Appropriate transition with Public, Residential and Traditional Community surroundings.

6) Prior to a resolution for approval-in-principle, Council will give public notice of the proposed residential sustainable subdivision application and consider all comments and representations received in accordance with Section 6.1.4.

3.2.18 Rural (RUR)

The Rural zone is intended to protect the rural setting of the community and to be used primarily by natural resource industries such as agriculture, forestry, mineral working operations, conservation uses, and other uses which by the nature of size or activity is not suitable to be located in the built-up area of the community.

USE ZONE TABLE: RURAL	
PERMITTED USES	**DISCRETIONARY USES**
-Agriculture-related housing (5.2.1) *-Agri-Tourism (5.2.2)* *-Auto Body Shop (5.3.3)* *-Closed-Sided Animal Enclosure (5.2.3)* *-Community Garden (5.2.4)* *-Composting facility (5.4.3)* *-Extension residential (5.7.11)* *-Farm Operation (5.2.5)* *-Farm Retail Sales (5.2.7)* *-Forestry Activities (5.4.7)* *-Home Business (3.5)-as set out in Condition 2* *-Horse Boarding Stable (5.2.8)* *-Keeping of Animals (5.2.9)* *-Kennel (5.2.10)* *-Mineral Exploration (development) (5.4.12)* *-Natural Resource-Related Uses (5.4.15)* *-Outdoor Market (5.3.22)* *-Residential Agriculture (5.2.11) including Hobby Farm and Home Gardening* *-Resort (5.3.25)* *-Salvage/scrap yard (5.4.16)* *-Single detached dwelling (5.7.1)- as set out in Conditions 5 & 6* *-Small Farm (Homestead) (5.2.12)* *-Uses set out in 3.1.5*	*-Amusement establishment/use (5.3.1)* *-Amusement Park/Attraction (5.3.2)* *-Campground (5.3.9)* *-Cemetery (5.6.1)* *-Protective and Emergency Services (5.6.3)* *-Contractor, General (5.4.4)* *-Energy generation facilities (5.4.5)* *-Farm Processing (5.2.6)* *-Home Business (3.5)-as set out in Condition 3* *-Mineral Working (5.4.13)* *-Mining (5.4.14)* *-Public Gathering Place-Outdoor (5.6.5)* *-Cottage (5.7.5)* *-Resort (5.3.25)* *-Service Station (5.3.29)* *-Veterinarian Clinic (5.3.30)*

Conditions

1) Development shall conform to the requirements of Section 3.1.6.

2) Home businesses that are permitted uses, including 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, 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. Artisan and other home crafts;
d. Food preparation for catering services and baking where goods are consumed off-site;
e. Music and dance lessons and educational tutoring;
f. Studio and rehearsal spaces for artists;
g. Telephone and mail order business; and,
h. Daycare services, such as child care, or home-care; and similar occupations or businesses.

3) Home businesses as discretionary uses, including but not limited to:
   a. Art gallery and framing shop;
   b. Pet grooming services;
   c. Bed and Breakfasts;
   d. Boarding house
   e. Furniture repair and upholstery; and,
   f. Sale of bedding plants and trees grown on the same lot.

4) 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.

5) The Development standards are at the discretion of Council.

3.2.19 Eco Village Cluster (EVC)

USE ZONE TABLE: ECO VILLAGE CLUSTER	
PERMITTED	**DISCRETIONARY**
-Child Care-non-residential (5.3.10) *-Community Garden (5.2.4)* *-Home Business (3.5)-as set out in Condition 1* *-Keeping of Animals (5.2.9)* *-Plex housing (5.7.10)-as set out in Condition 2* *-Public Gathering Places - Indoor (5.6.4)* *-Public Gathering Places – Outdoor (5.6.5)* *-Residential Agricultural (5.2.11)* *-Short Term Residential Rental (5.3.33)* *-Single Detached Dwelling (5.7.1)-as set out in Condition 2 (e)* *-Uses in all zones (3.1.5)*	*-Agri-tourism (5.2.2)* *-Campground (5.3.9)* *-Farm retail sales (5.2.7)* *-Energy Generation Facilities-residential (5.4.5)* *-Resort-Accommodation only (5.3.25.1)* *-Small Farm (homestead) (5.2.12)*

Development Standards

ECO VILLAGE CLUSTER	Percentage of Eco Village Cluster zone
Buildings: Maximum area to be occupied by Ground-oriented Multi-dwellings, single detached dwelling, common buildings (Public gathering-indoor) and parking structures of the total property area	≤50%
Open space: outdoor amenities including open space, park, trails, community gardens, and public gathering places -outdoor uses of the total property	≥50%
Shared Non-Building Amenity Area: At least 10 percent of the project site area shall be maintained as common courtyard space. Common courtyard space shall be any undeveloped area designated, dedicated or otherwise reserved for public and/or private use and benefit as a natural area, greenway corridor or for recreational purposes as may be specified on the approved site plan	Minimum of 10% of the above 50% Open space

Conditions

1) The common amenity building (Public Gathering Places-Indoor) shall not be used for commercial purposes, such as a restaurant. Business activities shall not be the primary function of a common amenity building and no more than 50 percent of the area of a common amenity building shall be used

for home occupations. Activities that are part of a home occupation may take place in a portion of a common amenity building if specifically approved through a home occupation permit. All other rules and limitations regarding home occupations shall apply. Common amenity buildings or groups of residences are not to be used to conduct business activities that exceed the magnitude of activity normally associated with home occupations that are conducted within single-family residences. The number of home occupations and the area used for each may be regulated in order to limit cumulative impacts. The cohousing development agreement contract may provide for additional home occupation limitations.

2) Development standards for the Eco Village cohousing development:

   a. Notwithstanding Chapter 6, the standards related to the cul-de-sac and emergency access, which may be gravel, shall be set at the discretion of Council upon the submission of a comprehensive site plan;

   b. Cluster development design standards according to the National Building Code and all other applicable building codes shall apply to the design of the Eco Village Cluster cohousing layout;

   c. For cohousing structures with no frontage on a municipal road, each unit shall have a 3-metre walkway access which is also designed and suitable for use by an emergency vehicle;

   d. Walkways shall be required to link building entrances, streets, and parking;

   e. For single detached dwellings the standards in place on adjacent properties will apply to development of single detached dwellings in the Eco Village Cluster zone; and,

   f. Parking requirements: three spaces for every two dwelling units (1.5 spaces per dwelling).

3) A Development Agreement shall be required prior to any work commencing within the Eco Village Cluster zone. The Agreement shall contain:

   a. Site Plan: A full description of all development within the Eco Village Cluster zone including information and drawings (to scale) indicating the phases of development with details on roads, walkways and services, and confirmation by the appropriate agencies regarding provision of proposed water, sanitary sewer and storm water management services. The site plan shall contain information regarding:

      i. Site conditions: slope, drainage, existing vegetation, site hazards (if any);
      ii. General form and character of development including housing type (and number of dwelling units), communal structures and facilities, exterior design and finish of buildings;
      iii. Access and at-grade entrance to each dwelling unit by road, emergency access rights-of-way, pedestrian walkways (sidewalks/paths/trails), access from courtyard;
      iv. Communal open space and recreation areas, and private outdoor space provided either through front or rear yard patios/courtyards and/or rooftop decks;
      v. Community gardening areas and structures and Shared Non-Building Amenity Areas;
      vi. Parking;

vii. Landscaping, including internal system of walkways;

viii. Setbacks between buildings meet National Building Code standards and all other building standards and codes;

ix. No fence shall be constructed between the buildings that would obstruct emergency vehicle access;

x. Services: At a minimum, on-site water and sewer servicing and storm water management measures shall meet the requirements of Provincial Government agencies, such as, Service NL and the Water Resources Management Division, and the Town's Water and Sewer Regulations and Stormwater Management Policy; other services, including waste management, utilities and green infrastructure alternatives; and,

xi. The proposed development must also address any special conditions, prerequisite considerations or significant environmental elements identified by the Town or the federal and/or provincial governments.

b. Property ownership and Management: Details regarding the cohousing legal entity shall, at a minimum, include:

i. Details regarding the project applicant which must be a legal entity created for the purpose of developing a cohousing project; information regarding tenure of the buildings and the land they are situated on as well as the shared or common lands and buildings; and,

ii. A management plan that outlines the responsibilities and obligations of the community members and specifies how decisions are made and disputes are resolved.

4) Notwithstanding related provisions in the Development Regulations, the following conditions apply:

a. All individual dwelling units, common buildings, water and sewer systems, fire and life safety systems, and accessibility features shall be designed by professional engineers and/or architects licensed to practice in Newfoundland and Labrador. The use of fire safety equipment and controls (i.e. extinguishers, alarms, sprinklers, signage, building accesses/egress, etc.) beyond minimum code requirements is recommended.

b. An accessibility plan shall be prepared by a qualified professional detailing any accessibility requirements for tenants, including details on how accessibility features will be maintained or improved in the future as accessibility requirements and best practices may evolve over time. Any changes to the plan shall be communicated to the Town in a timely manner.

c. An emergency management plan shall be prepared by a qualified professional detailing any emergency and/or evacuation procedures for tenants, including details on the training oftenants in the emergency procedures and use of fire safety equipment. Any changes to the plan shall be communicated to the Town in a timely manner.

5) The corporation must meet all regulatory and permitting requirements by any and all authorities having jurisdiction. This may require upgrades in the future to water and sewer systems thatare

provided by the municipality, fire and life safety systems, emergency preparedness and response, and accessibility.

6) Council may require the incorporation of special design features and operational plans related to fire and life safety, accessibility, and emergency protocols including provisions to require ongoing updates and improvements in the future.
7) Existing wetlands, streams, significant trees, topographical features and other natural features shall be saved, preserved and enhanced to the greatest extent possible consistent with reasonable use of the site; including the conditions and requirements of Schedule E of the Development Regulations.

General Regulations

General Form and Character of Development

1) Preservation of the established rural character of the Eco Village Cluster zone will be achieved through:
    a. creative building design that emphasizes the use of natural or natural-like materials, and which is compatible with the scale and character of its surroundings;
    b. preservation of existing mature trees; and
    c. siting of buildings and structures in a manner giving priority to pedestrians over vehicles.

Form, Exterior, Design and Finish of Buildings

1) Building form that is of a consistent style and character throughout the site, and which ensures design diversity and rhythm by varying and alternating building mass, siting and various major and minor design elements.

Parking and Landscaping

1) The retention of natural vegetation, including large mature trees, is required as a landscaping element.
2) Where separating parking from residential buildings, parking areas should be integrated with the overall development, with well-established links between parking areas and buildings. Where possible, parking areas should be broken up by landscaping elements, and visually screened from adjacent properties and public areas.
3) Support service facilities and structures such as refuse containers, composters, recycling facilities, storage areas and utilities should be located and screened to minimize visibility from adjacent properties and public areas.

General Principles & Building Characteristics

1) Development proposals should include moderate unit sizes to improve affordability.
2) Buildings should express variation in design and scale to create visual interest and a unique streetscape environment.
3) Private outdoor space provided either through front or rear yard patios/courtyards and/or rooftop decks.
4) Every unit has direct access to grade either on the street or via pedestrian pathways.

5) Building designs can include both ‘through units’ with windows and entrances at both ends or single facade with windows and entrance at one end such as a walk-out basement unit or back to back units with a rear shared wall.
6) Building designed to be energy- and space-efficient.

3.2.20 Eco Village Sustainable Agriculture (EVSA)

USE ZONE TABLE: ECO VILLAGE SUSTAINABLE AGRICULTURE	
PERMITTED USE	**DISCRETIONARY USES**
-Agriculture -related housing (5.2.1) *-Agri-Tourism (5.2.2)* *-Farm Operation (5.2.5)-as set out in Condition 1* *-Farm Retail sales (5.2.7)* *-Forestry Activities (5.4.7)* *-Keeping of Animals (5.2.9)* *-Residential Agriculture (5.2.11)* *-Small Farm (homestead) (5.2.12)* *-Uses as set out in 3.1.5*	*-Farm Processing (5.2.6)* *-Outdoor market (5.3.22)* *-Retail (5.3.27)*

Conditions

1) Farming activities are subject to all applicable requirements by the authorities having jurisdiction, including the Lands and Resources Management Division responsible for agriculture operations.
2) For non-Farm Operation agriculture activities, the 'Minimum Separation Distances Between: Non-Livestock/Poultry Farm Operations and Non-Agricultural Land uses' (see Definitions section) apply.
3) All farm operations must prepare a Land Management Plan addressing issues of stewardship, sustainability and carrying capacity for the site.

3.3 OVERLAYS ON LAND USE ZONING MAPS

This section outlines the requirements of provincial interests that were referenced in the Interdepartmental Land Use Committee report and mapped on the provincial Land Use Atlas. These provincial interests shall be shown as 'overlays' on the Land Use Zoning map. They require consideration of the Town when reviewing development in these areas. The provincial interests include:

1) **Agricultural Referral Buffer:** The Minimum Separation Distance requirements of the Environmental Farm Practices Guidelines for Livestock Producers in Newfoundland and Labrador and Environmental Farm Practices Guidelines for Poultry Producers in Newfoundland and Labrador shall be applied within the Municipal Planning area for the Town.

2) **Agricultural Development Area**: These are lands designations under the *St. John's Urban Region (Agriculture) Development Area Regulations, 1996,* under the *Lands Act, 1990*, and all applications must be referred to the St. John's Land Development Advisory Authority;

3) **Coastal Buffer:** Development is restricted within a 30-metre buffer from the coastline or top of cliff, as determined by the Geological Survey of Newfoundland and Labrador;

4) **Climate Change Hazard Line (4-metre contour)**: Development below the 4-metre contour is potentially vulnerable to coastal erosion and/or storm surge damage; therefore, Council shall require a geotechnical assessment to be prepared by a certified qualified professional to determine and certify that appropriate structural design and other mediations have been applied due to the elevation of the proposed built form and the elevation of developable lands below the 4-metre contour;

5) **East Coast Trail:** Buffers for the East Coast Trail will be as follows: In the residential, commercial and mixed use zones, the minimum buffer will be 15 metres on either side of the trail; in rural, conservation, recreation and rural zones, a minimum buffer of 50 metres on either side of the trail; and on barren lands in the rural zone this will be extended to 200 metres where possible.

6) **Noise Exposure Forecast**: Transport Canada Regulations, TP-1247E, Aviation-Land Use in the Vicinity of Aerodromes (found in Schedule G 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, be found In Schedule G.
    a. 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.

b. 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 St. John's Airport.

c. it is accessory to the use or operations of the Airport and/or is military in nature.

7) **Quarry Referral Buffers:** Any development applications within the 300-metre referral buffer shall be referred to the Mineral Lands Division for comment.

8) **Survey Control Monuments**: The GIS and Mapping Division shall be contacted (GMD@gov.nl.ca) if works within the Town have the potential of disturbing an existing Survey Control Marker.

9) **Environmental Protection:** The Development Regulations shall contain a Schedule (Schedule E) which sets out the protections for waterbodies, steep slopes and wildlife habitat and Schedule E shall include: Coastal Buffer (30 m); Watercourses, and Watercourse Buffer (15 m); Intermittent Stream s; Indeterminant Stream s; Waterbodies (excluding wetlands) and Waterbody Buffer (30 m); Wetland–High protection; Wetland-Medium protection; Wetland-Low protection; Wetland Buffer (15 m); Floodway (1:20 year); Floodway Fringe (1:100 year); Steep Slope (>25%);Steep Slope Buffer (10 m); and Wetland Stewardship Management Units.

3.4 ACCESSORY USES & ACCESSORY BUILDINGS AND HOME BUSINESSES

3.4.1 ACCESSORY USES

3.4.1.1 General Accessory Uses

Definition: Accessory Use as defined in the *Minster's Development Regulations 3/01* (see Schedule D) "…means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use;"

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

a. facilities for the serving of food and alcoholic beverages in an arena or other public gathering place, adult day care, senior's residence, marina, or hotel;
b. childcare, catering, convenience and take-out food service may be 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 (see 3.4.2.5);
f. a storage building or workshop;
g. a subsidiary apartment or accessory detached dwelling unit which is a separate dwelling unit constructed subsidiary to a self-contained dwelling or commercial building;
h. a home business;
i. a residence only associated with a resource use, such as a farm house on an agriculture farm operation;
j. a satellite dish or similar device attached to a building;
k. a wind generator, solar panel, radio antenna, or similar device;
l. an office or storage building associated with a commercial building; and,
m. a workshop or storage building dock associated with an industrial use.

General Condition for all accessory uses:

Shall conform to Use Zone Table in which the primary permitted use is located, unless otherwise stipulated in the conditions for accessory buildings in Section 3.4.

3.4.1.2 Subsidiary Apartments

Definition: A subsidiary apartment means a separate dwelling unit constructed within, attached to, or subsidiary to, a single detached dwelling or a permitted commercial use.

Conditions:

1) The subsidiary apartment will be clearly secondary to the single unit residential dwelling or a permitted commercial use.

2) Only one subsidiary apartment may be constructed within the basement of or attached to the main floor of a single unit residential dwelling or a single commercial building.

3) The subsidiary apartment will be completely self-contained, with facilities for cooking, sleeping and bathing.

4) The total floor area of a subsidiary apartment must be a minimum of 40 m^2 and will be limited in floor area size to not more than the lesser of:

    a. 40% of the total floor area of all storeys of the dwelling unit, excluding the garage floor area and common spaces serving both dwelling units, and

    b. 80 m^2.

3.4.1.3 Outdoor Storage

1) Outdoor storage shall not be located in front of the font yard setback (building line), unless specified in the zone.
2) Outdoor storage shall not occupy more than 50% of the rear yard of a residential lot.
3) Council may require screening from the street and other surrounding development which may include fencing or landscaping.
4) Outdoor storage should be maintained with a stable surface to prevent raising or movement of dust, clay, mud, or loose particles.
5) Council may, where a development is unsightly 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.

3.4.2 ACCESSORY BUILDINGS

3.4.2.1 Accessory Buildings – General

Definition: Accessory Building is defined in the *Minster's Development Regulations 3/01 (*see Schedule D) and cannot be amended by Council:

"Accessory building" 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 for all Accessory Buildings

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, except for Accessory Detached Dwelling Units.
3) Except for a temporary building for on-site construction drawings, equipment, and tools storage as approved by Council, an accessory building shall not be erected on a property before the principal building is constructed.
4) The side yard requirements set out in the applicable Use Zone Tables in 3.4.2.2 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.
5) Quonset accessory buildings shall be permitted within the Rural and Rural-Industry zones only.
6) Accessory buildings shall not be located in an easement.
7) A Wharf/Boathouse/Slipway/Breakwater is subject to 3.4.2.5.
8) Where a public notice is required, Council will give written notice to all persons whose land is located within a minimum 50 m offset of the land that is the subject of the accessory building application and allow a minimum period of seven (7) days for response before approving the accessory building.
9) In making decisions with respect to accessory buildings requiring notice in accordance with 3.4.2.2, Council shall consider:

    a. the proposed use, size, location, design, height, and building materials for the accessory building;

    b. the size of the accessory building compared to the dwelling on the lot, the size of structures on neighbouring properties and~~,~~ a determination of neighbourhood character and fit;

    c. visibility of the structure from neighbouring properties and/or street;

    d. if the accessory building shall block a view and/or light from adjoining properties;

    e. an assessment of the site's characteristics such as a property configuration, topography, vegetation;

f. proposed fencing and enhanced landscaping;

g. Site conditions, such as topography and the presence of wetlands; and,

h. any other on-site conditions that may warrant Council's considerations.

3.4.2.2 Accessory Building on Residential lot

Size of accessory buildings

In the Residential Low Density, Residential Medium Density, Residential Rural, Mixed Use, Community Mixed, and Traditional Community zones, the following table applies:

Accessory Building Development Standards				
Standards	**690m² or less**	**691m² to 1,860m²**	**1,861m² to 4,000 m²**	**4,001 m² or greater**
Max. Floor Area	56m² or 9% of total lot size (whichever is less)	70m²	94m²	111 m². May be greater than 111 m² at the Discretion of Council with Public Notice
Max. Height	6.5m			6.5 m. May be greater than 6.5 m at the Discretion of Council with Public Notice
Min. Front Yard	6.0m			
Min. Side Yard & Rear Yard	1.2m			
Min. Flanking Side Yard	6.0 m			
Min. Distance from a Dwelling Or Primary Use Building*	2.4 m			
***not applicable to accessory building types and sizes referenced in Section 2.2**				

In the Residential Small Lot zone, the following table applies:

Accessory Building Development Standards	
Standards	
Max. Floor Area	10% of total lot size
Max. Height	5.0 m or the height of the main building (whichever is less)
Min. Front Yard	5.0 m
Min. Side Yard & Rear Yard	1.0 m
Min. Flanking Side Yard	5.0 m
Min. Distance from a Dwelling or Primary Use Building*	2.4 m
***not applicable to accessory building types and sizes referenced in Section 2.2**	

Conditions

1) An accessory building shall be no greater than 25% larger than the main building and shall be complementary to the main building in character, use, style and exterior finish.
2) No residential lot shall have more than three accessory buildings except as authorized by Council. For the purpose of this requirement, accessory buildings exempted under section 2.2 will not count towards this limit.
3) The placement of accessory buildings will not result in an exceedance of maximum lot coverage limits for the applicable zone.
4) Location:
   a. An accessory building shall be located on the same lot as the main dwelling.
   b. An accessory building shall not be erected or placed upon any easements.
   c. An accessory building will be permitted only in the rear yard or side yard of the main dwelling except as otherwise authorized by Council.
   d. Notwithstanding subsection (c), Council may approve a location of an accessory building closer to the building line than the main dwelling with public notice where:

      i. Council considers that the proposed location complements the historical development pattern in the surrounding area, such as the heritage homes near the harbour areas that have reduced setbacks;

      ii. Council considers that the location as required would pose a threat to road safety;

      iii. Council finds that the physical limitations of the property would not allow for the development of an accessory building as required;

      iv. Council considers that the proposed location as required would adversely affect the view from neighbouring homes;

      v. The property has a minimum lot area of 4,000 m^2 and a front yard that is sufficient enough so that the proposed location will not have an adverse effect on the enjoyment of surrounding properties or pose a threat to road safety; or,

      vi. On a corner lot, an accessory building 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 the required minimum front yard distance from the flanking street.
5) 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.
6) Repairs to vehicles, other than minor vehicle maintenance, are prohibited in residential accessory buildings, such as repairing, painting, dismantling, or scrapping of vehicles or machinery .

7) No truck, bus, semi-trailer, or other vehicle body or shipping container shall be used as an accessory building.
8) An accessory building may be used for a home business as outlined in Home Business section.
9) Exterior Cladding*:* With the exception of greenhouses, the exterior cladding of the accessory building should match or coordinate with the exterior siding of the main dwelling on the lot and should be residential in character.
10) Unless otherwise approved by Council, electrical services to an accessory building shall only be provided through the same service as the main dwelling.
11) Lot coverage: The maximum lot coverage of the main dwelling and accessory buildings on a lot shall not exceed the maximum lot coverage allowed in the zone development standard requirements.
12) The accessory building shall:
    a. Be no higher than the height of the main dwelling, and;
    b. Not have a ground area coverage larger than the main dwelling.

3.4.2.3 Accessory Detached Dwelling Unit

Definition: An Accessory Detached Dwelling Unit means an accessory residential building on a residential lot (sometime referred to as a garden suite) which is a self-contained dwelling unit without a basement, located in the rear yard of a lot containing a permanent, single detached dwelling. It is equipped with its own kitchen, living area, bedroom(s), bathroom, and storage space. An accessory detached dwelling unit shall 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.

Accessory Detached Dwelling Unit Development Standards	
Standards	
Max. Ground Coverage	70% of the total ground coverage of the single unit residential dwelling
Max. Height	6.5 m
Min. Front Yard	6.0 m
Min. Side Yard & Rear Yard	1.2 m
Min. Distance from Another Building*	2.4 m
*** excludes accessory buildings exempted under Section 2.2**	

Conditions:

1) The accessory detached dwelling unit will be clearly secondary to the single detached dwelling and shall have a ground area coverage less than the ground area coverage of the single detached dwelling.

2) Only one (1) accessory dwelling unit may be constructed on a lot in accordance with the following:

3) Minimum Lot Area Required for Accessory Detached Dwelling Unit

Minimum Lot Area Required for Accessory Detached Dwelling Unit		
	Serviced	**Semi-Serviced or Unserviced**
Single Dwelling only (no subsidiary apartment)	760 m^2	1,860 m^2
Single Dwelling with attached Subsidiary Apartment	1,200 m^2	4,000 m^2

4) The applicant is responsible to submit a surveyors location plan prior to the issuance of a permit for an accessory dwelling unit.

5) An accessory detached dwelling unit shall be placed on a cement pad or footing (no basement) or similar footing unless otherwise approved by Council.

6) An accessory detached dwelling unit shall have a sleeping room, kitchen, and bathroom.

7) Where available, an accessory detached dwelling unit shall be connected to municipal water and/or sewer services. Where municipal services are not available, the accessory dwelling unit may be serviced through an existing on-site water & sewage system, or may require installation of its own on-site system, as required and with approval of the Department of Digital Government and Service NL.

8) An accessory detached dwelling unit shall have an accessible, hard surfaced, barrier-free exterior pathway from the primary door of the accessory dwelling unit to the parking space designated for the accessory dwelling unit.

9) An accessory detached dwelling unit shall remain under the ownership of the owner of the primary dwelling and shall not be subdivided from the property containing the primary dwelling and sold, or sold as a separate condominium unit.

10) An accessory detached dwelling unit may be constructed on site or be transported as a modular unit to the lot but shall not include a mobile home or a Recreational Vehicle.

11) Accessory detached dwelling units may not be constructed on lots which have shared driveways/private roads with other lots or on lots which have a backlot-style configuration.

12) An accessory detached dwelling unit will be permitted only in the rear yard or side yard of the main dwelling except as otherwise authorized by Council.

3.4.2.4 Accessory Buildings – Non-Residential Use Classes

General conditions:

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) *Maximum lot coverage:* Provided that the total lot coverage of all buildings on the property does not exceed the maximum coverage on the Development Standards table for the zone in which it occurs. No lot coverage requirement is set out specifically for a non-residential accessory building.
4) An accessory building shall not be erected or placed upon any easements.
5) An accessory building shall maintain a minimum side yard and rear yard of 2 metres and where it abuts a residential use this shall be 5 metres.
6) An accessory building shall maintain a minimum separation distance from the main building as required by the National Building Code.
7) Radio and television antennae should have a maximum height of 15 metres.
8) The exterior siding of an accessory building should match or be complimentary to the exterior siding of the principal building on the lot.

3.4.2.5 Wharf/Boathouse/Slipway/Breakwater

1) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties.
2) Wharf/Boathouse/Slipway/Breakwater structures shall follow the guidelines for the *Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses.*
3) The Applicant shall obtain a permit under Section 48 of the *Water Resources Act, 2002* 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.

3.4.2.6 Swimming Pool

A swimming pool shall be permitted as an accessory use, subject to the following:

a. The swimming pool shall be located in the rear yard of a residential property. Council, at their discretion, may allow a swimming pool in the side yard of a residential property.
b. The swimming pool shall not encroach upon any easements.
c. The swimming pool shall not be located under any overhead power lines.
d. The swimming pool shall have a minimum setback of two (2) metres from any property boundary.
e. The area surrounding the swimming pool and pool deck must be fully enclosed by a fence (approximately two metres in height) to prevent people, especially children, from unauthorized access to the pool area.

3.5 HOME BUSINESS

Home businesses are sufficiently prevalent to require specific standards to ensure that the intent of each zone can be protected for the enjoyment of its residents. A home business requires a permit from the Town.

3.5.1 General Home Businesses

Definition: 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 property. This does not include Remote work (also known as work from home [WFH] or telecommuting), which is a type of flexible working arrangement that allows an employee to work from remote locations outside of corporate offices.

