

# SCHEDULE A – DEFINITIONS

The defined words of Schedule A are primarily intended to assist in the interpretation of specific terms utilized within these Development Regulations. Other words are defined to provide for reader clarity and additional land use understanding of planning terms and concepts supported by the Town for managing future change within the community. In all instances, the definitions provided by the Minister’s Regulations of the NL Urban and Rural Planning Act (2000) shall take precedent over any defined terms provided by Schedule A.

## 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.

**ACCESSORY BUILDING:**

- i) A detached subordinate building not used as a habitable 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, and is typically not constructed until the principal use building is erected;
- 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 represent indicative accessory use buildings;
- iii) For commercial uses, workshops, equipment and tools storage, or garages are representative accessory use buildings; and,
- iv) For industrial uses, garages, offices, equipment and tools storage, raised ramps and docks are deemed to be accessory use structures and buildings.

**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 activity.

**ACT:** means the *Urban and Rural Planning Act, 2000*.

**ADJACENT:** means a property or land use having a common boundary with another property or land use; has similar meaning as adjoining;

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

**AGRICULTURE:** means an agricultural operation that is carried on for personal or commercial gain or reward or in the hope or expectation of gain or reward, and includes:

- a) the clearing, draining, irrigating, or cultivation of land;
- b) the raising of livestock, including poultry;
- c) the raising of fur-bearing animals;
- d) the raising of bees;
- e) the production of agricultural field crops;
- f) the production of fruit and vegetables and other specialty horticultural crops, including organic crops;
- g) the production of eggs and milk;
- h) the operation of agricultural machinery and equipment, including irrigation pumps;
- i) storage, use, or disposal of organic wastes for farm purposes;
- j) the preparation of a farm product for distribution from the farm gate, including cleaning, grading, and packaging;
- k) the on-farm processing of farm products for the purpose of preparing farm products for wholesale or retail consumption;
- l) the operation of pick-your-own farms, roadside stands, farm produce stands, and tourist operations as part of a farm operation; and
- m) any other agricultural activity or process prescribed by Provincial regulation that is carried on for gain or reward or in the hope or expectation of gain or reward.

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

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

- a) 1 horse, cow, steer, bull, mule, donkey, bison, buffalo, pig, fox, or mink including offspring until weaning
- b) 3 llama or alpaca including offspring until weaning

- c) 6 sheep or goats including offspring until weaning
- d) 10 ostriches, emus or fur bearing animals, excluding fox or mink, including offspring until weaning
- e) 20 hens , rabbits, chickens, turkeys, ducks or geese, or
- f) 100 chicks.

**ANTENNA:** means a tower structure for transmitting and receiving signals for television, radio, mobile, cellular, telephone, digital, satellite and other telecommunications services to varied users. Such apparatus are intended to be sited and located on civic use and other building rooftops, on utility poles, and where appropriate as stand-alone facilities, and as approved by Industry Canada.

**APARTMENT BUILDING:** means a building in accordance with the provincial Condominium Act, 2007, containing three or more dwelling units where individual dwelling unit access is typically from a common interior hallway and where an apartment building does not include a row dwelling.

**APPEAL BOARD:** The appropriate Appeal Board established under the Act.

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

**APPURTENANCES:** refer to architectural features added to the main body of a building, including awnings, canopies, balconies, turrets, spires, dormers and chimneys.

**ARTERIAL STREET:** means a public street or road constituting a main traffic artery in the town.

**ASSEMBLY:** means a Use which provides for the gathering of persons for religious, funeral, charitable, philanthropic, civic, cultural, artistic, recreational, child care, catering, service club, entertainment, educational and similar community group and organizational purposes; includes concert halls, drive-in theatres, libraries, museums, municipal government offices, churches, funeral homes, monasteries, cultural and community centres and events, banquet halls, outdoor concerts, auditoriums, schools and colleges, bus terminals, restaurants and lounges, day care centres, pool halls and amusement arcades, arenas, swimming pools, exhibition grounds, and varied similar community facilities, functions, hubs and events.

**AUTO BODY REPAIR:** represents a commercial use type of land for the repair, painting, fabrication and detailing of the body of auto motor vehicles.

