

TOWN OF VICTORIA DEVELOPMENT REGULATIONS

**IMPORTANT: To see if there were any changes to
this plan since it came into effect, please refer to:**

List of Development Regulation Amendments

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF VICTORIA DEVELOPMENT REGULATIONS 2010**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Victoria adopts the Town of Victoria Development Regulations 2010.

Adopted by the Town Council of Victoria on the 24th day of January 2011.

Signed and sealed this 7th day of March 2011.

Mayor: *Art Burke*
Art Burke

Clerk: *Sharon Snooks*
Sharon Snooks

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Development Regulations have been prepared in accordance with the requirements of the *Urban and Rural Planning Act 2000*.

MCIP:



Development Regulation/Amendment	
REGISTERED	
Number	<u>5225-2011-003</u>
Date	<u>April 14, 2011</u>
Signature	<u><i>Arvo McMillan</i></u>

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF VICTORIA DEVELOPMENT REGULATIONS 2010**

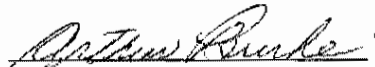
Under the authority of Section 16, Section 17 and Section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Victoria

- a) adopted the Town of Victoria Development Regulations 2010 on the 24th day of January 2011.
- b) gave notice of the adoption of the Town of Victoria Development Regulations 2010 by advertisement inserted on the 1st day of February 2011 and the 8th day of February 2011 in the *Compass* newspaper.
- c) set the 17th day of February 2011 at 7:00 p.m. at the Town Hall, Victoria 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*, on the 7th day of March 2011 the Town Council of Victoria approves the Town of Victoria Development Regulations 2010 as adopted.

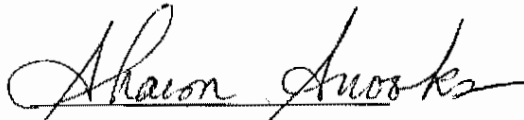
SIGNED AND SEALED this 7th day of March 2011

Mayor:



Art Burke

Clerk:



Sharon Snooks

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**TOWN OF VICTORIA MUNICIPAL PLAN
(DEVELOPMENT REGULATIONS)**

APPLICATION

1. Short Title

These Regulations may be cited as the Victoria Development Regulations.

2. Interpretation

- (1) Words and phrases used in these Regulations shall have the meanings ascribed to them in Schedule A.
- (2) Words and phrases not defined in Schedule A shall have the meanings which are commonly assigned to them in the context in which they are used in the Regulations.

3. Commencement

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

4. Development Regulations Under the Urban and Rural Planning Act 2000 – “Ministerial Regulations”

The Ministerial Regulations enacted under Section 36 of the Act shall apply to development within the Planning Area. Where there is conflict between these and the Victoria Development Regulations, the Ministerial Regulations shall prevail. The Ministerial Regulations are included with the Victoria Development Regulations.

5. Municipal Code and Regulations

The Building Code including the Plumbing Code, the Fire Code, the Electrical Code, and any other ancillary code and any Building Regulations, Waste Disposal Regulation and/or any other municipal regulations regulating or controlling the development, conservation and use of land in force in the Town of Victoria, shall, under these Regulations apply to the entire Planning Area.

6. Town

In these Regulations, "Town" means the Council of the Town of Victoria.

PART I - GENERAL REGULATIONS

7. Compliance With Regulations

No development shall be carried out within the Planning Area except in accordance with these Regulations.

8. Permit Required

No person shall carry out any development within the Planning Area except where otherwise provided in these Regulations unless a permit for the development has been issued by the Town.

9. Permit to be Issued

Subject to Regulations 10 and 11, a permit shall be issued for development within the Planning Area that conforms to the requirements of these regulations.

10. Permit Not to be Issued in Certain Cases

Neither a permit nor approval in principle shall be issued for development within the Planning Area when, in the opinion of the Town, 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 the Town and such cost shall attach to and upon the property in respect of which it is imposed.

11. Discretionary Powers of Town

- (1) In considering an application for a permit or for approval in principle to carry out development, the Town 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, the Town may, in its discretion, and as a result of its consideration of the matters set out in this Regulation, conditionally approve or refuse the application.

- (2) Except when it considers that a proposed use is similar to a permitted or discretionary use and the proposed use is in accordance with the intent of the Municipal Plan and the applicable zone under Schedule C, the exercise of discretionary powers under this Regulation does not enable the Town to permit the development of a use that is not set out as a permitted use or discretionary use under Schedule C.

12. Variances by Town

See Ministerial Development Regulations, Section 12.

- (1) Where an approval or a permit cannot be given by the Town because a proposed development does not comply with development standards set out in these Regulations, the Town may, in its discretion, vary the applicable development standards to a maximum of 10%, if, in the Town'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 the public interest.
- (2) The Town shall not allow a variance from development standards set out in these 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 not greater than 10%.
- (3) The Town shall not permit a variance from the development standards where the proposed development would increase the non conformity of an existing development.
- (4) Public Notice - When a variance is necessary under this Regulation, the Town shall, at the expense of the applicant, give written notice to the property owners in the immediate vicinity of the proposed variance.

13. Service Levy

- (1) The Town 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 property is enhanced by the carrying out of public works either on or off the site of the development.

- (2) A service levy shall not exceed the cost, or estimated cost, including finance charges to the Town of constructing or improving the public works referred to in Regulation 13(1) that are necessary for the real property to be developed in accordance with the standards required by the Town and for uses that are permitted on that real property.
- (3) A service levy shall be assessed on the real property based on:
 - a) the amount of real property benefited by the public works related to all the real property so benefited; and,
 - b) the density of development made capable or increased by the public work.
- (4) The Town 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 the Town may decide.

14. Financial Guarantees by Developer

- (1) The Town 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 engineering and other consultants' fees, service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit or licence.
- (2) The financial provisions pursuant to Regulation 14(1) may be made in the form of:
 - a) a cash deposit from the developer, to be held by the Town; or,
 - b) a guarantee by a bank, or other institution acceptable to the Town, for expenditures by the developer; or,
 - c) a performance bond provided by an insurance company or a bank; or,
 - d) an annual contribution to a sinking fund held by the Town.

15. Dedication of Land for Public Use

In addition to the requirements for dedication of land under Part III (Subdivisions), the Town may require the dedication of a percentage of the land area of any

subdivision or other development for park land or other public use, and such land shall be conveyed to the Town in accordance with the provisions of the Act.

Unless the Town decides otherwise, such land that is dedicated for park land or other public use will not include land that the Town requires to be set aside for stormwater management or environmental protection, whether or not that land is located within the Environmental Protection Zone.

16. Reinstatement of Land

Where the use of land is discontinued or the intensity of its use is decreased, the Town may order the developer, the occupier of the site, or the owner or all of them to reinstate the site, to remove all or any buildings or erections, to cover or fill all wells or excavations, and to close all or any accesses, or to do any of these things or all of them, as the case may be, and the developer, occupier or owner shall carry out the order of the Town and shall put the site in a clean and sanitary condition to the satisfaction of the Town.

17. Form of Application

- (1) An application for a Development Permit or for Approval in Principle shall be made only by the owner or by a person authorized by the owner to the Town on such form as may be prescribed by the Town, and every application shall include such plans, specifications and drawings as the Town may require, and be accompanied by the permit fee required by the Town.
- (2) The Town shall, on request, supply to every applicant a copy of the application forms referred to in Regulation 17(1) and a description of the plans, specifications and drawings required to be provided with the application.

18. Register of Application

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

19. Deferment of Application

- (1) The Town may, with the written agreement of the applicant, defer consideration of an application.

- (2) Applications properly submitted in accordance with these Regulations which have not been determined by the Town and on which a decision has not been communicated to the applicant within eight weeks of the receipt thereof by the Town, and on which consideration has not been deferred in accordance with Regulation 19(1), shall be deemed to be refused.

20. Approval in Principle

- (1) The Town may grant Approval in Principle for a subdivision or any other development if, after considering an application for Approval in Principle made under these Regulations, it is satisfied that the proposed development is, subject to the approval of detailed plans, in compliance with these Regulations.
- (2) Where Approval in Principle is granted under this Regulation, it shall be subject to the subsequent approval by the Town and other relevant authorities or agencies of such details as may be listed in the Approval in Principle, which shall also specify that further application for approval of these details shall be received not later than two years from the grant of Approval in Principle.
- (3) The Town may attach such conditions as it deems fit to an Approval in Principle in order to ensure that the proposed development will be in accordance with the purposes and intent of these Regulations and any other pertinent regulations or statutes.
- (4) An Approval in Principle or conditions attached thereto is subject to appeal under the Act.
- (5) Notwithstanding an Approval in Principle, no work shall commence until a Development Permit or other permit has been issued by the Town.

21. Development Permit

- (1) A plan or drawing which has been approved by the Town and which bears a mark and/or signature indicating such approval together with a permit shall be deemed to be permission to develop land in accordance with these Regulations but such permission shall not relieve the applicant from full responsibility for obtaining permits or approvals under any other regulation or statute prior to commencing the development; from having the work carried out in accordance with these Regulations or any other regulations or statutes; and from compliance with all conditions imposed thereunder.

- (2) The Town may attach to a permit or to an Approval in Principle such conditions as it deems fit in order to ensure that the proposed development will be in accordance with the purposes and intent of these Regulations.
- (3) Where the Town deems necessary, permits may be issued on a temporary basis for a period not exceeding two years, which may be extended in writing by the Town for further periods not exceeding two years.
- (4) A permit is valid for such period, not in excess of two years, as may be stated therein, and if the development has not commenced, the permit may be renewed for a further period not in excess of one year, but a permit shall not be renewed more than once, except in the case of a permit for an advertisement, which may be renewed in accordance with Regulation 33 of these Regulations.
- (5) The approval of any application and plans or drawings or the issue of a permit shall not prevent the Town from thereafter requiring the correction of errors, or from ordering the cessation, removal of, or remedial work on any development being carried out in the event that the same is in violation of this or any other regulations or statute.
- (6) The Town may revoke a permit for failure by the holder of it to comply with these Regulations or any condition attached to the permit or where the permit was issued in error or was issued on the basis of incorrect information.
- (7) No person shall erase, alter or modify any drawing or specifications upon which a permit to develop has been issued by the Town.
- (8) There shall be kept available on the premises where any work, matter or thing is being done for which a permit has been issued, a copy of the permit and any plans, drawings or specifications on which the issue of the permit was based during the whole progress of the work, or the doing of the matter or thing until completion.
- (9) A Development Permit or permit or conditions attached thereto is subject to appeal.

22. Reasons for Refusing Permit

The Town shall, when refusing to issue a permit or attaching conditions to a permit, state the reasons for so doing.

23. Notice of Application

When a change in nonconforming use is to be considered (see also Ministerial Regulations), when the development proposed is listed as a discretionary use in Schedule C or where elsewhere required under these Regulations the Town shall, at the expense of the applicant, give notice of an application for a permit or for approval in principle, by public advertisement in a newspaper circulating in the area or by any other means deemed necessary.

When a variance is necessary under Regulation 12 (see also Ministerial Regulations), the Town shall, at the expense of the applicant, give written notice to the property owners in the immediate vicinity of the proposed variance.

24. Right of Entry

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

25. Record of Violations

Every inspector shall keep a record of any violation of these regulations which comes to his knowledge and report that violation to the Town.

26. Stop Work Order and Prosecution

- (1) Where a person begins a development contrary or apparently contrary to these Regulations, the Town may order that person to stop the development or work connected therewith pending final adjudication in any prosecution arising out of the development.
- (2) A person who does not comply with an order made under Regulation 26(1) is guilty of an offence under the provisions of the Act.

27. Appeals

- (1) See Ministerial Regulations – Sections 5 to 11.

- (2) Where an appeal lodged under Section 42 of the Urban and Rural Planning Act has been successful, the fee paid by the appellant shall be reimbursed by the Town.

PART II - GENERAL DEVELOPMENT STANDARDS

28. Access Ramps

An access ramp for a wheel chair, may, at the discretion of the Town after consultation with abutting property owners, be erected in a minimum front, rear or side yard if there is no alternative means of providing the access ramp and it does not create a safety hazard or block sight lines.

29. Accesses and Service Streets

- (1) Access shall be located to the specification of the Town so as to ensure the greatest possible convenience and safety of the street system and the Town may prescribe the construction of service streets to reduce the number of accesses to collector and arterial streets.
- (2) Any access to a Provincial Highway must be approved by the Department of Transportation and Works.
- (3) No vehicular access shall be closer than 10 metres to the street line of any street intersection.