Home business examples may include, but are not limited to:

1) Home offices for professionals, such as an accountant, architect, auditor, engineer, realtor, insurance agent, planner, lawyer, tradesperson.
2) Personal services that do not disrupt the residential character of the neighbourhood, such as hairdressing, photographer, shoe repair, dressmaking, sewing repairs and tailor shop, small appliance, clock/watch, bicycle, ski and snowboard, or computer repair, locksmiths, manicurists.
3) Artisan and other home crafts.
4) Telephone and mail order business.
5) Food preparation for catering services and baking (not including a take-out restaurant).
6) Music and dance lessons and educational tutoring.
7) Care services, such as child care or home-care; and similar occupations or businesses.
8) Bed and Breakfasts, including short term rentals (or Air BnB's).
9) Art gallery and framing shop.
10) Pet grooming services.
11) Furniture repair and upholstery.
12) Sale of bedding plants and trees grown on the same lot.

Exclusions:

A home 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. The salvage, storage, repair, maintenance or sales of motor vehicles, or motor vehicle engines or parts. Personal service related to vehicle cleaning/detailing are not necessarily excluded and can be considered as a discretionary use.
c. Tow truck operations.
d. The use of mechanical or electrical equipment except as those ordinarily utilized in purely domestic, household, recreational hobbies or a home office use.
e. Materials and commodities that involve delivery to and from the home business residence in such bulk or quantity as to require regular or frequent delivery by a commercial vehicle or trailer.

f. Business that results in traffic congestion, on street parking overflow, electrical interference, fire hazards or health hazards.
g. Veterinary clinics, pet breeding and boarding kennels. This is not intended to prevent a resident from the incidental care/disposition of family pets and/or their offspring.
h. Orchestra and band training.
i. Office uses that generate regular daily visits by clients, as in a clinic.~~;~~
j. Public gathering use.
k. Warehouse outlet.
l. Contractors Yards~~;~~.
m. Adult Entertainment Uses.
n. Any other use deemed by council 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 home business 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) The home business shall be owned and operated by at least 1 (one) resident of the dwelling. The property owner shall 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 up to 2 (two) employees or staff in addition to the owner(s)/operator(s).
5) There shall be no wholesale or outdoor storage or display of goods or equipment.
6) There shall be no use or storage of hazardous or dangerous materials.
7) Any retail sales are incidental and subsidiary to the approved use.
8) 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 business shall provide one additional parking space for each non-resident employee working at such facility. The home business applicant should provide a site plan that indicates the parking space's location and any landscape improvements related thereto at time of business license application. If there shall 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.
9) A non-illuminated identification sign not exceeding 0.2 m^2 in area shall be permitted provided that the sign is consistent with the residential character of the neighbourhood.

10) The use shall be carried out inside the dwelling unit or inside an accessory building located on the same lot. A home business inside a dwelling shall occupy no more than forty percent 40% of the total floor area of the dwelling unit.
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) Council may require fencing, screening, and/or a minimum buffer to protect the amenity of adjacent uses.
13) The home business shall not create traffic safety, congestion or parking issues. No home business shall operate between 9 pm and 7 am.
14) The home business shall adhere to all other conditions that Council considers necessary to protect the amenity of adjacent uses and the neighbourhood.
15) The home business shall 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.

3.5.2 Development Conditions for Specific Home Businesses

3.5.2.1 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. 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 a home for the ongoing occupation by a single family. Other use, such as for a Residential Care or Boarding use, shall require separate permits from 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.
3) Bed and Breakfast amenities should include a minimum sleeping accommodation area per bedroom of 12 m^2 and a minimum of one full bathroom and washroom facilities with potable hot and cold water for every two bedrooms.
4) Shall conform to Use Zone Table and conditions for the zone in which it is located.
5) Outside of RES Plan designated areas, at Council's discretion, a catered dining area, or other subsidiary use may be permitted, provided the uses are clearly incidental and subsidiary to the approved use.
6) Off-street parking for a catered dining facility shall provide one space for every three (3) persons that may be accommodated at one time.

3.5.2.2 Boarding House

Definition: Boarding house or lodging house means a Single Detached Dwelling in which rooms are regularly rented to 3 or more persons other than the immediate family of the owner or tenant and no Boarding House permit is required for 1 or 2 boarders. Guests are semi-permanent boarders/lodgers, whereas hotel guests are travelers and transient guests. A corporately owned Boarding House with any number of boarders will require a permit; however, the land use activity will be considered to be a Single Detached Dwelling if there are no more than 2 boarders.

Conditions:

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

3.5.2.3 Day Care: Residential

Definition: Day care: residential, or family and group care, means care provided within a Single Detached Dwelling in a home-like setting, for example: child, adult care (seniors) or disabled persons.

Conditions

1) The section of the street on which the use is located allows sufficient area and sight distance for safe and convenient drop off and pick up without hindering the safety and convenience of vehicular and pedestrian traffic on the street, or the development provides adequate off-street drop off or pick-up spaces satisfactory to Council.
2) The use is compatible with nearby uses; that is, the use of the dwelling does not materially differ from, nor adversely affect, the amenities of the adjacent residences, or the neighborhood in which it is located.
3) The use shall occupy a maximum of forty percent (40%) of the floor area of the dwelling unit.
4) The use should have a maximum of six (6) adult day care users present at any time.
5) For child care, the maximum number of children present at any time must be in accordance with Provincial requirements.
6) A minimum of 5 m^2 of net floor space per person should be provided for use by adult day care users. This aggregate floor space should be utilized for the purpose of group amenity areas and individual rest areas.
7) The operator of the day care shall maintain the dwelling in which the use is located as their primary residence.
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.
9) Council may require special access and safety features to be provided for the occupants before occupancy is permitted.

3.5.2.4 Parking for Home Business

1) In addition to the two required parking spaces for a residential zone use, a home business shall provide one additional parking space for each non-resident employee working at such facility in addition to the requirements identified in Schedule B of these Regulations.
2) The Home Business applicant should provide a Site Plan that indicates the parking space's location and any landscape improvements related thereto at time of business license application.

4.0 GENERAL DEVELOPMENT STANDARDS

4.1 Buffers and Separation Between Uses

4.1.1 General Buffers

1) 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 development or on an individual site;
   c. delineation of an area; and
   d. protection for the natural environment.
2) Council may require a landscaping or screening buffer between different or incompatible uses, which shall be maintained by the owner or occupier of the property to the satisfaction of Council, as follows:
   a. Between residential and non-residential uses which would consist of either a screen of a minimum height of 2.4 metres or other type of barrier to the satisfaction of council; or
   b. Where an industrial, commercial or public institutional development is permitted in any Use Zone and abuts a street that is used as an access into a residential area or zone, a structural barrier, fence or other type of barrier may be required in the flanking street side yard by Council.
3) Council may require a separation buffer between residential and non-residential uses that may not be compatible, depending upon the location and site conditions.

4.1.2 Agricultural Buffers

The following measures may be required by Council for proposed non-residential development in proximity with Farm Operations.

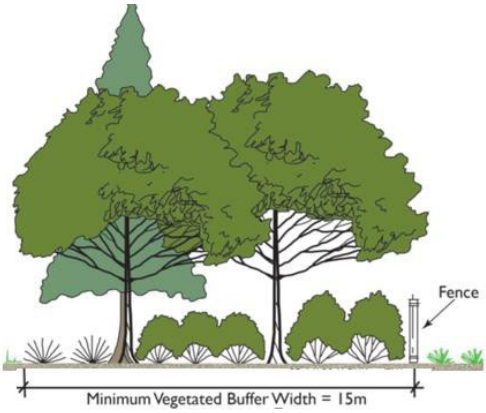
1) Livestock/Poultry Farm Operations and non-Agricultural land uses:
   a. No new Closed-Sided Animal Enclosure for a Livestock and Poultry Farm Operation shall be erected or used unless it complies with the Minimum Separation Distance requirements of the Environmental Farm Practices Guidelines for Livestock Producers in Newfoundland and Labrador and Environmental Farm Practices Guidelines for Poultry Producers in Newfoundland and Labrador. These guidelines apply to farm operations of 5 Animal Units or greater as determined by the Land Resource Stewardship Division;
   b. For non-agricultural development within 300 metres of a Closed-Sided Animal Enclosure on a Farm Operation designed to contain five Animal Units or greater, a referral to the Land Resource Stewardship Division, is required (See Section 3.3);
   c. Council may require a vegetative or other type of screening or separation distance between new residential development and an existing Agricultural Operation to reduce potential conflicts from normal agricultural operations (i.e., use of insecticides, manure) that could create nuisance. This could be a requirement for larger rear yard or the requirement for a Conservation buffer. Setback or separation distances of buildings and structures on agricultural property on the lot line edge of an Agricultural property boundary are set out as follows:

- 15 metres: commercial greenhouses, crop storage;
- 30 metres: mushroom barns, spent compost storage;
- 50 metres: boilers, open loading areas, refrigeration units; or
- 100 metres: agricultural solid waste storage, composting and finished compost storage, confined livestock areas (except horse paddocks, which can be set back 15 m), feed mill and feed storage, incinerators, livestock and poultry housing, manure storage, milking facilities, silage storage.

2) Non-Livestock/Poultry Farm Operations and non-Agricultural land uses:

For new Agricultural Operations or expansion of existing agricultural operations, the following separation or screening measures shall be taken into account to reduce conflict:

i. No structure for non-Agriculture use shall be erected within 30 metres of an Agricultural lot line separating a non-agriculture use with agriculture zoned land without consideration of the following:



- A minimum of 45-metre separation distance between any Agriculture structure and a residence external to the agricultural property;

- A 6-metre vegetative buffer, or combination of vegetation/berming buffer ((15-metres, as appropriate), to be located on the Agriculture property); and/or,
- Trespass avoidance measures, ~~,~~ including but not limited to such examples as, ~~,~~ fences, berms, or other deterrents.

4.2 Lot and Building Siting

4.2.1 Lot Size Integrity

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;
   b. The lot coverage of all buildings exceeds the maximum permitted by these Regulations for the zone in which such lot is located; and,
   c. The development standards within these Regulations for semi-detached dwellings and multi dwellings contemplate a development under the ownership by one owner/entity or condominium corporation. If the dwelling units are proposed to be located on separate parcels and sold, the development standards must be satisfied or each unit (with the exception of the side or rear yard requirement for the wall with which the dwelling units are attached). Multi dwellings that are separated horizontally may not be separated and sold with independent parcels of land.

4.2.2 Unsubdivided Land

Development is not permitted on unsubdivided land unless the development of the land would not prejudice its ability to be subdivided and further developed in the future (in accordance with the development standards within these Regulations) and sufficient area is reserved to satisfy the yard and other allowances required in the Use Zone in which the property is located. These requirements shall be retained when the adjacent land is developed.

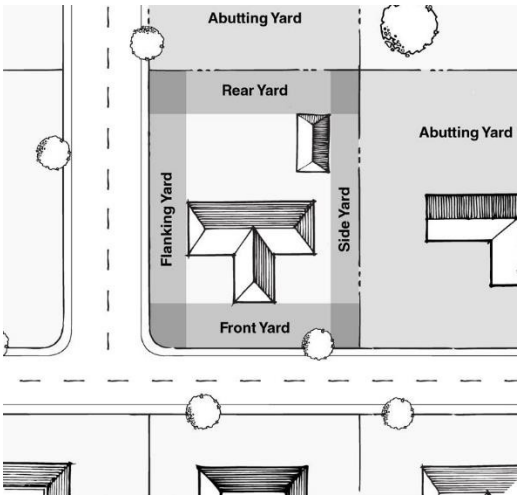
4.2.3 Lot to Front on to a Publicly Maintained Road

1) All development shall front on to a publicly maintained road (Provincial or Municipal). Exceptions include:
   a. A development within a Planned Unit Development where there may be an internal road plan (which shall be set out in the Development Regulations); however, the Planned Unit Development shall front onto a publicly maintained road;
   b. Natural resource uses and associated industries, i.e., agriculture, forestry, mineral working, etc.; and,
   c. Recreational cottages located on a resource road and remote cottages not accessible by highway vehicle.

4.2.4 Building Line and Setbacks

1) Adequate building setback from roads shall be required in order to maintain road standards, consider public safety requirements for side/back/front yards, conform to the existing development pattern, and ensure adequate provision is made for light, privacy, and amenity.
2) 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.
3) To encourage a more interesting streetscape, Council can allow staggered building line setbacks. Council, at its discretion, may allow development to complement existing building setbacks of adjoining properties by changing the building line after notification of the proposed change is given to neighbouring property owners.
4) Where required, the building line in the ***Building Near Highways Regulation*** on a provincial highway, shall be adhered to.

4.2.5 Flanking or Corner Lots and Double Fronting Lots



1) In the case of a corner lot, a single dwelling may front on either road so long as the dwelling meets the required front, side and rear yard standards within the Use Zone Table applicable to the lot. The lot line facing the road on which the dwelling has its civic address shall be the front lot line and the other lot line is the flanking side yard.
2) Where a lot has frontage on both a local road and an arterial or collector road, preference will be given to front on the local road.
3) Within planned unit developments, the Town may determine the front lot line based on the orientation direction of the majority of adjacent neighbouring properties.

4.2.6 Side Yards

An unobstructed side yard shall be provided on the exposed sides of every building to provide access for the maintenance of that building and to provide separation distance between buildings for fire and safety protection. A side yard depth means the distance between the side lot line and the nearest side wall of a building on the lot.

4.2.7 Porch/Veranda/Deck in the Front Yard

1) A porch and/or veranda may be permitted in the front yard subject to the following:
   a. A porch with a maximum floor area of 3 square metres (32.3 square feet) may be permitted to project a maximum of 1.2 metres beyond the minimum front yard (or minimum building line established by Council) provided the area will not be utilized as a habitable part of a dwelling;
   b. A porch must be enclosed with walls and a roof;
   c. A veranda may be permitted to project a maximum of 1.2 metres beyond the minimum front yard (or minimum building line established by Council);
   d. A veranda shall not be enclosed with a mesh screen material;
   e. No part of the veranda may be used as a habitable room;
   f. A veranda may extend across the entire front façade of the main dwelling subject to any conditions contained in the Town Regulations, and;
   g. A combination of porch and veranda may be permitted, subject to conditions above, provided that the area of the porch section does not exceed the maximum of 3 square metres.
2) A front deck may be permitted subject to the following:
   a. A deck shall be no closer than 4 metres (13.1 feet) to the street line, and the maximum a deck may project beyond the minimum front yard (or minimum building line established by Council) shall be 3.6 metres (11.8 feet);
   b. The maximum floor height of a deck shall be equal to the level of the main floor of the dwelling. Council reserves the right to a lower level where appropriate;
   c. The maximum width of the deck shall be 3.6 metres; and,
   d. The closest point of a deck shall be 1.2 metres (3.9 feet) from side boundary, with the exception

of an accessibility deck required.

4.2.8 Multiple Uses on One Lot

1) Where two or more different uses may exist on a single lot, more than one main building may be permitted provided that each use shall conform to all requirements in these regulations that are applicable to that use.
2) Multiple uses 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.
3) Where more than one main building is developed on a single lot, sufficient area shall be reserved to satisfy the yard requirements and other allowances outlined in the Use Zone Table applicable to the lot. These allowances shall be maintained when the adjacent land is developed.
4) Within residential zones where the primary permitted uses are single detached dwellings or semi-detached dwellings, only one principal building may be permitted on a lot or property. Where a lot or property within a residential zone is to be used for purposes other than a residential use, the lot or property may contain multiple buildings, as long as the buildings all contain the same use. Other use zones may allow more than one principle use building on a property, but such siting shall be regulated by site layout and requirements for setback to property lines, parking, landscaping and buffers, environmental limitations, and other separation distance provisions. Where more than one principal use building is contained within a single lot or property, the buildings must maintain a minimum separation distance between buildings of three (3) metres (or greater where required by the National Building Code or other provisions within these Regulations).

4.2.9 Civic Numbering

A civic number on properties with a building shall be easily visible from the street for fire and emergency services.

4.2.10 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 without the written approval of council, nor shall the exterior of the heritage building or structure be repaired or altered without the written approval of Council.

4.2.11 Single Dwelling with Pond or Coastline Frontage

1) These conditions shall apply to lots with frontage on a pond or coastline:
   a. Development shall be sited and landscaped to minimize the visual impact of buildings viewed from the pond or ocean, and from other land fronting on the pond or ocean. Council shall require landscaping to meet this aim. The required landscaping may include selective retention of trees and shrubs between shoreline/coastline and buildings and appropriate planting.
   b. Council may require a plan of subdivision or a development application to be accompanied by a professionally prepared landscape drawing or similar quality plan showing vegetation to be retained, areas to be graded, and areas of planting, including plants to be used.

c. Council may require a landscape deposit to ensure the approved landscape proposal is carried out to its satisfaction.

2) Notwithstanding the maximum front yard standards identified in the Use Zone Tables within Section 3 for the zone in which the land is situated, the front yard setback may be established anywhere upland from the environmental buffer identified in Schedule E provided an on-site septic system (where required) is approved by the Department of Digital Government and Service NL. The environmental buffer shall remain in place to protect water quality. Any further subdivision of this approved lot will be allowed only in accordance with the development standards applicable in that land use zone.

4.3 Landscaping

1) No site work (clearing or grubbing) shall commence until a development permit is issued including conditions regarding existing site vegetation and proposed landscaping treatment.
2) The provision of adequate and suitable landscaping or screening may be made a condition of any development permit for a new development or the renovation of an existing building that includes site work, where, in the opinion of the Town, the landscaping or screening is desirable to preserve amenity and/or protect the environment. Adequate and suitable landscaping will be comprised of, at a minimum, a ground covering (for example, grass, other natural vegetative species, tree mulch, decorative stone, etc.) which covers all exposed soil surfaces to prevent erosion and provide sediment control.
3) Where no buildings have been constructed, landscaping conditions of a permit or the standard minimum of suitable ground cover requirement shall be achieved within 18 months of completion of the work approved in the development permit.
4) Where a residential or commercial building has been constructed, landscaping (including driveways) must be completed within the following timeframes:
   a. Front yard landscaping (and flanking side yard, when applicable) must be completed within 12 months of the date an Occupancy Permit had been issued; and,
   b. Rear yard landscaping must be completed within 24 months of the date an Occupancy Permit had been issued for the dwelling constructed upon such lot.
5) Council may require a landscape deposit or a financial guarantee in the amount to cover the costs of the landscaping of the lot or area as a condition of the Development Permit:
   a. The deposit shall be paid prior to the issuance of the applicable permit by the Town.
   b. The deposit shall be returned upon the successful completion of the landscaping to the satisfaction of the Town.
   c. The amount of the landscape deposit may be set at the amount required to meet minimum suitable ground cover to prevent soil erosion among any other landscaping requirements identified in the development permit or the general development regulations. Where the Town undertakes to complete landscaping and the costs incurred exceed the deposit that was collected, the excess costs may be recovered as a civil debt to the Town.
   6) A landscape plan, if required by the Town, to accompanying a permit application~~,~~ should include~~,~~ any additional standards that may be included in the Town's Subdivision Design and Construction Standards.

4.4 Municipal Services and Public Utilities

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.

4.4.1 Access and Streets

1) An access on a municipal road shall be located as specified by the Council. Access(es) shall be located to the specification of Council 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.
2) All access to a provincial highway is determined by the Department of Transportation and Infrastructure (access permits are administered by Service NL).
3) No new vehicular access shall be closer than 10 metres to the centre line of an existing street intersection.
4) Where a proposed new street would result in a pre-existing driveway being located within this limit, the Developer shall offer to relocate the existing driveway at their cost. A property owner who does not wish to have their driveway relocated may decline and keep it at its pre-existing location and this would not prevent a Developer from proceeding to construct the new street.
5) Council may require the provision of service streets to reduce the number of individual accesses to an adjacent street.
6) A new street may not be constructed except in accordance with and to the design and specifications established by Council.
7) Where Council has adopted an access plan, the location of accesses to existing and new developments shall be in accordance with that plan.
8) 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:
    a. All occupied lands within 7 metres of a street intersection should be kept free of any structures, shrubs, plants, and trees that shall impede the line of vision clear for motorists and pedestrians; and,
    b. No building or structure should be permitted to be erected, moved, enlarged, or reconstructed on any land that is within 7 metres of a street intersection.
9) In order to control access to streets, Council may, by the adoption of an Access Plan:
    a. Determine the number, location and layout of accesses to a street;
    b. Require an access to a service street, where direct access to an arterial street is not desirable;
    c. Require two or more properties to share a joint access to an arterial street where individual accesses would not be desirable; and,
    d. Where Council has adopted an access plan, the location of accesses to existing and new developments should be in accordance with that plan.
10) All residential lots shall have a 6 meter wide driveway access. Greater widths or multiple accesses may be approved by the Town's Public Works Department but shall not exceed 50% of the lot's frontage. Low back curb shall be installed as required.

11) Corner lots may be permitted to have a driveway access from the flanking street as per the approved subdivision plan.
12) Lots on the corner of a local road and a collector or arterial road shall have their driveway placed on the local road and may not have an access onto the arterial or collector road unless there are material physical limitations to meeting this requirement. Corner lots on the corner of a collector and arterial road shall have their driveway placed on the collector road and may not have an access onto the arterial road unless there are material physical limitations to meeting this requirement.

4.4.2 Storm Water Management

1) Land shall be used and graded in such a manner that run-off from the land or development does not negatively impact adjoining properties. No development shall be permitted when, in the opinion of the Town Engineer, the development will create or aggravate adverse stormwater impacts, for example, excessive run-off onto adjacent properties, soil erosion, scouring and silt deposition in streams, or the reduction of surface or groundwater quality.
2) All occupied land shall be provided with adequate surface water drainage over the whole area of the property to prevent ponding and to prevent run-off to adjacent properties with suitable arrangements for the disposal of surface water without eroding or flooding.
3) Where conflicts arise between two private property owners regarding stormwater management and runoff, the Town shall not be liable for resolving such matters between private parties.
4) Development of land should be undertaken with the objective of achieving zero net run off or 'no net increase' with respect to on-site storm water runoff.
5) The construction of private parking lots in accordance with Schedule B shall require the construction of private stormwater detention systems that are owned and maintained by the parking lot owner to achieve zero net run off. Exceptions may be made for subdivisions that avail of larger public stormwater detention systems.
6) Where development results in the discharge of storm water into a wetland, waterbody, or watercourse, such discharge should be designed to minimize any environmentally detrimental effects on the receiving water or watercourse and should be designed and constructed in accordance with the requirements and conditions of Council.
7) Consideration should be given to green approaches to storm water management, as well as storm water retention ponds or similar engineering solutions.
8) A stormwater plan may be required as part of a development application; and where there are concerns regarding stormwater runoff, Council may require the applicant to engage a qualified engineer with expertise in hydrology and storm water management design to address site concerns to the satisfaction of the Town Engineer and Town Council.
9) Applications for planned unit developments shall also comply with the requirements of the Town's Subdivision Design and Construction Standards and the Town's Stormwater Management Policy.

4.4.3 On-Site Services (Wells and onsite sanitary sewer systems)

Approvals for installation of on-site water and sewer systems shall be obtained from Service NL.

4.4.4 Parking and Off-Street Loading

Parking

1) In accordance with Schedule B, for every building, structure or use to be erected, enlarged, or established, there shall be provided and maintained a quantity of off-street parking spaces sufficient to ensure that the flow of traffic on adjacent streets is not impeded by on-street parking of vehicles associated with that building, structure, or use.
2) Council can vary the off-street parking requirements outlined in Schedule B for non-residential properties if it is concerned that the required size of a particular parking area will generate excessive stormwater runoff, and if it deems that the required parking space is more than is necessary for normal parking demand.

Off-street Loading Requirements

1) For every building, structure or use to be erected, enlarged, or established requiring the shipping, loading, or unloading of animals, goods, wares or merchandise, there shall be provided and maintained loading facilities on land that is not part of a street comprised of one or more loading spaces, 15 metres long, 4 metres wide, and having a vertical clearance of at least 4 metres with direct access to a street or with access by a driveway of a minimum width of 6 metres to a street.
2) The number of loading spaces to be provided shall be determined by Council.
3) The loading facilities required by this Regulation shall be so arranged that vehicles can manoeuvre clear of any street and so that it is not necessary for any vehicle to reverse onto or from a street.

4.4.5 Development in the Vicinity of a Public Right-Of-Way

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

4.4.6 Mandatory Connection to Municipal Services

1) Where a parcel of land fronts on a street containing municipal water and/or sewer service(s), all development must connect to the service(s).

2) Where municipal water and/or sewer service(s) are in close proximity to a proposal to subdivide land requiring the construction of a new street or extension of an existing street, or a Planned Unit Development containing three (3) or more buildings, the development shall be serviced by municipal water and/or sewer in accordance with Section 6.2.2 of these Regulations.

4.4.7 Soil Removal, Soil Deposition and Site Grading

1) A permit shall be required for the excavation, removal, deposit or site grading of soil, sand, gravel, rock or other aggregate material that exceeds forty (40) cubic metres (five (5) tandem truck loads) in

volume. A separate permit shall not be required where the Town has issued a permit for a larger development project which involves a material volume of greater than forty (40) cubic metres (five (5) tandem truck loads).

2) Any excavation, removal, depositing, or grading of soil, sand, gravel, rock, or other aggregate material that requires a permit may be issued a temporary permit provided the work is based on a grading, stormwater management, and landscaping plan acceptable to the Town, which will result in an improved site for permitted uses. The following conditions shall be met:
   a. When the excavation, removal, deposit or grading is complete, the resulting slopes shall be stable and without hazards, and stormwater management shall be provided in accordance with Section 4.5.2 of these Regulations;
   b. When the work is completed, all exposed soil surfaces shall be landscaped (for example, grass, other natural vegetative species, tree mulch, decorative stone, etc.) to prevent erosion and provide sediment control; and,
   c. A deposit may be required to ensure the approved proposal is carried out to the satisfaction of the Town.

4.5 Architectural/Engineering Design

1) Where a building is not governed by Part 9 of the National Building Code of Canada, the building plans, municipal water and/or sewer connection design (if applicable), and/or stormwater management proposal (if applicable) must be certified by a professional Architect or Engineer licensed to practice in the Province of Newfoundland and Labrador.

2) Where a building is governed by Part 9 of the National Building Code of Canada, the building plans, municipal water and/or sewer connection design (if applicable), and/or stormwater management proposal (if applicable) may be required to be certified by a professional Architect or Engineer licensed to practise in the Province of Newfoundland and Labrador where required by Council or the Code.

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5.0 LAND USE & DEVELOPMENT DEFINITIONS AND CONDITIONS

5.1 INTERPRETATION

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

All development uses shall conform with the development standards set out for the zone in which the development or use occurs as set out in Section 3 with the Use Zone Tables.

5.2 AGRICULTURE LAND USE CLASS

5.2.1 Agriculture-related housing

1) Farm Operation Housing
    a. Only one Single Detached Dwelling is permitted on a Farm Operation for the use of the owner/operator of the farm operation. Additional Single Detached Dwellings may be permitted on a Farm Operation for the use of the owner/operator where approved by the Land Development Advisory Authority on Farm operations within the Agricultural Development Area.
    b. Accessory uses for a Single Detached Dwelling on a Farm Operation include~~s~~ a Bed and Breakfast, or only one of either an Accessory Detached Dwelling Unit or a Subsidiary Apartment, provided the appropriate Service NL requirements can be met.
    c. Accessory Detached Dwelling Unit conditions:
        i. only one per lot;
        ii. Minimum lot size= 0.4 ha;
        iii. On lots <40 ha = 90 m^2 maximum size; and,
        iv. On lots >40 ha = 186 m^2 maximum size.

2) Temporary Farm Worker Housing
    a. Temporary Farm Worker Housing may be provided for temporary farm workers who carry out agricultural work on a temporary basis on a Farm Operation for a minimum of 35 hours per week, and may consist of one or more buildings used exclusively for the accommodation of temporary farm workers, in which cooking, sleeping, sanitary, and common living areas are provided.
    b. Temporary Farm Worker Housing conditions:
        i. Lot must be a minimum of 3.8 ha;
        ii. Temporary Farm Worker Housing shall only be permitted where: the principal agricultural use on the lot consists of a fruit, vegetable, nursery, floriculture, poultry or mushroom operation; and,

iii. any individual Temporary Farm Worker is house for a maximum of 10 months in a calendar year; or as approved under a federal government temporary foreign worker program to a maximum of 24 consecutive months.