**AUTOMOTIVE REPAIR:** means a commercial use of land for the repair and maintenance of motor vehicles; excludes occasional oil change and other minor repairs to motor vehicles by the owner/tenant of a residential property on land where such an owner/tenant resides.

## **B**

**BED AND BREAKFAST** means an owner-occupied or owner-managed establishment providing up to six (6) guest rooms of paid temporary accommodation for tourists or the travelling public. 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. Other uses that may be considered under this definition include hospitality home and inn.

**BOARDING HOUSE RESIDENTIAL:** means a boarding or lodging house or a bed and breakfast residence in which at least 2 rooms are regularly rented to persons other than the immediate family of the owner or tenant.

**BUILDING:** means every structure, erection, alteration or improvement whatsoever placed on, over or under land, or attached, anchored or moored to land, and includes mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other like uses, and any part of a building as so defined and any fixtures that form part of a building. Building may also refer to an excavation of land whether or not that excavation is associated with the intended or actual construction of a building or structure previously referred to in this definition.

**BUILDING HEIGHT:** means, in relation to a building or structure, the vertical distance as 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.

**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.

**BUFFER:** means a neutral and preserved area of land that is generally undeveloped and is designed to separate and save from harm different adjacent land uses; the buffer area may be required to be

enhanced with hard or soft landscaping improvements to provide for a more effective separation between adjacent land uses.

## C

**CAFÉ:** means a small or inexpensive restaurant serving light or easily prepared meals, food and refreshments.

**CAMPGROUND:** means an area and use of land, managed as a unit, for the temporary overnight accommodation of the traveling public in tents, camper vehicles, recreational vehicles, and/or any combination of three (3) or more camps, trailers, or bunkhouse used on a short term or seasonal basis, and where the accessory uses could include a campground administrative office for guest registration, clubhouse, snack bar, laundry, convenience store, swimming pool, washrooms, showers and recreational facilities.

**CAR WASH:** means a commercial facility for washing, cleaning and detailing of automotive motor vehicles.

**CEMETERY:** means a facility or land area reserved and dedicated to the burial of the dead and includes a crematorium, mausoleum, mortuary and related maintenance facility.

**CHILD CARE FACILITY:** means a building or part of a building in which assembly services and activities are regularly provided to children of pre-school age during the full daytime period as defined under the *Child Care Services Act*, but does not include a school as defined by the *Schools Act, 1997*.

**CHURCH:** means a facility and amenity buildings that provide for the assembly of persons of any religious denomination for religious, place of worship and charitable purposes.

**CIVIC USE:** means a use providing for public assembly functions, office and governance services by federal, provincial and municipal governments, and also a school, college or library board, and may include a municipal office, varied government department offices, libraries, museums and archives, art galleries, courts of law, meeting rooms and associated community programs such as a food bank facility.

**CLUB OR LODGE:** means a building or structure used by a non-profit or private organization for fraternal, social, meeting or recreational purposes.

**COASTAL FEATURE:** means land adjoining or near the ocean that forms part of the coastal environment, including inter-tidal areas, beaches, beach banks, dunes, coastal marshes, coastal cliffs, rock platforms, and rock crevices.

**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.

**COMMERCIAL USE:** means a use providing for the sale or rental of goods or services, for the provision of personal and general services, or for the servicing and repair of goods and vehicles; without limiting the generality of the foregoing, includes retail sales, convenience stores, gift/specialty and other shops, department stores, shopping centres, offices, tourism facilities of hotels and motels, indoor and outdoor markets, household and non-household services and repairs, and such similar commercial uses; excludes an industrial use, agriculture, waste management, warehousing, and wholesale uses.

**COMMERCIAL RESIDENTIAL:** means any premises such as hotels and motels, hostels, tourist cottages and residential clubs operated to provide sleeping accommodation to the traveling or recreating public and includes services and facilities in connection with the accommodations.

**COMPACT DEVELOPMENT:** refers to a land use planning form of land and building development that seeks to maximize economically efficient use of municipal services and infrastructure, and of the land supply, through a denser and highly designed urban pattern of growth.