30. Accessory Buildings – Dwellings

- (1) This Regulation only applies to accessory buildings associated with single, double and row dwellings and apartment buildings.
- (2) Accessory buildings shall be clearly incidental and complementary to the use of the principal buildings in character, use and size, and shall generally be contained on the same lot as the principal building or buildings.
- (3) Building Line - The minimum building line (distance from the front lot line) for an accessory building shall be as that set out in the Schedule C Use Zone for principal and other buildings.
- (4) Side Yard - Except for row and double dwellings where an accessory building can be built to the side lot line, provided that the wall adjoining the side lot line is of fire resistant construction, the minimum side yards (distance from the side lot lines) are as follows:

- a) Accessory Building Does Not Exceed 4 Metres in Height – the minimum side yard is 1 metre;
- b) Accessory Building Exceeds 4 Metres in Height – the minimum side yard is at least 2 metres, unless more is deemed necessary by the Town in order to protect the amenities and/or privacy of neighbouring properties;
- c) Minimum Side Yard Flanking Road (for a Corner Lot) – the accessory building shall not be closer to a flanking road than that set out for the dwelling under Schedule C.

(5) Rear Yard

- a) Accessory Building Does Not Exceed 4 Metres in Height – the minimum rear yard (distance from the rear lot line) is 1 metre.
- b) Accessory Building Exceeds 4 Metres in Height – the minimum rear yard shall be 2 metres, unless more is deemed necessary by the Town in order to protect the amenities and/or privacy of neighbouring properties.

(6) Separation Distance from Principal Building - Accessory buildings shall maintain a minimum separation distance of 3 metres from a principal building, or the minimum required by the Building Code, whichever is the greater.

(7) Lot Coverage - The combined lot coverage of accessory buildings together with principal and other buildings on a lot shall not exceed 33%.

(8) Floor Area - No floor area requirements are set out for accessory buildings. However, any accessory building exceeding 70 m² in floor area may only be approved at the discretion of the Town and after notice of the application has been given in accordance with Regulation 23.

(9) Height – The maximum height of an accessory building shall not exceed the height of the principal building. However, any accessory building with a height greater than 4 metres may only be approved at the discretion of the Town and after notice of the application has been given in accordance with Regulation 23.

31. Accessory Buildings – Non-Dwelling and Non-Apartment Building Uses

- (1) This Regulation sets out the requirements for accessory buildings for non-dwelling uses, that is, uses not included under Regulation 30.
- (2) Accessory buildings shall be clearly incidental and complementary to the use of the principal buildings in character, use and size, and shall be contained on the same lot as the principal building or buildings.
- (3) Building Line - The minimum building line (distance from the front lot line) for an accessory building shall be as that set out in the Schedule C Use Zone for principal and other buildings.
- (4) Side Yard and Rear Yard and Flanking Road – the minimum side yard and rear yard for an accessory building shall be 5 metres, and the accessory building shall not be closer to a flanking road than that set out for the principal building under Schedule C.
- (5) Separation Distance from Principal Building - Accessory buildings shall maintain a minimum separation distance of 3 metres from a principal building or the minimum required by the Building Code, whichever is the greater.
- (6) Lot Coverage – No lot coverage requirements are set out.
- (7) Floor Area – No floor area requirements are set out.
- (8) Height – The maximum height of an accessory building shall not exceed the height of the principal building.

32. Accessory Uses

See also Schedule A – Definitions.

Subject to the other requirements of these Regulations, including those of Schedule C, uses accessory to the permitted or discretionary use are allowed.

Subject to Schedule C, examples of accessory uses include, but are not limited to:

- a) facilities for the serving of food and alcoholic beverages in an arena or other place of assembly, marina, or hotel (commercial - residential) and/or a gift or souvenir shop in a museum, hotel or other establishment;
- b) a general garage attached to or forming part of a car-dealership or other major retail-wholesale outlet;

- c) an office, convenience store and/or catering establishment in a campground;
- d) a marina, dock or wharf in a residential or other zone;
- e) an accessory dwelling (subsidiary dwelling) or accessory dwelling unit (subsidiary apartment);
- f) a business carried out in a dwelling or residential accessory building by a resident of the dwelling;
- g) a dwelling accessory to a non-residential permitted or discretionary use - for example, a farm dwelling or a caretaker's dwelling;
- h) a structure such as a solar panel or small wind generator used primarily for power supply to the development – provided that all required approvals are obtained, and the use will not create a hazard or nuisance to nearby properties.

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

33. Advertisements and Signs

The terms “advertisement” and “sign” are interchangeable.

(1) Permit Required

Unless specifically exempted, no advertisement shall be erected or displayed in the Planning Area unless a permit for the advertisement is first obtained from the Town, and, where necessary, from the Department of Government Services.

(2) Form of Application

Application for a permit to erect or display an advertisement shall be made to the Town in accordance with Regulation 17.

(3) Advertisements in Street Reservation

No advertisement shall be erected or displayed within, on or over any highway or street reservation unless it is a premises sign (advertisement relating to onsite uses) and where applicable, unless this sign has been approved by the Town and the Department of Government Services and/or the Department of Transportation and Works and/or such other department as necessary.

(4) Permit Valid for Limited Period

- a) A permit shall be valid for a period of one year and failure by the applicant to initiate construction before expiration of the first permit year shall require reapplication to the Town.
- b) Where, upon expiration of the first permit year a person wants the continued placement of that sign, that person shall apply to the Town for a renewed permit.
- c) The Town may issue a renewed permit and that renewed permit shall be valid for a period of three years, and this must subsequently be renewed for further three year periods if the sign is to remain in place.
- d) A renewed permit shall not be issued until the Town is satisfied that the sign has been maintained to its satisfaction and conforms to these Regulations and the conditions attached to the permit.

(5) Removal of Advertisements

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

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

(6) Signs - Non-Conforming Uses

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

(7) Prohibition

A sign shall not be erected, posted or placed:

- a) where in the opinion of the Town, that sign would be hazardous to road traffic by reason of its siting, illumination or structural condition;

- b) where in the opinion of the Town that sign would be detrimental to the amenities of surrounding areas or length of highway or road;
 - c) where that sign is not maintained to the satisfaction of the Town;
 - d) within or over a highway or street intersection unless otherwise approved by the Town for Town roads, or by the Department of Transportation and Works for roads under Provincial jurisdiction;
 - e) with the exception of premises advertisements, within 300 metres, or a distance specified by the Department of Transportation and Works, or the Town of the intersection of two or more highways and/or for Town roads, or from the crossing of a public road;
 - f) at a location that is objectionable to residents of the immediate area; and
 - g) on a sign erected by the Department of Transportation and Works.
- (8) Signs or Advertisements Not Specifically Covered

If for some reason an application is received for a sign or advertisement that does not fall into one of the categories set out under these Regulations, then subject to the other applicable requirements of these Regulations the Town may approve, approve with conditions, or refuse to approve the sign or advertisement.

34. Advertisements Exempt from Control

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

- a) a posting of a candidate in a federal, provincial or municipal election or a regional school board election;
- b) a temporary sign relating to federal, provincial or municipal public works;
- c) a notice required by law to be posted;
- d) a regulatory, warning, directional, guide or informational sign erected by the Department of Transportation and Works;
- e) a sign placed by a telephone, telegraph or electric power company to indicate danger;
- f) a sign, not exceeding 0.5 m², advertising the sale or rental of a building or lot upon which the sign is located;
- g) a flag, emblem or insignia of a nation, country or province;
- h) one temporary sign related to building construction located on a site on which the work is being carried out;
- i) on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.28 m² in area;

- j) on an agricultural holding or farm, a notice board not exceeding 1.5 m² in area and relating to the operations being conducted on the land;
- k) on land used for forestry purposes, signs or notices not exceeding 1 m² in area and relating to forestry operations or the location of logging operations conducted on the land;
- l) on land used for mining or quarrying operations, a notice board not exceeding 1 m² in area relating to the operation conducted on the land;
- m) on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.28 m² in area in connection with the practice of a business carried on in the premises;
- n) on any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board placed no closer than 3 metres from a street line;
- o) 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 metres, whichever is the lesser;
- p) on any parking lot directional signs and one sign not exceeding 1 m² in size, identifying the parking lot; and,
- q) a sign indicating the location of a municipal or municipal planning area boundary, located beyond the back slope of a highway ditching.

35. Advertisements - Temporary and/or Portable Signs

A temporary and/or portable sign may be permitted in any zone for a period not exceeding 30 consecutive days, provided the sign:

- a) does not exceed 4 m² in area;
- b) does not create or aggravate a traffic hazard, such as by blocking a sight-line;
- c) does not interfere with other lawful signs, including directional signs;
- d) is of a location, materials, design and colour in keeping with the character and appearance of the area;
- e) if necessary, is approved by the Department of Government Services, together with the Town.

The sign shall be immediately removed upon expiry of the permit.

A renewal permit for a temporary and/or portable sign may only be issued thirty days after the expiry of the original permit.

36. Advertisements and Signs near Highways

Pursuant to Newfoundland Regulation 85/99 as amended, the Provincial Government has designated "control lines" alongside each provincially maintained route. These lines extend 400 metres from the highway centre lines, except that the control area is reduced within the within Municipal Boundaries and built up areas of incorporated communities to 100 metres from the centre line of a provincial highway. Advertisements and signs falling within the designated control lines of any highway must be referred to and approved or exempted by the Department of Government Services and/or other department responsible for signage.

37. Advertisements Relating to Onsite Uses

The conditions which shall apply to the erection or display of an advertisement, including premises signs, on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone, shall be as follows:

- a) the size, shape, illumination and material construction of the advertisement shall meet the requirements of the Town, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area;
- b) unless it is a sign affixed to the wall or canopy of a building the advertisement shall not exceed 5 square metres in area on any side.

38. Advertisements Relating to Offsite Uses

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

- a) which advertisement shall not exceed 3 m² in area;
- b) when the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to the premises to which they relate;
- c) the location, siting and illumination of each advertisement shall be to the satisfaction of the Town, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

39. Agriculture and Livestock

- (1) Agricultural uses are regulated by the Town and the Provincial Government, subject to the relevant policies and legislation. Agricultural uses shall be approved by both the Agrifoods Development Branch of the Department of Natural Resources and the Town, together with other appropriate agencies.
- (2) Except for infill development any residential development within 300 metres of structure containing five or more animal units must be referred to the Agrifoods Development Branch for a recommendation.
- (3) Any livestock structure (barn) containing five or more animal units must be located at least 300 metres from a non-farm dwelling, unless otherwise determined after referral to, and upon recommendation of, the Agrifoods Development Branch. The erection of the structure shall be approved by the Agrifoods Development Branch before a permit is issued by the Town.
- (4) Large livestock, such as horses and ponies, and smaller livestock, such as ducks or chickens, whether or not these are viewed as pets, are classed as livestock, an agricultural use.

40. Archaeological Resources and Heritage Sites and Areas

- (1) If an archaeological site or historical artifacts are discovered during construction, development shall stop and the Provincial Archaeology Office of the Department of Tourism, Culture and Recreation consulted. Development shall not proceed until the Provincial Archaeology Office has evaluated the site.
- (2) 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 investigation.
- (3) After proper notification and consultation, the Town may designate any property or structure a heritage property or building and require that certain conditions pertaining to appearance and upkeep be maintained.
- (4) The Town may designate an entire area containing archaeological and/or heritage sites a heritage area under which certain conditions designed to protect and best develop the resources are put into place.

41. Bed and Breakfast, Boarding House

Bed and breakfast and/or boarding house is subject to the following conditions:

- a) the proposed building has an exterior design which is sensitive to the residential character of the surrounding area and respects the scale and density of adjacent dwellings; and
- b) the development is landscaped in a manner compatible with the surrounding residential area.

42. Buffers - Non-Residential

Where any non-residential use abuts a residential use or area, the owner of the site of the non-residential development may be required to provide a buffer strip between any non-residential building or activity and the residential use. The buffer shall include the provision of grass strips, hedges, trees or shrubs, or structural barriers as may be required by the Town, and shall be maintained by the owner or occupier to the satisfaction of the Town.

43. Building Line and Setback

- (1) The Town, by resolution, may establish building lines on an existing or proposed street or service street and may require any new buildings to be located on those building lines, whether or not such building lines conform to the standards set out in the tables in Schedule C of these Regulations.
- (2) The building line setback is measured from the front property line.

44. Buildings on a Lot

See also Comprehensive Development.

- (1) More than one apartment building, double dwelling and/or row dwelling can be allowed on a lot, provided that the requirements of Schedule C and other parts of these regulations are satisfied. However, **not more than one single dwelling** can be permitted on a lot unless it is part of a comprehensive development.
- (2) Other Use Classes – Two or more buildings can be erected on a lot provided that the yard and setback and other requirements of Schedule C and other parts of these regulations are satisfied.