3) Full-Time Farm Worker Housing

Definition: Full-Time Farm Worker Housing means a Dwelling Unit used solely for the purpose of housing permanent employees paid to work full time on a Farm Operation as necessary for the agricultural labour needs of the Farm Operation, and for the purposes of this definition, including the employee's immediate family, and may consist of one or more buildings used exclusively for the accommodation of Temporary Farm Workers, in which cooking, sleeping, sanitary, and common living areas are provided.

a. Full-Time Farm Worker Housing conditions:
   i. Full-time workers must work minimum of 35 hours/week averaged over a month; and,
   ii. Where located in the same building as any other use, a Full Time Far Worker Residence shall be designed to be independent and entirely separate from any other use in the same building or structure and have all entrances and exits entirely separate from those that access all other uses.

4) Small Farm and Horse Boarding Stable Housing

a. A Single Detached Dwelling may be allowed on the site of the Small Farm or Horse Boarding Stable on the following conditions:
   i. It is clearly demonstrated to Council that the operation is a bona fide farm or horse boarding stable from which the owner derives a major portion of his or her income;
   ii. It is clearly demonstrated to Council that full-time habitation on the site is necessary for the successful operation of the farm or horse boarding stable; and,
   iii. That the dwelling will not create adverse effects on adjacent Farm Operations.
b. Accessory uses for a Single Detached Dwelling include a Bed and Breakfast or only one of the following Accessory Detached Dwelling Unit or a Subsidiary Apartment provided the appropriate Service NL requirements can be met.

5.2.2 Agri-Tourism

Definition: Agri-Tourism means an activity to which members of the public are ordinarily invited, with or without fee, that displays, demonstrates, promotes, or holds events to promote or market products or operations of the Farm Operation. Examples of Agri-Tourism activities include:

a. an agricultural heritage exhibit displayed on the agricultural land;
b. a tour of the agricultural land, an educational activity or demonstration in respect of all or part of the farm operation conducted on that agricultural land, and activities ancillary to any of these;
c. cart, sleigh and tractor rides on the agricultural land;
d. activities that promote or market livestock raised or kept on the agricultural land, whether or not the activity also involves livestock raised or kept elsewhere, including shows, cattle driving and petting zoos, but does not include a horse race track;
e. dog trials held on the agricultural land;

f. harvest festivals and other seasonal events held on the agricultural land for the purpose of promoting or marketing farm products produced on that agricultural land;
g. corn mazes prepared using corn produced on the agricultural land on which the activity is taking place; and
h. holding of events, and sale of food and beverages which may or may not be produced on the farm.

Conditions

1) Must comply with requirement set out in 3.1.6 as applicable regarding development standards and requirements for all development.

5.2.3 Closed-Sided Animal Enclosure

Definition: A Closed-Sided Animal Enclosure means a Building intended for the keeping of animals such as livestock and poultry, and which is substantially separated from the exterior environment with normally closed walls and doors.

Conditions:

1) Must be constructed to the standards of the Land Resource Stewardship Division of the Government of Newfoundland and Labrador.
2) For a Close-Sided Animal Enclosure structure for five (5) Animal Units or greater as defined in the provincial Environmental Guidelines for Livestock Producers and the provincial Environmental Guidelines for Poultry Producers, the structure shall be at least 45 metres from the boundary of the property on which it is erected.

5.2.4 Community Garden

Definition: A Community Garden is a piece of land gardened or cultivated by a group of people individually or collectively. Normally in Community Gardens, the land is divided into individual plots. Each individual gardener is responsible for their own plot and the yielding or the production of which belongs to the individual. The Community Garden may be owned by the Town or a group of individuals or community organization.

Conditions:

1) A Community Garden is for plant use only.
2) Community Gardens are to be maintained in a neat and tidy fashion.
3) 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.
4) Structures on the site are only for the storage of gardening equipment and implements or greenhouses and must have a permit from the Town.

5.2.5 Farm Operation

Definition: A Farm Operation as specified in the *Farm Practices Protection Act, 2000,* as follows: "farm operation" means an agricultural activity conducted by a farmer for gain or reward or with the expectation

of gain or reward and includes:

i. growing, producing, raising or keeping animals or plants or the primary products of those animals or plants,
ii. composting,
iii. clearing, draining, burning, irrigating or cultivating land,
iv. using farm machinery, including vehicles on public roads, equipment, devices, materials and structures,
v. applying fertilizers, manure, pesticides or biological control agents,
vi. operating farm produce stands or agricultural tourist operations, including U-Pick farms or roadside stands, and,
vii. preparing farm products for distribution for wholesale or retail consumption including the cleaning, grading or packaging of those products;"

For further clarity, a Farm Operation does not include a kennel, community garden, or residential agriculture use.

Conditions:

1) Approvals shall be obtained from the Land Resource Stewardship Resource Division, Government of Newfoundland and Labrador for any Farm Operation, including but not limited to as a Certificate of Operation or approvals for waste management or production of agricultural fertilizers, feeds or other farm-related secondary processing.
2) The Town, in its discretion, may refuse to issue a permit for a Farm Operation where, in its opinion, the use is likely to create an environmental hazard, or create a nuisance to non-agricultural development in the vicinity of the proposed Farm Operation.
3) The Closed-Sided Animal Enclosure structure for a Farm Operation shall be at least 45 metres from the boundary of the property on which it is erected.
4) Manure storage shall be located 100 metres from the boundary of the property. The Land Resource Stewardship Division and/or Service NL shall approve all manure systems.
5) The erection of the Closed-Sided Animal Enclosure structure shall be approved by the Land Resource Stewardship Resource Division, Government of Newfoundland and Labrador.

5.2.6 Farm Processing

5.2.6.1 Agriculture Bio-Processing:

Definition: Agriculture Bio-Processing means an activity that refines natural waste biomass for agricultural purposes.

Conditions:

1) The product being processed is for agricultural purposes only.
2) The proposed processing operation has been registered and released under *the Environmental Protection Act, 2002* for consideration of environmental impacts of the technology and use of the product.

3) The Agriculture Bio-Processing is clearly a subsidiary activity to the main Farm Operation.

5.2.6.2 Produce Processing

Definition: Produce Processing means a use providing for the processing of farm produce and office, display and sales area accessory thereto; excludes meat, poultry or fish processing and flourmill.

Conditions:

1) The produce processing activity is clearly a subsidiary activity to the main Farm Operation.

5.2.7 Farm Retail Sales

Definition: Farm Retail Sales means retail sale to the general public of agricultural products grown, produced, or raised on a Farm Operation or the combined farms of a cooperative association to which the farm owner belongs, and may include the sale of agricultural products and non-agricultural products.

Conditions:

1) The onsite retail sales activity is clearly a subsidiary activity to the main Farm Operation.

5.2.8 Horse Boarding Stable

Definition: Horse Boarding Stable means a building, structure, or premises used for the boarding, feeding, housing, exercising and training of horses.

Conditions:

1) A proposal for greater than 5 Animal Units as defined in the provincial Environmental Guidelines for Livestock Producers would be regulated according to the Farm Operation conditions; for less than 5 Animal Units, would be regulated under the Small Farm conditions as they apply to animal husbandry.
2) A Single Detached Dwelling may be allowed on the site of the Horse Boarding Stabled in accordance with Section 5.2.1 (4) of these Regulations.

5.2.9 Keeping of Animals

The following table sets out the manner to calculate the number of animals on non-Farm Operation lots, such as Small Farms and Residential Agriculture purposes. Note that this excludes household pets.

KEEPING OF ANIMALS ON NON-FARM OPERATION LOTS		
Maximum Animals Allowed	**Property Size**	**Minimum Setback of Animal Housing from All Lot Lines**
▪ 6 head of poultry (no roosters), and 6 rabbits ▪ No livestock (horse, cattle, sheep, goats)	690 m^2 or less	2.4 metres
▪ 12 head of poultry (no roosters), and 12 rabbits. ▪ No livestock (horse, cattle, sheep, goats)	691 m^2 to 1,859 m^2	2.4 metres
▪ 20 head of poultry (no roosters), 20 rabbits ▪ 1 of either horse or cattle; and ▪ 3 of either sheep or goats	1,860 m^2 to 3,999 m^2	10 metres
Up to 3 KOAU	4,000 m^2 to 7,999 m^2	10 metres
Up to 4 KOAU	8,000 m^2 to 11,999 m^2	10 metres
Up to 5 KOAU	12,000 m^2 or greater	10 metres
CALCULATION OF KEEPING OF ANIMALS UNIT (KOAU)		
NUMBER OF ANIMALS (including offspring until weaning)	**KOAU**	**OTHER COMMENTS**
One of any: horse, cow, steer, bull, mule, donkey, bison, buffalo, fox* or mink*	1 KOAU	
One rabbit	0.05 KOAU	
One of any: hens/chickens/ducks	0.05 KOAU	
One of either turkey or goose	0.07 KOAU	
One chick	0.01 KOAU	
One pig	0.3 KOAU	
One of either Llama or alpaca	0.33 KOAU	
One either sheep or goat	0.16 KOAU	
One or either ostrich or emu	0.1 KOAU	
*Not permissible in Residential Designated areas, council may permit in other designations		

Caring for Animals:

1) Owners shall ensure that the animals are contained on their property. Council may order fencing or other containment measures.
2) All animal owners are responsible for the care and welfare of the animals they own. This includes providing adequate food, water, shelter, veterinary care and living conditions. Animals must be kept in accordance with the Animal Protection Standards Regulations under the Animal Health and Protection Act.
3) All animal owners are responsible for removing waste from the animal enclosure regularly. Animal waste must be properly disposed and cannot be stored (long term) or used on the property as fertilizer, etc.

5.2.10 Kennel

Definition: Kennel means a building or portion thereof used for the care and/or boarding of more than four (4) household pets that do not ordinarily reside on the property, excluding livestock, with or without veterinary care, and includes an animal shelter.

Conditions:

1) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties.
2) The outside perimeter of all areas related to the kennel where animals are kept shall be enclosed by a solid fence or fence and a solid hedge at least 1.8 metres in height to screen the areas from adjacent properties.
3) The kennel shall be located on a lot of 1 hectare or more, or as determined by Council subject to public consultation.
4) All buildings related to the kennel should contain at least 8 cm of insulation in all exterior walls and ceiling for the purpose of soundproofing.
5) All buildings, pens and runs shall be sited not less than 15 metres from any property line, and council may set conditions regarding the placement of buildings, pens and runs to maximize separation distances from pre-existing residences.
6) Council shall be satisfied that the kennel shall not impact upon surrounding residential neighbourhoods.
7) A Single Detached Dwelling may be allowed on the site of the Kennel on the following conditions:
    a. It is clearly demonstrated to Council that the operation is a bona fide Kennel from which the owner derives a major portion of his or her income;
    b. It is clearly demonstrated to Council that full-time habitation on the site is necessary for the successful operation of the Kennel; and,
    c. That the Single Detached Dwelling will not create adverse effects on adjacent Farm Operations.

5.2.11 Residential Agriculture

Definition: Residential Agriculture means a site where the residential use is the primary use of the site but there are significant agricultural activities that are compatible within a residential setting. Residential agriculture that is conducted as a home business as determined at the discretion of Council must meet the requirements for a home business.

5.2.11.1 Hobby Farm

Definition: A Hobby Farm means a recreational farming activity on a residential lot without expectation of being a primary source of income but to provide an opportunity for local food security, or personal recreational land, perhaps a few horses for the family use or as a lifestyle choice by people with the means to do so, functioning more like a country home. Activities could be a combination of home gardening and Keeping of Animals where the total number of animals constitutes less than five (5) Keeping of Animal Units according to the Government of Newfoundland and Labrador Guidelines for Livestock and Poultry operations and Section 5.2.9-Keeping of Animals.

Conditions:

1) Any sale of produce or animal products (i.e., eggs, baby chicks, etc.) must be clearly incidental to the primary source of income.
2) Accessory produce sales mean a use accessory to a residential use that provides for the retail sale of agricultural products produced on the same lot, such as an outdoor market. A home business permit is required for a Hobby Farm use where there is intent to create products for sale.
3) The Keeping of Animals for a Hobby Farm must comply with Section 5.2.9 of these Regulations and/or the requirements of the Lands Resources Management Division, as applicable.
4) Keeping of bees shall comply with the following standards:
    a. No Beehive or Colony shall be placed on a residential property without first obtaining a permit from the Town.
    b. Council will give written notice to all persons whose land is in the immediate vicinity of the proposed apiary, and allow a minimum period of seven (7) days for response.
    c. The applicant must register their Apiary with the Newfoundland and Labrador Department of Fisheries and Land Resources (Provincial Apiarist).
    d. A Beekeeper will renew their permit with the Town on an annual basis.
    e. If a person stops keeping bees for any reason they will inform the Town that they have done so.
    f. Apiaries on a residential lot shall be subject to the following conditions:
        a. The maximum number of beehives within an apiary is:
            i. Two (2) beehives or colonies and two (2) nucleus colonies or splits on any parcel of land equal or greater than 1860 m^2 and less than 4000 m^2.
            ii. Three (3) beehives or colonies and three (3) nucleus colonies or splits on any parcel of land equal or greater than 4000 m^2 and less than 8,000 m^2.
            iii. Four (4) beehives or colonies and four (4) nucleus colonies or splits on any parcel of land equal or greater than 8000 m^2 and less than 16,000 m^2.

iv. Five (5) beehives or colonies and five (5) nucleus colonies or greater on any parcel of land equal or greater than 16,000 m^2.
v. The beehive is kept in the rear yard of the subject property, unless otherwise approved by Council.
vi. The Apiary must be a minimum of 13 m from any property boundary.

g. An on-site water source shall be provided within 3 m of the Apiary.

h. A sign shall be placed on or beside the Apiary listing the name and contact information as well as the provincial identification number.

i. The entrance of the beehive shall be aimed away from neighbouring buildings.

j. Fencing, hedging, or other suitable barrier must be established to direct bees from neighbouring dwellings.

k. The individual proposing to install and maintain the Beehive shall submit written confirmation that the individual is trained in the keeping of bees or will be mentored by an existing beekeeper who has more than two (2) years' experience caring for bees in Newfoundland and Labrador.

5.2.11.2 Home Gardening

Definition: Home Gardening means recreational gardening that consists of accessory non-business gardening activity on a residential lot that may include, but is not limited to, horticulture, vegetable growing, and fruit growing; but not the keeping of farm animals (livestock) in accordance with 5.2.9, or a Kennel, or a Community Garden or gardening as a home business.

Conditions:

1) A permit is not required for a home garden that does not involve permanent structures, on-site sales, or keeping of animals or construction of a greenhouse.
2) Any sale of produce or animal products (i.e., eggs, baby chicks, etc.) must be clearly incidental to the primary source of income; and the determination of home gardening as a home business is at the discretion of Council and can be regulated as such.

5.2.12 Small Farm (Homestead)

Definition: A Small Farm (Homestead) means a small farm that has more than five (5) Animal Units (as defined in the provincial Environmental Guidelines for Livestock Producers) and/or horticulture activities such as a plant nursery where farming activities and structures are the primary use. Where there is no intent to create products for sale, the use is not considered to be a Small Farm (Homestead).

Conditions:

1) Farming activities may include all the activities as listed under a Farm Operation.
2) Must comply with Land Resource Management Division requirements for Farm Operations, and Section 4.1 regarding buffers and separation distances, at Council discretion.

3) One Single Detached Dwelling is permitted for the owner/operator of the Small Farm (Homestead).

5.3 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.

5.3.1 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), or video games. It does not include those on the premises of a hotel or bar.

Conditions:

1) Shall meet Use Zone Site Development Standards and conditions.
2) Shall address traffic access/egress and on-site movement as well as parking.
3) Shall meet off-street parking requirements specified in Schedule B of these Regulations.
4) For a temporary permit, the applicant shall address site rehabilitation after event.

5.3.2 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 Planned Unit Development application (2.2.2 & 2.2.4).
2) Shall meet Use Zone Site Development Standards and conditions or except for temporary amusement operations.
3) Shall meet off-street parking requirements specified in Schedule B of these Regulations.
4) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties.

5.3.3 Auto Body Shop

Definition: 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) Shall meet Use Zone Site Development Standards and conditions.

2) Shall be of 20 metres 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 or vehicle parts on the premises and no scrapping of vehicles shall be permitted.
5) Shall 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.
7) A parking area abutting a residential lot should be appropriately screened by a fence, wall, or hedge of height of about 2.4 metres and located a minimum distance of 1 metre from the edge of the parking area.
8) Shall meet off-street parking requirements specified in Schedule B of these Regulations.

5.3.4 Automotive Repair

Definition: Automotive Repair 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 and Service Establishment, a Service Station, or salvage or wrecking and recycling yard.

Conditions:

1) Shall 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 or vehicle parts 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 metres from residential use.
6) A parking area abutting a residential lot should be appropriately screened by a fence, wall, or hedge of height of about 2.4 metres and located a minimum distance of 1 metre from the edge of the parking area.
7) Shall meet off-street parking requirements specified in Schedule B of these Regulations.

5.3.5 Automotive Sales and Service Establishment

Definition: 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 a Planned Unit Development application (2.2.2 & 2.2.4), which shall include the following:
    a. The number and location of parking spaces including customer parking,
    b. Ingress and egress of the parking lot,
    c. Motor vehicle circulation pattern around the lot,
    d. Location of any building on the lot, and
    e. Area to be landscaped and screened and the type of landscaping to be used.
2) The automotive sales use should have a principal building on the lot in which the business is conducted. The principal building shall include washroom facilities and should 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 be approved by and meet the requirements of the Service NL.
3) The automotive sales lot should be paved and should 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 by the Provincial Government prior to the use commencing.
6) Shall meet off-street parking requirements specified in Schedule B of these Regulations.

5.3.6 Bar/Licensed Liquor Establishment

Definition: Bar/Licensed Liquor Establishment 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. A Bar/Licensed Liquor Establishment does not include a restaurant which has received approval for the sale of alcohol.

Conditions:

1) Shall 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.
4) Shall meet off-street parking requirements specified in Schedule B of these Regulations.

5.3.7 Building Supply Store

Definition: Building Supply Store means a building or land on which building and construction supplies and home improvement materials are kept for sale.

Conditions:

1) Shall 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) Storage of supplies is appropriately screened and/or fenced in order to prevent unsightly property.
4) Shall meet off-street parking requirements specified in Schedule B of these Regulations.

5.3.8 Business Support Service

Definition: 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) Shall 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) Shall meet off-street parking requirements specified in Schedule B of these Regulations.

5.3.9 Campground

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 shall require a Planned Unit Development application (2.2.2 & 2.2.4) satisfactory to Council containing the following information:
    a. Location and size of camp and trailer sites;
    b. Internal roads and accesses and parking areas;
    c. Parking areas for proposed campground;
    d. Accessory uses such as laundry facilities, storage areas, washrooms, showers, convenience store, staff accommodations, and outdoor and indoor recreation facilities;
    e. Water supply and waste disposal;
    f. Landscaping for proposed campground;
    g. Buffers and screening between the site and other nearby land uses;
    h. Delineation of the property to be developed on a legal survey;
    i. Where deemed necessary by Council, a phasing plan for development;
    j. On-site water and sewer services shall meet minimum standards required by Council and relevant Provincial agencies; and,
    k. Washroom facilities, recreational areas, parking areas, and similar facilities directly associated

with the development shall not be located on separate properties.

2) All camp sites and on-site facilities that form part of the development shall be accessible only via the internal road network of the development.
3) The development permit shall specify the maximum number of campsites for different uses such as tents, trailers, and RVs that shall be permitted on the site.
4) No expansion or alteration of a campground, other than repairs and maintenance, shall take place without the approval of Council.
5) The operation shall comply with all regulations of Council pertaining to noise and unruly behaviour.
6) Where deemed necessary by Council, a deposit sufficient to cover the cost of buffers and screening shall be deposited with Council until the work is completed in accordance with the approved plan.

5.3.10 Child Care – Non-Residential

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 under the *Child Care Regulations, 2017*, as amended from time to time, but does not include a school as defined by the *Schools Act, 1997*. (Note: Child Care - Residential is found under Home Business (3.5)).

Conditions:

1) Shall be duly licensed and approved, staffed, equipped and operated in accordance with the requirements of the agencies having jurisdiction or authority.
2) Shall meet off-street parking requirements specified in Schedule B of these Regulations. Consideration shall be given to ensure that 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.

5.3.11 Service Club and Lodge

Definition: Service 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. A Service Club and Lodge can also be an Accessory Use (refer to Section 3.4.1)

Conditions:

1) Shall meet Use Zone Site Development Standards and conditions.
2) A Service Club and Lodge can also be an Accessory Use (refer to section 3.4.1).
3) Shall meet off-street parking requirements specified in Schedule B of these Regulations.

5.3.12 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 and where there is no accessory manufacturing or fleet of vehicles consisting of more than 4 vehicles.

Conditions:

1) Shall 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.
4) Shall meet off-street parking requirements specified in Schedule B of these Regulations.

5.3.13 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 or 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, including but not limited to such examples as~~,~~ a Service Station or Single Detached Dwelling or public institutional building

Conditions:

1) The store may form part of, or be attached to, a Single Detached Dwelling, Service Station, 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) No regular parking of commercial vehicles or trailers will be permitted.
4) Shall meet the off-street parking requirements specified in Schedule B of these Regulations.
5) Council will pay particular attention to site access, the effects of the uses on traffic flow, and increased traffic congestion in the area.
6) There shall be no wholesale or outdoor storage of materials, equipment, or products.
7) Adequate provision for on-site parking, loading, buffering and landscaping shall be provided.
8) The hours of operation are appropriate to the nature of the building and surrounding neighbourhood.
9) As a home occupation, on-site advertisements shall be non-illuminated, with a maximum sign face area of $0.2m^2$ ($2.15\ ft^2$) and shall meet all other requirements of Council in terms of shape and construction material.
10) The use will not use water or generate sewage in excess of what can be accommodated by the municipal water supply and sewage system or on-site water and sewage system.
11) A freestanding Convenience Store or Drive-Through and Take-Out Restaurant on a separate lot shall comply with the development standards tables established for non-residential buildings.
12) The Drive-Through and Take-Out Restaurant use shall be subject to the conditions set out in 5.3.26.1.
13) A Drive-Through and Take-Out Restaurant associated with a Convenience Store should be subject to the following standards:
    a. A Drive-Through and Take-Out Restaurant should have a parking area or stacking lane with a minimum length before the pick-up window, as determined by Council during the review of

the application based on the anticipated on the level of traffic to be generated as indicated in the application;

b. Order boards and signage shall be designed to minimize impact on adjacent residential or public/institutional uses; and,
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 drive-thru Take Out; garbage receptacles shall be placed either before the pick-up window or after the pickup window.

5.3.14 Custom Manufacturing Service and Sales (Small/Artisan)

Definition: Custom Manufacturing Service and Sales (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) Shall 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) Shall meet off-street parking requirements specified in Schedule B of these Regulations.

5.3.15 Garage, Public Parking/Taxi Stand

Definition: Garage, Public Parking/Taxi Stand means a building or area other than a private garage where motor vehicles are kept or stored for remuneration which does not include any automatic car washing establishment, an Automotive Sales and Service Establishment or a Service Station.

Conditions:

1) Shall meet Use Zone Site Development Standards and conditions.
2) Recommend that appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties.
3) Shall meet off-street parking requirements specified in Schedule B of these Regulations.

5.3.16 General Service/Repair Shop

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

Conditions:

1) Shall 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) Shall meet off-street parking requirements specified in Schedule B of these Regulations.

5.3.17 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 or Inn (not a bed and breakfast), an establishment shall have a minimum of five letting rooms accessed from within the building, at least three of which shall have ensuite private bathroom facilities.

Conditions:

1) Required to submit a Planned Unit Development application (2.2.2 & 2.2.4).
2) Shall meet Use Zone Site Development Standards and conditions.
3) The Hotel or Inn shall be registered and approved by the Government 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) Housekeeping services including cleaning, provision of clean linen and towels (daily or weekly) shall be provided.
6) Access to units shall 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.
7) Units shall not have individual driveways to the street. Parking shall be provided in a parking lot with parking spaces and aisles and access for the overall parking lot to the street.
8) The Hotel or Inn shall have an overall cohesive design including a prominent lobby, pleasant appearance from the street, clear parking lot street entrance and design with a dust free surface, and landscaping (trees, shrubs, lawn) in setbacks and open areas.
9) There shall not be separate utility connections or utility billing or addressing for individual rooms.
10) Temporary accommodations for seasonal staff can be provided onsite.
11) Shall meet off-street parking requirements specified in Schedule B of these Regulations.

5.3.18 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 Planned Unit Development application (2.2.2 & 2.2.4).
2) Shall 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 and shall meet off-street parking requirements specified in Schedule B of these Regulations.

5) Outdoor storage areas for boats or other equipment should be landscaped and screened to the requirements of the Council.
6) Marinas should 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.
8) The Applicant shall obtain a permit under of the *Water Resources Act, 2002* under Section 48 for any infilling or dredging work associated with these structures or other works near or in any body of water prior to the start of construction.

5.3.19 Medical or Dental Clinic/Office

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

Conditions:

(1) Shall meet Use Zone Site Development Standards and conditions.
(2) Shall meet off-street parking requirements specified in Schedule B of these Regulations.

5.3.20 Motel

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

Conditions:

1) Required to submit a Planned Unit Development application (2.2.2 & 2.2.4.).
2) Shall meet Use Zone Site Development Standards and conditions.
3) The Motel shall be approved by the Government of Newfoundland and Labrador.
4) Units may be rented on a temporary basis but not as an open-ended monthly apartment.
5) A Motel unit is for temporary accommodation. It is not a place of residence or dwelling. No individual can reside in the units in a particular Motel for more than 3 months out of any calendar year.
6) Housekeeping services including cleaning, provision of clean linen and towels (daily or weekly) shall be provided.
7) Access to units may be through or associated with a clearly defined lobby. Exterior access to units can be provided as long as access to each unit is from a common parking lot on the site.

8) Units shall not have individual driveways to the street. Parking shall be provided in a parking lot with parking spaces and aisles and access for the overall parking lot to the street and shall meet off-street parking requirements specified in Schedule B of these Regulations.
9) The Motel shall have an overall cohesive design including a prominent lobby, pleasant appearance from the street, clear parking lot street entrance and design with a dust free surface, and landscaping (trees, shrubs, lawn) in setbacks and open areas.
10) There shall not be separate utility connections or utility billing or addressing for individual rooms.

5.3.21 Outdoor Commercial Patio

Definition: Outdoor Commercial Patio means any outdoor area used in conjunction with any establishment licensed under the *Liquor Control Act, 1990* where meals or refreshments are served to the public for consumption on the premises.

Conditions:

1) An Outdoor Commercial Patio should not accommodate more than 50 percent (50%) of the licensed capacity of the restaurant with which the patio is associated, or 50 persons, whichever is greater.
2) It is recommended that no Outdoor Commercial Patio 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 metres in height so that noise from the outdoor patio is mitigated.
3) Unless otherwise determined by Council, an Outdoor Commercial Patio should have a minimum setback of 1.5 metres from any lot line.
4) The location of an Outdoor Commercial Patio on a lot should 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 shall 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 should be 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 should be directed toward or onto the Outdoor Commercial Patio area and away from adjoining properties and streets.
9) Parking spaces should be required for the gross floor area associated with the Outdoor Commercial Patio use at the same ratio in Schedule B of these Regulations as for restaurants**.**

5.3.22 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 marketss.

Conditions:

1) Shall 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.
4) Shall meet off-street parking requirements specified in Schedule B of these Regulations.

5.3.23 Personal Service

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

Conditions:

1) Shall meet Use Zone Site Development Standards and conditions.
2) Shall meet off-street parking requirements specified in Schedule B of these Regulations.