**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.

**CONGREGATE CARE:** means a care facility for senior and elderly residents where each resident has an individual residential apartment, and where the principal congregate care building also provides for common facilities for dining, recreation, social activities, and amenity uses such as woodworking rooms, hairdressing services and nursing offices.

**CONNECTOR:** means a local street that carries traffic to adjoining local streets and collector streets.

**CONSERVATION:** means a use of land that serves to protect, maintain, or improve an environmental resource or feature.

**CONSTRUCTION YARD:** means an area used for the storage of construction materials, supplies, equipment, tools, stockpiles of useable construction materials, and other items including temporary storage containers, construction trailers, and temporary office trailers.

**CONVENIENCE STORE:** means a retail commercial establishment supplying groceries, sundries, and other daily household necessities to the immediate surrounding area.

**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 the Council of the Town of Portugal Cove-St. Philip's having jurisdiction of the Portugal Cove-St. Philip's Municipal Plan and Development Regulations.

**CULTURAL USE:** means a local land use or activity that involves heritage, historic, artistic, musical, customary, ethnic, and social expression of local values for economic, tourism, community, and entertainment benefit and enjoyment.

## **D**

**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.

**DEPARTMENT STORE:** refers to a commercial business outlet that is customarily part of a larger regional or national chain of multiple commercial retail stores, and may include clothing apparel sales, house ware goods, hardware items, general merchandise, food and grocery, automotive accessories, furniture, flooring, sporting goods, pharmacy, office supplies and similar varied retail items.

**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:** 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.

**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 REGULATIONS:** means land use regulations and by-laws respecting land use management, and land and building development, that have been enacted by the relevant authority under the Urban and Rural Planning Act (2000), and serve as a companion community planning document to the Municipal Plan.

**DIRECTOR:** means the Director of Urban and Rural Planning.

**DISCRETIONARY USE:** means a use that is listed within the discretionary use classes established in the use zone tables of an authority's Development Regulations, and where such use is considered for approval by Council.

**DISTANCE:** means the shortest separation, measured on a horizontal plane, between a lot line or street line and the nearest part of a building or structure.

**DOMESTIC ANIMALS:** means dogs, cats, birds, hamsters, gerbils, guinea pigs, fish, rabbits or other similar animals kept solely for the personal enjoyment and/or companionship of the resident of a property.

**DOUBLE DWELLING:** means a building containing two residential dwelling units, placed side by side, but does not include a self-contained dwelling containing a subsidiary apartment; a double dwelling is often also referred to as a duplex residential dwelling. A double dwelling requires appropriate land use zoning to permit its use.

**DRINKING ESTABLISHMENT:** means a commercial operation, assembly hall, club, or lounge in which the sale and consumption of liquor is licensed under the *Liquor Control Act*, and in which entertainment may be provided.

**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 single residential unit that consists of one or more habitable rooms that typically include a kitchen, a bathroom and sleeping room, where such rooms are used or designed as the living quarters for one household, and that provides for only one cooking facility or kitchen, and for the interpretation of the following use zones includes single dwellings in the form of a constructed residential house and a modular home.

## E

**ENGINEER:** means a professional engineer employed or retained by Town Council.

**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.

**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.

## F

**FENCE:** means a constructed barrier that divides and separates property, and which may provide privacy, security and protection: a fence is only to be constructed and installed in accordance with siting and height requirements of the Development Regulations; except for an agricultural or farm use for livestock and other similar animals, no fences within residential areas are to use barbed or razor wire materials.

**FISHERIES FACILITY:** means an onshore facility located next to or in the vicinity of coastal waters for a purpose related to commercial fishing or fish processing.

**FISHERY USES:** refer to traditional uses related to the fishing industry such as boat moorage, wharves, docks, off loading facilities, boat repair, bait buildings, storage uses and similar supportive uses.

**FLOOR AREA:** means the total area of all floors in a building, measured to the outside face of exterior walls. For the purposes of these Development Regulations, interpretation of floor area is not intended to include the basement.

**FORESTRY:** means the general growing and harvesting of trees and, without limiting the generality of the foregoing, shall include the domestic cutting of fuel wood and Christmas trees, as well as commercial forestry operations of cutting pulp wood, lumber, and other products.