45. Campground

A plan of the campground shall be submitted in a format satisfactory to the Town, showing and specifying the number and location of campsites and all facilities, services, internal roads and measures for buffering and/or screening. The approved plan, together with any other approvals and conditions shall form part of the permit.

46. Child Care

Where allowed, a child care facility shall be compatible with the residential or other area within which it is located. In a residential area there shall be no visible indication that such a use is occurring, except for a small identification sign. The approval of the department of Government Services is required before a permit for a child care facility is issued by the Town.

47. Comprehensive Development

The Town may permit a large scale private or public comprehensive development that except for land use and overall density does not meet the requirements of the Development Regulations provided that:

- a) the Town is satisfied that either the site conditions are such that the standard requirements could not be met, or, the quality of the development would be greater than could otherwise occur through the application of the standard requirements;
- b) a comprehensive development plan of the property has been granted Approval in Principle by the Town, along with other approvals before permits are issued for development;
- c) the comprehensive development itself has frontage on a publicly owned and maintained road;
- d) the development is compatible with adjacent development;
- e) water supply and waste disposal services for the development are approved by the Town, the Government Service Centre and other appropriate agencies;
- f) there are at least two developments within the comprehensive development and the land area of the development is at least one hectare.

48. Decks

An open or partially enclosed deck attached to the dwelling shall not extend into the minimum permissible front and side yards and flanking road setback and shall not be closer to the rear lot line than 1 metre. A deck is not included in the calculation

of lot coverage under Schedule C. Decks attached to non-dwelling buildings shall not extend into the minimum rear yard for the use.

49. Discretionary Use Classes

The discretionary use classes listed in Schedule C may be permitted at the discretion of the Town provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses.

50. Entrance and Window Wells

An entrance well or a window well is permitted in the minimum front, rear or side yard under Schedule C provided it does not extend more than 0.3 metres above grade.

51. Family and Group Care Centres

Family group care centre use shall be permitted in any dwelling or apartment that is adequate in size to accommodate the number of persons living in the group, inclusive of staff, provided that in the opinion of the Town, the use of the dwelling does not materially differ from, nor adversely affect, the amenities of the adjacent residences, or the neighbourhood in which it is located. The Town may require special access and safety features to be provided for the occupants before occupancy is permitted.

52. Forestry

Approvals for woodcutting or other forestry related activities must be obtained from the provincial Department of Natural Resources - Forest Management Unit.

Before a permit is issued for development outside the built-up area of the Town within a rural or environmental protection type of zone, the Town shall consult with the Department of Natural Resources, Forest Management Unit to ensure that it does not negatively affect any legal forestry activity or management.

53. Height Exceptions

The height requirements prescribed in Schedule C of these Regulations may be waived in the case of communications masts and antennae, flagpoles, water towers, spires, belfries, chimneys and wind turbines and similar structures – but any such

waiver which results in an increase of more than 20 percent in the permitted height of the structure shall only be authorized under the provisions of Regulation 11.

54. Home Business

A Home Business may only be permitted as an accessory use (Regulation 32) in a dwelling and/or accessory building provided that:

- a) the use is clearly a subsidiary or accessory use to the residential use and does not detract from the residential character of the neighbourhood;
- b) no wholesale sales or storage of goods is carried out;
- c) any retail sales are incidental to the approved use;
- d) no repairs to vehicles or heavy equipment are carried out;
- e) activities associated with the use are not hazardous and do not cause noticeable noise, odor, dust or fumes, or inconvenience and are not a nuisance to the occupants of adjoining residents;
- f) the sign is consistent with residential character of the neighbourhood;
- g) public notification of the proposed use has been given in accordance with Regulation 23;
- h) no change in the type, class or extent of the home business shall be permitted except with the approval of the Town.

55. Lot Area

- (1) No lot shall be reduced in area, either by the conveyance or alienation of any portion thereof or otherwise, so that any building or structure on such lot shall have a lot coverage that exceeds, or a front yard, rear yard, side yard, frontage or lot area that is less than that permitted by these Regulations for the zone in which such lot is located.
- (2) Where any part of a lot is required by these Regulations to be reserved as a yard, it shall continue to be so used regardless of any change in the ownership of the lot or any part thereof, and shall not be deemed to form part of an adjacent lot for the purpose of computing the area thereof available for building purposes.

56. Lot Area and Size Exceptions

Where, at the time of coming into effect of these Regulations, one or more lots already exist in any zone, with insufficient frontage or area to permit the owner or purchaser of such a lot or lots to comply with the provisions of these Regulations, then these Regulations shall not prevent the issuing of a permit by the Town for the

erection of a dwelling thereon, provided that the lot coverage and height are not greater than, and the yards and floor area are not less than the standards set out in these Regulations.

57. Lot Frontage

No residential or commercial building shall be erected unless the lot on which it is situated fronts directly onto a publicly owned and maintained street or forms part of a Comprehensive Development.

58. Mineral Exploration

- (1) Subject to the other provisions of these Development Regulations, mineral exploration which is not classed as development by virtue of appreciable soil disturbance, construction of access roads, noise, odour and appearance can be permitted anywhere in the Town, provided that adequate notification is given to the Town.
- (2) Mineral exploration which is classed as development shall or may only be permitted where it is set out as a permitted or discretionary use in a use zone under Schedule C and provided that:
 - a) adequate provision is made for buffering and/or other means of reducing or eliminating the impacts of the exploration on other uses, the environment and waterways and wetlands;
 - b) where there is soil disturbance, the developer shall provide a site restoration or landscaping surety and/or other satisfactory guarantees of site restoration or landscaping to the Town.
- (3) No permit shall be issued by the Town for mineral exploration until the necessary permits and approvals have been obtained from the Departments of Natural Resources, Government Services, and Environment and Conservation, together with any other relevant Provincial agencies.

59. Mineral Working

Mineral workings are subject to this Regulation, any other applicable regulations and the approval of the Department of Natural Resources, Mineral Lands Division.

No residential development shall be permitted closer than 300 metres to a mineral working unless the Town and the Department of Natural Resources – Mineral Lands

Division – are satisfied that such development will not adversely affect the operations of the existing or proposed mineral working.

(1) Separation from Adjacent Uses – Unless the Town is satisfied that the working will not create a nuisance and will not adversely affect the amenity of the specified development or natural feature, no mineral working shall be located closer than the minimum distances set out below to the specified development or natural feature:

- a) Existing or Proposed Residential Development
 - i) where no blasting is involved 300 metres
 - ii) where blasting is involved 1000 metres
- b) Any Other Existing or Proposed Development 150 metres
- c) Public Highway or street 50 metres
- d) Protected Road 90 metres
- e) Body of water or watercourse 50 metres

(2) Screening – A mineral working shall be screened in the manner described below 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 mineral working and adjacent public highways and streets or other land uses (excepting forestry and agriculture), the tree screens shall be retained in a 30-metre wide strip of vegetation so that visibility of any part of the use from the surrounding uses or streets will be prevented. The tree screens must be maintained by the owner or occupier of the use to retain 30 metres in a forested appearance. Where vegetation dies or is removed from the 30-metre strip, the Town may require new trees of a minimum height of 1 metre be planted to fill in the areas affected to the satisfaction of the Town or, at the discretion of the Town, condition (2) b) must be undertaken.
- b) Where no tree screens exist of sufficient width and density to constitute a visual screen, earthen berms shall be constructed to a height sufficient to prevent visibility of any part of the mineral working from adjacent uses (excepting forestry and agriculture), or adjacent public highways and streets. The berms shall be landscaped to the Town's satisfaction.

- c) Where natural topography creates a visual screen between mineral workings and adjacent public highways and streets or other land uses (excepting forestry and agriculture), additional screening may not be required.
 - d) Where effective screening for any mineral working or associated processing or manufacturing use cannot be installed or located as required above, the Town may refuse to permit the use or associated activity.
- (3) Fencing – The Town may require the mineral working site or excavated areas of a pit or quarry working to be enclosed by a fence designed and constructed to its specifications and no less than 1.8 metres in height.
 - (4) Water Pollution – No mineral working or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any body of water or watercourse. Any access road to a pit or quarry working which crosses a brook or stream shall be bridged or culverted at the crossing in accordance with the regulations of the Department of Environment and Conservation.
 - (5) Water Ponding – No mineral working or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any body of water or watercourse. Any access road to a pit or quarry working which crosses a brook or stream shall be bridged or culverted at the crossing in accordance with the acts and regulations of the Department of Environment and Conservation.
 - (6) Erosion Control – No mineral working shall be carried out in a manner so as to cause erosion of erosion of adjacent land.
 - (7) Site Maintenance –The mineral working shall be kept clean of refuse, abandoned vehicles, and abandoned equipment and any derelict buildings.
 - (8) Access Roads – During extended periods of shutdown, access roads to a mineral working shall be ditched or barred to the satisfaction of the Town.
 - (9) Stockpiling Cover Material – All stumps, organic material and topsoil, including the rusty coloured and iron stained layer, shall be stripped and stockpiled at least 5 metres from active quarry or stockpile areas. The owner or operator shall ensure that the quality of the topsoil is not affected by dilution with other materials.

(10) Operating Plant and Associated Processing and Manufacturing

- a) The Town may permit processing and manufacturing use associated with mineral workings provided that, in the opinion of the Town, the use does not create a nuisance nor is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of fumes, dust, dirt, objectionable odour, or by reason of unsightly storage of materials.
- b) all permanent or temporary buildings, plants and structures associated with processing and manufacturing will be located so as not to interfere with the present or future extraction of aggregate resources.
- c) the Town may specify a minimum separation distance between operating plant or associated processing and manufacturing structure or equipment and adjacent developed areas likely to be developed during the life of the mineral working.

(11) Termination and Site Rehabilitation – Upon completion of the mineral working, the following work shall be carried out by the operation:

- a) all buildings, machinery and equipment shall be removed;
- b) all pit and quarry slopes shall be graded to slopes less than 20° or to the slope conforming to that existing prior to the mineral working;
- c) topsoil and any organic materials shall be re-spread over the entire quarried area;
- d) the access road to the working shall be ditched or barred to the satisfaction of the Town;
- e) if the mineral working contains reserves of material sufficient to support further extraction operations, the Town may require the work described above to be carried out only in areas of the site where extraction has depleted aggregate reserves.

60. Non-Conforming Uses

- (1) See Section 108 of the Urban and Rural Planning Act and Sections 14, 15, and 16 of the Ministerial Regulations.
- (2) Discontinuance - Subject to Section 17 of the Development Regulations and Section 108 (2) of the Urban and Rural Planning Act 2000:

- a) a non-conforming use of land may be resumed within one year of its discontinuance;
- b) for the purpose of this Regulation, discontinuance of a non-conforming use begins when any one of the following conditions is met:
 - (i) the building or use of land is clearly vacated or the building is demolished;
 - (ii) the owner or tenant has ceased paying business occupancy taxes for that use; and/or
 - (iii) the owner or tenant has stated in writing that the use has ceased.

61. Offensive and Dangerous Uses

No building or land shall be used for any purpose which may be dangerous by causing or promoting fires or other hazards or which may emit noxious, offensive or dangerous fumes, smoke, gases, radiation, smells, ash, dust or grit, excessive noise or vibration, or create any nuisance that has an unpleasant effect on the senses unless its use is authorized by the Town and any other authority having jurisdiction.

62. Parks and Playgrounds and Conservation Uses

- (1) Parks and playgrounds are permitted in any zone, provided however, that such parks and playgrounds are not located in areas which may be hazardous to their use and are not operated for commercial purposes.
- (2) Nothing in these Regulations shall prevent conservation uses or the designation of conservation areas in any zone.

63. Public Services and Public Utilities

Within any zone the Town can permit land to be used in conjunction with 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. Such facilities are subject to the approval of relevant provincial and federal departments and agencies.

The design and location of such public services and public utilities shall take into consideration their impact on nearby land uses and persons, the environment and

archaeological resources within the Town, along with other matters that the Town may deem to be significant.

64. Road Frontage

Unless otherwise set out in these Regulations, all use classes except non-building uses and certain other uses such as agricultural and transportation uses and seasonal residences must front onto an existing publicly owned and maintained road or a subdivision road built in conformity with the standards in these Regulations.

65. Screening and Landscaping

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

66. Service Stations

The following requirements shall apply to all proposed service stations:

- a) all gasoline pumps shall be located on pump islands designed for such purpose, and to which automobiles may gain access from either side;
- b) pump islands shall be set back at least 4 metres from the front lot line;
- c) accesses shall not be less than 7 metres wide and shall be clearly marked, and where a service station is located on a corner lot, the minimum distance between an access and the intersection of street lines at the junction shall be 10 metres and the lot line between entrances shall be clearly indicated.
- d) a service station may only be permitted on an arterial or collector road and shall not abut a residential use.