5.3.24 Offices: Professional, Financial and Associated Support Services

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

Conditions:

1) Shall meet Use Zone Site Development Standards and conditions.
2) Shall meet off-street parking requirements specified in Schedule B of these Regulations.

5.3.25 Resort – Tourist Establishment

5.3.25.1 Resort-Accommodation Only

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

Conditions:

1) Required to submit a Planned Unit Development application (2.2.2 & 2.2.4).
2) Shall meet Use Zone Site Development Standards and conditions.
3) Shall meet off-street parking requirements specified in Schedule B of these Regulations.

5.3.25.2 Resort-Accommodation & Recreation Uses

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

Conditions:

1) Required to submit a Planned Unit Development application (2.2.2 & 2.2.4).
2) Shall meet Use Zone Site Development Standards and conditions.
3) Shall meet off-street parking requirements specified in Schedule B of these Regulations.

5.3.26 Restaurants

5.3.26.1 Drive-Through and Take-Out

Definition: Restaurants - 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) Council may require the applicant to undertake a Planning Impact Assessment to assess the impact of the proposed Drive-Through and Take-Out use and mitigation measures where the Drive-Through and Take-Out use is in close proximity to residential uses.
2) A Drive-Through and Take-Out restaurant should 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 Drive-Through and Take-Out use as listed below, and the stacking lane length may be modified on the basis of the recommendations of a Planning Impact Assessment. Drive-Through and Take-Out stacking lanes should not be located between the street and the building.
3) Drive-Through and Take-Out stacking lanes shall be located away from adjacent residential and institutional uses whenever possible and no Drive-Through and Take-Out stacking lane, order window, or order board should be located within 3 m of a lot line abutting a residential use.

4) Drive-Through and Take-Out stacking lanes 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) Order boards with an intercom shall be designed to minimize noise impact on adjacent residential or institutional uses.
6) 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 should be used to reduce headlight glare, order board lighting, and noise from the Drive-Through and Take-Out use. Garbage receptacles should be placed either before the pick-up window or after the pickup window as determined by Council.
7) If the use of any land, building or structure is composed of a combination of Drive-Through and Take-Out use and any one or more other uses, those uses should not be construed as accessory to one another and all provisions pertaining to each use shall apply.
8) Must meet Use Zone Site Development Standards and conditions.
9) Required to submit a Planned Unit Development (2.2.2 & 2.2.4).
10) Shall meet off-street parking requirements specified in Schedule B of these Regulations.

5.3.26.2 Full-Service Restaurant

Definition: Full-Service Restaurant means a building or part of a building wherein the primary purpose is the preparation of food for sale to the public for consumption within the building and may include a take-out area, but does not include a drive-through. It is characterized by the provision of table service, including buffet service and may also be licensed to serve alcoholic beverages.

Conditions:

1) Shall meet Use Zone Site Development Standards and conditions.
2) Refer to Outdoor Commercial Patio for standards related to outdoor areas.
3) Shall meet off-street parking requirements specified in Schedule B of these Regulations.

5.3.26.3 Mobile Take-Out/Canteen or Street Vendor

Definition: Restaurant - Mobile Take-Out/Canteen 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 *Towns and Local Service Districts Act* and the *Highway Traffic Act, 1990*. No person shall, at any time, operate a mobile canteen, an approved vending site or a vending operation in the Town without a permit issued by Council with the exception of:

a. A person selling newspaper door to door;
b. A child or youth selling goods to raise funds for school activities or non-profit youth groups;
c. Selling on behalf of an organization located within the Town providing that the sale of goods is to support the purposes of the organization and is not for personal gain;
d. Occasional selling of goods or foods on a business property outside the building where those goods or foods are usually sold by that business; or,
e. Door to door sales of goods or services.

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

1) The parking of a vehicle or trailer shall not be located on any required landscaped yards.
2) 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, the subsidiary vehicle or trailer use, and associated parking for patrons/customers.
3) 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.
4) If a vehicle or trailer is used for the purpose of the preparation, cooking, and/or sale of food and/or refreshments, the following approvals are required prior to the placement of the vehicle or trailer on the lot:
    a. Approval from the Fire Department regarding the appliances to be used and the required fire suppression measures, and
    b. Approval from Digital Government and Service NL regarding the storage and preparation of food and/or refreshments.
5) A vehicle or trailer may be required to provide, or have access to, washroom facilities as determined by Council.
6) Council shall limit the length of the Development Permit to a maximum of one year and the permit may be renewed on an annual basis if the applicant wishes to continue the use. The permit shall expire of the 31st day of December following the date of issue.
7) The permit issued to the operator shall be displayed in full view to the public.
8) Permits for mobile canteens, approved vending sites or vending operations shall be issued to an owner, operator or agent of such mobile canteen, approved vending site or vending operation and shall not be transferable.
9) The vendor shall not use the mobile take-out/canteen for the purpose of either temporary or permanent habitation or any overnight accommodation.

5.3.27 Retail

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

Conditions:

1) Shall meet Use Zone Site Development Standards and conditions.
2) Shall meet off-street parking requirements specified in Schedule B of these Regulations.

5.3.28 Shopping Centres/ Retail Warehouse/Strip Mall

Definition: Shopping Centres/Retail Warehouse/Strip Mall means a large single-level individual store with a minimum of 1000 m^2 gross retail floor space; or a condominium-style row development of stores (strip mall) normally containing retail shops (including box stores), restaurant, offices, personal service businesses, medical or dental clinic.

Conditions:

1) Required to submit a Planned Unit Development application (2.2.2 & 2.2.4).
2) Shall meet Use Zone Site Development Standards and conditions.
3) Shall meet the off-street parking requirements in Schedule B.

5.3.29 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 or 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 metres from the landscaped front or side yards.
3) Accesses should not be less than 7 metres wide and shall be physically established with either a raised island, high back curb, or roadside ditching 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 is recommended to be 10 metres 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 may be required along front and exterior lot lines.
7) Required to submit a Planned Unit Development application (2.2.2 & 2.2.4).
8) Shall meet off-street parking requirements specified in Schedule B of these Regulations.

5.3.29.1 Service Station – Residential

Definition: Service Station-Residential is a Service Station as defined above which may have a Convenience Store, snack bar, Drive-Through and Take-Out restaurant subordinate to the main use but is not a truck stop (as in a Service Station – Highway).

Condition:

1) All Service station requirements apply.
2) Council may require the applicant to undertake a Planning Impact Assessment to assess the impact of the proposed Service Station - Residential and mitigation measures where the Service Station-Residential Use is in close proximity to residential uses.

5.3.29.2 Service Station –Highway

Definition: Service Station-Highway means a Service Station which includes a Convenience Store and other services for the travelling public; and may include a Full-Service Restaurant, truck stop, and services for transport trucks.

Conditions:

1) All Service station requirements apply.
2) Required to submit a Planned Unit Development application (2.2.2 & 2.2.4).
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, including but not limited to such examples as, a visitor information centre.

5.3.30 Veterinarian Clinic

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

Conditions:

1) Shall meet Use Zone Site Development Standards and conditions.
2) Facilities for the overnight care of animals undergoing treatment may be permitted indoors and is considered incidental to the hospital use.
3) A Kennel is not permitted in association with a Veterinarian Clinic.
4) Shall meet off-street parking requirements specified in Schedule B of these Regulations.

5.3.31 Mobile Street Vendor (Non-Food) or Office

Definition: Mobile Street Vendor (Non-Food) or Office means a mobile vehicle or non-motorized cart merchandise under the *Towns and Local Service Districts Act* 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 shall be subject to the following conditions:

1) The parking of a vehicle or trailer shall not be located on any required landscaped yards.
2) 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, the subsidiary vehicle or trailer use, and associated parking for patrons/customers.
3) 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.
4) A vehicle or trailer shall be required to provide, or have access to, washroom facilities as determined by Council.
5) Council shall limit the length of the Development Permit to a maximum of one year and the permit may be renewed on an annual basis if the applicant wishes to continue the use. The permit shall expire on the 31st day of December following the date of issue.
6) The permit issued to the operator shall be displayed in full view to the public.
7) Permits for mobile street vending or office sites or operations shall be issued to an owner, operator or agent of such vehicle or trailer, approved vending site or vending operation and shall not be transferable.
8) The vendor shall not use the vehicle or trailer for the purpose of either temporary or permanent habitation or any overnight accommodation.

5.3.32 Hostel

Definition: Hostel means a building which provides commercial short term rentals, typically, a single room in a building or dwelling with shared bathrooms and kitchens.

Conditions:

1) Required to submit a Planned Unit Development application (2.2.2 & 2.2.4).
2) Shall meet Use Zone Site Development Standards and conditions.
3) Units may be rented on a temporary basis but not as an open-ended monthly apartment. A Hostel room is for temporary accommodation. The unit is not a place of residence or dwelling. No individual can abide in the units in a particular hostel for more than three months out of every calendar year.
4) Hostels may offer organized and managed cooperative cleaning and cooperative kitchen.
5) There shall not be separate utility connections or utility billing or addressing for individual rooms.

5.3.33 Short Term Residential Rental

Definition: Short-Term Residential Rental (STRR) means any rental of overnight accommodations in all or part of a Single Detached Dwelling, such as a subsidiary apartment, or a Semi-Detached Dwelling (double dwelling) that is not a Bed & Breakfast, Boarding house, Hostel, or Group home. Note that this would include a stand-alone boarding house or lodging house where the owner is not resident. STRR are also commonly referred to as 'Air BnBs'.

Conditions:

1) Shall meet Use Zone Site Development Standards and conditions.
2) Short-Term Residential Rental (STRR) uses shall have a permit from the Town and are only allowed as a discretionary use and where such dwelling units are well maintained and attractive to the intended tourism accommodation use and surrounding residential neighbourhood.
3) Neighbourhood consultation shall be undertaken prior to issuance approval of a new STRR permit.
4) All STRRs shall be licenced under appropriate provincial regulations, including but not limited to such examples as, the Tourist Establishment Regulations including Service NL approvals and proof of appropriate insurance coverage.
5) If individual bedrooms are intended to be rented separately, every bedroom available to be rented shall have parking spaces (one for every bedroom). If single detached dwelling, subsidiary apartment, or semi-detached dwelling is intended to be rented as one unit, the STRR shall meet off-street parking requirements specified in Schedule B of these Regulations.
6) A STRR is not permitted within a mobile home.
7) Council shall have the discretion to enact the following measures as needed:
    a. limit the density of a combination of Short-Term Rentals and Bed and Breakfast operations in a neighbourhood;
    b. a moratorium on new STRRs;
    c. set a percentage of all housing stock that can be STRR, and when that is met new licences will only be issued when a licence is retired;
    d. require that STRRs must be owner-occupied (like a bed and breakfast);
    e. require that only residents of the Town of Portugal Cove-St. Philip's can own a STRR;
    f. limit the number owner per individual or corporation. Where a corporation owns a STRR, Council may limit number of STRR owned by a director(s) of the corporation;
    g. prohibit Hotel/Motel operations from having STRRs as part of their accommodation offerings; and,
    h. Allow an Accessory Building, accessory dwelling unit, boat house or other structure to be used as a STRR.
8) Use shall not result in increased traffic congestion in the area.
9) No wholesale sales or outdoor storage of goods shall be carried out and any retail sales shall be incidental to the approved use.
10) The use will not use water or generate sewage in excess of what can be accommodated by the municipal water supply and sewage system or on-site water and sewage system.
11) On-site advertisements shall be non-illuminated, with a maximum sign face area of 0.2m2 (2.15 ft2) and shall meet all other requirements of Council in terms of shape and construction material.

12) At Council's discretion, a catered dining area, or other subsidiary use may be permitted, provided the uses are clearly incidental and subsidiary to the approved use and the hours of operation are limited.
13) Off-street parking for a catered dining facility shall provide one space for every three (3) persons that may be accommodated at one time.

5.4 INDUSTRIAL LAND USE CLASS

5.4.1 Aquaculture Facility

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

Conditions:

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

5.4.2 Crematorium

Definition: Crematorium means 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.
2) All crematory facilities should 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.
4) Shall meet off-street parking requirements specified in Schedule B of these Regulations.

5.4.3 Composting Facility

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

Conditions:

1) Shall meet Use Zone Site Development Standards and conditions
2) Recommend special attention to storage. Where storage will be within 15 m of, and visible from, an adjacent property or the road, a buffer consisting of a fence, berm, landscaping or a combination of these elements shall be used to provide adequate screening.

5.4.4 Contractor, General

Definition: Contractor, General means on-site storage, both indoor and outdoor, and maintenance for materials, construction equipment or vehicles including heavy equipment, temporary storage containers, construction trailers, and temporary office trailers normally associated with the contractor services for provision of building construction, landscaping, concrete, and electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature. Any sales, display, office or technical support service areas shall be accessory to the principal general contractor service only. Equipment repair is limited to the ownership use class does not include professional, financial and associated support services or equipment repair service to the public (i.e., a garage)

Conditions:

(1) Shall meet Use Zone Site Development Standards and conditions

(2) Where parking will be within 15 metres of, and visible from, an adjacent property or the road, a buffer consisting of a fence, berm, landscaping or a combination of these elements shall be used to provide adequate screening.

(3) Accesses should not be less than 7 metres wide and shall be physically established with either a raised island, high back curb, or roadside ditching and, where located on a corner lot, the minimum distance between an access and the intersection of street lines at the junction is recommended to be 10 metres and the lot line between entrances shall be clearly indicated;

5.4.5 Energy Generation Facilities

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

5.4.5.1 General Energy Generation Conditions

1) Required to submit a Planned Unit Development Application (2.2.2 & 2.2.4);
2) Shall meet Use Zone Site Development Standards and conditions;
3) The following requirements shall apply to wind, solar, and small hydro generating facilities:

a. Energy utilities are subject to the approval of relevant provincial and federal departments, agencies, and public utilities, including the Department of Industry, Energy and Technology and Transport Canada. The design and location of such utilities should take into consideration their impact on nearby land uses and persons, the environment, archaeological resources, and other matters that Council may deem to be significant. A wind, solar, or small hydro generator within a built-up residential area shall be limited to a single unit that serves an individual property.

b. An adequate separation distance shall be maintained between wind generators and nearby buildings and structures to prevent damage to persons and properties due to a failure of a generator or any of its components or the shedding of ice.

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.

5.4.5.2 Wind Turbines

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

Conditions:

Private Wind Turbines

3) Private turbines shall primarily be for the generation of electrical power for the property a residential use, for business owners and for varied public use buildings and other similar sites, but not for outside sale. Notwithstanding condition XX, where Council determines that the proposed parcel size and wind turbine height is not sufficient to mitigate impacts to adjacent properties, the wind turbine proposal may be denied by Council.

4) Where permitted as a discretionary use by Council, the development of a private wind turbine shall conform to the following standards and conditions:

Wind Turbine Development Standards				
STANDARDS	Lot Size (m^2)			
	<2000	2000	4000	>8000
Maximum number of wind turbine(s)	1	1	1	2
Maximum power generating capacity of wind turbine(s) (kilowatts –KW)	15KW	20KW	40KW	100KW (total collective)
Maximum tower height (metres)	10.25	12.25	18.5	30.5
Minimum separation distance from Tower and neighbouring residence (metres)	25	50	100	250
Minimum separation distance of the swept arc of the blade from residence on same lot (metres)	1	3	5	5
Minimum distance of the swept arc of the blade from side yard (metres)	Side yard requirements as in land use zone			

Wind Turbine Development Standards				
STANDARDS	Lot Size (m^2)			
	<2000	2000	4000	>8000
Separation distance between towers (metres)	Not Applicable			10
Lowest point of sweep area of rotor blade to finish grade (metres)	5	5	6	7

a. The development of a private wind turbine(s) on a lot shall be for the primary use of the property owner. Electricity produced shall address the consumption needs of buildings and facilities located on the subject property. Surplus electricity shall be secondary in nature to the primary use and may be connected to the local power grid for the purpose of selling surplus power.
b. All development shall meet applicable Federal and Provincial regulatory requirements, in particular those applying to safety and environmental concerns.

1) The development of the wind turbine(s) shall not create hazards or negative impacts on neighbouring properties. In cases where there are potential conflicts or impacts between a proposed development and neighbouring property, the turbine developer may be required to provide to Council a qualified consultant report with recommendations to ensure that adequate buffers or screening are maintained to reduce the potential impacts on adjoining properties, and to provide for other mitigation measures that may be necessary to reduce the impacts.
2) Wind turbine tower(s) shall be located on a lot with minimum visual impacts on neighbouring properties.
3) The sweep area of the rotor blades on a wind turbine shall not cross over property lines.
4) Wind turbine(s) shall not be permitted in front of the building line.
5) Wind turbine tower(s) shall be designed and constructed to meet design loads for operational requirements including ice build-up. The blades shall either have de-icing capabilities or be constructed of a material (ex. poly carbonate composite) that resists ice build-up.
6) Should the wind turbine cease operations for a period longer than 2 years, the turbine, towers, and any related infrastructure shall be removed from the property.

Commercial Wind Turbines

1) Where permitted by Council as a discretionary use, the development of a commercial wind turbine shall meet applicable Federal and Provincial regulatory requirements, the provisions of this Section, and all other terms and conditions as required by Council in consideration of the proposal, the proposed site and location, adjacent land uses, scenic views, rural character of the community and other factors relevant to such site approval consideration.

2) 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.

3) All developments shall meet applicable federal and provincial regulatory requirements.

4) 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.

5) The wind turbine tower shall be located to minimize visual impacts on the Town.

6) 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.

7) 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 (i.e., poly carbonate composite) that resists ice buildup.

8) 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.

9) Should the wind turbine cease operations for a period of longer than two (2) years, the wind turbine, tower, and any related infrastructure should be removed from the property.

5.4.6 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 include land and buildings designated for the building, launching, docking or storage of a commercial fishing vessel, and similar operations, including, but not limited to, such examples as, a marine centre or fish processing plant.

Conditions:

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

5.4.7 Forestry Activities

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

Conditions:

(1) Required to submit a Planned Unit Development application (2.2.2 & 2.2.4), or a Forestry Management Plan and to submit, every year, the annual operating plan;
(2) Shall meet Use Zone Site Development standards and conditions;

(3) Permits for commercial or other forestry related activities shall be obtained from the Regional Forestry Office, Government of Newfoundland and Labrador;
(4) All commercial harvesting operators shall apply for a development permit.

5.4.8 Industrial - General

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

a. The processing of raw materials;
b. The making, manufacturing or assembling of semi-finished or finished goods, products or equipment;
c. The cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in non-industrial zones;
d. The storage of trans-shipping of materials, goods and equipment;
e. The distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or resale;
f. transport establishments, which include the use of land, buildings, structures or parts thereof, where commercially licensed trucks, transports and buses are rented, leased, loaded or unloaded, serviced or repaired, kept for hire, stored or parked for dispatching as common carriers or where goods are temporarily stored for further shipment. Fuel and petroleum products may be dispensed and parts and accessories sold;
g. data centres (building(s) that house computing facilities like servers, routers, switches and firewalls, as well as supporting components like backup equipment, fire suppression facilities and air conditioning); or the training or 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 or similar agricultural activities listed in Section 5.2.

Conditions:

1) Required to submit a Planned Unit Development application (2.2.2 & 2.2.4)
2) Shall meet Use Zone Site Development Standards and conditions
3) Minimum of 2 access points for access/egress;
4) Surface runoff shall be directed to an oil/water separator before being discharged into a storm sewer or other drainage system;
5) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties.
6) Where it deems necessary, the Town shall require the provision of buffering by the developer which shall be to the satisfaction of the Town.

5.4.9 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, including but not limited to such examples as:

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

Conditions:

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

5.4.10 Industrial - Light

Definition: Industrial-light means the use of any land or buildings for any industrial-general 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, micro-distillery for cider/beer/spirits, 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 Planned Unit Development Application (2.2.2 & 2.2.4);
2) Shall meet Use Zone Site Development Standards and conditions;
3) Light industry uses should be conducted and wholly contained within an enclosed building and shall not be obnoxious by reason of noise, vibration, odour, dust, smoke, unsightly outdoor storage,

refuse matter, or water carried waste. Such uses shall not involve the use of chemical processes which result in the emission of gases, use of significant volumes of water or which generate significant levels of truck traffic.

4) Shall meet off-street parking requirements specified in Schedule B of these Regulations.

5.4.11 Industrial Mall

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

Conditions:

1) Required to submit a Planned Unit Development Application (2.2.2 & 2.2.4)
2) Shall meet Use Zone Site Development Standards and conditions
3) Shall meet off-street parking requirements specified in Schedule B of these Regulations.

5.4.12 Mineral Exploration (Development)

Definition: Mineral exploration (development) means the search for and sampling of minerals or quarry materials where the activity or activities involved meet the definition of "development" under the *Urban and Rural Planning Act, 2000*. "Mineral" and "quarry material" for the purpose of interpreting the definition of mineral exploration (development) are as defined in the provincial *Mineral Act, 1999* and *Quarry Materials Act, 1998*, respectively. Mineral exploration does not include mining or mineral working (e.g., quarrying). Activities which meet the definition of mineral exploration (development) are to be contrasted with mineral exploration activities that do not meet the definition of development, examples of which typically include traditional prospecting, geochemical sampling surveys (of rock, soil, sediment, water, or vegetation), ground-based and airborne geophysical surveys, and the cutting of survey lines. For the purposes of municipal planning, exploration for quarry materials (e.g., sand, gravel) should be considered a form of mineral exploration and included in the definition of mineral exploration (development).

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

The Mineral Lands Division, Mines Branch administers the *Mineral Act, 1999* 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) Shall meet Use Zone Site Development Standards and conditions;
2) Mineral exploration that does not meet the definition of 'Development' shall be permitted anywhere in the Municipal 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 shall depend upon the location of the mineral exploration in relation to built-up and environmentally sensitive areas, including but not limited to such examples 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 shall not issue a permit for mineral exploration until all necessary permits and approvals have been obtained from the Departments of Industry, Energy and Technology, Government Services, and Environment, Climate Change 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, 1999* 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
    e. Where mineral exploration (development) will be within 15 m of, and visible from, an adjacent property or the road, a buffer consisting of a fence, berm, landscaping or a combination of these elements shall be used to provide adequate screening.
4) Should a town have concerns about any mineral exploration activity, whether before or after the issuance of an exploration approval from the Department of Industry, Energy and Technology 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 (e.g., sand, gravel) is permitted using the same procedure and typically involves the excavation of test pits followed by their immediate rehabilitation.

5.4.13 Mineral Working

Definition: Mineral working means an operation consisting of one or more of the following activities: the digging for, excavation, and removal of quarry materials (i.e., quarrying) (may involve blasting), the removal of quarry materials previously excavated, the removal of quarry materials previously deposited on site, the stockpiling of quarry materials, the processing of quarry materials (e.g., crushing, screening, washing), the production of civil construction materials which use quarry materials in their natural form (e.g., asphalt, concrete), the re-processing of quarry materials including from reclaimed civil construction materials (e.g., reclaimed asphalt, concrete), the production of soil by blending organic materials with

quarry materials, or the treatment or remediation of soil. "Quarry material" for the purpose of interpreting the definition of mineral working is as defined in the provincial *Quarry Materials Act, 1998*. Mineral working does not include mining but may include mineral exploration (development) as a secondary activity. Mineral working does not include the excavation and removal of quarry materials as a by-product of an approved development.

Conditions

1) For approved developments where the extraction of quarry materials is occurring or may be expected to occur, the Town shall send a copy of the development permit to the Mineral Lands Division (quarry materials include but are not limited to aggregate, fill, rock, stone, gravel, sand, clay, borrow material, topsoil, overburden, subsoil, peat).
2) Quarry materials produced as a by-product of an approved development may be removed from the development site provided that royalties are paid to the province as required by the *Quarry Materials Act, 1998.* For example, site preparation to construct a building involves removing topsoil, overburden, and possibly rock from the footprint area; these materials may be retained or re-used on the development site (no royalties due) or removed from the site (royalties due). In order to ensure that royalties due the province are paid; it is necessary that the Department of Industry, Energy and Technology be made aware of approved developments where the removal of quarry materials is taking place or may take place.
3) The environmental standards in the Mineral Regulations under the *Mineral Act, 1999* shall apply.
4) Council shall be satisfied that the mineral working areas shall not create a nuisance –and shall not adversely affect the amenity of the specified development or natural feature. Where the municipal authority is satisfied that the mineral working shall not adversely affect the specified adjacent use or natural feature, mineral working may be permitted closer than the minimum separation distance or buffer show on the Table below. By allowing the municipality to waive pre-set separation distances where it is satisfied there shall be no adverse effect provides for greater flexibility in selecting sites where mineral workings may be permitted. Where mineral workings are proposed within a specified distance of a specified adjacent use or natural feature that may be adversely affected by the mineral workings, special conditions should be applied to mitigate, reduce, limit, or eliminate the anticipated negative effects.

Recommended Minimum Buffer Distance of Pit and Quarry Workings

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

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

5) Where a minimum required distance was originally observed when choosing the location of a mineral working, the mineral working shall not be discontinued or impeded where the buffer is reduced to less than the required distance due to encroachment of development or zoning boundaries towards the mineral working.
6) Where mineral working will be within 15 m of, and visible from, an adjacent property or the road, a buffer consisting of a fence, berm, landscaping or a combination of these elements shall be used to provide adequate screening.

5.4.14 Mining

Definition: Mining means an operation involving the extraction of a mineral for sale and for which a mining lease is required under the provincial *Mineral Act, 1999* administered by the Department of Industry, Energy, and Technology. "Mineral" for the purpose of interpreting the definition of mining is as defined under the *Mineral Act, 1999*. Mining may include, as secondary activities, mineral exploration (development) and mineral working. Note that under the *Mineral Act, 1999,* dimension stone (i.e., stone used for building facades, gravestones, etc.) is considered a mineral in Newfoundland but a quarry material in Labrador.

Conditions:

The following conditions shall apply to a Mining application subject to a Department of Industry, Energy and Technology 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.

5.4.15 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, and for forestry, mineral working and fishing industries this could include a laydown area for gear and equipment.

Condition:

1) Shall meet Use Zone Site Development Standards and conditions.

5.4.16 Salvage/Scrap Yard

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

Conditions:

1) Shall meet Use Zone Site Development Standards and conditions
2) A scrap yard or solid waste storage or disposal site shall be screened in the following manner where it is visible from a public street or highway, developed area, or area likely to be developed during the life of the use:
    a. Where tree screens exist between the use and adjacent public highways and streets or other land uses (excepting forestry and agriculture), the tree screens should be retained in a 30 metre wide strip of vegetation so that visibility of any part of the use from the surrounding uses or streets shall be prevented. The tree screens shall be maintained by the owner or occupier of the use to retain 30 metres in a forested appearance.
    b. Where vegetation dies or is removed from the 30 metres strip, the Council may require new trees of a minimum height of 1 metre be planted to fill in the areas affected to the satisfaction of Council or, at the discretion of Council, where no tree screens exist of sufficient width and density to constitute a visual screen, earthen berm should be constructed to a height sufficient to prevent visibility of any part of the use from adjacent uses (exception forestry and agriculture) or adjacent public highways and streets. The berm shall be landscaped to the Council's satisfaction.
        i. It is recommended that a visual screen fence satisfactory to the Town of at least 2.4 metres in height be erected around the area used for outdoor storage;
        ii. Where it is located within or adjacent to a commercial, residential or institutional area or development, there is no outdoor storage;

3) Unless the Council is satisfied that the use shall not create a nuisance and shall not adversely affect the amenity of the specified development or natural feature, no scrap yard or solid waste storage or disposal site shall be located closer than the minimum distances set out below to the specified development or natural features:
    a. Existing or proposed Residential Development - 300 metres
    b. Any other developed area or area likely to be developed during the life of the scrap yard or solid waste storage or disposal site- 150 metres
    c. Public highway or street- 50 metres
    d. Protected road - 90 metres

    e. Water body or watercourse- 50 metres
4) Fencing should be provided around the perimeter of the site, with a lockable gate at any entrance point. The type of fencing may accommodate with the natural site features.