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

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

**FULL-SERVICE RESTAURANT:** means a building or part thereof where food is prepared and offered for retail sale to the public for immediate consumption either on or off the premises.

## **G**

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

**GARDEN CENTRE:** means the use of land, buildings, or structures or part thereof for the purpose of buying or selling plants, lawn and garden equipment, furnishings, and supplies.

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

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

**GENERAL SERVICE:** means a shop for servicing, repairing, installing, or renting things and equipment, including but not limited to the following examples:

- a) radio or television service or repair shops
- b) locksmith shops
- c) small appliance service or repair shops
- d) household and carpenter tool service or repair shops.

**GRADE:** means the finished level of the ground at the exterior walls of a building or structure. See also the definition for **Established Grade**.

**GREENHOUSE:** means a building whose roof and sides are made largely of glass or other transparent or translucent material for the cultivation of plants for subsequent sale, transplanting, or personal use.

**GROUP HOME:** means a dwelling accommodating up to but not more than six (6) persons exclusive of staff in a home-like setting. Subject to the size limitation, this definition includes, but is not limited to the facilities called "Group Homes", "Family and Group Homes", and "Foster Homes".

## H

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

**HEIGHT:** generally means, in relation to a building or structure, the vertical distance as measured from mean grade to the highest point on such building or structure. See also the definition for **Building Height**.

**HIGH WATER MARK:** carries the same meaning and intent as **Natural Boundary**. Additionally the high water mark or level of a water body is taken to be the 1:100 year return period water level. For a fresh water body, this level includes water levels caused strictly by storm runoff or hydraulic effects of ice, or both.

**HISTORIC BUILDING:** means a building designated by Council as being of historic importance, or of cultural or heritage value. Within the traditional communities of both Portugal Cove and St. Philip's, while not specifically designated as historic, Council views much of the existing dwellings, buildings and structures as possessing heritage design and character.

**HOBBY FARMING:** means the pursuit of small-scale cultivation or production of plants and animals especially for relaxation and is considered non-commercial as it is outside of one's regular occupation.

**HOME OCCUPATION (HOME-BASED BUSINESS):** means a small-scale business owned and operated in a main residential dwelling by at least one of the owners of the dwelling or in an accessory building located on the same lot as the main dwelling, and where the home based business is a secondary use to the primary residential use of the dwelling.

**HORSE BOARDING STABLE:** means a building, structure, or premises used for the feeding, housing, and exercising of horses for gain or profit.

**HOUSEHOLD SIZE:** refers to the average number of residents living within one residential dwelling unit as determined by dividing the total population of Portugal Cove-St. Philip's by the total number of residential dwelling units.

## I

**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 DEVELOPMENT:** means economically efficient development or redevelopment of land occurring following completion of the initial development of the area, and where such development typically occurs on lands located within existing infrastructure serviced and built up areas.

**INFRASTRUCTURE:** for the purpose of these Development Regulations, refers to municipal and public infrastructure services of roads, sanitary sewer, municipal water and storm water drainage works, pumping and booster stations, pressure reducing facilities, solid waste treatment and similar municipal and other provincial works and services.

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

## K

**KEEPING OF LIVESTOCK:** means the raising, maintenance or use of livestock.

**KENNEL:** means a commercial use for any premises on which four (4) or more dogs over the age of six (6) months are boarded, bred, trained, or cared for, and does not include a veterinary clinic.

**KITCHEN:** means, at a minimum, a portion of a dwelling unit containing a fridge, stove or other cooking appliance, sink and lower and upper cabinets; each residential dwelling unit is to have a kitchen.

## L

**LAKE:** means a body of water similar to a pond where for the purposes of these Development Regulations are shown on 1:50,000 scale mapping on the Environmental Protection Map of Schedule E.

**LAND:** includes land covered and not covered by water, and buildings and structures on, over, or 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.

**LIGHT INDUSTRY:** means the use of any land or buildings for any general industrial use that can be carried out without hazard or intrusion and without detriment to the amenity of the surrounding area by reason of noise, vibration, smell, fumes, smoke, grit, soot, ash, dust, glare or appearance.