67. Site Development and Subdivision Development

- (1) The Town shall consider the suitability of the site in terms of steepness of grades, soils and geology, and environmentally sensitive areas, including waterways and wetlands, when reviewing a development application.
- (2) The Town shall ensure that the proposed development is not inappropriate by reason of:

- a) precipitating or contributing to pollution in the area; and/or
 - b) causing erosion and/or sedimentation; and/or
 - c) causing damage to nearby properties.
- (3) When a subdivision or any development is being approved a portion of the development site may be set aside for drainage control and this may include retention ponds, swales and similar facilities. See also Regulations 15 and 89.
- (4) The Town may require that a plan of an entire area be approved before a subdivision or development occupying a portion of the area is approved.

68. Site Development – Fill and Landscaping Permit Requirements

- (1) A permit shall not be required for ordinary landscaping of a property or the creation of a garden and similar activity unless such activity is likely to affect adjacent properties or a water body.
- (2) A permit shall be obtained from the Town before any filling-in or excavation of land takes place. This permit may be the same as the one obtained for the construction of a dwelling or other use.

69. Site Development – Quarry and Soil Removal

- (1) If, as part of another development, quarry material is to be removed and sold or otherwise disposed of, then a separate permit shall be obtained from the Department of Natural Resources, Mineral Lands Division, for the removal of quarry materials. A copy of the Town's permit must be forwarded to the Mineral Lands Division.
- (2) A site development quarry under this section is permitted wherever the use that this quarry is associated with is permitted.
- (3) A quarry permit issued under this section shall only be valid for a period of one year or the term of the site development, whichever is the lesser. However, if the Town feels that it is warranted, the permit may be renewed for additional one-year periods up to a maximum of three years from the date of the issuance of the first permit.
- (4) When the work is completed, the area affected shall be suitably landscaped and drained in accordance with a plan approved by the Town.

- (5) If the site work is extensive, the Town may require the deposit of surety in accordance with Regulation 14(3) that shall be returned to the developer upon satisfactory completion of the work.

70. Site Development – Slope Greater than 15 Percent or 20 Percent

- (1) Before approving development and/or subdivision of a site having a slope greater than 15 percent up to 20 percent, the Town may require the submission of a review of the development proposal by a certified planner, engineer, landscape architect or similar professional. The review shall evaluate the adequacy of site grading, drainage and landscaping and storm water management and the potential of the development to cause erosion onto and pollution of adjacent development and lands and bodies of water receiving run-off from the site, and other similar matters.
- (2) No development shall be permitted on a slope greater 20 percent unless it is a non-building use or public service or utility.

71. Street Construction Standards

A new street may not be constructed except in accordance with the design and specifications laid down by the Town.

72. Subsidiary Apartments

Subsidiary apartments can be permitted in single dwellings only, and for the purposes of calculating lot area and yard requirements, shall be considered part of the self-contained dwelling.

73. Subsidiary Dwelling

See also Regulation 30 – Accessory Buildings – Dwellings.

A subsidiary dwelling is permitted in the rear yard of a single dwelling in a building separate from the single dwelling, subject to the following requirements:

- a) the subsidiary dwelling is located in the rear yard of the single dwelling;
- b) fire and other safety issues are properly addressed in the location, access and design of the subsidiary dwelling, and this may entail the provision of a completely unobstructed side yard wide enough to provide access for emergencies which is greater than the minimum side yard for single dwellings in this zone;

- c) unless it is only used as a separate sleeping quarters, the subsidiary dwelling shall be connected to municipal water and sewer services;
- d) the maximum floor area shall be 60 square metres;
- e) the minimum distance from the side and rear property boundaries is 3 metres, except that on a corner lot, the side yard shall be the same as that set out for a single dwelling in Schedule C;
- f) maximum height is 6 metres;
- g) the lot coverage of all buildings on the lot does not exceed 33 percent.

74. Trail Corridors

- (1) As a condition of an Approval in Principle or Development Permit the Town can require that a trail or transportation corridor be deeded to the Town or a non-profit group approved by the Town.
- (2) Wherever space and terrain characteristics allow, the appearance and use of existing and new trails will be protected by natural buffers to separate the trail from other forms of development, hazardous areas, and areas subject to erosion such as the banks of rivers and streams.
- (3) The minimum width of a trail corridor, including the buffer area, will be 30 metres or approximately 15 metres on either side of the centre line of the trail. However, the width of a trail corridor can be reduced where the area adjacent the trail is already developed, or, where the Town deems that the corridor can be narrower due to space limitations, site conditions, ownership, or other pertinent factors.
- (4) For a trail to be eligible for protection it must be delineated on the Land Use Zoning Maps, approved as a designated trail corridor by resolution of Council, and/or included as a part of a subdivision or development plan that is approved by the Town.
- (5) The proposed designation of any new trail corridor by the Town shall be advertised and an opportunity provided for public input before the trail is designated and approved by the Town.
- (6) Within a trail corridor only accessory recreational uses, conservation, public services and utilities, streets and recreational open space shall be allowed. Also, access to properties may be allowed.

75. Unserviced Development

Development lacking one or both of municipal water and sewer services shall be approved by the Department of Government Services and/or other appropriate agencies before a permit is issued by the Town.

76. Unsubdivided Land

Development is not permitted on unsubdivided land unless sufficient area is reserved to satisfy the yard and other allowances called for in the Use Zone in which it is located and the allowances shall be retained when the adjacent land is developed.

77. Waterways and Wetlands, Big Brook (Salmon Cove River)

- (1) Development within waterways and wetlands is subject to this Regulation and all relevant provincial and federal policies and statutes, including Department of Environment and Conservation Policy Directives W.R. 97-1, Development in Shorewater Zones and 97-2, Development in Wetlands. Where there is a conflict between the Policy Directives and this Regulation, the more restrictive standards shall apply.
- (2) The minimum width of a buffer along a waterway or wetland shall be 15 metres from the highwater mark, or 1 in 100 year flood zone or boundary of the Designated Floodway Zone, of the stream, river, pond or other body of water or wetland.
- (3) If the toe of an embankment with an average slope of 30% or more lies within 15 m of the highwater mark, or 1 in 100 year flood zone of the waterway, then the buffer shall be measured from the top of the embankment.
- (4) Subject to the approval of the Department of Environment and Conservation and the Town, the only uses that can be permitted in the buffer area of a waterway are roads, driveways, public services and utilities, recreational open space and trails and uses requiring direct access to a body of water, such as wharves and docks and other marine related uses.
- (5) Development, and this includes placing fill or other materials, within a waterway and the buffer area of a waterway is subject to the approval of the Town, the Provincial Government, and where necessary, the Government of Canada.

- (6) The Town or the Provincial Government may subject development within the buffer area of a watercourse to an environmental review, and may approve, approve subject to conditions, or refuse such development. The matter of adequate and usable legal public access to the waterway shall be a consideration in the review of an application for a structure within a buffer and/or waterway.
- (7) Any development within a body of water or involving the alteration of a body of water must be approved by or exempted by the Department of Environment and Conservation for Crown Lands and referrals, Coast Guard Canada of the Department of Fisheries and Oceans - Navigable Waters Act, Fish Habitat Division of the Department of Fisheries and Oceans and/or, the Water Resources Division of the Department of Environment and Conservation before a permit is issued by the Town.

Development within a buffer is subject to the approval of the Water Resources Management Division of the Department of Environment and Conservation, Department of Fisheries and Oceans Canada and where applicable, the Government Service Centre of the Department of Government Services.

- (8) Big Brook (Salmon Cove River) – Any activity that has the potential to affect fish habitat, and any development within 100 metres of the Big Brook shall be forwarded to Fisheries and Oceans Canada for review.
- (9) Wetlands can only be developed in such a way as to minimize damage and impacts on the hydrology and environment of the area.
- (10) Any development within a wetland or the buffer of a wetland shall require the approval of the Minister of Environment and Conservation as well as the Town whether or not that wetland is zoned Environmental Protection under the Development Regulations.
- (11) If a waterway or wetland is deemed to be minor, wherever possible such waterways and wetlands shall remain undeveloped and protected by a buffer. If a site is to be developed, alternatives to covering over or eliminating such waterways and wetlands shall be explored, including relocation of the waterway or wetland and/or redesign of the development.
 - a) A **minor waterway** is defined as being a drainage course, an intermittent stream which does not carry significant storm flows and/or

- a stream which is not a fish habitat.
- b) **A minor wetland** is defined as a wetland less than 5,000 metres in area not associated with a waterway and not deemed have a role in water management, wildlife habitat or the conservation of an environmentally sensitive area.

78. Windmills, Wind Turbines, Alternate Energy Sources

Wind mills, wind turbines, wind farms and other energy forms, including solar based and small hydro generating facilities – “Utilities” in Schedule B – and associated facilities and services are subject to the conditions set out below.

Utilities are subject to the approval of relevant provincial and federal departments and agencies and public utilities, including the Mines and Energy Division of the Department of Natural Resources, and Transport Canada. The design and location of such utilities shall take into consideration their impact on nearby land uses and persons, the environment and archaeological resources within the Town, along with other matters that the Town may deem to be significant. Wind mills utilities within the built-up areas are limited to single wind mills or wind turbines designed to serve particular properties.

To prevent damage to persons and properties due to the failure of a windmill or any of its components or the shedding of ice, the Town shall ensure that there is adequate separation distance between the windmill and nearby structures and properties.

Unless specifically exempted by the relevant agencies, the design, construction and location of a utility shall be certified by a professional engineer who has consulted with the required agencies.

PART III - SUBDIVISION OF LAND

79. Permit Required

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

80. Building Permits Required

Notwithstanding the approval of a subdivision by the Town, 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.

81. Subdivision Subject to Zoning

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

82. Issue of Permit Subject to Considerations

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

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

83. Approval in Principle, Concept Plan and Final Plan

- (1) Where there is a larger subdivision of land and/or subdivision of land entailing the construction of new roads, the Town must grant Approval in Principle (Part I, Regulation 20) for a concept plan and the arrangements for construction guarantees before the developer can proceed to the preparation of construction (final) drawings and a permit is issued for the subdivision.
- (2) The concept plan shall contain the following:
 - a) a legal survey of the land included within the subdivision;
 - b) a detailed description of the types and standards of development and services proposed for the subdivision;
 - c) the layout of roads, lots, open spaces and other pertinent features of the development;
 - d) the phasing of the development;
 - e) the estimated cost of the works in the development by phase as certified by a professional engineer and verified by the Town's Engineer.

Upon approval of the Concept Plan the Final Plan (construction drawings and final lot and road layout, costings for the design and construction of works, etc.) shall be prepared and approved by the Town and other relevant agencies before construction is allowed to proceed.

84. Developer to Pay Engineer's Fees and Charges

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

85. Payment of Service Levies and Other Charges

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

86. Construction and Town Engineer Costs Guarantees

Construction Guarantees - The developer shall deposit with the Town a cash equivalent surety before the commencement of any phase of the development sufficient to cover:

- a) the estimated cost of the Town's Engineer for supervision and inspections, etc. before the commencement of each phase of the development;
- b) 40% of the cost of the completion of any phase of the development - which shall be returned to the developer with accrued interest upon satisfactory completion (full completion of roads and services, etc. to the Town's specifications as certified by the Town's Engineer of the phase.

87. Services to be Provided

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

88. Building Lines

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

89. Land for Park Land or Other Public Use

- (1) Before a development commences, the developer shall, if required, dedicate to the Town, at no cost to the Town, an area of land equivalent to not more than 10% of the gross area of the subdivision for park land or other public use, provided that:
 - a) where land is subdivided for any purpose other than residential use, the Town shall determine the percentage of land to be dedicated;
 - b) if, in the opinion of the Town, no public open space is required, the land may be used for such other public use as the Town may determine;
 - c) the location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of the Town but in any case, the Town shall not accept land which, in its opinion is incapable of development for any purpose;

- d) the Town may accept from the developer in lieu of such area or areas of land the payment of a sum of money equal to the value of the land which would otherwise be required to be dedicated;
 - e) money received by the Town in accordance with this Regulation shall be reserved by the Town for the purpose of the acquisition or development of land for public open space or other public purpose.
- (2) Land dedicated for park land or other public use in accordance with this Regulation shall be conveyed to the Town and may be sold or leased by the Town 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 park land or other public use.
- (3) The Town may require a strip of land to be reserved and remain undeveloped along the banks of any river, brook or pond, and this land may, at the discretion of the Town, constitute the requirement of land for park land or other public use under Clause (1) of this Regulation.
- (4) Any land that is zoned or otherwise set aside for environmental protection, storm water management, public services and utilities or similar purposes shall be in addition to the requirement of land for park land or other public use under Clause (1) of this Regulation unless otherwise determined by the Town.