5.4.17 Solid Waste Recycling/Disposal and Composting Site

Definition: Solid waste recycling/disposal and composting means a waste disposal site as defined by the *Waste Diversion Regulations, 2005* under the *Environmental Protection Act, 2002,* including but not limited to such examples as, waste transfer stations, composting or recycling.

Conditions:

1) Shall meet Use Zone Site Development Standards and conditions;
2) A vegetated or landscaped buffer zone of at least 15 metres 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 shall be required and all waste containers used should 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 should be provided around the perimeter of the site, with a lockable gate at any entrance point. The type of fencing may accommodate with the natural site features;
7) Containers intended to receive organic waste shall be required to have lids, screens, or covers that shall prevent access by bears and other predators, rodents, and birds, or be placed inside predator-proof enclosures;
8) Where organic wastes are involved, buildings should 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 kilometers from a residential development.

5.5 CONSERVATION LAND USE CLASS

5.5.1 Environmental Protection

Definition: Environmental Protection 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, viewscapes or other special designations under legislation; or site unsuitability due to erosion control, steep slopes, flood control and water supply protection.

Conditions that apply to both zones:

1) Shall meet Use Zone Site Development Standards and conditions.
2) Nothing in these Regulations shall prevent the designation of environmental protection areas in any zone.
3) Council shall not permit development vulnerable to flooding in areas known to be subject to local flooding.
4) Require that development of passive recreation facilities, including but not limited to such examples as, walking or nature trails, and associated interpretation programs do not have an adverse impact on the natural environment and residential properties.
5) The Town may require that any development near a designated trail or water course be reviewed by the Town to ensure that development does not negatively impact such trail or watercourse. Where deemed necessary, the Town may require that the buffer be provided by the developer.

5.5.2 Open Space, Parks and Trails

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

Conditions:

1) Shall 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-metre 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 Rural zone: Open Space, Parks 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; and,
   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.

5.6 PUBLIC/INSTITUTIONAL LAND USE CLASS

5.6.1 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-metre wide buffer should 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) Council may require a fence to be constructed and erected along all lines of the cemetery.
4) A cemetery use shall receive the approval of the Department of Digital Government and Service NL.
5) A crematorium is subject to the conditions of section 5.4.2.

5.6.2 Institutional Use

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

a. Hospitals;
b. Government Offices;
c. Educational Facilities;
d. Convention Centres or major cultural centres, including but not limited to such examples as, provincial Arts and Culture Centres;
e. Recreation Complex, including but not limited to such examples as, an arena, multi-use sports and entertainment centres, roller rinks, swimming pools;
f. Personal Care Facilities (larger than residential home), including but not limited to such examples as, nursing or senior's homes, family and group care centres (see Section 5.7.9); and,
g. Penal and correctional detention centres.

Conditions:

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

5.6.3 Protective and Emergency Services

Definition: Protective and Emergency Services means a development which is required for the public protection of persons and property from injury, harm or damage together with the incidental storage of 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) Shall 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.

5.6.4 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, or 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) Shall 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 non-residential building.
4) Shall meet off-street parking requirements specified in Schedule B of these Regulations.
5) 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, including but not limited to such examples 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, including but not limited to such examples as, elementary or secondary schools, day-care unless there are extenuating physical characteristics of the site that would provide natural screening;
    b. All crematory facilities shall be located within an enclosed building that meets building and fire code requirements; and,
    c. All applicable local, provincial, and federal laws and regulations shall be met.

5.6.5 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 Planned Unit Development application (2.2.2 & 2.2.4).
2) Shall 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 associated activities such that the combined uses create a public safety or health concern or inconvenience.
5) The use shall not be permitted in close proximity to a residential area where, in the opinion of Council, the use or its associated activities shall create a nuisance, such as the generation of fumes, noise, vibration, litter, and lighting, affecting the nearby residential area.
6) Where it is determined by Council, for public safety and convenience, that fencing is required, the area of the use shall be fenced in accordance with the requirements of Council.
7) Where it is determined by Council that washroom facilities are required, the use shall be required to provide washroom facilities in accordance with the requirements of Service NL and Council.
8) Where it is determined by Council, a security deposit shall be required to be submitted to the Town for the cleanup of the site and surrounding area of litter and debris which is generated by the activities or the use. The security deposit shall be returned upon the site and surrounding properties being left in a clean state that is satisfactory to Council.

5.6.6 Sports and Recreation Facilities

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

Conditions:

1) Shall meet Use Zone Site Development Standards and conditions.
2) Shall meet off-street parking requirements specified in Schedule B of these Regulations.
3) The activity is not unduly detrimental to the wider amenity of the area including neighbouring uses and appropriate noise and separation measures shall be incorporated into the development to reduce noise impacts.

5.7 RESIDENTIAL LAND USE CLASS

Note that accessory residential uses, such as subsidiary apartments (3.4.1.2) and accessory detached dwelling units (3.4.2.3) are found in Section 3.4.

5.7.1 Single Detached Dwelling

Definition: Single Detached Dwelling 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; and may contain a subsidiary apartment.

Conditions:

1) Shall meet Use Zone Site Development Standards and conditions.
2) In the Rural zone, a Single Detached Dwelling may only be permitted only as accessory to an agricultural use. A Single Detached Dwelling is subject to the approval of the Land Resource Stewardship Division and Service NL before a permit is issued by the Town.

5.7.2. Semi-Detached Dwelling

Definition: Semi-Detached Dwelling (also referred to as a double dwelling or duplex) 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 shall front on to a publicly maintained road.

Conditions:

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

5.7.3 Townhouses

Definition: Townhouse (or townhome) is a single-family home that shares one or more walls with other independently-owned units. They are often in rows of uniform homes and may be 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 shall 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 shall front on to a publicly maintained road.

Conditions:

(1) Shall meet Use Zone Site Development Standards and conditions.
(2) Required to submit a Planned Unit Development application (2.2.2 & 2.2.4).
(3) Shared walls shall meet all national code regulations.

5.7.4 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 row dwelling, plex housing, or a subsidiary apartment. It may be a rental property or a condominium ownership arrangement.

Conditions:

1) Shall meet Use Zone Site Development Standards and conditions.
2) Required to submit a Planned Unit 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 shall serve local needs of the residents and surrounding neighbourhood; and,
    c. The use shall not detract from the residential character of the neighbourhood by virtue of

generating excessive noise or traffic.

5.7.5 Cottage

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

Conditions:

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

5.7.6 Mini-Home

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

- **Mini-Home Park:** means a development under single or joint ownership, cared for and controlled by an operator where individual Mini-Home lots are rented or leased with or without units placed on them and where ownership and responsibility for the maintenance and development of site facilities including underground services, access roads, communal areas, snow clearing and garbage collection, or any of the, are the responsibility of park management. It does not travel trailer park, campground or group dwellings.
- **Mini-Home Subdivision:** means a development requiring the subdivision of land whether in single or joint ownership into two or more pieces or parcels of land for the purpose of 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.

Conditions:

(1) 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.
(2) A Mini-Home subdivision/park is required to submit a Planned Unit Development Application (2.2.2 & 2.2.4).

5.7.7 Tiny Homes

Definition: Tiny Home 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^2.

Conditions:

1) Tiny Homes shall be constructed to the requirements of the National Building Code.
2) The location of a Tiny Home subdivision shall be determined by Council in any residential zone and subject to any conditions identified by Council.
3) Shall meet Use Zone Site Development Standards and conditions; that is, all other siting requirements of the residential land use zone shall apply.
4) Tiny Homes shall have permanent provisions for living, sleeping, eating, cooking and sanitation.
5) An accessory building in the Tiny Home Subdivision shall not exceed the size of the Tiny Home.
6) A Planned Unit Development application is required as part of the application to develop a Tiny Home subdivision.

5.7.8 Non-Market Housing

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

Condition:

1) The buildings used for Non-Market Housing shall be listed as a permitted or discretionary use in the Zone (Chapter 3) where the Non-Market Housing is proposed to be located.

5.7.8.1 Assisted Living-Residential Personal Care Home

Definition: Assisted Living-Residential Personal Care Home means housing with supports or independent living or personal care home-residential: Housing for seniors and people with physical and/or mental disabilities that includes on-site hospitality and personal-care support services (i.e., Level 1 & 2 care) and does not include people requiring 'supportive housing' described in 5.7.8.3.

5.7.8.2 Non-Profit Housing:

Definition: Non-Profit Housing means a housing development providing housing for low/no income people who cannot afford market housing; i.e., Newfoundland & Labrador Housing, Co-op housing.

5.7.8.3 Supportive Housing:

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

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

This can include a 'group home' - Definition: 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 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.

5.7.8.4 Transitional Housing:

Definition: Transitional Housing means housing for residents for between 30 days and three years. It aims to transition individuals to long-term, permanent housing.

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) Shall 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.

5.7.9 Dormitory

Definition: Dormitory means a building, sometimes referred to as residence hall, primarily providing sleeping and residential quarters for large numbers of people, including but not limited to such examples as, boarding school, high school, college or university students, also including medical residence for staff, religious organizations, or private companies providing accommodations for staff in a Single Detached Dwelling, Semi-Detached Dwelling, Apartment Building or Hostel.

Conditions

1) Shall meet Use Zone Site Development Standards and conditions.
2) Units may be rented as an open-ended monthly apartment for the purposes set out in the definition, they are not intended for commercial Short Term Residential Rental.
3) Dormitories may offer organized and managed by cooperative cleaning and cooperative kitchen arrangements.

4) The Dormitory shall have an overall cohesive design, 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.
5) There shall not be separate utility connections or utility billing or addressing for individual rooms.

5.7.10 Plex Housing

Definition: Plex Housing consists of a building containing 3 or more independent dwelling units which may consist of a tri-plex, quadplex or more dwelling units which may rented or owned separately and may be configured as follows:

a. Side-by-side as townhomes where each unit faces the street and can be rented or owned individually; or side-by-side with a common access and on-site parking; or,
b. stacked with units above one another as an apartment with a separate indoor entrance, corridors and stairs; or with exterior separate entrances, stairs.

Conditions

1) Shall meet Use Zone Site Development Standards and conditions.
2) Where the building design fits the configuration of a townhouse or apartment building; then the development standards of each shall be applied as set out for the Zone in which the building is located.
3) May be required to submit a Planned Unit Development application (2.2.2 & 2.2.4) where multiple buildings are to be sited on one (1) parcel of land.
4) Where a plex housing building is proposed to be constructed on one (1) parcel of land under singular ownership (which may be subject to the provincial *Condominium Act, 2009,* as amended), a total minimum frontage of 15 m will be required to provide adequate access to the building (as opposed to a per unit measurement).
5) Where possible, parking for plex housing will be provided in the side or rear yard. Parking in the front may be considered at the discretion of Council. Accessory buildings for individual dwelling units shall only be allowed in the side or rear yard where each dwelling unit is independently owned and contained within its own legal property survey. Plex housing developments may utilize innovative housing layouts and may include multi-user accessory buildings.

5.7.11 Extension Residential

Definition: Extension Residential housing means Single Detached Dwellings built directly adjacent to an existing residential neighbourhood on an existing publicly maintained road.

Conditions

1) Council may consider the extension of existing residential development on sites that front on to publicly maintained roads in non-residential zones as indicated on the Use Zone table for those zones where:
   a. The proposed site in adjacent to an existing residential neighbourhood fronting onto the road.
   b. In the opinion of Council, after considering the vegetation characteristics, topography, and other natural conditions of the site, the site is suitable for a single detached dwelling.

c. Council is satisfied that it will not have an adverse impact on existing agricultural operations or future agricultural development of the surrounding area.
d. The site can meet the same development standards for single dwellings as specified for the Residential Rural zone.

5.8 PUBLIC INFRASTRUCTURE AND UTILITIES

5.8.1 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. shall meet Industry Canada standards; and,
    b. where it is deemed feasible, a new telecommunications structure or antenna shall share existing telecommunications structure or antenna infrastructure or shall 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.
2) The colour, location, and design of a new telecommunications structure or antenna shall not detract from the appearance and character of the surrounding properties and do not negatively impact aesthetically on adjacent lands and uses.
3) The site or the building on which the telecommunications structure or antenna is erected or situated should be landscaped or treated in a manner to minimize the visual impact on the surrounding area.

5.8.2 Easement

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 (i.e.: Newfoundland Power, telephone, cable television, Crown Land). Permanent buildings include, but are not limited to, all dwellings and accessory buildings.
2) Access to these Easements by service providers shall be preserved.

5.8.3 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 5.4.5).

Conditions:

1) Shall meet Use Zone Site Development Standards and conditions.
2) Water treatment plant, sewage treatment plant, solid waste landfill, or power plant shall be reviewed as required by the development application process for the purposes of establishing conditions for development and ensuring appropriate referrals are made to agencies , including but not limited to such examples 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 shall be in keeping with adjacent uses.
5) Provision should be made for buffering in the form of landscaped areas between uses.

5.8.4 Municipal Drinking Water Treatment Facility

Definition: Municipal Drinking Water Treatment Facility means a facility including a building and any outdoor reservoirs and facilities required for the transport and treatment of water for the purposes of providing potable drinking water for the community in accordance with applicable federal and provincial standards.

Conditions:

1) Shall meet Use Zone Site Development Standards and conditions.
2) The water treatment plant shall be reviewed as required by the development application process for the purposes of establishing conditions for development and ensuring appropriate referrals are made to agencies such as Environmental Assessment Division, Water Resources Management Division, etc.

5.8.5 Municipal Wastewater (Sewer) Treatment Facility

Definition: Municipal Wastewater (Sewer) Treatment Facility means a facility including a building and any outdoor reservoirs and structures required for the treatment of sanitary domestic wastewater discharged from residences and from commercial, institutional, industrial and similar facilities in the municipality in accordance with applicable federal and provincial standards.

Conditions:

1) Shall meet Use Zone Site Development Standards and conditions.
2) The wastewater treatment plant shall be reviewed as required by the development application process for the purposes of establishing conditions for development and ensuring appropriate referrals are made to agencies such as Environmental Assessment Division, Water Resources Management Division, and any other provincial or federal agencies, as required.

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6.0 SUBDIVISION OF LAND

6.1 SUBDIVISION STANDARDS

6.1.1 Permit Required

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

Updated legal property surveys (for newly created lots, consolidation of property, and the residual lot) shall be provided to the Town prior to the issuance of a permit to subdivide.

No provision in a Will (or testament which is a legal document that expresses a person's wishes as to how their property is to be distributed after their death) that purports to subdivide land is of any effect to subdivide that land contrary to these Regulations.

6.1.2 Subdivision Standards Apply

The provisions in this Chapter of the Development Regulations shall apply to the following:

1. The subdivision of land under single ownership into four (4) or more lots, including the residual lot;
2. Construction, upgrading, or extension of an existing public street by a party other than municipal, provincial, or federal governments; and/or
3. Minor subdivisions of three (3) or fewer lots, including the residual lot, which require new public or private road construction, the installation of utility infrastructure, or water and sewer services (other than private connections).

6.1.3 Subdivision design standards do not apply

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

1. Where the parcel being created is to be used solely for the unattended equipment necessary for:
    a. the operation of community water, storm or sanitary sewer systems;
    b. public utilities, including electrical substations or generating stations;
    c. air or marine navigational aids;
    d. any other similar public service or utility (including wind turbine ‘farms’);
    e. Cemeteries;
    f. Resource uses set out in the Rural zone; or,
    g. Conservation, open space, park uses.
2. Minor subdivisions of three (3) or fewer lots (including the residual lot) 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 shall comply with the development standards of the Use Zone.

6.1.4 Public Notice

Where an application to subdivide property will result in four (4) or more proposed lots, including the residual lot, Council shall give notice to property owners whose land is within a minimum 200 m offset of

the property boundaries of the land subject of the application, and consider any input received.

6.1.5 Subdivision Subject to Zoning

The subdivision of land shall be permitted only in conformity with the Use Zones delineated on the Zoning maps and associated Development standards.

6.1.6 Subdivision Permit Subject to Considerations

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, does not demonstrate sound design principles, will cause undue environmental harm, or will result in an undue cost burden for the provision of municipal services.

6.1.7 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:

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

6.1.8 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 and/or in accordance with the terms of an approved subdivision development agreement.

6.1.9 Land for Undeveloped Public Open Space

Council may require the dedication of a percentage of the land area of any subdivision or other development not less than of 10% of the area to be developed as undeveloped public open space 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.

6.1.10 Landscaping Requirements in Subdivisions

1) Wherever possible, natural areas should be maintained in their natural state and the destruction of these natural areas by development should be minimized.
2) Minimum landscaping of the recreational open space area shall be topsoil and grass seed, as determined by the Town. Mulch, pebbles or other materials may also be considered at the discretion of the Town.
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 the Town.

6.1.11 Tiny House Subdivision

A Tiny House subdivision means a concept proposal, approved by Council, to subdivide property into a minimum of eight (8) or more tiny house residential lots subject to conditions outlined in a development agreement. The subdivision plan shall provide the same information as any other residential subdivision as set out in this Chapter.

6.2 SUBDIVISION PERMIT REQUIREMENTS

6.2.1 Subdivision Development Agreement

Council shall require an applicant to enter into a subdivision agreement with the Town as a condition of approval.

6.2.2 Municipal Services to be Provided

1) No permit shall be issued for the development of a subdivision unless provisions satisfactory to Council have been made in the application for connection to municipal services, or for verification of a safe supply of drinking water of sufficient quantity, a properly designed sewage disposal system as approved by the Department of Digital Government and Service NL, and a properly designed storm drainage system so as not to affect adjoining and nearby properties.

2) Where a parcel of land fronts on a street containing municipal water and/or sewer service(s), all development must connect to the service(s).

3) Where municipal water and/or sewer service(s) are in close proximity to a proposal to subdivide land requiring the construction of a new street or extension of an existing street, or a Planned Unit Development containing three (3) or more buildings, the development shall be serviced by municipal water and/or sewer based upon the following Proximity Ratios:

    a. Proximity Ratio of 60 m^2/m or greater for development near municipal water and sewer; or

    b. Proximity Ratio of 120 m^2/m or greater for development near one of either municipal water or sewer.

4) Notwithstanding 4.4.6 (2), Council may, in their sole discretion, require a development to be serviced by municipal water and/or sewer services.

6.2.3 Private Well Water Source: Groundwater Supply Assessment and Reporting

1) A Groundwater Assessment Report shall be required to be completed and submitted by the subdivision applicant to the Water Resources Management Division (and copied to the Town) as part of the subdivision approval process where a minimum sized subdivision of 5 or more lots (including the residual lot) is to be serviced by individual wells. The Groundwater Assessment Report shall be prepared in accordance with the '*Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells'.* Requirements to complete a Groundwater Assessment Report shall be based upon the following criterion:
    a. A Groundwater Assessment Report shall not be required for subdivisions less than five (5) lots, each having a minimum 2,023m^2 (1/2 acre) size, unless the area has documented drinking water quality and/or quantity problems.
    b. A proposed subdivision from five (5) to fifteen (15) lots shall require a Level I assessment, as defined in the Groundwater Supply Assessment and Reporting Guidelines.
    c. A proposed subdivision greater than fifteen (15) lots shall 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

6.2.4 Land for Undeveloped Public Open Space

1) Where developing a subdivision requiring the construction of a new street or extension of an existing street, or a planned unit development consisting of three (3) or more buildings, the developer shall dedicate to Council, at no cost to the Town, a useable area of land equivalent not less than ten percent (10%) of the gross area of the residential subdivision or 25.0 square metres for every dwelling unit proposed, whichever is greater, for undeveloped public open space, 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 undeveloped 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 or is dedicated for municipal infrastructure required in relation to the proposed development (ex. Stormwater retention pond, ditching, etc.). Council may, at their discretion, accept land owned by the developer which is located within the planning area but outside of the boundaries of development of the proposed subdivision or planned unit development;
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 corresponding percentage of the appraised market value of the gross area of land;
e. Council may accept a combination of land and money to satisfy the requirement for undeveloped public open space. Where it is determined that less than 10% undeveloped public open space is required to be conveyed in this section, the developer may propose to perform improvements to the land conveyed. The value of any proposed improvements shall be not less than the value of money that would otherwise be required to be paid to the Town (ex. Installation of playground, walking trail, tennis courts, etc.); and,
f. money received by the Authority in accordance with subsections (d) and (e) above shall be reserved by the Town for the purpose of the acquisition or development of land for undeveloped public open space or other public purpose.

2) Where subdividing land along an existing publicly maintained street, Council may require the conveyance of a portion of the lands if required for current or planned municipal infrastructure or correcting the street reservation to the Town's current standards (including widening of the reservation for a sidewalk or walking path).

3) Land dedicated for undeveloped 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 undeveloped public open space or other public purposes.

4) Buffer areas for watercourses, waterbodies and coastline identified in Schedule E of these Regulations shall be reserved and remain undeveloped. Council may, at their discretion, consider these areas to be transferred to their ownership toward the requirement of land for undeveloped public open space.

5) Before approving an application to subdivide land abutting or in the vicinity of a waterbody, the effect of the proposed subdivision on public access to the waterbody will be considered. If there is concern that the development may impede public access to the waterbody, no permit will be issued unless provision has been made for a public right-of-way to the pond and for the transfer of ownership of the right-of-way to the Town.

6) Before approving an application to subdivide land abutting or in the vicinity of an existing or proposed trail system, either the East Coast Trail or a Town trail identified in the Town's Trails Master Plan, the effect of the proposed subdivision on trail buffering, and the ability to construct the trail and connectivity of the trail network will be considered. No permit will be issued for the development unless provision has been made for required buffering and a public right-of-way to access the trail network and for the transfer of ownership of the right-of-way to the Town. Where a trail is proposed to be developed through land proposed to be subdivided, the proposed trail corridor shall be conveyed to the ownership of the Town, which shall be considered toward the requirement of land for undeveloped public open space. Council may accept an adjusted trail corridor location within the property as long as the overall development of the trail is not impacted.

6.2.5 Fees, Service Levies, and Development Charges

6.2.5.1 Subdivision Fees

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

6.2.5.2 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 improvement assessments shall 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 shall 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 or set out in the Subdivision Design and Construction Standards.
3) The applicant shall pay the cost of all capital works necessary to serve the proposed development or subdivision.

6.2.5.3 Deposit of Securities

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

6.3 SUBDIVISION DESIGN STANDARDS

1) No permit shall be issued for the development of a subdivision under these Regulations unless the

design of the subdivision conforms to the following standards:

a. No cul-de-sac shall be located so as to appear to terminate a collector street.

b. New subdivisions shall have street connections with an existing street or streets.

c. No more than four (4) streets shall join at any street intersection.

d. No residential street block shall be longer than 450 metres between street intersections.

e. No lot intended for residential purposes shall have a depth exceeding four times the frontage, except for infill development on existing streets where environmental features or lot configurations in the immediate neighbourhood area do not provide options for further subdivision of land.

f. Residential lots shall not be permitted which abut a local street at both front and rear lot lines, except where otherwise allowed in these regulations.

2) Council may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed.

3) Where any new residential subdivision is permitted to abut the rear or side boundaries of an existing residential or commercial lot, a natural vegetation buffer or other structural barrier, such as a privacy fence, shall be required to be constructed and maintained by the owner or occupier to the satisfaction of Council.

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

5) Streets in residential subdivisions shall be designed in accordance with the approved Subdivision Design and Construction Standards of Council.

6) Infill lot(s) along existing Town owned streets may not be subdivided if the street does not meet the Town's current standards (in terms of reservation width or walking infrastructure) unless provision has been made by the property owner to convey land up to 3m in depth, at no cost to the Town, along the entire frontage of the lot(s) (including the residual lot) from the property owner to accommodate the future widening of the road or construction of a sidewalk or walking path.

6.4 SUBDIVISION ENGINEERING STANDARDS AND APPROVALS

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 and the "Subdivision Design and Construction Standards" as approved by Council.

7.0 SIGNS (ADVERTISEMENTS)

7.1 PERMIT REQUIRED

No advertisement, as defined by Schedule A, shall be erected or displayed on land, or upon or within water, in the Municipal Planning Area unless a permit for the advertisement is first obtained from Council.

7.2 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply:

a. "Above the surface of the ground" means measured vertically from the horizontal projection of the highest point of the ground immediately below a sign as determined by Council to the highest point of the sign or the pole as determined by Council.
b. "Banner sign" means a sign produced on cloth, paper, fabric or other combustible material of any kind, either with or without frames.
c. "Bench sign" means a sign painted, located on or attached to any part of the surface of a bench, seat, or chair placed adjacent to a public place or street.
d. "Billboard" means a sign and its structure and component parts which are intended to advertise or call attention to any matter, object, event or person, where the sign face is usually leasable and where the subject matter may or may not be related to a use at or around the parcel of land on which the billboard is located.
e. "Building face" means the total area of a building between the finished surface of the ground and the eaves of any architectural elevation.
f. "Bus shelter advertisement" means an advertisement that is painted, located on, attached, or forms part of a bus shelter placed or erected adjacent to or on a public place or street.
g. "Canopy sign" means a sign that is a part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window or outdoor service area.
h. "Changeable message sign" means an illuminated sign advertising a variety of goods and services offered which may or may not be located on the same property where the sign is located.
i. "Construction sign" means a temporary sign erected on the premises or land on which development or construction is taking place, during the period of such construction, indicating the names of the planners, architects, engineers, landscape architects, contractors or similar artisans and the owners, financial supporters, sponsors and similar individuals or firms having a role or interest with respect to the structure or project.
j. "Corner lot" means a lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.
k. "Election sign" means any sign used to promote a candidate or party during a regional school board or municipal, provincial or federal election.
l. "Electrical sign" means a sign that utilizes an electrical source.
m. "Ground sign or pylon sign" means a sign affixed to, supported by or placed upon the ground whether the ground is paved or unpaved, and which is supported by one or more uprights, in or upon such ground and not attached to any building.

n. “Illuminated sign” means a sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.
o. “Inflatable signs” means a sign or display that is capable of being expanded by air or other gas and used as a temporary basis to advertise a product or event.
p. “Marquee” means any permanent roof like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.
q. “Marquee sign” means a sign printed upon, or attached to a marquee.
r. “Menu Board” means a sign erected as part of a drive-through facility and used to display and order products and services available in association with a drive-through business.
s. “Off-site directional sign” means a sign which directs traffic to a specific property, business or event and the sign is located on a property or building separate from the property, business or event to which it relates. A billboard sign is not an off-site directional sign.
t. “Pre-menu board” means a sign erected as part of a drive-through facility and only used to display products and services available in association with a drive-through business.
u. “Portable sign” means an illuminated or non-illuminated sign which is movable from one location to another and which is not attached to a fixed structure or does not have supports imbedded in the ground.
v. “Projecting sign” means a sign other than a wall sign so constructed and so erected as to be rigidly attached at one end to a building, metal pole or other structure and projecting out from the surface of the building pole or other structure to which it is attached.
w. “Real estate sign” means a sign pertaining to the sale or lease of the premises or a portion ofthe premises, on which the sign is located.
x. “Roof sign” means a sign that is erected, constructed and maintained above the roof of a building, within the peripheral dimension of such building and fastened or attached to or supported on such roof.
y. “Sidewalk sign” means a free standing sign erected on but not permanently anchored in the ground. Without limiting the generality of the foregoing, this definition includes signs referred to as A-frame, T-frame, sandwich boards, and menu boards, but shall not include any other sign defined in these regulations.
z. “Sign face” means the area or display surface used for the advertisement or message.
aa. “Sight Triangle” means a triangular- shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. The triangular-shaped portion of land is formed by the street lines and a line drawn from a point in one street line to a point in the other street line, each such point being 7.0 m (23.0 ft) measured along the street from the point of intersection of the street lines where the posted speed limit is 50 km/h or less. For speed with posted speed limits greater than this, the sign triangle to be determined by the Town’s Consulting Engineer.
aa. “Wall sign” means a sign which is painted on or attached directly against the surface of or against or within a recess in the wall or a column or other perpendicular portion of a building and approximately parallel thereto and which extends not more than 30 cm (11.8 in) from the architectural feature on which it is attached, and shall include a fascia sign.