**LIVESTOCK:** means any species of poultry, cattle, sheep, swine, goats, llamas, or horses, which are normally been kept and raised on farms and used or intended for use as food or food related purposes, or for riding (e.g. horses), or for improving animal nutrition, breeding or management if intended for use for profit or otherwise.

**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.

**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.

**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 lot lines of the lot.

**LOT, CORNER:** means a lot having two or more adjacent sides fronting on two or more intersecting roadways;

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

**LOT DEPTH:** means the shortest distance within the lot between the front lot line and the rear lot line.

**LOT FRONTAGE:** means the front portion of a lot or property determined as the width between two side lot lines measured at the building line of a lot, and which is intended to convey the width of the lot at

street line that directly abuts and joins an adjacent public street or road. See also the definition for **Frontage**.

**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.

## **M**

**MARINE FACILITY:** means a wharf or onshore facility located in the vicinity of coastal waters for a purpose related to marine transportation or services.

**MINERAL WORKING:** means land or buildings used for the working or extraction of any naturally occurring substance.

**MINIMUM LOT SIZE:** means the smallest area into which a property may be subdivided.

**MIXED USE:** means a land use zone with primary principal uses for single and double residential dwelling units, conservation and recreational open space and containing varied commercial, industrial, assembly and other discretionary uses.

**MOBILE HOME:** means a transportable factory built and assembled CSA Z240 approved trailer structure on wheels intended for residential dwelling use. Mobile homes are not a permitted use as a residential dwelling within these Development Regulations. Double wide mobile homes that are placed and set up on a permanent poured concrete foundation, and approved for connection to utilities and infrastructure, and provincial approvals where applicable, may be considered for residential use within the Rural Residential Zone.

**MODULAR HOME:** means a residential dwelling of a minimum 6.5m (21.3 feet) width, constructed of finished sections of a complete dwelling that are factory built in accordance with CSA standards, and intended for transport to a residential lot and after placement on a poured concrete foundation and connected to infrastructure and utility services, as required and approved, is for use as a principal residence as a single dwelling.

**MOTOR VEHICLE:** means a motor vehicle defined by the Provincial Act related to automobiles and other motor vehicles.

**MUNICIPALITY:** refers to the local government authority and also refers to the Town.

## **N**

**NATURAL BOUNDARY:** refers to the visible high water mark of any pond, river, stream, wetland, marsh or other body of water where the presence or action of water of the water are so common and usual, and so long continued in all ordinary years as to mark upon the soil of the bed of the pond, river, stream, wetland, marsh or other body of water, a character distinct from that of its banks, in respect of vegetation, as well as in respect to the nature of the soil itself.

**NEW STREET:** A street that is newly-constructed at the time of development, and includes new extensions to existing streets.

**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.

**NON-FARM USE:** means a use of land on Town controlled designated agricultural lands such as a residential single dwelling.

**NOXIOUS USE:** means a use of land or building which, from its nature or operation, creates a nuisance, or is liable to become a nuisance, offensive or dangerous by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste, or other material.

**NURSING HOME:** means a special care facility or residence licensed under Provincial legislation, in which the proprietor supplies lodging primarily to seniors and elderly residents and in addition, may provide

nursing, medical, or similar care and treatment. For the purpose of these Development Regulations, the meaning shall also include senior care facilities and homes, convalescent homes, homes for aged and hospice facilities.

## O

**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.

**OPEN SPACE:** means land set aside to protect and conserve natural areas. Open space may include woodlands, fields, walking trails, and passive recreational facilities, but shall not include structures such as buildings, tennis courts, parking lots, or other impervious land uses.

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

## P

**PARENT PARCEL:** means the original parcel of land that was, or is proposed to be, the subject of a plan of subdivision.

**PARK:** means an open space recreational area of land preserved for the ongoing active and passive recreational needs of local residents, but excludes golf courses and environmentally sensitive areas.

**PARKING LOT:** means an open area of a property or site which is designed in accordance with the standards established by the Development Regulations to accommodate the parking of motor vehicles of clients, customers, employees, members, residents or tenants, and where such vehicles have a gross vehicle weight of 4,500 kilograms (9,921 pounds) or less.