90. Structure in Street Reservation

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

91. Subdivision Design Standards

- (1) The standard for the design and construction of all work related to Subdivision development shall be the Government of Newfoundland and Labrador Municipal Water, Sewer, and Roads Specifications.
- (2) Except as otherwise adopted by the Town, no permit shall be issued for the development of a subdivision under these Regulations unless the design of the subdivision conforms to the standards below.

- a) The finished grade of streets shall not exceed 10 percent.
- b) Every cul de sac shall be provided with a turning circle of a diameter of not less than 30 m.
- c) The maximum length of any cul de sac shall be 300 metres. Where a road loops back to itself, such as in a P loop, the distance is measured to the start of the loop. See also clause d).
- d) After review by the Town's Fire Chief, the length of a cul de sac may be extended beyond 300 metres, provided that the Town is satisfied that this will not create additional fire or other hazard risks or unduly increase maintenance costs.
- e) No cul de sac shall be located so as to appear to terminate a collector street.
- f) New subdivisions shall have street connections with an existing street or streets.
- g) All street intersections shall be constructed within 5° of a right angle and this alignment shall be maintained for 30 m from the intersection.
- h) No street intersection shall be closer than 60 m to any other street intersection.
- i) No more than four streets shall join at any street intersection.
- j) Streets in residential subdivisions shall be conform to the following minimum standards:
 - i) Arterial Street
 - Reservation (minimum) 30 metres
 - Pavement Width (minimum) 15 metres
 - Walkways See clause k)
 - ii) Collector Street
 - Reservation (minimum) 15 metres
 - Pavement Width (minimum) 9 metres
 - Walkways See clause k)
 - iii) Local Street
 - Reservation (minimum) 15 metres

- Pavement Width (minimum) 7 metres
 - Walkways See clause k).
- k) Walkways – clearly identified adequate pedestrian and/or bicycle access shall be provided along all roads.
- l) The Town may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed.
- m) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land.
- n) Where there is potential for additional development, a road reserve of 15 metres shall be provided along the entire length of a cul de sac.

92. Engineer to Design Works and Certify Construction Layout

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

93. Street Works May Be Deferred

The construction and installation of all curbs and gutters, catch basins, sidewalks and paving specified by the Town as being necessary, may, at the Town's discretion, be deferred until a later stage of the work on the development of the subdivision but the developer shall deposit with the Town before approval of his application, an amount estimated by the Engineer as reasonably sufficient to cover the cost of construction and installation of the works. In the later stage of the work of development, the Town shall call for tenders for the work of construction and

installation of the works, and the amount so deposited by the developer shall be applied towards payment of the contract cost. If the contract cost exceeds the deposit, the developer shall pay to the Town the amount of the excess. If the contract price is less than the deposit, the Town shall refund the amount by which the deposit exceeds the contract price. Any amount so deposited with the Town by the developer shall be placed in a separate savings account in a bank and all interest earned thereon shall be credited to the developer.

94. Transfer of Streets and Utilities to Town

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

95. Restriction on Sale of Lots

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

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

96. Grouping of Buildings and Landscaping

- (1) Each plan of subdivision shall make provision for the grouping of building types and for landscaping in order to enhance the visual aspects of the completed development and to make the most use of existing topography and vegetation.
- (2) Building groupings, once approved by the Town, shall not be changed without written application to and subsequent approval of the Town.

97. Subdivision Policy and Agreement

The Town may adopt a Subdivision Policy which enables the Town to establish detailed procedures and standards for subdivision development, and furthermore specify the requirements for subdivision agreements.

A Subdivision Agreement may be made a requirement for a subdivision development, and this agreement between the Town and the Developer may set out in detail the rights and obligations of the Developer and the Town.

PART IV - USE ZONES

98. Use Zones

- (1) For the purpose of these Regulations, the Planning Area is divided into Use Zones which are shown on the Zoning Map attached to and forming part of these Regulations.
- (2) Subject to Regulation 98(3), the permitted use classes, discretionary use classes, standards, requirements and conditions applicable to each Use Zone are set out in the Use Zone Tables in Schedule C of these Regulations.
- (3) Where standards, requirements and conditions applicable in a Use Zone are not set out in the Use Zone Tables in Schedule C, the Town may in its discretion, determine the standards, requirements and conditions which shall apply.

99. Use Classes

The specific uses to be included in each Use Class set out in the Use Zone Tables in Schedule C shall be determined by the Town in accordance with the classification and examples set out in Schedule B.

100. Permitted Uses

Subject to these Regulations, the uses that fall within the Permitted Use Classes set out in the appropriate Use Zone Table in Schedule C shall be permitted by the Town in that Use Zone.

101. Discretionary Uses

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone Table in Schedule C may be permitted in that Use Zone if the Town is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if the Town has given notice of the application in accordance with Regulation 23 and has considered any objections or representations which may have been received on the matter.

102. Uses Not Permitted - Prohibited Uses

Uses that do not fall within the Permitted Use Classes or Discretionary Use Classes set out in the appropriate Use Zone Tables in Schedule C, shall not be permitted in that Use Zone and are deemed to be prohibited uses.

SCHEDULE A

DEFINITIONS

A definition marked with an asterix is also included in the Urban and Rural Planning Act and/or in the Ministerial Development Regulations. Where there is a conflict, the Act or Ministerial Development Regulations prevail.

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 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) in the case of industrial uses, garages, offices, raised ramps and docks.

ACCESSORY USE* means the 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 indicates otherwise, means the Urban and Rural Planning Act 2000.

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 horticulture, fruit growing, grain growing, seed growing, dairy farming, the breeding or rearing of livestock, including any creature kept for the production of food, wool, skins, or fur, or for the purpose of its use in the farming of land, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds and the use of land for woodlands where that use is ancillary to the farming of land for any other purpose. "Agricultural" shall be construed accordingly.

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:

- 1 bull;
- 1000 broiler chickens or roosters (1.8 - 2.3 kg each);
- 1 cow (including calf);
- 100 female mink (including associated males and kits);
- 4 goats;
- X hogs (based on 453.6 kg = 1 unit);
- 1 horse (including foal);
- 125 laying hens;
- 4 sheep (including lambs);
- 1 sow or breed sow (including weaners and growers based on 453.6 kg = 1 unit);
- X turkeys, ducks, geese (based on 2,268 kg = 1 unit).

APARTMENT BUILDING means a building containing three or more dwelling units, but does not include a row dwelling.

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

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

ARTERIAL STREET means the streets in the Planning Area constituting the main traffic arteries of the area and defined as arterial streets or highways in the Municipal Plan or on the Zoning Map.

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

BED AND BREAKFAST means an owner-occupied or owner-managed establishment for paid temporary accommodation for up to sixteen (16) overnight guests that may include a dining room for the use of overnight guests and their invitees. The establishment must be registered with and receive a rating from Canada Select and also must be approved by the Provincial Department of Tourism, Culture and Recreation as a Bed and Breakfast operation.

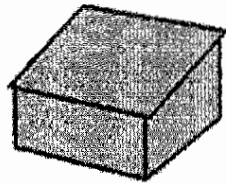
BOARDING HOUSE means a dwelling in which at least 2 rooms are regularly rented to persons other than the immediate family of the owner or tenant.

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 adapted or constructed for residential, commercial, 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 (ii).

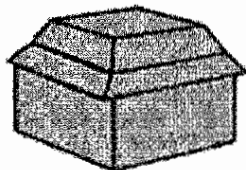
BUILDING HEIGHT* means the vertical distance, measured in metres, from the established grade to:

- (i) the highest point of the roof surface of a flat roof



Flat Roof

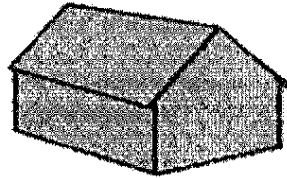
- (ii) the deck line of a mansard roof



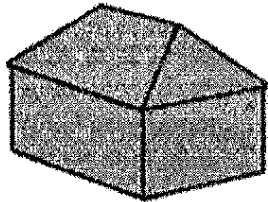
Mansard Roof

and

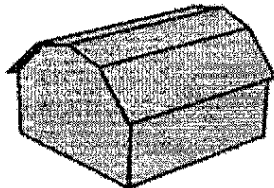
- (iii) the mean height level between eave and ridge of a gable, hip or gambrel roof,



Gable Roof



Simple Hip Roof



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 building may be placed.

CAMPGROUND means the use of land for the accommodation of travel trailers, recreational vehicles, and/or tents.

COLLECTOR STREET means a street 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.

DAYCARE CENTRE or **DAY NURSERY** means a building or part of a building in which services and activities are regularly provided to children of pre-school age during the full daytime period as defined under the Day Nurseries Act, but does not include a school as defined by the Schools Act.

DEVELOPMENT* means the carrying out of any building, engineering, mining or other operations in, on, over, or under land, or the making of any material change in the use, or the intensity of use of any land, buildings, or premises and without limiting the generality of the foregoing, shall specifically include:

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

and shall exclude:

- (v) the carrying out of works for the maintenance, improvement or other alteration or any 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) the carrying out by a highway authority of any works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation;
- (vii) the carrying out by any local authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose; and
- (viii) use of any building or land within the courtyard of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as such.

DEVELOPMENT REGULATIONS* means regulations made under sections 34 to 38 (of the Act).

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.

DOUBLE DWELLING means a building containing two dwelling units, placed one above the other, or side by side, but does not include a self-contained dwelling containing a subsidiary apartment.

DWELLING UNIT means a self-contained unit consisting of one or more habitable rooms used or designed as the living quarters for one household.

ENGINEER means a professional engineer employed or retained by the Town.

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.

FAMILY AND GROUP CARE CENTRE means a dwelling accommodating up to but no 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", "Halfway House", and "Foster Home".

FLANKING ROAD means a road running along the side of a lot located at the intersection of two streets – that is, a corner lot.

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.

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

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

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 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.

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.

HOME BUSINESS means a secondary use of a dwelling and/or its accessory building by at least one of the residents of the dwelling to conduct a gainful occupation or business activity.

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

INSTITUTION means a building or part thereof occupied or used by persons who:

- a) are involuntarily detained, or detained for penal or correctional purposes, or whose liberty is restricted, or;
- b) require special care or treatment because of age, mental or physical limitations or medical conditions.

LAND* includes land covered by water, and buildings and structures on, over, or under the soil and fixtures that form part of these buildings and structures.

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.

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.

LODGING HOUSE means a dwelling in which at least 2 rooms are regularly rented to persons other than the immediate family of the owner or tenant.

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 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.

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 fishing stage or shed associated with a dock or wharf.

MINERAL EXPLORATION means the activity of searching for minerals or mineral occurrences, including oil exploration, wherein, for the purposes of these Regulations it takes the form of development - that is visible and appreciable disturbance to soil.

MINERAL WORKING means land or buildings used for the working or extraction of construction aggregates.

MINING means land or buildings used for the extraction of ores, salts, oil and/or natural gas.

MOBILE HOME means a transportable factory-built single family dwelling unit:

- a) which complies with space standards substantially equal to those laid down in the Canadian Code for Residential Construction and is in accordance with the construction standards laid down and all other applicable Provincial and Municipal Codes and;
- b) which is designed to be:
 - (i) transported on its own wheels and chassis to a mobile home lot, and subsequently supported on its own wheels, jacks, posts or piers, or on a permanent foundation and;
 - (ii) connected to exterior public utilities approved by the Town, namely, piped water, piped sewer, electricity and telephone, in order for such mobile home unit to be suitable for year round term occupancy.

MOBILE HOME PARK means a mobile home development under single or joint ownership, cared for and controlled by a mobile home park operator where individual

mobile home lots are rented or leased with or without mobile home units placed on them and where ownership and responsibility for the maintenance and development of site facilities including underground services, access roads, communal areas, snowclearing and garbage collection, or any of them, are the responsibility of the mobile home park management, and where the mobile home development is classified as a mobile home park by the Town.

MOBILE HOME SUBDIVISION means a mobile home 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 locating thereon mobile home units under either freehold or leasehold tenure and where the maintenance of streets and services is the responsibility of a municipality or public authority, and where the mobile home development is classified as a mobile home subdivision by the Town.

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.

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

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

PIT AND QUARRY WORKING carries the same meaning as Mineral Working.

PROHIBITED USE* means a use that is not listed within the permitted use classes set out in the use zone tables of an authority's development regulations.

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

RESTAURANT means a building or part thereof, designed or intended to be used or occupied for the purpose of serving the general public with meals or refreshments for consumption on the premises.

ROW DWELLING means a dwelling containing three or more dwelling units at ground level in one building, each unit separated vertically from the others.