7.3 FORM OF APPLICATION

Application for a permit to erect or display an advertisement shall be made to Council in accordance with section 2.2.2.

7.4 ADVERTISEMENTS PROHIBITED IN STREET RESERVATION

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

7.5 PERMIT VALID FOR LIMITED PERIOD

A permit granted 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 Council for similar periods.

7.6 REMOVAL OF ADVERTISEMENTS

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

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

7.7 ADVERTISEMENTS EXEMPT FROM CONTROL

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

1) General exemptions:

a. on a single residential dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.2 m² (2.1 square feet) in area size;
b. on an agricultural holding or farm, a notice board not exceeding 1.0 m² (10.76 square feet) in area size and relating to the operations being conducted on the land;
c. on land used for forestry purposes, signs or notices not exceeding 1.0 m² (10.76 square feet) in area size and relating to forestry operations or the location of logging operations conducted on the land;
d. on land used for mining or quarrying operations, a notice board not exceeding 1.0 m²
e. (10.76 square feet) in area size relating to the operation conducted on the land;
f. on a dwelling or within the yard of a dwelling, one nameplate not exceeding 0.2 m² (2.1 square feet) in area size in connection with the practice of a professional person carried on in the premises;
g. on any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board not exceeding 1.0 m² (10.76 square feet) in area size;
h. 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 3.0 m^2 (32.28 square feet), whichever is the lesser;

i. on any parking lot directional signs and one sign not exceeding 1.0 m^2 (10.76 square feet) in size, identifying the parking lot;
j. election signs of any candidate or political party during a federal, provincial, municipal, or regional school board election, subject to the provisions of Section 77(2) of these Regulations;
k. temporary signs relating to Federal, Provincial or Municipal public works;
l. notices required by law to be posted;
m. regulatory, warning, directional, guide or informational signs erected by a Federal, Provincial or Municipal Authority or a community group approved by Council;
n. signs placed by a telephone, telegraph or electric power company to indicate danger;
o. non-illuminated real estate signs not exceeding 0.46 m^2 (5.0 ft^2) in total area advertising the sale or rent of a building or lot upon which the sign is located subject to the provisions of Section 77(3) of these Regulations;
p. a flag, emblem or insignia of any nation, country or province;
q. one construction sign not exceeding 9 m^2 (96.9 ft^2) in total area related to the development of a property providing such sign is located on the site on which the work is being carried out and is removed at the conclusion of the development or at such time as determined by Council; and,
r. Signs with existing Provincial and/or Municipal approvals.

2) Election Signs

Election signs exempt from control shall be subject to the following conditions:

a. The erection of election signs shall be permitted on private property provided the property owner has given consent for the erection of such a sign and that the sign does not cause an obstruction to neighboring properties.
b. The erection of election signs shall be permitted on public property, provided the signs do not cause an obstruction to the traveling public or the work of Council, and provided the signs are not located within the far limits of the carriageway at any street intersection.
c. Election signs shall not be affixed or attached to existing municipal buildings, structures or signs.
d. Candidates shall remove their election signs within two days following the election and shall ensure that the site is cleaned up.
e. If the Candidate fails to remove his or her election signs within two days following the election, Council may remove them and dispose of them and the candidate shall be responsible for the cost of the removal and disposal of such signs.
f. The maximum size of an election sign shall be no more than 3.0 m^2 (32.3 ft^2).

3) Real Estate Signs

Real estate signs exempt from control shall be subject to following conditions:

a. No real estate sign shall be affixed to any utility pole or municipal building, structure or sign or be erected or placed on publicly owned land without the permission of the property owner.
b. There shall be a limit of one double-faced sign per property or for every 30 m (98.4 ft) of lot frontage.
c. A corner lot may carry two double-faced signs, one sign for each street.

d. Portable real estate open house signs shall also be permitted provided their placement does not obstruct vehicular or pedestrian movement, and the duration of such placement is limited to the time of the actual open house.
e. A real estate sign marking that the property is "sold" may appear for a limit of two weeks from the date of the closing of the transaction.
f. If the real estate agent fails to remove his or her signs within two weeks from the date of the closing the transaction, Council may remove them and dispose of them and the agent shall be responsible for the cost of the removal and disposal of such signs.

7.8 APPROVAL SUBJECT TO CONDITIONS

1) Permit

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 applicable Use Zone Tables in this chapter.

2) Refusal of permit

Notwithstanding the provisions of this chapter, Council may refuse any sign or advertisement that, in the opinion of Council, is considered hazardous to road traffic by reason of its sitting, color, animation, illumination or structural condition or is considered detrimental to the amenities of the surrounding area.

3) Bench and Bus Shelter Signs and Advertisements

Bench signs and bus shelter advertisements shall be approved in accordance with the requirements and conditions as determined by Council.

4) Stationary Vehicle Signs

Unless otherwise determined by Council, a sign or advertisement shall not be attached, affixed or displayed on a vehicle or trailer which is parked or located for the primary purpose of displaying said sign or advertisement.

5) Sight Triangle

Unless otherwise determined by Council, no sign or advertisement shall be permitted to be located within the area identified by Council as the sight triangle at the intersection of streets.

6) Electrical or Illuminated Signs

Every electrical or illuminated sign shall be approved by a certified organization that is accepted by the Province of Newfoundland and Labrador and the Standards Council of Canada. A licensed electrician shall undertake the electrical hook up of the sign. Illuminated signs may be required to be switched off during certain periods of the night, depending on their location. This will be determined by Council on a case by case basis.

7) Easements

With the exception of portable signs, signs shall not be permitted to be located upon or project within the limits of utility or municipal service easements. Any sign located in close proximity to a utility or municipal

service easement shall be located in accordance with the requirements of the easement owner.

8) Engineering Design Requirements

Signs shall be designed, constructed, and erected to withstand the ice load and wind load requirements as determined by the Town's Consulting Engineer. The following types of signs will require signed and sealed approval by a Professional Engineer with the Association of Professional Engineers and Geoscientists Newfoundland and Labrador (PEGNL):

- Billboard Signs
- Ground Signs or Pylon Signs greater than 3 m (9.8 ft) in height
- Portable Signs (at Council's discretion)
- Roof Signs

9) Other Required Information

Every portable sign or advertisement shall display, in a manner acceptable to Council, the name and phone number of the sign contractor.

In the case of an electrical or illuminated sign, the electrical certification's approval sticker shall be displayed on the sign.

10) Advertisements

a. Banner Sign

A banner sign shall not be suspended across any street unless the authority grants its approval. A banner sign attached to a face of a building, fence or other structure shall be considered in a like manner to a wall sign.

b. Billboard Sign

A billboard sign shall be permitted provided:

i. The maximum sign face of a single billboard shall not exceed 21.5 m^2 (231.4 ft^2). Where Council deems appropriate, a double or "super sign" may be permitted but shall not exceed 43 m^2 (462.9 ft^2) for a sign face.

ii. Unless otherwise determined by Council, the maximum overall height of the sign from the surface above the ground to the top of the sign shall be 8.5 m (27.9 ft).

iii. The sign shall be set back a minimum distance of 15 m (49.2 ft) from the intersection of streets.

iv. The sign shall not be located closer than 5 m (16.4 ft) to the front or flanking street lot line.

v. The sign shall not be located closer than 3 m (9.8 ft) to a side lot line.

vi. Not more than two signs are permitted on a lot provided that each sign may have two leasable areas mounted back to back and the total maximum sign face of each sign shall not exceed 21.5 m2 per sign face, with the exception of a "super sign" which shall not exceed 43 m^2 per sign face and, if approved, would comprise the total number of billboard signs permitted on a single lot.

vii. A minimum separation distance of 100 m (328.1 ft) shall be maintained between signs when on the same side of the street and in the same line of sight or visual plane.

viii. A single-faced sign shall be located not more than 2 m (6.6 ft) from the wall of a building and shall be parallel to the wall and shall not extend beyond the end of the wall and the height of the

roofline of the building to which it is attached.

ix. A wall-mounted billboard shall not block natural light from a window of the building to which the billboard is attached.

x. The sign shall not interfere or obstruct access to or from a lot or create a visual obstruction to the traveling public.

xi. The sign shall not conflict with adjoining architectural lines or forms or have the effect of materially obscuring the effect of the landscapes.

xii. The sign shall not be located within 60 m (196.9 ft) to a residential zone and shall not be oriented such that it faces an abutting residential zone or residential lot.

xiii. Lighting of the sign shall not be directed toward the street and shall not adversely affect neighboring areas.

xiv. The sign shall be anchored and secured in accordance with the requirements of the Town's Consulting Engineer.

xv. The sign shall be constructed in accordance with engineered drawings approved by Council.

c. Canopy Sign

A canopy or awning sign shall be permitted on a wall of a building provided: a) The canopy or awning sign does not abut a residential lot or zone.

i. The minimum vertical clearance beneath the sign to above the surface of the ground shall be 2.2 m (7.2 ft).

ii. The sign may extend the full length of a building and the sign shall not extend beyond the end of the wall to which it is attached with the exception of wrap-around signs.

iii. The sign does not project more than 3 m (9.8 ft) from the wall of the building or structure to which it is attached.

iv. The sign shall not extend over public land or streets except where approved by Council.

v. The sign shall not extend over a driving area or parking surface except where approved by Council.

vi. The sign shall be anchored or secured to the building in accordance with the requirements of the Town's Consulting Engineer.

d. Ground Sign or Pylon Sign

i. Unless otherwise determined by Council, one ground or pylon sign shall be permitted per street frontage of a lot, subject to the following conditions:

ii. The sign shall have a maximum overall vertical height of 8.5 m (27.9 ft) above the surface of the ground.

iii. The sign shall have a maximum overall horizontal length of 6.0 m (19.7 ft).

iv. The maximum area for the sign face shall be 51 m^2 (549.0 ft^2) exclusive of the sign's supports and mounts.

v. The sign shall be setback a minimum distance of half the height of the sign from the property's front lot line.

vi. The sign shall be setback a minimum distance of 1 m (3.3 ft) from the property's side lot lines.

vii. The sign shall have a minimum separation distance of 2 m (6.6 ft) to an adjoining dwelling, apartment, school or church.

viii. There shall not be any electrical component of the sign within 1 m (3.3 ft) above the surface of the ground.
ix. A minimum separation distance of 15 m (49.2 ft) shall be maintained between ground or pylon signs located on abutting properties.
x. The ground or pylon sign shall not be permitted to be located along the lot line that abuts a residential lot.
xi. Where there is more than one ground or pylon sign permitted per lot, there shall not be more than one ground or pylon sign for every 30 m (98.4 ft) of lot frontage.
xii. The sign shall be anchored and constructed in accordance with the engineering drawings approved by Council.

e. Inflatable Sign

Inflatable signs shall be permitted subject to the following conditions:

i. A limit of one rooftop or ground inflatable sign per lot or for every 30 m (98.4 ft) of lot frontage.
ii. The sign shall be setback from a lot line, a minimum distance of 1.5 m (4.9 ft) times the inflated height of the sign.
iii. The sign shall not interfere or obstruct access to or from a lot.
iv. The sign may be illuminated internally or externally but shall not contain flashing or intermittent lighting or lighting which creates glare when viewed by on-coming traffic or by abutting residential uses.
v. The maximum height and size of the sign shall be determined at the discretion of Council but shall be in accordance with and relevant to standard model sizes and dimensions available from balloon or inflatable advertisement manufacturers.
vi. The sign shall be anchored or secured in accordance with the requirements of the Town's Consulting Engineer.
vii. The time limit for the sign permit shall be specific to the duration of the event to which the advertisement is related but shall not exceed 30 days. Upon expiration of the sign permit, the permit may be renewed for another 30 day period provided Council is satisfied that the sign is being maintained to Council's satisfaction and the sign conforms to the Regulations and the conditions attached to the permit.
viii. If, in the opinion of Council, the sign is a hazard or unsafe to the public, the advertisement shall be removed immediately upon notice.

f. Marquee Sign

A marquee sign shall be permitted on the principle facade of a building subject to the following conditions:

i. The minimum vertical clearance beneath the sign to above the surface of the ground shall be 3 m (9.8 ft).
ii. The sign may extend the full length of a marquee but in no case shall such sign project beyond the ends of such a marquee.
iii. A marquee sign shall not extend over public land or streets except where approved by Council.
iv. The sign shall be anchored or secured to the building in accordance with the requirements of the Towns Consulting Engineer.

g. Menu Boards

Menu Boards which are used to display and order products on a lot shall be permitted subject to the following conditions:

i. There shall be one pre-menu board and one menu board per drive-through on a lot.
ii. The maximum area for the sign face of a pre-menu board shall be 2 m^2 (21.5 ft^2).
iii. The pre-menu board sign shall have a maximum height of 3 m (9.8 ft) above the surface of the ground.
iv. The maximum area for the sign face of a menu board shall be 4.1 m^2 (44.1 ft^2) for a single face.
v. The menu board sign shall have a maximum height of 3 m (9.8 ft) above the surface of the ground.

h. On- Site Traffic Directional Sign

On-site traffic directional signs which direct motor vehicle or pedestrian traffic on a lot shall be permitted subject to the following conditions:

i. There shall be no limit to the number of on-site traffic directional signs on a lot.
ii. An on-site traffic directional sign shall be confined to directing motor vehicle or pedestrian traffic and includes such signs as an entrance sign, an exit sign or a motor vehicle parking direction sign.
iii. The maximum area for the sign face shall be 0.75 m^2 (8.1 ft^2) for a single face.
iv. The sign shall have a maximum height of 1.2 m (3.9 ft) above the surface of the ground.

i. Off-Site Directional Sign

Off-site directional signs, which direct traffic to a commercial or industrial development or use, shall not be permitted. Off-site directional signs related to a charitable, non-profit or municipally sponsored event, which direct traffic to a community facility may be permitted as determined by Council provided only one sign is erected per street frontage, the sign is erected for the duration of the event, and the location, size, and construction of the sign conforms to the requirements of Council.

j. Portable Sign (Bold Signs)

A portable sign shall be permitted provided:

i. The sign shall have a maximum of two sign faces.
ii. The maximum sign face area shall be 6.0 m^2 (64.6 ft^2) each sign face.
iii. The maximum overall height of the sign from ground level to the top of the sign shall be 2.5 m (8.2 ft).
iv. The sign shall be set back a minimum distance of 1.5 m (4.9 ft) from a lot line. Where the sign is on a corner lot, the sign shall not be located within the sight triangle.
v. Not more than one sign is permitted at any one time on any property having a frontage of less than 20 m (65.6 ft). On lots with frontages greater than 20 m, a minimum separation distance of 15 m (49.2 ft) shall be maintained between each portable sign.
vi. The sign must be located on the property on which the business is located unless otherwise approved by Council and the property owner.
vii. The sign shall not interfere or obstruct access to or from a lot.
viii. The sign shall not be placed on a portion of a lot that abuts a residential zone or existing residential lot.
ix. If the sign is illuminated, the sign shall be of a design approved by the Canadian Standards

Association (CSA) and bear the CSA approval decal on the sign.

x. The sign shall be constructed in accordance with engineered drawings approved by Council.

xi. The portable sign permit shall be valid for a period of 90 days from the date of issue by Council. Upon expiration of the sign permit, the sign is to be removed or a new sign application submitted to Council and such permits may be renewed for further periods of 90 days upon application and approval.

k. Sidewalk Sign

A sidewalk sign shall be permitted subject to the following conditions:

i. The sign shall only be displayed or erected on the public street abutting the business and only in cases where it is not possible because of the size of the lot, to locate a ground or portable sign entirely on the lot on the same lot as the business for which the sign applies.

ii. The sign shall have a maximum height of 1 m (3.3 ft).

iii. The sign shall have a maximum of two sign faces.

iv. The sign shall have a maximum sign face of 0.55 m^2 (5.9 ft^2) for each sign face.

v. The sign shall be displayed only between sunrise and sunset of every business day and shall be taken indoors at all other times.

vi. The sign shall not be located within 3 m (9.8 ft) of a driveway access.

vii. The sign shall be located as close to the building face as possible and maintain a minimum unobstructed sidewalk width of 1.5 m (4.9 ft).

viii. The sign shall be secured in accordance with the requirements of the Town's Consulting Engineer.

l. Projecting Sign

A projecting sign shall be permitted on any principal facade of a building subject to the following conditions:

i. The minimum vertical clearance beneath the sign above the surface of the ground shall be 3 m (9.8 ft).

ii. The maximum overall projection of the sign from the building shall be 3 m.

iii. The sign is a rigid sign and its design and construction does not permit it to swing in the wind.

iv. A projecting sign shall not extend over public land or streets except where approved by Council.

v. A projecting sign shall not extend over a driving area or parking surface except where approved by Council.

m. Roof Sign

One roof sign per building shall be permitted subject to the following conditions:

i. The sign shall not exceed the maximum permitted height of a building as specified in the use zone in which the building is located.

ii. The height of a roof sign shall respect the scale of the building and neighborhood where it is located. The maximum height of a roof sign located on a flat roof building shall be 2 m (6.6 ft), whereas the maximum height of a roof sign located on a pitch roof shall be half the height of the roof pitch.

iii. The sign shall not project beyond the exterior wall or walls of the building to which it is attached.

iv. The electrical wiring of a roof sign shall be in accordance with the requirements of the current National Building Code.
v. The sign shall be anchored or secured to the building in accordance with the requirements of the Towns Consulting Engineer.
vi. The sign shall be constructed in accordance with engineered drawings approved by Council.

n. Wall Sign

A wall sign shall be permitted subject to the following conditions:

i. A wall sign may be placed on a wall or building abutting any street or public highway provided the wall sign does not immediately face a residential lot or zone.
ii. Unless otherwise determined by Council, the total area of all wall signs on any one architectural elevation of a building shall not exceed 20% of the building face.
iii. The length of the sign shall not be longer than the horizontal measurement of the wall or building facade to which it is attached and the sign shall not extend beyond the end of the wall to which it is attached with the exception of wrap around signs.
iv. A wall sign shall not project more than 30 cm (11.8 in) from the wall of the building.
v. Where permitted by Council, a wall sign projecting over public property shall be erected with a vertical clearance not less than 7.6 cm (3 in) above the surface of the ground.
vi. The wall sign shall be of an architectural scale and styling that is, in the opinion of Council, in keeping with architectural scale and styling of the building to which it is attached.
vii. No wall sign shall be permitted to cover any part of a required exit in a building or obstruct free access thereto or egress there from.
viii. The sign shall be anchored or secured to the building in accordance with the requirements of the Town's Consulting Engineer.

o. Changeable Message Sign

A Changeable Message Sign, a free-standing changeable message sign or a changeable message sign advertising goods and services offered on properties other than the property where the sign is located, shall be permitted subject to the following conditions and notwithstanding its otherwise compliance with these regulations:

i. be at the discretion of Council after public notification and consultation as if the proposed sign were a discretionary use;
ii. the property on which the sign is to be located has a minimum frontage of 30 m (98.4 ft);
iii. the maximum overall height of the sign from the Established Grade to the top of the sign shall be no greater than 5 m (16.4 ft);
iv. the sign shall be set back from traffic decision points a distance equal to the stopping sight distance based on the roadway posted speed as defined in the Transportation Association of Canada' s Geometric Design for Canadian Roads;
v. the sign shall not be located closer than 2 m (6.6 ft) to the front or flanking street lot line;
vi. the sign shall not be located closer than 2 m to a side lot line;
vii. the sign shall not be located within the limits of a utility or municipal easement;
viii. a separation shall be maintained between signs when on the same side of the street so as to preserve a sight or visual plane;

ix. the sign shall not interfere or obstruct access to or from a lot or create a visual obstruction to the travelling public;

x. the sign shall not be located within 30 m of a residential zone located on the same side of the street and shall not be oriented such that it faces an abutting residential zone or residential lot;

xi. lighting of the sign shall not be directed toward the street and shall not adversely affect neighbouring areas;

xii. the sign shall be anchored and secured in accordance with the requirements of the Town' s Department of Public Works;

xiii. the sign and foundation shall be constructed in accordance with engineered drawings prepared, signed and sealed by a professional engineer of the Association of Professional Engineers and Geoscientists of Newfoundland and Labrador (PEGNL);

xiv. The changeable message sign face shall:

- have a maximum illumination level of 1,000 lumens;
- have an instantaneous transition from one image or format to the next;
- have a minimum image display time of 8 seconds;
- be shielded to reduce glare in a manner acceptable to the Authority;
- have a positive contrast orientation;
- not have animation;
- not have flashing, strobe, intermittent or moving lights;
- not have lights in a colour or combination of colours which in the opinion of the Authority, may be misinterpreted as an emergency/ warning device or vehicle or other traffic control device;
- shall be turned off between midnight and 6 am;
- shall be automatically adjustable so that it does not increase the light levels (illuminance) adjacent to the changeable message sign by more than 3.0 lux above the ambient light level;
- shall not be erected in such a manner so that it is within the background of an existing or proposed traffic control signal from an approaching driving lane; and,
- Any proposed changeable message sign will be assessed for its impacts on traffic and surrounding properties in accordance with the “Digital and Projected Advertising Displays: Regulatory and Road Safety Assessment Guidelines" published by the Transportation Association of Canada in March 2015.

p. Multi-Tenant Building

Notwithstanding the above requirements, signage for buildings housing two or more uses or occupancy shall be limited to one wall sign per use or occupancy and one pylon or ground sign per street frontage for the whole building. Such pylon or ground sign shall display the advertisement for all uses or occupancies housed in the building.

q. Signs Along Provincially Maintained Roads

The Government of Newfoundland and Labrador Highway Sign Regulations, 1999, apply to all highways constructed and maintained by the Department Transportation and Infrastructure. The erection or placement of any sign within the road right-of-way that is provincially maintained is therefore subject to

dual jurisdiction, and must meet the conditions of the provincial government as well as the Town of Portugal Cove-St. Philip's, as follows:

i. The sign shall be approved in accordance with the provincial Highway Sign Regulations, and a highway signage permit must be obtained from the appropriate provincial government authority.
ii. The sign shall meet the conditions of the Town of Portugal Cove-St. Philip's for the particular type of sign as outlined in the use zone in which the sign is located.

r. Cessation of Use

Upon the cessation of a use, event or a business, any sign or advertisement associated with that ceased use, event or business shall be removed within thirty days of the cessation of the use, event or business. If the property or signage owner fails to remove the sign or advertisement, the Council may remove them and dispose of them and the owner shall be responsible for the cost of the removal and disposal of such signs.

s. Application to Existing Signs and Advertisement

Every existing sign and advertisement approved by Council may be brought into conformity with these Regulations. In the event where structural alteration, relocation or replacement is required; the sign then shall be brought into conformity with these regulations. Maintenance and repair of the sign or advertisement shall not be deemed in itself to constitute an alteration. In the case of portable or inflatable signs conformity to these Regulations shall be immediate.

t. Signs or Advertisements not Specifically Covered

Signs and/or advertisements not specifically covered in these regulations shall be considered on a case by case basis at Council's discretion.

SCHEDULES

SCHEDULE A: PROVINCIAL AND FEDERAL INTEREST REQUIREMENTS

As set out in Section 1.3, the Development Regulations shall be subject to all Federal and Provincial legislation, regulations, policies and guidelines. Given that requirements of the federal and provincial agencies 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 Municipal Planning Area boundary. The federal and provincial departments are responsible for the administration and enforcement of their requirements.

Notwithstanding this requirement, these Development Regulations shall incorporate specific compliance requirements as set out in the comments provided as part of the Intergovernmental Land Use Committee referral and Provincial Interest information provided on the Provincial Government Land Use Atlas, as follows:

A.1 Agriculture Lands Section, Department of Fisheries, Forestry and Agriculture

The Agriculture Land Section's mandate includes protecting existing and future agricultural activity, small or large scale. Land and soil for agricultural development is limited within this province and its protection is vital. Within the Town's municipal boundaries there are currently 13 agriculture grants totalling 96.5 hectares/238.5 acres and 32 Crown Land agriculture leases totalling 424.3 hectares/1048.5 acres. In addition, there are 74.2 hectares/734 acres designated as an Agricultural Development Area (ADA) that may include existing and future agricultural activity. The Agriculture Lands Section has no concerns with the identified municipal planning area if existing and future agriculture properties including small scale home gardens- are not negatively impacted and allowed to expand where permissible. The Town should also consider the impact of potential residential and commercial development on lands adjacent to where agricultural activities may be taking place in order to mitigate future land use conflicts.

Commercial agricultural use is permitted in the Rural zone; the Town shall ensure that existing agricultural operations shall not be negatively impacted by proposed future development and sufficient area shall be protected to allow for future expansion.

The Agriculture Lands Section recommends that it be included in consultation prior to the finalization of the plan with the Town of Portugal Cove-St. Philip's as it moves forward with their Municipal Planning Area, Municipal Plan and Development Regulations.

A.2 Climate Change Division, Department of Environment and Climate Change

Take into consideration available data regarding provincial climate change projections for St. John's Airport (nearest regional site) be considered in development stages. These projections suggest that extreme precipitation events will become more intense, for example:

- On a 24-hour basis, a 1-in-100 year storm is expected to bring 167 mm of precipitation by mid-century, an increase from the current climate's 137 mm (22% growth); and

- On a 12-hour basis, a 1-in-100 year storm is expected to bring 150 mm of precipitation by mid-century, an increase from the current climate's 122 mm (23% growth).

Climate change is expected to result in more precipitation and more frequent extreme weather events that may result in increased flooding, sea surge and coastal erosion. These factors shall be considered when allocating land for future developments that are in close proximity to a river, floodplain or coastline; particularly for lands below the 4-metre contour (Geological Survey of Newfoundland and Labrador).

All development applications below the 4-metre contour must be reviewed with regard to vulnerability of the effects of climate change and mitigative measures included in the conditions for development, if development is allowed at all; The Land Use zoning map shows a Climate Change Hazard Line (4-metre contour): Development below the 4-metre contour is potentially vulnerable to coastal erosion and/or storm surge damage; therefore, Council shall require a geotechnical assessment to be prepared by a certified qualified professional to determine and certify that appropriate structural design and other mediations have been applied due to the elevation of the proposed built form and the elevation of developable lands below the 4-metre contour.

A.3 Crown Land Administration Division, Department of Fisheries, Forestry and Agriculture

1) The use of Crown land is subject to the Town of Portugal Cove-St. Philip's Municipal Plan and Development Regulations, including zoning and permitting requirements.
2) Approvals shall be obtained from the appropriate Regional Lands Office, Government of Newfoundland and Labrador; applications are made to the Regional Lands Office.
3) Crown land applications shall be recommended for approval 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.
4) Agricultural leases: Applications for development within or in the vicinity of an Agricultural lease shall be referred to the Land Stewardship Resources Division for comment;

A.4 Digital Government and Service NL

1) Service NL permits: Council shall require compliance with Department of Digital Government and Service NL requirements, before issuing permits. These include, but are not limited to: on-site services, highway signs; electrical permits; building accessibility; access to highways; tanning salon and/or Personal services establishment; Food establishment licence; public markets/farmer's markets; meat plant; pool; wastewater or water system approval; tobacco sales; water supply testing; cemetery; waste management; fuel storage and handling; asphalt, boiler; pressure vessel and compressed gas installation. The Development Regulations shall provide greater detail on: on-site services, highway signs; building accessibility; access to highways.

2) Signs along Highways: The Town of Portugal Cove-St. Philip's, by agreement with the Government of Newfoundland and Labrador administers the Highway Sign Regulations (under Section 3.1) as they apply to the erection or display of advertisement on Provincial Highways in the Town.

3) Access to Highways: Any change in use or zoning of property which requires or uses direct or indirect access to a provincial road may be considered a change in use pursuant to the department's policy for highway access management. This policy applies to direct and indirect access points whether new, existing or historical in nature. Proponents shall be responsible to apply to the Department of Digital Government and Service NL for assessment or re-assessment of access. There is no guarantee of access approval.