**PARKING SPACE:** means a space within a building or parking area on a property for the parking of one motor vehicle, and where the dimensions of the parking space are defined by Regulation 51(5)(a) of the Development Regulations.

**PASSIVE RECREATIONAL FACILITY:** 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 off-road motorized vehicles.

**PERMANENT STRUCTURE:** means a building or part thereof or any built structure which includes a foundation or permanent base of earth, rock, concrete or other materials.

**PERMITTED USE:** means a use that is listed within the permitted use classes set out in the use zone tables of these Development Regulations.

**PERSONAL SERVICE:** means a building or part thereof in which services are provided and administered to the individual and personal needs of persons, and without limiting the generality of the foregoing, includes barber shops, hairdressing establishments, beauty salons, workrooms for shoe repair and shoe shining shops, bakery shops, and photographic studios.

**PIT AND QUARRY WORKING:** Carries the same meaning as **Mineral Working**.

**PLACE OF WORSHIP:** means a building commonly used for public worship by any religious organization and may include a rectory or manse, place of worship hall, auditorium, day nursery or religious school associated with, or accessory thereto.

**PLANNING AREA:** means that provincially designated land area of Portugal Cove-St. Philip's that has been identified for land use management policies of the Municipal Plan and regulations of the Development Regulations, and which corresponds to the Portugal Cove-St. Philip's municipal boundaries.

**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.

**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 either not listed in a use zone within the permitted use classes or within the discretionary use classes of the Development Regulations, or it means a use that an authority specifies as not being permitted within a use zone.

**PUBLIC RIGHT-OF-WAY:** means a route across private or Crown land that may be followed, but not deviated from, by members of the public. A public right-of-way may serve the same function as a public street or road, but is not publicly-maintained. No new buildings for residential use shall be built on property with only public right-of-way access unless alternative and appropriate access, as approved by the Town Engineer and Town Council, and Provincial approvals as applicable, is provided

**PUBLIC STREET OR ROAD:** means a portion of land for the purpose of a street, road, or highway, which has the following characteristics:

- a) it is designed for the passage of vehicles and pedestrians and is accessible to fire trucks and other emergency vehicles,
- b) it includes all road related infrastructure, for example, the roadway itself, side ditches, culverts, and bridges,
- c) its maintenance is the responsibility of Council or the Provincial Department responsible for highways and roads maintenance.

**PUBLIC USE:** means lands that are designated to provide and serve for the assembly, civic, cultural, spiritual, recreational, health care and educational needs of the community.

## Q

**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.

## R

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

**RECREATION FACILITY:** means a building used for indoor sports activities and/or public assembly events.

**RECREATIONAL OPEN SPACE:** means a recreational use conducted outdoors that may be designed and equipped for the conduct of sports and/or leisure activities, and may include a multi-use trail, nature

interpretation centre, park, playground, outdoor skating rink, picnic area, playing field, tennis court, outdoor rink, or similar use.

**RECREATIONAL VEHICLE:** means a vehicle designed as a temporary seasonal dwelling for travel, recreational and vacation use, and which is either self-propelled or mounted on, or pulled by another vehicle, and includes a travel trailer, camping trailer, truck camper, motor home, fifth wheel trailer, camper van, converted school bus and boat. A Recreational Vehicle is not permitted to be used as a permanent dwelling unit within Portugal Cove – St. Philip’s.

**RECYCLING FACILITY:** means the use of land for depositing, storing, separating, dismantling, salvaging, treating, renovating, or redistributing, discarded materials, such as paper, glass, plastics, timber, metals, manufacturing cut-offs, household goods and oils.

**REMAINDER LOT:** means the remaining area of a parent parcel of land that is being subdivided into one or more lots.

**RESIDENTIAL USE:** means a dwelling unit use providing for the accommodation and home life of a person or persons as a family or not.

**RESIDENTIAL INFILL:** see **Infill Development**.

**RESIDENTIAL, SEASONAL:** means a residential use of one dwelling unit for temporary seasonal accommodation in a smaller summer cabin or cottage structure, or hunting and fishing cabins, and sited in detached non-urban rural locations, and not sited within a designated flood risk area or other environmentally sensitive areas, and where such use is not intended as permanent living quarters.