SEASONAL RESIDENCE means a dwelling which is designed or intended for seasonal or recreational use, and is not intended for use as permanent living quarters.

SERVICE STATION means any land or building used exclusively for the sale of petroleum products, automotive parts and accessories, minor repairs, washing and polishing of motor vehicles.

SERVICE STREET means a street constructed parallel to or close to another street for the purpose of limiting direct access to that street.

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 uses with integrated parking and which is planned, developed and designed as a unit containing a minimum of 5 retail establishments.

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

SIDE YARD DEPTH* means the distance between the side lot line and the nearest side wall of a building on the lot. See also Building Line and Yard.

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

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

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

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

SUBSIDIARY APARTMENT means a separate dwelling unit constructed within and subsidiary to a self-contained dwelling.

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

TAVERN: includes a nightclub and means a building licensed or licensable under the Liquor Control Act wherein meals and food may be served for consumption on the premises and in which entertainment may be provided.

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.

WETLAND means an area which is saturated by surface or ground water sufficient to support, and which under normal circumstances supports a prevalence of vegetation typically adapted for life in the saturated soil conditions, and includes swamps, marshes, bogs, fens and similar areas.

YARD means an open uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in these Regulations.

ZONING MAP* means the map or maps attached to and forming part of the Regulations.

**SCHEDULE B
CLASSIFICATION OF USES OF LAND AND BUILDINGS**

GROUP	CLASS	EXAMPLES
ASSEMBLY USES	Theatre	Motion Picture Theatres T.V. Studios admitting an audience.
ASSEMBLY USES	Cultural and Civic	Libraries, Museums, Art Galleries, Court Rooms, Meeting Rooms, Council Chambers
ASSEMBLY USES	Protection	Police and Fire Stations
ASSEMBLY USES	General Assembly	Community Halls, Lodge Halls, Dance Halls, Gymnasias, Auditoria, Bowling Alleys
ASSEMBLY USES	Educational	Schools, Colleges (non-residential)
ASSEMBLY USES	Place of Worship	Churches and similar places of worship, Church Halls
ASSEMBLY USES	Passenger Assembly	Passenger Terminals
ASSEMBLY USES	Club and Lodge	Private Clubs and Lodges (non-residential)
ASSEMBLY USES	Catering	Restaurants, Bars, Lounges
ASSEMBLY USES	Funeral Home	Funeral Homes and Chapels
ASSEMBLY USES	Child Care	Day Care Centres
ASSEMBLY USES	Amusement	Electronic Games Arcades, Pinball Parlours, Poolrooms
ASSEMBLY USES	Indoor Assembly	Arenas, Armouries, Ice Rinks, Indoor Swimming Pools

SCHEDULE B CLASSIFICATION OF USES OF LAND AND BUILDINGS		
GROUP	CLASS	EXAMPLES
ASSEMBLY USES	Outdoor Assembly	Bleachers, Grandstands, Outdoor Ice Rinks and Swimming Pools, Amusement Parks and Fairgrounds, Exhibition Grounds, Drive-in Theatres
ASSEMBLY USES	Campground	Campgrounds, Recreational Vehicle and Travel Trailer Campgrounds
INSTITUTIONAL USES	Penal and Correctional Detention	Jails, Penitentiaries, Police Stations (with detention quarters), Prisons, Psychiatric, Hospitals (with detention quarters), Reformatories
INSTITUTIONAL USES	Medical Treatment and Special Care	Children's Homes, Convalescent Homes, Homes for Aged, Hospitals, Infirmarys
RESIDENTIAL USES	Single Dwelling	Single Detached Dwellings, Family & Group Homes
RESIDENTIAL USES	Double Dwelling	Semi-detached Dwelling, Duplex Dwellings, Family & Group Homes
RESIDENTIAL USES	Row Dwelling	Row Houses, Town Houses, Family & Group Homes
RESIDENTIAL USES	Apartment Building	Apartments, Family & Group Homes

SCHEDULE B CLASSIFICATION OF USES OF LAND AND BUILDINGS		
GROUP	CLASS	EXAMPLE
RESIDENTIAL	Collective Residential	Residential Colleges & Schools, University & College Halls of Residence, Convents & Monasteries, Nurses and Hospital Residences
RESIDENTIAL	Boarding House Residential and/or Bed and Breakfast	Boarding Houses, Lodging Houses, Bed and Breakfast
RESIDENTIAL	Commercial Residential	Hotels & Motels, Hostels, Residential Clubs
RESIDENTIAL	Seasonal Residential	Summer Homes & Cabins, Hunting & Fishing Cabins
RESIDENTIAL	Mobile Homes	Mobile Homes
BUSINESS & PERSONAL SERVICE	Office	Offices (including Government Offices), Banks
BUSINESS & PERSONAL SERVICE	Medical and Professional	Medical Offices and Consulting Rooms, Dental Offices & Surgeries, Legal Offices & Similar Professional Offices
BUSINESS & PERSONAL SERVICE	Personal Service	Barbers, Hairdressers, Beauty Parlours, Small Appliance Repairs
BUSINESS & PERSONAL SERVICE	General Service	Self-service Laundries, Dry Cleaners (not using flammable or explosive substances), Small Tool and Appliance Rentals, Travel Agents

SCHEDULE B CLASSIFICATION OF USES OF LAND AND BUILDINGS		
GROUP	CLASS	EXAMPLES
BUSINESS & PERSONAL SERVICE	Communications	Radio Stations, Telephone Exchanges
BUSINESS & PERSONAL SERVICE	Police Station	Police Stations without detention quarters
BUSINESS & PERSONAL SERVICE	Taxi Stand	Taxi Stands
BUSINESS & PERSONAL SERVICE	Take-out Food Service	Take-out Food Service
BUSINESS & PERSONAL SERVICE	Veterinary	Veterinary Surgeries
MERCANTILE	Shopping Centre	Shopping Centres
MERCANTILE	Shop	Retail Shops and Stores and Showrooms, Department Stores
MERCANTILE	Indoor Market	Market Halls, Auction Halls
MERCANTILE	Outdoor Market	Market Grounds, Animal Markets, Produce and Fruit Stands, Fish Stalls
MERCANTILE	Convenience Store	Confectionary Stores, Corner Stores, Gift Shops, Specialty Shops

SCHEDULE B CLASSIFICATION OF USES OF LAND AND BUILDINGS		
GROUP	CLASS	EXAMPLES
INDUSTRIAL	Hazardous Industry	Bulk Storage of hazardous liquids and substances, Chemical Plants, Distilleries Feed Mills, & Lacquer, Mattress, Paint, Varnish, and Rubber Factories, Spray Painting
INDUSTRIAL	General Industry	Factories, Cold Storage Plants, Freight Depots General Garages, Warehouses, Workshops, Laboratories, Laundries, Planing Mills, Printing Plants, Contractors' Yards
INDUSTRIAL	Service Station	Gasoline Service Stations, Gas Bars
INDUSTRIAL	Light Industry	Light Industry, Parking Garages, Indoor Storage, Warehouses, Workshops
NON-BUILDING	Agriculture	Commercial Farms, Hobby Farms, Market Gardens & Nurseries
NON-BUILDING	Forestry	Tree Nurseries, Silviculture
NON-BUILDING	Mineral Exploration	Mineral Exploration
NON-BUILDING	Mineral Working	Quarries, Pits
NON-BUILDING	Mining	Mining, Oil Wells

SCHEDULE B CLASSIFICATION OF USES OF LAND AND BUILDINGS		
GROUP	CLASS	EXAMPLES
NON-BUILDING	Recreational Open Space	Playing Fields, Sports Grounds, Parks, Playgrounds, Recreational Trails
NON-BUILDING	Conservation	Watersheds, Buffer Strips, Flood Plains, Architectural, Historical and Scenic Sites, Steep Slopes, Wildlife Sanctuaries
NON-BUILDING	Cemetery	Cemeteries, Graveyards
NON-BUILDING	Scrap Yard	Car Wrecking Yards, Junk Yards, Scrap Dealers
NON-BUILDING	Solid Waste	Solid Waste Disposal, Sanitary Land Fill, Incinerators, Transfer Site
NON-BUILDING	Animal	Animal Pounds, Kennels, Zoos
NON-BUILDING USES	Antenna	TV, Radio and Communications Transmitting and Receiving Masts and Antennae
NON-BUILDING	Utilities	Wind Mills and other energy sources, related facilities
NON-BUILDING	Transportation	Airfields, Harbours, Boat House, Fishing Stage, Marinas

**SCHEDULE C
USE ZONE TABLES**

NOTE: This schedule contains tables showing the use classes which may be permitted or which may be treated as discretionary use classes for the purpose of these Regulations. The tables also indicate the required standards of development and may also include conditions affecting some or all of the use classes.

The schedule contains tables for the following Use Zones:

Residential (RES)
Mixed Development (MD)
Heritage (HZ)
Open Space Recreation (OSR)
Rural (RU)
Designated Floodway (DF)
Historic Flood Zone (HF)
Environmental Protection (EP)
Protected Public Water Supply (PPWS)

**USE ZONE TABLE
RESIDENTIAL (RES) ZONE**

<p>Municipal Services – Permitted Use Classes (see Regulation 100):</p> <p>Conservation, Recreational Open Space, Single Dwelling.</p> <p>Unserviced and Semi-Serviced Development – Permitted Use Classes (see Regulation 100):</p> <p>Conservation, Mobile Homes, Recreational Open Space, Single Dwelling.</p>							
<p>Municipal Services – Discretionary Use Classes (see Regulations 23 and 101):</p> <p>Agriculture, Antenna, Apartment Building, Bed and Breakfast, Boarding House, Cemetery, Child Care, Cultural and Civic, Double Dwelling, Educational, Forestry, Medical Treatment and Special Care, Mobile Home, Place of Worship</p> <p>Unserviced and Semi-Serviced Development – Discretionary Use Classes (see Regulations 23 and 101):</p> <p>Agriculture, Antenna, Child Care.</p>							
Requirements – Municipal Services	Dwellings			Apartment Building - Bedrooms			
	Single & Mobile Home* *	Double	Row	1	2	3	4 +
Lot Area (m ²) – minimum	450	390*	350* (avg.)	200*	250*	280*	300*
Floor Area (m ²) – minimum	80**	80*	65*	40*	50*	60*	70*
Frontage (m) – minimum	15	26	12* (avg.)	36			

Building Line Setback (m) – minimum	6	6	8	8
Sideyard Width (m) – minimum	1	1	1	5
Sideyard Width - Flanking Road (m) – minimum	6	6	8	8
Rearyard Depth (m) – minimum	9	9	9	14
Lot Coverage - all buildings combined (%) – minimum	33	33	33	33
Height (m) – maximum	8	8	10	10
* Per Dwelling Unit				
** There is no minimum floor area for a mobile home				

CONDITIONS FOR THE RESIDENTIAL ZONE

Including the standards contained in this part, Regulations 1 to 6 and Parts I, II, III and IV and Schedules A, B and D, must be considered when reviewing an application for development and/or a subdivision.

1. Municipal Services

All development in this Zone shall be connected to municipal water and sewer services unless otherwise approved by the Town in which instance Conditions 2, 3, 4 and 5 shall apply and the approval of the Department of Government Services is required.

2. Development Standards

- Lot area (minimum) see Conditions 3, 4 and 5
- Frontage (minimum).. see Conditions 3, 4 and 5
- Building Line Setback (minimum). 10 m
- Side Yard Width (minimum).. 5 m
- Side Yard Width Flanking Road (minimum) m

Rear Yard Depth (minimum).	15 m
Lot Coverage (maximum – all buildings combined).	33%

3. Lot Area and Frontage – Unserviced Development

Where the development lacks municipal water and sewer services (unserviced) the minimum lot size is as determined by the Department of Government Services or 1860 m², whichever is greater.

The minimum lot frontage shall be as determined by the Department of Government of Services or 30 metres minimum, whichever is greater.

4. Lot Area and Frontage – Semi-serviced Development

For semi-serviced building lots (lots where water or sewage disposal services will be provided off-site), a minimum lot size of 1,400 m² is required. A minimum frontage of 23 metres is required throughout the entire area in which the absorption field (distribution box to end of absorption trenches) is to be installed. The area must be sufficient to accommodate the septic system while maintaining separation distances and have sufficient space for the installation of a replacement system.