4) 15 m Building Near Highway: Within 15-metres of either side of the provincial highway, the Town shall refer development applications to the Digital Government and Service NL Division for comment, as per *Building Near Highways Regulations, 1997*.

A.5 Forestry Division, Department of Fisheries, Forestry and Agriculture

The Town Council for Portugal Cove-St. Philip's prohibits commercial and domestic harvesting within the Municipal Planning area boundary.

A.6 Environmental Assessment, Department of Environment and Climate Change

Council shall review applications regarding requirements for registration for an Environmental Assessment review under Section 28 of the *Environmental Protection Regulations, 2003*. If Council is aware that a proposed development may trigger the requirements of the Environmental Protection Act, 2002, the proponent shall be advised to consult with the Environmental Assessment Division and a development permit cannot be issued until this process is complete. Note, however, that it remains the responsibility of the proponent to meet the requirements of the *Environmental Protection Regulations, 2003*.

A.7 GIS & Mapping Division, Department of Fisheries, Forestry and Agriculture

Control Survey markers are shown on the Land Use zoning map. Council shall inform the GIS and Mapping Division when a proposed development is proposed in the vicinity of a survey Control Monument.

A.8 Mineral Lands Division, Department of Industry, Energy and Technology

Note that the Division requires the statutory definitions for mineral exploration, mineral working and mining to be included in the Development Regulations (see chapter 5).

Geological Hazards

Municipal planning and development should consider a 100-year planning period and incorporate the impacts of climate change on potential slope hazards. Proposed development on, above, or below steep slopes (>15°; 26.8%) and excavations into the toe of steep slopes should be evaluated to assess the risk of slope movements, particularly near slopes in unconsolidated materials or unstable bedrock. This should be conducted on a case by-case basis, as factors that could increase the risk (e.g. bedrock type or amount of overburden) will vary along a designated steep slope and may change over time. The GSNL recommends

that proposed development on, above, or below steep slopes and excavations into the toe of steep slopes should be evaluated by a qualified geotechnical professional to assess the risk for slope movements, particularly in areas of thick till or other unconsolidated materials. The Town addresses steep slopes in Schedule E.

Planners should consider all risks associated with development in steeply sloping areas; a comprehensive risk assessment from a geotechnical engineer or other qualified professional may be warranted. Vegetative buffers and engineering solutions that will mitigate potential adverse effects and limit erosion near steep slopes should be considered. Municipalities with planning authority may choose to remove areas susceptible to slope-related hazards from future development through re-zoning efforts. For More Information, contact Project Geologist, Geological Survey of Newfoundland and Labrador.

Development in coastal areas should be managed and regulated, and include appropriate measures such as coastal protection plans or engineering solutions that will mitigate potential losses and limit erosion resulting from human activities and climate change. Municipalities with planning authority may choose to restrict future development on or near coastal cliffs or other areas susceptible to coastal erosion through re-zoning efforts. The GSNL recommends a combined buffer on new development in coastal areas that combines the following two types of setbacks:

1. **Minimum 30 m inland from the top of coastal cliffs** (or the high tide mark for beaches or shorelines without cliffs), <u>and</u>

2. **Areas below, at a minimum, the 4 m contour.** This combined approach will result in a variable total setback distance in coastal areas within the MPA. The combined approach is recommended to mitigate potential risks associated with both coastal erosion and coastal flooding.

The suggested inland development setback is calculated as twice the average annual erosion rate, multiplied by 100. Example: A shoreline with a measured erosion rate of 15 centimeters per year (cm/yr) should have at least a 30 m setback for new development. This is written out as (2 x 15 cm/yr) x 100 yr = 3000 cm or 30 m.

These setbacks should be considered provincial minimums; setbacks may be larger in areas where documented coastal erosion rate exceeds 15 cm/yr or where documented storm surges have exceeded 4 m high. This combined approach will result in a variable total setback distance from the top of cliffs (or the high tide mark for areas without coastal cliffs) within the municipal planning area. The combined approach is recommended to mitigate potential risks associated with both coastal erosion and coastal flooding. Disturbances within the setback area, including changes to the ground surface and the removal of sediment or natural vegetation, should also be avoided.

Quarries

There are currently four areas covered by a quarry permit as well as two areas that were covered by a quarry permit that expired within the last two months (which is the re-application period during which time the holder can re-apply for another permit for the same) (see attached map 1). Note that one of the

areas covered by a quarry permit is only partially located within the Town's MPA. These will be shown as an overlay on the Future Land Use map and Land Use zoning map with the 300 m Quarry referral buffer; note:

1) Residential development shall not be allowed to encroach on the areas identified with aggregate potential by the Mines Branch, particularly within the 300 m quarry referral buffer;

2) Applications for development within the **300 m Quarry referral buffer** shall be referred to the Mineral Lands Division for comment prior to approval.

Mineral Exploration

1) Mineral exploration that is not a development is allowed as a permitted use in all zones.

2) Mineral exploration that is a development are allowed as a discretionary use in all zones.

3) Incorporate development requirements regarding potential mining into the Development Regulations.

4) Mineral working is a permitted use in areas zoned 'Rural'.

Removal of Quarry materials, site grading, soil deposit

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^3** 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 Development Regulations.

2) Removal or deposit of soil, topsoil, sods, or the excavation and removal of excavated material or grading requiring a development permit, shall 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 shall be provided to the satisfaction of Council and shall be designed so as not to impair existing surface drainage nor to create erosion either on the site or on adjacent sites; The above requirements may be incorporated in a grading plan

3) Development is restricted 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 shall send a copy of the development permit to the Quarry Materials Section, Mineral Lands Division, at 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.

A.9 National Codes 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 Development Regulations apply to the entire Municipal Planning Area.

A.10 Newfoundland and Labrador Hydro- Easements

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

A.11 Pollution Prevention Division, Department of Environment and Climate Change

Waste Disposal and Litter (Environmental Protection Act, 2002, Part IV)

- Waste receptacles shall be installed at all active areas for use by workers.
- All waste material shall be considered, prior to disposal, for reuse, resale or recycling.
- Waste materials not reused, resold or recycled, shall be disposed at an approved waste disposal site, provided the owner/operator is willing to accept such waste and the local Service Newfoundland and Labrador (SNL) has agreed with the disposal of the waste materials at the site.

Air Quality Management (Environmental Protection Act, 2002, Part VI)

- All activities associated with this proposal are subject to Air Pollution Control Regulations, 2004; http://assembly.nl.ca/Legislation/sr/regulations/rc040039.htm.

- Schedule E of the regulations prohibits the open burning of tires; plastics; treated lumber; asphalt and asphalt products; drywall; demolition waste; hazardous waste; biomedical waste; domestic waste; trash, garbage, or other waste from commercial, industrial or municipal operations; manure; rubber; tar paper; railway ties; paint and paint products; fuel and lubricant containers; used oil; animal cadavers; hazardous substances; materials disposed of as part of the removal or decontamination of equipment, buildings or other structures.

Pesticides (Environmental Protection Act, 2002, Part IX)

- All pesticide purchase, storage, and use is subject to compliance with the Pesticides Control Regulations, 2012, http://assembly.nl.ca/Legislation/sr/regulations/rc120026.htm. The regulations stipulate that an applicator shall be licensed for the class of pesticide which is intended to be applied. Also, the regulations stipulate that an operator cannot purchase pesticides without the appropriate license(s).

- If the use of a pesticide(s) is required (e.g. for the control of insects, diseases, weeds, vegetation), the Pesticides Control Section of the Department shall be notified.

Storage and Handling of Gasoline and Associated Products (Environmental Protection Act, 2002)

- Petroleum storage and handling, associated with construction and operation of this project/facility, shall be in compliance with the Storage and Handling of Gasoline and Associated Products Regulations, 2003, as amended, http://assembly.nl.ca/Leqislation/sr/requlations/rc030058.htm.

- All petroleum storage tanks shall be registered with Service NL in accordance with the GAP Regulations and all leaks/spills shall be reported to the 24-Hour Environmental Emergency spill Line at 709-772-2083 or 1-800-563-9089.

- Oils, greases, diesel, gasoline, hydraulic and transmission fluids should be stored at least 100 m from any body of water. Re-fuelling and maintenance activities should also occur at least 100 m from any body of water and on level terrain.

- An environmental emergency contingency plan shall be developed for alt storage tank systems. This plan details information regarding the location of spill response equipment and a trained contractor, in the event of a spill.

Used Oil (Environmental Protection Act, 2002; Used Oil Control Regulations)

- The proponent shall maintain constant compliance with the Used Oil Control Regulations, http://assembly.nl.ca/Leqislation/sr/requlations/rc020082.htm.

- Waste oils and used lubricating oil shall be retained in a tank or closed container, and disposed of by a company licensed for handling and disposing of used oil products.

Halocarbon (Environmental Protection Act, 2002; Halocarbon Regulations)
Any use of regulated substances, for example in fire suppression systems, associated with the proposed activity is subject to the Halocarbon Regulations,
http://assembly.nl.ca/Leqislation/sr/regulations/rc050041. htm.6.5.10

A.12 Provincial Archaeology Office

If an archaeological site or artefact is discovered during development of a property, the development shall stop and Council shall consult with the Provincial Archaeology Office. Development shall not proceed until the Provincial Archaeology Office has evaluated the site or authorized the development to proceed. Any accidental discoveries of historic resources shall also be reported by the Town to the Provincial Archaeology Office.

Before approval is granted for a major development such as a subdivision or a new commercial or public building, the application shall be referred to the Provincial Archaeology Office for comments.

A.13 Water Resources Management Division, Department of Environment and Climate Change

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:

Under the authority of the *Water Resources Act, 2002*, the Water Resources Management Division (WRMD) is responsible for the management of water resources of the province of Newfoundland and Labrador. The WRMD has programs to protect, enhance, conserve, develop, control, and effectively utilize the water resources of the province. Protect rivers, streams, ponds, wetlands, riparian areas, and shorelines by ensuring conformance with requirements of the Water Resources Management Division of the Provincial government under the *Water Resources Act, 2002* and the *Environmental Protection Act*, *2002* including Policy Directives:

a. W.R.91-1-Infilling Bodies of Water;
b. W.R. 95-1- Policy for Land and Water Related Developments in Protected Public Water Supply Areas
c. W. R. 96-1-Policy for Flood Plain Management
d. W.R. 97-1-Development in Shore Water Zones;
e. W.R. 97-2-Development in Wetlands;
f. Guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses; and,
g. Environmental Control Water and Sewage Regulations, 2003.

Application forms for permits and licences, fee Schedules, and guidelines are available at:

New residential development or treatment systems

New residential development or treatment systems connecting to the municipal water and sewer system obtains approval under Section 36 and 37 of the Water Resource Act, 2002.

Any work in or within 15 metres of Bodies of Water

The proponent must apply for and obtain a permit under the *Water Resources Act, 2002*, specifically

Section 48 for any work in or within fifteen (15) metres of a body of water (including wetlands) prior to the start of the work. The application forms and requirements for when a Section 48 permit are required can be found here https://www.gov.nl.ca/ecc/waterres/regulations/appforms/

Flood Risk Area

The proposed work is within a designated flood risk area. The proponent must apply for and obtain a permit under the Water Resources Act, 2002, specifically Section 48 for any work within this designated flood risk area prior to the start of construction. Also, any work within this designated flood risk area must comply with this Department's Policy for Flood Plain Management: https://www.gov.nl.ca/ecc/waterres/regulations/policies/flood-plain/

Non-Domestic Water Use for Any Purpose

Prior to the start of construction, the proponent must apply for and obtain a water use licence under the Water Resources Act, 2002 for the use of water from any water source for any purpose. This must be stated for all non-domestic uses with an existing, new or planned water use from any water source.

Development in Shore Water Zones

The proponent must apply for and obtain a permit under the Water Resources Act, 2002, specifically Section 48 for any work in Shore Water Zones prior to the start of construction. Also, any work in the Shore Water Zones must comply with this Department's Policy for Development in Shore Water Zones: https://www.gov.nl.ca/ecc/waterres/regulations/policies/shore-water/.

On-site sewerage disposal systems are prohibited within 30 metres from a waterbody or watercourse.

Development Adjacent to or Within Protected Public Water Supply Area

There exists one (1) provincially Protected Public Water Supply Area (PPWSA) under the Water Resources Act (WRA) currently within the proposed municipal boundary for PC-SP.

o Blast Hole Ponds PPWSA (WS-S-0594)

Currently, a Section 39 permit is required for development within this PPWSA boundary.

WRMD understanding is that this is an old supply that is no longer used. If the municipality is not intending to use this source as a back-up supply, we recommend the status under the WRA be repealed.

A repeal under Section 39 of the WRA will not impact any separate protection status or processes that may exist under their Municipal Plan or related Development regulations.

The PC-SP boundary also extends into the Windsor Lake watershed area (protected under the City of St. John's act). As Windsor Lake is not protected under the WRA, no section 39 permit is required for development. WRMD recommend PC-SP refer to the City of St. John's for more information on this watershed area. Contact: Manager, Drinking Water & Wastewater Section

Groundwater
Please use a licensed driller for your well installation. A full list of licensed drilling companies is available here https://www.gov.nl.ca/ecc/waterres/cycle/groundwater/well/well-drillinglicense-holders/.
Contact: Groundwater Section

Constructing a Non-Domestic Well
The proponent must apply for and obtain a Permit for Constructing a Non-Domestic Well under the Water Resources Act, 2002, specifically Section 58 for drilled well(s) along with following necessary groundwater monitoring requirements prior to the start of construction. Contact: Groundwater Section

Un-serviced Subdivision
A proponent will be required to complete a Level I Groundwater Assessment as per the Department's Guidelines: Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells https://www.gov.nl.ca/ecc/files/waterresregulations-appforms-unserviced-subdivision-gw-assessment-guidelines-dwh-revisions.pdf under the Water Resources Act, 2002, specifically Section 62.

These guidelines require a Level II Groundwater Assessment in the event of known water quality issues. A completed report must be submitted, reviewed and approved by this Department prior to any permitting by Service NL for waste disposal or septic systems within the proposed subdivision.

A proposed subdivision greater than 4 lots requires a Level I Groundwater Assessment. For proposed subdivisions between 5 to 14 lots, if a Level I Groundwater Assessment's findings recommend a Level II Groundwater Assessment this Department may request a Level II Groundwater Assessment be undertaken. A proposed subdivision of greater than 14 lots requires both a Level I and a Level II Groundwater Assessment. A Level I Groundwater Assessment generally will consist of a description of the hydrogeology, site characterization, and description of sustainable groundwater quality and quantity for the area. A Level II Groundwater Assessment will require the information in a Level I Groundwater Assessment and additional information as outlined in the Guidelines. Additional data includes information obtained from test well installation(s) and water quality testing. Contact: Groundwater Section.

Water Resources Act - Environmental Control Water and Sewage Regulations
All waters discharged from the proposed site, during construction and operation, are subject to compliance with the Environmental Control Water and Sewage Regulations, 2003, http://assembly.nl.ca/Legislation/sr/regulations/rc030065.htm.

A.14 Wildlife Division, Department of Fisheries, Forestry and Agriculture

To protect general wildlife habitat and landscape connectivity, the Town shall require the following measures when reviewing referrals for new Crown lands applications in the vicinity of waterbodies:

a. a riparian buffer of 30 metres minimum undisturbed natural vegetated along wetlands and waterbodies (ponds, rivers, creeks etc.) or more for riparian areas near agricultural areas as

recommended by the Wildlife Division;

b. green belts connected to forested areas or other habitat patches to create wildlife travel corridors; and,
c. indicate a minimum percentage of forest to be maintained during lot clearing.

Vegetation clearing shall be done outside the May 01 to July 31 period, to minimize disturbance during that sensitive breeding/ young rearing~~,~~.
Under the *Endangered Species Act, 2001:* "A person shall not disturb, harass, injure, or kill an individual of a species designated as threatened, endangered, or extirpated".

The Town has set aside areas (primarily wetlands) designated as "Management Units" via their municipal habitat stewardship agreement with the Wildlife Division, FFA. These are to be, if not already, appropriately zoned (e.g. "Conservation" or "Environmental Protection" zones) to ensure the conservation of these lands for wildlife. The management agreement should be incorporated into it's the renewed municipal plan and associated development regulations

SCHEDULE B: PARKING AND OFF-STREET LOADING

B.1 Parking 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 Section B.3.
2) Each parking space, except in the case of a single detached, semi-detached or multi dwelling, shall be made accessible by means of a right-of-way at least 3 metres wide.
3) Residential parking spaces shall be provided on the same lot as the dwelling or dwellings.
4) Parking space for apartment buildings shall be provided in the rear yard where possible.
5) Non-residential parking spaces shall be provided not more than 200 metres from the use for which the parking is required.
6) The parking facilities required by this Regulation shall, except in the case of single detached, semi-detached or multi dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.
7) Where Council permits parking horizontal to the curb, the minimum length of the stall shall be 7 metres and the aisle width shall be at least 4 metres, or more if deemed necessary by Council.
8) 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.
9) Other requirements for parking areas are as follows:

10) The parking area shall be constructed and maintained to the specifications of Council,
    a. Lights for illumination of the parking area shall be arranged so as to divert the light away from adjacent development.
    b. Except on a service station or industrial lot, no gasoline pump or other service station equipment shall be located or maintained in a parking area.

11) Where Council deems that strict application of the parking requirements is impractical or undesirable, Council may as a condition of a permit require the developer to pay a service levy in lieu of the provision of a parking area, and Council shall use the full amount of the levy for the provision and upkeep of alternative parking facilities within the vicinity of the development.
12) Where, in these Regulations, a parking area for more than eight 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. no part of any off-street parking area shall be closer than 2 metres to any lot line in any zone.
    c. a structure, not more than 3 metres in height and more than 5 m^2 (53.8 square feet) in area may be erected in the parking area for the use of attendants in the area.
    d. access to a parking area in non-residential zones should not be by way of residential zones.
    e. the driving surface of a driveway access to a parking area from a public street shall not be less than 6 metres (19.7 feet) in width.

f. where a parking area is in or abuts a residential zone, a natural or structural barrier at least 1.8 metre in height should be erected and maintained along all lot lines abutting the residential zone.
g. the parking area shall be of sufficient size, capable of being used for the parking of a vehicle without the need to move other vehicles on adjacent areas.
h. The construction of parking areas shall require the construction of private stormwater detention systems that are owned and maintained by the property owner to achieve zero net run off. Exceptions may be made for subdivisions that avail of larger public stormwater detention systems.

B.2 Designated Mobility Impaired Parking Spaces

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

B.3 Off-Street Parking Requirements

1) The off-street parking requirements 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.
2) In the case of developments that include more than one use or development, these standards shall be regarded as cumulative.
3) Adequate off-street provision for the drop-off and pick-up of persons shall be provided on the same lot as the development unless otherwise stipulated by Council.
4) The number of spaces to be provided for off-street parking shall be in accordance with the table below. Council, in their discretion, may allow a development to provide a lesser amount of parking and retain authority to order the construction of additional onsite and/or roadside parking, at the cost of the developer, to meet the parking requirements set by the table below:

USE TPYES/CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
Amusement	One parking space for every 15 m^2 of gross floor area
Animal Grooming	One parking space for every 20 m^2 of gross floor area
Apartment Building	Three parking spaces for every two dwelling units
Automotive Sales	In addition to the parking spaces required for the principal building and parking of vehicles for sale, one parking space for every 20 vehicles of capacity for sales display at the automotive sales lot
Bakery	One parking space per 15 m^2 of net floor area

USE TPYES/CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
Bank	One parking space per 15 m^2 of net floor area
Bank – Drive through	One parking space per 15 m^2 of net floor area
Bar (night club)	One parking space for every 5 m^2 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 $m^2$of office space
Clinic	Three parking spaces per examining room
Service Club and Lodge	One parking space for every 3 persons that may be accommodated at one
Commercial Garage	One parking space per 30 m^2 of net floor area (parking provision for the storage of new & used vehicles for sale shall not be counted towards this requirement)
Convenience Store	One parking space for every 20 m^2 of gross floor area
Public Gathering Places	One parking space for every 60 m^2 of gross floor areas
Day Care-non-residential	One parking space for every 30 m^2 of gross floor area
Day Care-residential	One parking space per 30 m^2 of net floor area
Semi-Detached (Double) Dwelling	Two parking spaces for every dwelling unit
Dry Cleaning	One parking space per 30 m^2 of net floor area
Educational	Schools – 2 parking spaces for every classroom; Further education - 1 parking space for every 5 persons using the facilities (students, faculty and staff)
Funeral Home	One parking space for every 5 m^2 of gross floor area used by visitors
Furniture & Appliance Showroom	One parking space for every 50 m^2 of gross floor area
General Industry	One parking space for every employee
General Service	One parking space for every 25 m^2 of gross floor area
Hazardous Industry	One parking space for every employee
Health Club	One parking space for every 20 m^2 of gross floor area
Hotel	One parking space for every 3 sleeping units plus one parking space for every 15 m^2 of banquet seating area
Light Industry	As specified by Council but not less than one parking space per 50 m^2 of gross floor area or 5 parking spaces, whichever is greater
Medical and Professional	Three parking spaces per examining room
Medical Treatment and Special Care	One parking space per 22 $m^2$of suite or ward area
Mobile & Mini Homes	Two parking spaces for every dwelling unit
Office	One parking space for every 30 m^2 of gross floor area
Personal Service	One parking space for every 25 m^2 of gross floor area

USE TPYES/CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
Public Gathering Place-Indoor	One parking space for every 6 seats; or one space for every 15 $m^2$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 $m^2$of seating area
Restaurant – Drive Through	One parking space per 5 $m^2$of seating space
Restaurant -Take-out	One parking space for every 25 m^2 of gross floor area
Retail	One parking space for every 20 m^2 of gross floor area
Row Dwelling	Two parking spaces for every dwelling unit
Service Station	One parking space for every 20 m^2 of gross floor area
Shopping Centre	One parking space for every 20 m^2 of gross floor area
Single Detached Dwelling	Two parking 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

B.4 Off-Street Loading Requirements

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

2) The number of loading spaces to be provided shall be determined by Council during application review.
3) The loading spaces required by this Regulation shall 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 astreet.

SCHEDULE C:

INTERPRETATION OF TECHNICAL TERMS USED IN THE DEVELOPMENT REGULATIONS

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 these regulations which are defined in the *Urban and Rural Planning Act, 200*0 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 and 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.

Definitions

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

ACCESSORY BUILDING includes:

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

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

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

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

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.

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.

ADJUDICATOR means a person appointed by the Minister of Municipal and Provincial Affairs to hear appeals authorized under the *Urban and Rural Planning Act, 2000* and the regulations.

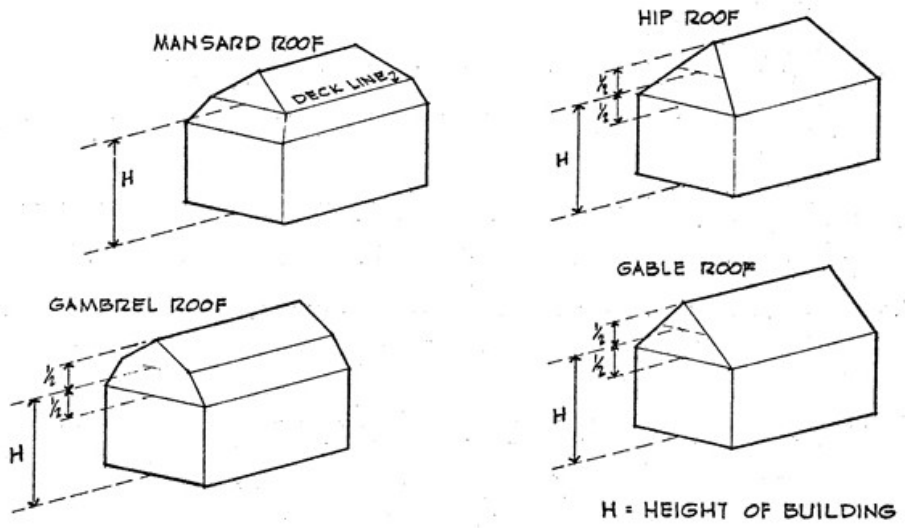
APPLICANT means a person who has applied to an authority for an approval or permit to carry out a development.

AUTHORITY means a council, authorized administrator or regional authority.

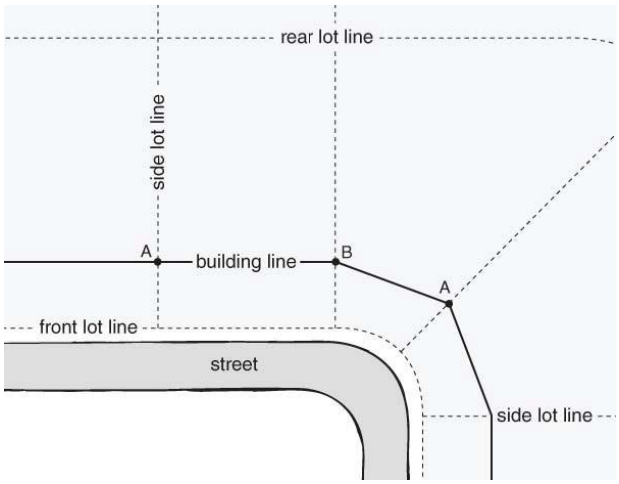
BUFFER means a berm, wall or opaque fence, row of trees or shrubs, hedge, fence, or distance separation that provides a barrier between incompatible uses intended to obstruct or reduce the noise, lighting glare, unsightly views or any other nuisance of one land use or property onto another.

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.*

CORNER LOT means a lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.

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

COURT "court" unless the context indicates otherwise, means the Supreme Court of Newfoundland and Labrador.

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.

DENSITY means a measurement of the intensity of use or development on a lot which is typically calculated as either lot coverage or the number of residential dwelling units per acre of land.

DEVELOPABLE AREA means the area of a lot or property that may be built upon and developed, and does not include any pond, river, stream, wetland, marsh, environmentally sensitive area, steep slopes, protected archaeological sites and unstable soils, and other similar portions of the property.

DEVELOPMENT PERMIT refers to an application to Council where consideration to authorize and allow a land and/or building development to proceed in undertaken by Council, and where so authorized, the Town outlines identifies conditions and requirements for the applicant to adhere to as part of the Development Permit application approval.

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.

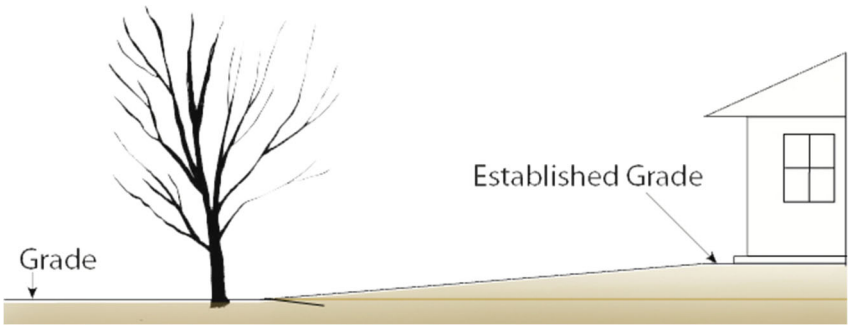
DRIVEWAY means a vehicular passageway connected to a public or private thoroughfare and providing ingress and egress from a lot.

DWELLING UNIT means a self-contained unit consisting of one or more habitable rooms used or designed as an independent and separate housekeeping establishment or living quarters for one household, including kitchen and sitting, sleeping and sanitary facilities, and does not include a coach or rail car, mobile home, or any vehicle.

COMPLETE COMMUNITY means a model of land use planning where a community becomes more resilient and sustainable by increasingly providing for a wide variety of housing choices for local residents, and by providing for increased opportunities to shop, to work, to attend school, recreate, volunteer, attend community and cultural events and fully partake in other community events without having to continually get into the automobile and drive to another community.

ENVIRONMENTALLY SENSITIVE AREA means an area of land with significant ecological value that is easily disrupted by human activity, and may include steep slopes, riparian areas, cliffs, springs, wet and unstable soils, watercourses, water bodies and wetlands.

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.