**RESIDENTIAL SUBDIVISION:** means the development of subdivided land into two or more parcels for the purpose of developing residential dwelling units.

**RESTAURANT, FULL-SERVICE:** means a building or part thereof where food is prepared and offered for retail sale to the public for immediate consumption either on or off the premises.

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

**RESOURCE USE:** means a use providing for the management and extraction of primary forest materials, and excludes all manufacturing and processing except preliminary grading.

**RETAIL:** means a commercial use providing for the sale of tangible goods, wares, merchandise, materials and other items where the customer can take away the purchased goods for their household or business use, and includes grocery and department stores, hardware and general merchandise stores, pharmacy, convenience, book and liquor stores, automotive parts, second hand stores and similar commercial goods stores. Within this definition, retail use excludes restaurants, adult entertainment stores and pawnshops.

**ROW DWELLING:** means three or more dwelling units at ground level in one building, each unit separated vertically from the others, and where very limited front façade design attention has been historically provided, and as a multi-dwelling housing form, row houses type of residential dwellings are intended to be replaced with more highly designed townhouse residential uses.

**RURAL:** means the more detached and forested geographical areas of the Town that are not serviced with sanitary sewer.

## S

**SALVAGE YARD:** means an industrial use of a building, warehouse, yard, or other premises where scrap metal, motor vehicles, and vehicular parts are collected and are wrecked, crushed, demolished, sorted, disassembled, repaired and resold.

**SERVICE STATION:** means an industrial use of any land or building for the sale of petroleum products, automotive parts and accessories, and may also include accessory uses for minor repairs of motor vehicles, washing and polishing of motor vehicles, and a convenience store.

**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.

**SETBACK:** means the horizontal minimum separation distance between a building or structure on a lot and from a front, rear or side lot line, or also meaning the separation distance that is to be maintained from development from the top of bank or high water mark of a watercourse, water body or from an environmentally sensitive area.

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

**SHOPPING CENTRE:** means a group of shops and complementary commercial uses with an integrated and landscaped designed parking lot and which is planned, developed and designed as a commercial development site containing a minimum of 5 retail establishments.

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

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

**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.

**SMALL-SCALE AGRICULTURE:** see **Hobby Farming**.

**STORAGE:** is an accessory use and refers to the accumulation of goods and materials, and to the area where the goods and materials are kept. Storage is generally intended to be contained and enclosed within a building, but where located outside, the storage is intended to be screened from public view.

**STREET:** means a street, road or highway or any other way designed or intended for public use for the passage of motor vehicles and pedestrians, and which is accessible by fire department and other emergency vehicles, and is owned by the Authority or other public agency and maintained at public expense.

**STREET LINE:** means the edge of a public street or road reservation as defined by Council having jurisdiction.

**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.

**SUBDIVISION OF LAND:** means the process (and result) of dividing land, whether in single or joint ownership, into two or more smaller pieces of land for the purpose of development.

**SUBSIDIARY APARTMENT:** means a separate residential dwelling unit with its own distinct access to the outdoors that is typically constructed within a basement of a residential house, or above a commercial unit, and is separated by a minimum firewall separation as defined by the National Building Code and where the subsidiary apartment is secondary in use and floor area size to a single unit residential dwelling or a commercial building. Council may also consider a subsidiary apartment for seniors in single unit residential homes in the form of a granny suite that is built as an attachment to the main floor of the principal single unit residential use building, and that includes a firewall separation between the two dwelling units.

**SUSTAINABLE DEVELOPMENT:** means development that meets the needs of the present without compromising the ability of future generations to meet their own needs, and considers the five pillars of sustainability of environmental, economic, social, cultural and governance influences.

## I

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

**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 the Town of Portugal Cove-St. Philip's, including both Town Council and municipal staff.