5. Infilling Adjustment – Lot Area and Frontage – Unserviced and Semi-serviced Development

Where unserviced or semi-serviced land is surrounded by development which prohibits expansion and where approval cannot be awarded because the proposed lot size does not comply with the minimum lot size and width requirements, the requirements to literal conformity may be adjusted if:

- a) the adjustment amounts to no more than a twenty percent (20%) reduction in the requirements;
- b) the adjustment is not contrary to the general intent and purpose of the policy and procedure as set out in the *Private Sewage Disposal and Water Supply Standards*;
- c) the application of the adjustment would not interfere with the maintenance of required distance separations and sewage system dimensions;
- d) the application of the adjustment would not undermine the quality of adjacent property or pose a hazard to human health;

- e) the application of the adjustment is related to the specific property and is not general to land within the area;
- f) the particular practical difficulties for the owner or developer are distinguishable from a mere inconvenience or desire to acquire monetary gain.

6. Commercial and Public, Agriculture and Other Non-Residential Development

Commercial, industrial, public, institutional and other non-residential development shall be designed and located in such a way as to be compatible with residential development in the general vicinity of the development in accordance with the requirements established by the Town. Agriculture is limited to greenhouses and the growing of plants.

7. Home Business Accessory Use

Subject to Regulations 32 and 54 Home Business Accessory Use may only be permitted at the discretion of the Town.

8. Subsidiary Apartment

See Regulations 32 and 72.

9. Subsidiary Dwelling

See Regulations 32 and 73.

**USE ZONE TABLE
 MIXED DEVELOPMENT (MD) ZONE**

ZONE TITLE	MIXED DEVELOPMENT (MD)
PERMITTED USE CLASSES - (see Regulation 100)	
Apartment Building, Bed and Breakfast and Boarding House, Child Care, Conservation, Double Dwelling, Recreational Open Space, Row Dwelling, Single Dwelling	
DISCRETIONARY USE CLASSES (see Regulations 23 and 101)	
Agriculture, Antenna, Campground, Catering, Cemetery, Club and Lodge, Collective Residential, Commercial-Residential (eg. hotel, motel, inn), Communications, Convenience Store, Cultural and Civic, Educational, Fire Station, General Assembly, General Service, Indoor Assembly, Light Industry, Medical and Professional, Medical Treatment and Special Care, Mineral Exploration, Mobile Home, Office, Outdoor Assembly, Passenger Assembly, Personal Services, Place of Worship, Police Station, Service Station, Shop, Take-out Food Service, Taxi Stand and Transportation	

CONDITIONS FOR THE MIXED DEVELOPMENT ZONE

Including the standards contained in this part, Regulations 1 to 6 and Parts I, II, III and IV and Schedules A, B and D must be considered when reviewing an application for development and/or a subdivision.

1. Municipal Services

All development in this Zone shall be connected to municipal water and sewer services unless otherwise approved by the Town in which instance the requirements of the Residential Zone, Conditions 1, 2, 3 and 4 shall apply and the approval of the Department of Government Services is required.

2. Development Standards – Residential Uses

Residential Development, including Subsidiary Apartments and Dwellings shall comply with the requirements of the Residential Zone.

3. Development Standards – Non-Residential Uses

Lot area (minimum) as determined by the Town
 Frontage (minimum) as determined by the Town

Building Line Setback (minimum)	
8 m or as required by the Department of Transportation and Works, whichever is greater	
Side Yard Width (minimum)	5 m
Side Yard Width Flanking Road (minimum)	8 m
Rear Yard Depth (minimum)	10 m
Building Height (maximum)	10 m

4. Commercial, Public, Agriculture and Other Non-Residential Development

- (1) Commercial, industrial, public, institutional and other non-residential development shall be designed and located in such a way as to be compatible with residential development in the general vicinity of the development.
- (2) Areas which are exclusively residential in character shall be particularly restricted as to the types of non-residential uses permitted. In general only accessory uses to a residential use, along with recreational open space and public utilities and services can be permitted in such areas.
- (3) Catering – the Catering Use Class shall be limited to restaurants or similar facilities and shall not include bars, lounges and taverns.
- (4) Agriculture is limited to greenhouses and the growing of plants.

5. Home Business Accessory Use

Subject to Regulations 32 and 54 Home Business Accessory Use may only be permitted at the discretion of the Town.

6. Outdoor Storage

The Town may permit open storage of materials, goods and machinery associated with a permitted use provided the open storage is not located in front of the building and the storage area is fenced or otherwise screened from view.

Scrap, scrapped vehicles, machinery parts, oil drums and tanks and so forth shall not be allowed in outdoor storage areas.

7. Subsidiary Apartment

See Regulations 32 and 72.

8. Subsidiary Dwelling

See Regulations 32 and 73.

**USE ZONE TABLE
HERITAGE (HZ) ZONE**

ZONE TITLE	HERITAGE (HZ)
<p>PERMITTED USE CLASSES - (see Regulation 100)</p> <p>Agriculture, Antenna, Campground, Catering, Club and Lodge, Conservation, Cultural and Civic, Indoor Assembly, Indoor Market, Office, Outdoor Assembly, Outdoor Market, Office, Recreational Open Space, Shop, Single Dwelling and Theatre.</p>	

CONDITIONS FOR THE HERITAGE ZONE

1. Including the standards contained in this part, Regulations 1 to 6 and Parts I, II, III and IV and Schedules A, B and D must be considered when reviewing an application for development and/or a subdivision.
2. Development in this zone shall only be permitted if it is related to the heritage or culture of the Town and/or if it is part of a development that will enhance tourism in the Town and is compatible with the nearby heritage related uses.
3. The development standards are as determined by the Town.

**USE ZONE TABLE
OPEN SPACE RECREATION (OSR) ZONE**

ZONE TITLE	OPEN SPACE RECREATION (OSR)
PERMITTED USE CLASSES - (see Regulation 100)	Conservation, Recreational Open Space.
DISCRETIONARY USE CLASSES (see Regulations 23 and 101)	Antenna, General Assembly, Indoor Assembly, Outdoor Assembly.

CONDITIONS FOR THE OPEN SPACE RECREATION ZONE

1. Including the standards contained in this part, Regulations 1 to 6 and Parts I, II, III and IV and Schedules A, B and D must be considered when reviewing an application for development and/or a subdivision.
2. The development standards are as determined by the Town.

**USE ZONE TABLE
RURAL (RU) ZONE**

ZONE TITLE	Rural (RU)
PERMITTED USE CLASSES - (see Regulation 100)	Agriculture, Conservation, Forestry, Mineral Exploration, Recreational Open Space.
DISCRETIONARY USE CLASSES - (see Regulations 23 and 101)	Animal, Antenna, Campground, Cemetery, General Industry, Light Industry, Mineral Working, Outdoor Market, Scrap Yard, Seasonal Dwelling, Single Dwelling, Transportation and Utilities.

CONDITIONS FOR THE RURAL ZONE

Regulations 1 to 6 and Parts I, II, III and IV and Schedules A, B and D must be considered when reviewing an application for development and/or a subdivision.

1. General Development Standards

The minimum lot area, frontage and front, rear and side yards shall be as determined by the Town, subject to the approvals of the Agrifoods Development Branch and the Forest Resources and Mineral Lands Divisions of the Department of Natural Resources along with the Government Service Centre. Applications shall also be referred to other departments and agencies as required.

2. Other Conditions

(1) General Industry

- a) General industry shall be restricted to the maintenance and repair of equipment, processing and storage related to agriculture, forestry or mineral working uses.
- b) Unless the Town is satisfied that the general industry use will not create a nuisance and will not adversely affect the amenity of the surrounding area, the Town shall require the provision of buffering by the developer to the satisfaction of the Town.

(2) Scrap Yard

A scrap yard may only be permitted subject to the following conditions:

- a) it does not abut a residential zone or development or open watercourse or wetland or area proposed for such development;
- b) a screen fence satisfactory to the Town of at least 1.8 metres height is erected around area used for open storage;
- c) where an existing scrap yard is located within or adjacent a commercial, residential or institutional area or development, there is no outdoor storage;
- d) the scrap yard will not create a nuisance or affect the amenities of nearby uses;
- e) the scrap yard is located at least fifty (50) metres away from a waterbody or water course.

(3) Single Dwelling

A single dwelling may only be permitted as an accessory use to a permitted use. A dwelling is subject to the approval of the Department of Natural Resources and the Government Service Centre before a permit is issued by the Town.

(4) Seasonal Dwelling

A seasonal dwelling may only be permitted at the discretion of the Town subject to the approval of the Government Service Centre and the Department of Natural Resources, and provided that the Town is satisfied that the development will not require the provision of municipal services.

The Town may permit a seasonal residence which does not have frontage on a public road.

USE ZONE TABLES
DESIGNATED FLOODWAY (DF) ZONE

ZONE TITLE	DESIGNATED FLOODWAY (DF)
PERMITTED USE CLASSES - (see Regulation 100)	Conservation, Structures Related to the Use of Water Resources, Hydraulic Structures.
DISCRETIONARY USE CLASSES – (see Regulations 23 and 101)	Antenna, Recreational Open Space, Transportation (see Condition 5).

CONDITIONS – DESIGNATED FLOODWAY ZONE

1. Approval of the Minister of Environment and Conservation, Schedule E

Any development within this Zone is subject to the written approval of the Minister of Environment and Conservation under the Water Resources Act.

See also Schedule E.

2. Hydraulic Structures

Hydraulic structures are class of structures which includes most hydraulic structures such as dams, bridges, causeways, dykes, canals etc, are by their own needs and characteristics constructed in buffer zones and flood plains. However, every effort must be made to ensure that such structures do not adversely affect the capability of the body of water to convey flow. In the case of dams, new areas of flooding and the impact of that flooding must be fully assessed by the proponent.

3. Structures

A structure in this Zone can only be permitted where:

- (a) the ground floor elevation of the structure is higher than the 1 in 100 year flood level;
- (b) the structure will not interfere with the flow of water or displace water such that it creates a worse flooding situation for other properties;
- (c) the structure and the associated utilities have been designed and constructed in accordance with the approved flood proofing guidelines of the Department of Environment and Conservation and entrances and exits from

the building can be safely used without hindrance in the event of a flood;

- (d) the proposed use of the facility and site will not involve any storage of pollutants such as fuels, chemicals, pesticides etc.

Additional conditions may be set out for specific projects and included in a permit issued under section 48 of the *Water Resources Act*.

4. Additions and Modifications to Existing Development

Additions, modifications, enhancements and improvements to existing structures where there is an increase in the floor area within this Zone, will be assessed for its impacts on the flood plain before a permit is issued.

5. Development in the Buffer of the Designated Floodway

Unless otherwise permitted by the Minister of Environment and Conservation and the Town within 15 metres of a Designated Floodway or a Floodway Fringe as shown on the Land Use Zoning Maps, the only uses that can be permitted are trails and accessory uses and minor structures related to marine activities (transportation use class).

**USE ZONE TABLE
HISTORIC FLOOD (HF) ZONE**

ZONE TITLE:	HISTORIC FLOOD (HF)
PERMITTED USE CLASSES - (see Regulation 100)	
Antenna, Conservation, Double Dwelling, Mobile Home, Recreational Open Spaces, Single Dwelling and Structures Related to the Use of Water Resources, Hydraulic Structures.	
DISCRETIONARY USE CLASSES – (see Regulations 23 and 101)	
Transportation.	

CONDITIONS – HISTORIC FLOOD ZONE

Including the standards contained in this part, Regulations 1 to 6 and Parts I, II, III, IV and Schedules A, B and D must be considered when reviewing an application for development and/or a subdivision.

1. Approval of the Minister of Environment and Conservation, Schedule E

Any development within this Zone is subject to the written approval of the Minister of Environment and Conservation under the Water Resources Act.

See also Schedule E.

2. Hydraulic Structures

Hydraulic structures are class of structures which includes most hydraulic structures such as dams, bridges, causeways, dykes, canals etc, are by their own needs and characteristics constructed in buffer zones and flood plains. However, every effort must be made to ensure that such structures do not adversely affect the capability of the body of water to convey flow. In the case of dams, new areas of flooding and the impact of that flooding must be fully assessed by the proponent.

3. Structures in the Historic Flood Zone

A structure this Zone can only be permitted where:

- a) the ground floor elevation of the structure is higher than the 1 in 100 year flood level;

- b) the structure will not interfere with the flow of water or displace water such that it creates a worse flooding situation for other properties;
- c) the structure and the associated utilities have been designed and constructed in accordance with the approved flood proofing guidelines of the Department of Environment and Conservation and entrances and exits from the building can be safely used without hindrance in the event of a flood;
- d) the proposed use of the facility and site will not involve any storage of pollutants such as fuels, chemicals, pesticides etc.

Additional conditions may be set out for specific projects and included in a permit issued under section 48 of the *Water Resources Act*.

4. Additions and Modifications to Existing Development

Additions, modifications, enhancements and improvements to existing structures where there is an increase in the floor area within this Zone, will be assessed for its impacts on the flood plain before a permit is issued.

5. Development Standards – Municipal Water Supply and Sewage Disposal

See Residential Zone.