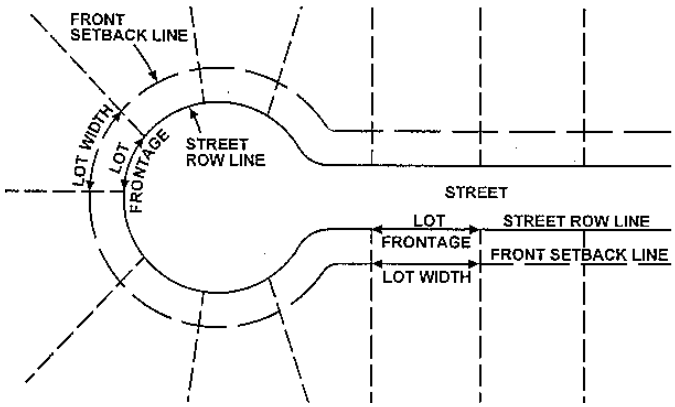


FENCE includes railing, wall, line of posts, wire, gate, boards or other similar substances used to separate or divide any parcel of land or part thereof from any other parcel of land or part thereof, immediately adjacent thereto or to establish a property boundary.

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.

Lot Frontage and Lot Width



HERITAGE BUILDING OR AREA means a building or area designated under Section 200 of the Municipalities Act, 1999, set out as follows:

"200. (1) A building, structure or land designated by a council as a heritage building, structure or land shall not be demolished or built upon nor the exterior of the building or structure altered, except under a written permit of the council specifically authorizing the alteration and in accordance with the terms and conditions of the permit.

(2) A council may establish a heritage advisory committee to advise the council on regulations made with respect to heritage buildings, structures and lands and the preservation of the real property designated under that section."

HIGH WATER MARK means the limit or edge of a body of water where the land has been covered by water so long as to wrest it from vegetation or as to mark a distinct character upon the vegetation where it extends into the water or upon the soil itself.

HOUSEHOLD PET means a companion animal that is kept primarily for a person's company or entertainment rather than as a working animal, livestock or a laboratory animal. The most popular pets are dogs and cats; other animals commonly kept include, but are not limited to, rabbits; ferrets; rodents, such as gerbils, hamsters, chinchillas, rats, mice, and guinea pigs; avian pets, such as parrots, passerines; reptile pets, such as turtles, lizards, and snakes; aquatic pets, such as fish, amphibians like frogs and salamanders.

IMPERVIOUS SURFACE refers to any hard surfaced, man-made area that does not readily absorb or retain water, including but not limited to roofs, parking and driveway areas, asphalt, cement or any other hard and difficult to penetrate surface.

INFILL LOT An infill lot is a lot that has municipal water and sewer service that does not meet the lot dimensions for the development standards for the zone in which it is situated, and the lot and cannot be brought into conformance because existing development prevents the acquisition of land to bring it into conformance without putting those adjacent properties out of conformance. This does not include a substandard property abutting vacant land.

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.

LANDSCAPED AREA means a portion of a development site which is reserved and used to enhance the visual appearance of the property through the planting and required ongoing maintenance of a combination of lawn, shrubs, flowering plants, trees, vegetative ground cover, and other horticultural and/or architectural treatments and elements.

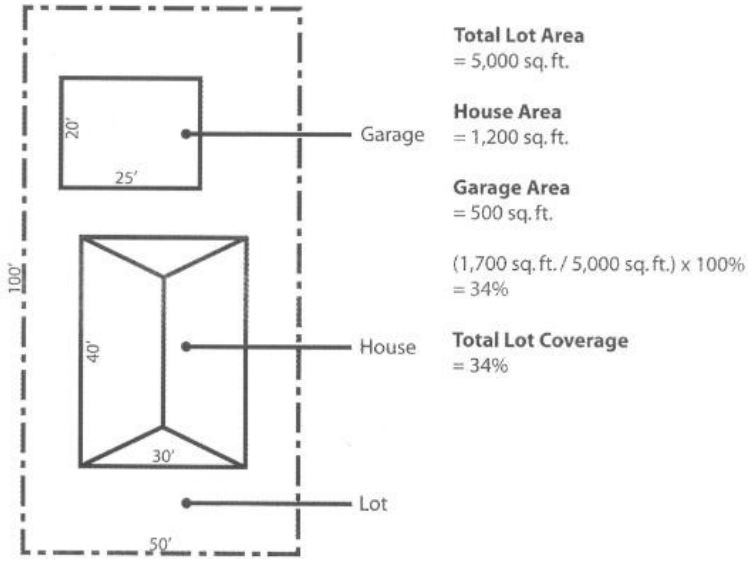
LIVESTOCK means an animal typically found on an agricultural operation and kept for personal or commercial gain or reward, or in the hope or expectation of gain or reward, which may include (but not limited to) monetary gain or production of food (for either personal use or commercial sale) through either the animal itself or a biproduct (for example, eggs, milk, wool). Livestock animals include horses, cow, steer, bull, mule, donkey, bison, buffalo, pig, fox, mink, llama, alpaca, sheep, goats, ostrich, emu, hens, rabbits (not kept within a dwelling unit as a household pet), chickens, turkey, ducks, geese, chicks, or a comparable animal.

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

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

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

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



LOT DEPTH means the shortest distance within the lot between the front lot line and the rear lot line**.**

LOT LINE means a line forming a boundary of a property or parcel of land, and may either be a front, rear or side lot line.

LOT LINE, FRONT means the lot line that is common to a street and the lot, and in the case of a corner lot, the shortest lot line facing the street shall be the front lot line.

LOT LINE, REAR means the lot line that is opposite to the front lot line,-and extends along the rear of the lot or property.

LOT LINE, SIDE means a lot line that is not the front or rear lot line, and that extends from the front lot line at a street to the rear of the lot, and is common to an adjoining lot or street.

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-FARM USE means a use of land in the Agriculture zone, such as a residential single dwelling.

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

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

OFF STREET PARKING means an accessory use for a parking area which is designed to accommodate motor vehicles associated with a permitted use on a lot. The front lawn and yard area of residential dwelling units, with or without a subsidiary apartment, shall not be used for off street parking.

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

PASSIVE RECREATION means a recreation activity that generally does not require a developed site, and includes such uses as hiking, walking, and cross country ski trails, as well as outdoor interpretation services, but not including sports fields, structures, or development to accommodate offroad motorized vehicles.

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.

POND FRONTAGE means the horizontal distance between two side lot lines measured at their points of intersection with the shoreline reservation or high water mark of the pond, whichever is greater.

PASSIVE RECREATION means a recreation activity that generally does not require a developed site, and includes such uses as hiking, walking, and cross country ski trails, as well as outdoor interpretation services, but not including sports fields, structures, or development to accommodate offroad motorized vehicles.

PRINCIPAL BUILDING means a building or structure containing the principal permitted use on a property, where all portions of such building or structure share a common foundation, well and roof structure.

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.

PROXIMITY RATIO means a ratio used to determine whether a proposed subdivision development or Planned Unit Development is required to extend municipal water and/or sewer services to that development. The Proximity Ratio shall be calculated using the following equation:

$$Proximity\ Ratio = \frac{Area\ to\ be\ Developed}{Distance\ to\ Services}$$

Where:

Area to be Developed is the combined lot area of all lots included in the proposed subdivision development or Planned Unit Development; inclusive of any adjoining lots that will front directly on a newly constructed street or street extension and;

Distance to Services is the distance measured along a publicly maintained street(s) from the end of existing municipal water and/or sewer services to the closest lot line of the parcel(s) to be developed.

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.

QUALIFIED CONSULTANT means a registered and professionally designated individual who is trained to provide an informed opinion on a particular land use development issue or development proposal for parcel of land, through preparation and submission of a certified report with recommendations for Council's consideration; such Qualified Consultant may be required to be engaged by a development applicant or property owner as part of a Development Permit or other proposal application, and as a requirement of Council's consideration of a land use, environmental, agricultural, geotechnical, hydrological, architectural, civil or structural engineering, or similar matter.

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.

SCHEME means a scheme established under section 29.

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.

SLOPE means the rate of vertical change of ground surface expressed as a percentage figure and determined by dividing the vertical distance by the horizontal distance. Within Portugal Cove-St. Philip's, where slopes exceed 25 % over a distance of 5 or more metres (16.4 feet), the slope shall be defined as a steep slope where no buildings, structures, or placement or removal of fill will be generally permitted. No development shall occur on any sloping lands that are designated as Restricted by the St. John's Urban Region Regional Plan.

SLOPE, MINOR-means those steep slopes that cover less than a one-hectare (2.47 acres) area size, and where Council may consider, upon qualified consultant geotechnical review, grading of the land for such development as infill residential proposals within the traditional community locations.

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;

- **ARTERIAL STREET:** means a public street or road constituting a main traffic artery in the town.
- **COLLECTOR STREET:** means a street or road that is designed to link local streets with arterial streets and which is designated as a collector street in the Municipal Plan, or on the Zoning Map.
- **CONNECTOR:** means a local street that carries traffic to adjoining local streets and collector streets.
- **LOCAL STREET:** means a street designed primarily to provide access to adjoining land and which is not designated as a collector street or arterial street in the Municipal Plan, or on the Zoning Map.
- **SERVICE STREET:** means a street constructed parallel to or in close proximity to a higher level collector or arterial street for the purpose of limiting direct access to the adjacent street.

- **STREETSCAPE:** means the scene as may be observed along a public street, composed of natural and man-made components including the front façade of buildings, paved areas, landscaping and vegetative plantings, street hardware, storage locations and miscellaneous structures.

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.

SUSTAINABLE DEVELOPMENT means development that meets the needs of the present without compromising the ability of future generations to meet their own needs, and in the context of the Municipal Plan and Development Regulations will consider environmental, community, and fiscal sustainability.

TOP OF BANK means the point closest to the natural boundary of an environmentally sensitive area where a break in the slope of land occurs such that the grade beyond the break is flatter than 3:1 at any point for a minimum distance of 15 metres (49.2 feet) measured perpendicularly from the break.

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.

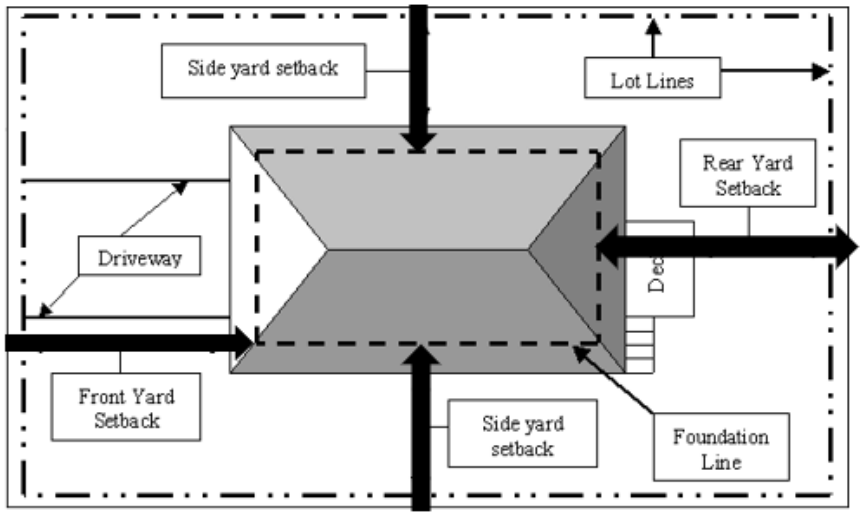
USE ZONE OR ZONE means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply.

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.

WALKWAY refers to a public access route for pedestrians or non-motorized vehicles, and which typically provides access connection between two streets, or from a street to community open space and recreational amenity or facility.

YARDS (sometimes called lot lines or setbacks) means, in relation to any building, structure, or use on a lot, that part of the lot between such building, structure, or use and a lot line that is created by a setback - refer to the diagram below for an illustration of the following definitions:

D



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.

ZERO LOT LINE means a form of development where buildings are permitted to be located on one or more lot lines with no yard and separation between the building and the lot line.

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

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SCHEDULE D: MINISTER'S DEVELOPMENT REGULATIONS

- UNDER THE URBAN AND RURAL PLANNING ACT, 2000

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Important Information
(Includes details about the availability of printed and electronic versions of the Statutes.)

Table of Regulations **Main Site** **How current is this regulation?**

NEWFOUNDLAND AND LABRADOR
REGULATION 3/01
Development Regulations
under the
Urban and Rural Planning Act, 2000

(Filed January 2, 2001)

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

Dated at St. Johns, January 2, 2001.

Joan Marie Aylward
Minister of Municipal and Provincial Affairs

REGULATIONS

Analysis

1. Short title
2. Definitions
3. Application
4. Interpretation
5. Notice of right to appeal
6. Appeal requirements
7. Appeal registration
8. Development prohibited
9. Hearing notice and meetings
10. Hearing of evidence
11. Board decision
12. Variances
13. Notice of variance
14. Residential non conformity

15. Notice and hearings on change of use

16. Non-conformance with standards

17. Discontinuance of non-conforming use

18. Delegation of powers

19. Commencement

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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SCHEDULE E: ENVIRONMENTAL PROTECTION OVERLAY

INTENT

The intent of this Schedule is to enable the policies of the Municipal Plan to preserve the natural environmental integrity of the Town of Portugal Cove-St. Philip's by defining the necessary terms and conditions within the Town's Development Regulations to protect environmentally sensitive areas from the negative impacts and influences of development.

INTERPRETATION

All use zones, as defined in Schedule C of the Town's Development Regulations and identified on the Development Regulations Map, are subject to the terms and conditions of this Schedule. The permitted and discretionary uses on the Use Zone Tables apply within the zone identified on the Development Regulations map subject to any restrictions on the types and use as set out in this Schedule for land that falls within the overlays identified on Map 3-Environmental Protection Overlay map.

The PDF of Map 3-Environmental Protection Overlay map is the signed and certified, registered map representing the data contained in GIS format registered under the requirements of the *Urban and Rural Planning Act, 2000*.

Where any property and lands in an area fall within the environmentally sensitive areas identified on the Map 3-Environmental Protection Overlay map, the terms and conditions set out in this Schedule shall apply. Council may impose additional conditions in addition to those set out in this Schedule; and, if Council deems that the mitigative measures associated with any proposed development are insufficient to address identified impacts to the satisfaction of Council, then Council may refuse the application.

ENVIRONMENTAL PROTECTION MAP

Map 3- Environmental Protection Overlay map forms part of Schedule E-Environmental Protection Overlay. It identifies the following environmental protection layers:

• Coastal Buffer (30 m)	Data Source: 2022 Hydrology mapping prepared by EnFor Consulting Services, based on 2014 LIDar Data and 2019 digital aerial imagery.
• Watercourse	
• Watercourse Buffer (15 m)	
• Intermittent Stream	
• Indeterminant Stream	
• Waterbody (excluding wetlands)	

• Waterbody (excluding wetlands) Buffer (30 m)	
• Wetland–High protection	
• Wetland-Medium protection	
• Wetland-Low protection	
• Wetland Buffer (15 m)	
• Floodway (1:20 year)	Data Source: Designated Flood Risk Areas as defined by the Water Resources Management Division of the Government of Newfoundland and Labrador in 2015, and incorporating the Town's *Stormwater Management Plan;*
• Floodway Fringe (1:100 year)	
• Steep Slope (>25%)	Data Source: Based on from the 2016 high resolution mapping provided by EnFor Consulting Services, based on 2014 LIDar Data and 2019 digital aerial imagery.
• Steep Slope Buffer (10 m)	
• Wetland Stewardship Agreement Management Units	

Where there is uncertainty regarding the extent of an environmental protection overlay boundary identified on Map 3- Environmental Protection Overlay map, field verification by a qualified consultant shall be required at the expense of the developer or land owner. In addition, for waterbodies as defined under the *Water Resources Act,* 2002 (including lakes, ponds, rivers, streams, brooks, and wetlands), the Town shall refer the request to the Water Resources Management Division for comment and recommendations.

Amendments to Schedule E-Environmental Protection Overlay and Map 3-Environmental Protection Overlay map shall be conducted in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

(1) Coastlines

The coastal buffer shall be established as follows:

- Where a cliff's edge exists, the 30.0m buffer will be established from the top of cliff.
- Where no cliff's edge exists, the 30.0m buffer will be established from the ordinary high water mark of the ocean.

No development shall be permitted within thirty (30.0) metres of the ocean (Conception Bay) except as set out in the Use Zone Table in the Town's Development Regulations for the zone in which the land is situated and the Water Resources Management Division Policy Directive: W.R. 97-1:Policy of Development in Shore Water Zones and, as applicable, W.R. 91-1: Policy for Infilling Bodies of Water.

All development occurring within this buffer is subject to the approval of the Water Resources Management Division, Department of Fisheries, Forestry and Agriculture, and Council (at their discretion). Where fish habitat may be affected, approval shall also be required by the Federal Department of Fisheries and Oceans.

(2) Watercourses

Watercourses include rivers, brooks and streams, including intermittent and indeterminant streams. The location of watercourses and an environmental watercourse buffer of fifteen (15.0) metres from the ordinary high water mark of all watercourses is mapped on the Map 3-Environmental Protection Overlay map. No development shall be permitted within the fifteen (15.0) metre buffer except as set out in the Use Zone Table in the Town's Development Regulations for the zone in which the land is situated and the Water Resources Management Division Policy Directive: W.R. 97-1:Policy of Development in Shore Water Zones and, as applicable, W.R. 91-1: Policy for Infilling Bodies of Water.

All development activity undertaken in watercourses and within the watercourse buffer is subject to the approval of the Water Resources Management Division, Council (at their discretion), and where fish habitat are affected, approval shall also be required by the Federal Department of Fisheries and Oceans.

Habitat Assessment requirements (as defined below in provision 6):

- Watercourses: Council shall require the preparation of a Habitat Assessment, for proposed development along watercourses and within the watercourse buffer, except for Infill Development areas, where Council may, at their discretion, apply this requirement.
- Intermittent streams: Council may, at their discretion, require the preparation of a Habitat Assessment.
- Indeterminant streams: Council may, at their discretion, require the preparation of a Habitat Assessment.

(3) Waterbodies (excluding wetlands and watercourses)

The location of Waterbodies and an environmental Waterbody Buffer of thirty (30.0) metres from the high water mark of waterbodies has been established on Map 3-Environental Protection Overlay map. No development shall be permitted within thirty (30.0) metres of a Waterbody except as set out in the Use Zone Table in the Town's Development Regulations for the zone in which the land is situated and the Water Resources Management Division Policy Directive: W.R. 97-1:Policy of Development in Shore Water Zones and, as applicable, W.R. 91-1: Policy for Infilling Bodies of Water.

All development activity undertaken in waterbodies and within the waterbody buffer is subject to the approval of the Water Resources Management Division, Council (at their discretion), and the Federal Department of Fisheries and Oceans. Development activity shall also be undertaken in accordance with the following requirements of the Wildlife Division, Department of Fisheries, Forestry and Agriculture:

1) To protect general wildlife habitat and landscape connectivity, the Town shall require the following measures when reviewing referrals for new Crown lands applications in the vicinity of waterbodies:
   a. a riparian buffer of 30 metres minimum undisturbed natural vegetated along wetlands and waterbodies (ponds, rivers, creeks etc.) or more for riparian areas near agricultural areas as recommended by the Wildlife Division;
   b. green belts connected to forested areas or other habitat patches to create wildlife travel corridors; and,
   c. indicate a minimum percentage of forest to be maintained during lot clearing.

2) Vegetation clearing shall be done outside the May 01 to July 31 period, to minimize disturbance during that sensitive breeding/ young rearing.

Habitat Assessment requirements:

Waterbodies: Council shall require the preparation of a Habitat Assessment (as defined below in provision 6), for proposed development along Waterbodies within the Waterbody Buffer, except for Infill Development areas, where Council may, at their discretion, apply this requirement.

(4) Steep Slopes

Definitions:

a. Steep Slopes: Steep slopes are naturally occurring slopes with a gradient of greater than 25% over a minimum distance of five (5.0) metres.
b. Steep Slope Buffer: The steep slope buffer consists a ten (10.0) metre buffer surrounding a steep slope as defined above in 4 (a).

The following restrictions shall apply:

1. No buildings, structures or placement or removal of fill will be permitted on any lands designated as Restricted by the St. John's Urban Region Regional Plan, 1976.
2. No buildings, structures or placement or removal of fill shall be permitted on a Steep Slope with the following exceptions:
   a. Council may, at their discretion, allow activity or grading work required in these areas for the safety and protection of existing properties, where Council may require a qualified professional to determine and certify the necessity and safety regarding the activity; and,
   b. Infill single dwellings and associated accessory building will be considered, at the discretion of Council, where Council may require a report from a qualified professional to determine and certify the suitability of the site for this type of development only.
3. Steep Slope Buffer: Development may be permitted within ten (10.0) metres of the top or bottom of a steep slope, at the discretion of Council, where Council may require a qualified professional to determine and certify the suitability of the site for development.
4. New development activity will not be permitted that creates Steep Slopes unless in accordance with a professionally engineered grading plan. Council may order property owners to rectify any development activity that creates Steep Slopes, or for the property owner to obtain (at their cost) an engineering assessment to confirm the Steep Slope and grading is suitable.

(5) Designated Flood Risk Areas

The Water Resources Management Division (WRMD) of the Government of Newfoundland and Labrador is responsible under the *Water Resources Act, 2002* to map flood risk areas in the province. The most recent Flood Risk mapping for the Town of Portugal Cove-St. Philip's was completed in 2015 and sets out in the Floodway and Floodway Fringe areas in the town. The Town of Portugal Cove-St. Philip's also identified areas that are subject to flooding in its *Stormwater Management Plan, 2010.* These areas are located within the Floodway and Floodway Fringe areas mapped for WRMD updated Flood Risk mapping published in 2015.

The Floodway and Floodway Fringe area identified on Map 3-Environmental Protection Overlay map are defined as follows:

- Floodway: this is the portion of a flood plain where the most frequent flooding occurs, and where the flow of water is fastest. This 'Floodway' area is determined on the basis of the 1 in 20 year (1:20) return flood period.

- Floodway Fringe: This is the portion of a flood plain where less frequent flooding occurs and where the flow of water is considered to be tranquil. The 'Floodway Fringe' area is determined on the basis of where flooding occurs up to 1 in 100 years (1:100) on average).

Application processing: Council may, at their discretion, only allow the permitted and discretionary uses from the Use Zone Table for each Land Use Zone within the Floodway and Floodway Fringe areas subject to the uses set out in the Policy Directive W.R. 96-1: Policy for Flood Plain Management. The development requirements set out in Policy Directive W.R. 96-1 are also required in addition to any conditions set by

Council.

Developers and/or property owners must have approval under Section 48 of the *Water Resources Act, 2002* for work proposed within Floodway and Floodway Fringe areas.

(6) Wetlands

Wetlands are mapped on Map 3-Environmental Protection Overlay map as classified in the 2022 Hydrology report as follows:

- High protection: wetland contains a stream and/or other water bodies that are interconnected or directly adjacent to one of the significant river/stream systems;
- Medium protection: an isolated wetland that has an area of 2,500 m^2 of greater; and,
- Low protection: an isolated wetland that has an area less than 2,500 m^2.

Wetlands means land that has the water table at, near or above the land surface and include bogs, fens, marshes, swamps and other shallow open water areas. They perform varied integral ecological functions such as: collect and store runoff, moderate and attenuate downstream flood flows, reduce downstream flooding and erosion, clean and purify water, recharge groundwater zones, and provide unique habitat for plants and animals.

Wetland development means the carrying out of an activity or operation which includes the construction of ditched, mechanical disturbance of the ground, alteration of normal water level fluctuations, infilling, graining, dredging, channelization, and removal of vegetation cover and/or organic matter on a wetland for social or economic benefits, or the making of any changes in the use or the intensity of use of any wetland which affects its hydrologic characteristics or functions.

The Province's *Water Resources Act, 2002* has provisions within Sections 30, 48 and 64 that directly address wetlands. Developers and/or property owners must apply under Section 48 of the *Water Resources Act, 2002* for work proposed within wetland areas. The following Water Resources Management Division policies apply with regard to wetlands: W.R. 97-2: Policy for Development in Wetlands and W.R. 97-1: Policy of Development in Shore Water Zones.

The Wetland buffer of fifteen (15.0) metres is mapped for all identified wetlands on Map 3. Council has the following requirements regarding development within Wetlands and the Wetland buffers:

1. High Protection Wetlands and Wetland Buffer:
    a. Council shall require a qualified professional to determine and certify the safety regarding the activity, except for Infill Development areas where Council may, at their discretion, apply this requirement; and,
    b. Council shall require the preparation of a Habitat Assessment (as defined below), except for Infill Development areas, where Council may, at their discretion, apply this requirement.

2. Medium Protection Wetlands and Wetland Buffer:
    a. Council may, at their discretion, require a qualified professional to determine and certify the safety regarding the activity; and,
    b. Council may, at their discretion, require the preparation of a Habitat Assessment (as defined below).
3. Low Protection Wetlands and Wetland Buffer:
    a. Council may, at their discretion, require a qualified professional to determine and certify the safety regarding the activity; and,
    b. Council may, at their discretion, require the preparation of a Habitat Assessment (as defined below).

Development activity shall also be undertaken in accordance with the following requirements of the Wildlife Division, Department of Fisheries, Forestry and Agriculture:

1) To protect general wildlife habitat and landscape connectivity, the Town shall require the following measures when reviewing referrals for new Crown lands applications in the vicinity of waterbodies:
    a. a riparian buffer of 30 metres minimum undisturbed natural vegetated along wetlands and waterbodies (ponds, rivers, creeks etc.) or more for riparian areas near agricultural areas as recommended by the Wildlife Division;
    b. green belts connected to forested areas or other habitat patches to create wildlife travel corridors; and,
    c. indicate a minimum percentage of forest to be maintained during lot clearing.

2) Vegetation clearing shall be done outside the May 01 to July 31 period, to minimize disturbance during that sensitive breeding/ young rearing.

Definition of Habitat Assessment: A Habitat assessment shall address following matters: Current representation of habitat, plant and wildlife species, or natural features in the area, including abundance, diversity and complexity of species and habitat (land and water), presence of species of conservation concern (e.g. rare, vulnerable, threatened, endangered, declining, uncommon, sensitive, endemic species), condition/quality of site, potential for long-term protection of site/habitat, description of habitat/site (size, shape, location), evidence of use, and other perceived values, such as value of a site to the larger ecosystem in which it is found (maintenance of hydrological and nutrient cycles, erosion control) and value of a site to humans (scientific and educational studies, aesthetics and recreational values). The Habitat Assessment shall be undertaken by a Professional Biologist, with accreditation to the satisfaction of Council.

(7) Wetland Stewardship Agreement Management Unit:

These areas will be managed according to the requirements of the Wetland Stewardship Agreement as follows: Within the Management Units, lands shall be managed for better protection of the wetlands for waterfowl and other wildlife and applications for development will be referred to the Wildlife Division

for comment. The Town shall permit only those activities that have no negative or adverse impact upon the wetland habitat or the waterfowl or other wildlife which utilize those habitats. Management Units shall be zones as environmental protection, conservations watershed protection or included within lands designated for recreation uses only.

SCHEDULE F: NON-CONFORMING USE PROVISIONS

Non-Conforming Uses or Non-Conforming Development

(Refer to Section 108(2) of the *Urban and Rural Planning Act 2000* and Sections 14, 15, 16, and 17 of the *Ministerial Development Regulations* found in the appendices) *Ministerial Development Regulations*. The following excerpts set out the requirements for non-conforming uses.

Section 108(2) of the *Urban and Rural Planning Act 2000*:
“"non-conforming use" means a legally existing use that is not. listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone;” …

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

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

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

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

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

"**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 quote]

SCHEDULE G: 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. See Explanatory Note B.
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 newaerodrome.

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.
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.

L	The construction of covered enclosures should be undertaken if this use is to be newly introduced to the noise environment. (See Note M below).
M	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.
N	This appears to be a compatible land use in all NEF zones.

SCHEDULE H: LAND USE ZONING MAP