**TOWNHOUSE, RESIDENTIAL USE:** means a highly designed and landscaped multi dwelling unit use that consists of three or more dwelling units on a site or lot where the dwelling units may be attached or detached in accordance with the provincial Condominium Act, 2007, and if attached, there shall be a maximum of six dwelling units in one building; each dwelling unit within a townhouse residential use shall have a private entrance and direct ground level access to the outside and to private outdoor open space other than a balcony or sundeck; and where the front façade of the townhouse shall have strong individual unit design and architectural treatment to achieve a high design streetscape appearance of the townhouse development, and where parking and other accessory building amenities are provided within the rear area of the building area.

## U

**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.

**UTILITIES:** refers to electrical transmission and distribution lines, fibre optic transmission and similar utility corridor transmission services.

**UTILITY EASEMENT:** for the purpose of these Development Regulations, refers to an easement from all utilities and municipal services and infrastructure.

## V

**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 these Development Regulations.

**VETERINARY CLINIC:** means an establishment used by veterinarians, or practitioners in related specialties, for the purpose of practicing veterinary medicine and where animals are admitted for examination or treatment, and where limited laboratory and other diagnostic services may be offered on an outpatient basis, but excludes a kennel.

## W

**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.

**WAREHOUSE:** means an industrial use where a building, structure or part thereof is used for the storage, distribution and wholesaling of merchandise or large quantities of goods.

**WATER BODY:** refers to ponds, lakes and the ocean.

**WATERCOURSE:** means the full width and length, including the bed, banks, side and shoreline, or any part, of a river, stream, spring, brook, reservoir, canal, or other natural or artificial channel open to the atmosphere, the primary function of which is the conveyance or containment of water, whether the flow is continuous or not.

**WATERSHED:** means the surface area contained within a divide above a specified point on a river, stream, or creek or other flowing body of water.

**WETLAND:** means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support vegetation typically adapted for life in saturated soil conditions, and includes swamps, marshes, bogs and estuaries; Wetlands are environmentally sensitive areas and are predominantly non-developable except for uses such as cranberry production, as approved by environmental and agricultural Departments of the Province of NL.

**WIND TURBINE:** means a wind turbine with a generator designed to extract kinetic energy from the wind and supply it in the form of electrical energy that is suitable for use by the electrical grid. The following are supplemental definitions related to wind turbines.

**Blade:** means an element of a wind turbine, which acts as a part of an airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

**Sub-station:** means an electrical construction designed to collect and modify electrical energy produced by the wind turbines for the purpose of supplying it to the local power grid.

**Sweep Area:** means the area that the blades of a wind turbine travel through during one complete revolution.

**Tower:** means the tubular structure or metal grids, above grade, that supports the nacelle and rotor assembly of a wind turbine.

**Tower Foundation:** means the tower support structure, below grade, that supports the entire weight of the wind turbine. It shall also include any foundations or anchors used by supporting guide wires.

**Tower Height:** means the height from grade to the highest vertical point of the tower, excluding the wind turbine assembly or blades.

**Tower Total Height:** means the height from grade to the highest vertical point of the swept rotor arc. In the case of a wind turbine with a horizontal axis rotor, the total height includes the distance from grade to the rotor axis of rotation within the nacelle plus one-half the swept rotor diameter.

**Wind Turbine – Commercial:** means one or more wind turbine and generator, which has a collective energy rating of greater than 100 KW. Generated electricity is intended for use by the owner/developer and may be connected to the local power distribution grid for the purpose of selling surplus power. Wind turbine(s) shall include but not be limited to wind turbine generators, operations and maintenance buildings and any other structures associated with the development of wind power generated electricity.

**Wind Turbine – Private:** means a maximum of two wind turbines and generators, which have a collective energy rating 100 KW or less and are used to supply or supplement the supply of electricity to a private residence, business, other commercial uses, public, rural, mixed, open space and recreational uses, as well to a municipal or other civic building or facility. The electrical system may be connected to the local distribution power grid for the purpose of selling surplus power.

## Y

**YARD:** 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.

## Z

**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.

**ZONE:** means a defined area, including land or water, to which a uniform set of regulations pertaining to uses, density, development standards, and terms and conditions of use apply.

**ZONING MAP:** means the land use zone map or maps that are attached to, and form a part of the authority's Development Regulations, and is often referred to as the Land Use Zoning Map.