**USE ZONE TABLE
ENVIRONMENTAL PROTECTION (EP) ZONE**

ZONE TITLE	ENVIRONMENTAL PROTECTION
PERMITTED USE CLASSES - (see Regulation 100)	
Conservation	
DISCRETIONARY USE CLASSES - (see Regulations 23 and 101)	
Agriculture, Recreational Open Space, Transportation (see Condition 4)	

CONDITIONS FOR THE ENVIRONMENTAL PROTECTION ZONE

1. Minister of Environment and Conservation

All development in this zone is subject to the approval of the Minister of Environment and Conservation before a permit is issued by the Town.

2. Parts I, II, III and IV and Schedules A, B, and D of the Development Regulations

Including the standards contained in this part, Regulations 1 to 6 and Parts I, II, III, and IV and Schedules A, B and D must be considered when reviewing an application for development and/or a subdivision.

3. Non-conservation Uses

Non-conservation uses may only be permitted if there are no reasonable alternatives and if the impacts on the environment are kept to a minimum.

4. Transportation

Transportation uses are limited to minor structures related to marine activities such as wharves and docks.

**USE ZONE TABLE
PROTECTED PUBLIC WATER SUPPLY (PPWS) ZONE**

ZONE TITLE:	PROTECTED PUBLIC WATER SUPPLY
PERMITTED USE CLASSES - (see Regulation 100) See Conditions.	
DISCRETIONARY USE CLASSES - (see Regulations 23 and 101) See Conditions.	

CONDITIONS FOR THE PROTECTED PUBLIC WATER SUPPLY ZONE

1. General Conditions and Referrals

In addition to any other approvals or requirements by the Town, all development in this zone shall be subject to the approval of the Minister of Environment and Conservation.

Conditions 1, 2, 3, 4, and 5 are based upon Department of Environment and Conservation Policy Directive W.R. 95-01 - Water Resources Division as modified.

- (1) Existing resource development and other activities will be allowed to continue unless it is established that these are impairing water quality or have potential to impair water quality.
- (2) The Minister of Environment and Conservation may require proponents of existing activities, which have potential to impair water quality, to obtain his/her approval.
- (3) No development shall be carried out in a designated area except in accordance with this policy.
- (4) No person shall carry out any development in a designated area without obtaining prior approval in writing from the Minister.

2. Activities Not Permitted in a Designated Area

Although they may be associated with any one of the Permitted or Discretionary Uses under any one of the Zone overlays, the following activities shall not be permitted in the Protected Water Supply:

- a) placing, depositing or discharging or permitting the placing, depositing or discharging into a body of water any sewage, refuse, chemicals, municipal and industrial wastes or any other material which impairs or has potential to impair water quality;
- b) using an intake, pond, lake or specified buffer zones for any activity detrimental to water quality, and not permitted in the Environment Act;
- c) using ice covered water body for transporting logs or wood, riding skidoos/motor vehicles/all terrain vehicles, leading of animals, or any other activity, including littering, which impairs or has potential to impair water quality;
- d) using or operating existing facilities in such a manner that impairs or has potential to impair water quality;
- e) storage and disposal of pesticides and manure, application of manure and chemicals in specified buffer zones, extensive land clearing, and peat land drainage without adequate treatment.
- f) application of herbicides in the right-of-way, and use of chemically treated utility poles and other related structures; and,
- g) any other storage or disposal facilities that the Minister of Environment and Conservation considers environmentally unacceptable.

3. Activities Regulated in a Designated Area

Subject to the other provisions of these Regulations, in this zone no person shall undertake any of the following activities without obtaining prior written approval from the Minister of Environment and Conservation and a permit from the Town:

- a) expansion and upgrading of the existing activities, operations or facilities;
- b) land clearing or drainage, construction of access roads, servicing of lands for subsequent use, or extension and upgrading of existing buildings or facilities;
- c) installation of storm or sanitary sewer pipelines, pipelines for transmission of water for hydroelectric generation, agriculture uses, or any other purposes;
- d) construction of roads, bridges, culverts, and other stream crossings, and installation of power and telecommunication transmission lines;
- e) modification to intake structures, pump house, reservoir; and

- f) any other development or activity which, in the opinion of the Minister of Environment and Conservation, has caused impairment or has potential to impair water quality.

4. Approval Process

- (1) The proponent shall submit a detailed development plan along with maps, drawings and specifications and other information as required by the Town and the Minister of Environment and Conservation for approval.
- (2) The Minister of Environment and Conservation may, on the recommendation of his/her officials, issue a certificate of approval for the proposed development on such terms and conditions as the Minister considers necessary to protect water quality.
- (3) The proponent shall obtain separate approvals from the Minister and Conservation for all permanent or temporary stream crossings or for alteration to bodies of water that may be necessary to carry out the approved development.
- (4) The proponent shall also obtain licences, permits or approvals under other Acts and Regulations, including the Development Regulations as required prior to commencing the approved work.
- (5) The proponent of the approved development shall notify the Town by providing a copy of the approval issued under this policy before commencing the work.
- (6) The proponent shall maintain adequate liaison and consultation with the person or authority responsible for the operation and maintenance of the waterworks during the implementation and operation of the approved work.
- (7) The Minister of Environment and Conservation may require the inspection of the approved development from time to time by his/her officials to ensure that the development is carried out in an environmentally acceptable manner and the proponent is complying with the terms and conditions of the approval.
- (8) The Minister of Environment and Conservation may require a proponent to monitor water quality according to a monitoring program approved by the Minister in order to evaluate the impact of the approved development on public water supply.

5. Buffer Zones

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

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

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

6. Forestry

Approvals for woodcutting or other forestry related activities within this zone must be obtained from the provincial Department of Natural Resources - Forest Management Unit.

**SCHEDULE D
PARKING AND OFFSTREET LOADING REQUIREMENTS**

1. General

- (1) 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 the on-street parking of vehicles associated with that building, structure or use.
- (2) The number of parking spaces to be provided for any building, structure, use of occupancy shall conform to the standards set out in this Schedule.
- (3) Each parking space, except in the case of single or double-family dwellings, shall be made accessible by means of a hard surfaced right-of-way at least 3 m in width. Parking required in a residential zone shall be provided on the same lot as the dwelling or dwellings. Parking space for apartments shall be provided in the rear yard where possible. In a non-residential zone, parking spaces shall be provided within the limits of the zone in which the use is situated and not more than 200 m distant from the use concerned.
- (4) The parking facilities required by this Regulation shall, except in the case of single or double dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.
- (5) Where, in these Regulations, parking facilities for more than four vehicles are required or permitted, with parking perpendicular to the curb the minimum dimensions shall be as follows:
 - a) parking stall width - 2.75 metres
 - b) parking stall length or depth - 5.80 metres
 - c) aisle width, parking stalls across from each other - 7.30 metres
 - d) aisle width, other obstruction - 7.30 metres
 - e) driveway width 7.00 metres.

Where the parking stall is horizontal to the curb, the minimum length of the stall shall be 7.00 metres, and the minimum aisle width (if applicable) shall be at least 4 metres, more if deemed necessary by the Town.

For any other parking lot configuration, the requirements shall as be as specified by the Town, but in no instance shall the requirements be less than that specified for perpendicular parking spaces.

- (6) Other requirements for parking areas are as follows:
- a) the parking area shall be constructed and maintained to the specifications of the Town;
 - b) the lights used for illumination of the parking area shall be so arranged as to divert the light away from adjacent development;
 - c) a structure, not more than 3 m in height and more than 5 m² in area may be erected in the parking area for the use of attendants in the area;
 - d) except in zones in which a service station is a permitted use, no gasoline pump or other service station equipment shall be located or maintained on a parking area;
 - e) no part of any off-street parking area shall be closer than 1.5 m to the front lot line in any zone;
 - f) access to parking areas in non-residential zones shall not be by way of residential zones;
 - g) where a parking area is in or abuts a residential zone, a natural or structural barrier at least 1 m in height shall be erected and maintained along all lot lines;
 - h) where, in the opinion of the Town, strict application of the above parking requirements is impractical or undesirable, the Town may as a condition of a permit require the developer to pay a service levy in accordance with these Regulations in lieu of the provision of a parking area, and the full amount of the levy charged shall be used by the Town for the provision and upkeep of alternative parking facilities within the general vicinity of the development.

2. Offstreet Parking Spaces

The offstreet parking requirements for uses in the various use classes set out in Schedule B shall be as set out in the following table.

In case of developments including uses in more than one class, these standards shall be regarded as cumulative.

Adequate offstreet provision for drop-off and pick-up of persons shall be provided in developments where required, such as uses within the education, passenger assembly, child care, medical treatment and special care, commercial-residential and take-out food service classes.

CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
Theatre	One space for every 5 seats.
Cultural and Civic	One space for every 50 square metres of gross floor areas.
General Assembly	One space for every 10 square metres of gross floor area.
Educational	Schools - 2 spaces for every class-room. Further education - 1 space for every 5 persons using the facilities (students, faculty and staff).
Place of Worship	One space for every 5 seats.
Passenger Assembly	As specified by the Town.
Club and Lodge	One space for every 3 persons that may be accommodated at one time.
Catering	One space for every 3 customers that may be accommodated at one time.
Funeral Home	One space for every 10 square metres of gross floor area.
Child Care	One space for every 20 square metres of gross floor area
Amusement	One space for every 10 square metres of gross floor area.
Indoor Assembly	One space for every 10 spectators that may be accommodated at one time.
Outdoor Assembly	As specified by the Town.
Campground	As specified by the Town.
Penal and Correctional Detention	As specified by the Town.
Medical Treatment and Special Care	One space per 20 m ² of suite or ward area.

CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
Single Dwelling	Two spaces for every dwelling unit.
Double Dwelling	Two spaces for every dwelling unit.
Row Dwelling	Two spaces for every dwelling unit.
Apartment Building	Three spaces for every two dwelling units.
Collective Residential	As specified by the Town.
Boarding House Residential and/or Bed and Breakfast	As specified by the Town.
Commercial Residential	One space for every guest room.
Seasonal Residential	One space per dwelling unit.
Mobile Homes	Two spaces for every dwelling unit.
Office	One space for every 20 m ² of gross floor area.
Medical and Professional	One space for every 20 m ² of gross floor area.
Personal Service	One space for every 20 m ² of gross floor area.
General Service	One space for every 20 m ² of gross floor area.
Communications	As specified by the Town.
Police Station	As specified by the Town.
Taxi Stand	As specified by the Town.
Take-out Food Service	One space for every 20 m ² of gross floor area.
Veterinary	One space for every 20 m ² of gross floor area.
Shopping Centre	One space for every 15 m ² of gross floor area.
Shop	One space for every 20 m ² of gross floor area.
Indoor Market	As specified by the Town.
Outdoor Market	As specified by the Town.
Convenience Store	One space for every 20 m ² of gross floor area.

CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
Hazardous Industry	As specified by the Town, but not less than one space per 100 m ² of gross floor area or 10 parking spaces, whichever is greater.
General Industry	As specified by the Town, but not less than one space per 100 m ² of gross floor area or 10 parking spaces, whichever is greater.
Service Station	One space for every 20 m ² of gross floor area.
Light Industry	As specified by the Town, but not less than one space per 50 m ² of gross floor area or 5 parking spaces, whichever is greater.
Agriculture	Not specified.
Forestry	Not specified.
Mineral Working	Not specified.
Mining	Not specified.
Recreational Open Space	Not specified.
Conservation	Not specified.
Cemetery	Not specified.
Scrap Yard	Not specified.
Solid Waste	Not specified.
Animal	Not specified.
Antenna	Not specified.
Transportation	As determined by the Town, taking into consideration associated uses.
Marina	As determined by the Town, taking into consideration associated uses.

SCHEDULE E

DEPARTMENT OF ENVIRONMENT AND CONSERVATION

POLICY DIRECTIVES 97-1, 97-2 AND 96-1

DEVELOPMENT IN SHOREWATER AREAS AND WETLANDS AND FLOOD PLAINS

NOTE: Schedule E sets out the applicable policy directives under the Water Resources Act concerning development in and near bodies of water – waterways and wetlands and flood plains – as described in Part II and Schedule C (Designated Floodway and Historic Flood Zones) of the Development Regulations. These directives were obtained from the Government of Newfoundland and Labrador Department of Environment and Conservation Website and may be amended or changed without notice. The Flood Plain Policy under Policy Directive 96-1 which is relevant to the Historic Flood Zone is “Floodway Fringe”.

POLICY DIRECTIVE 97-1

Development in Shore Water Zones

1.0 INTRODUCTION

The shore water zone is the interface between land and water, and includes the land along the edge of an ocean, or a fresh water body. The shore water zone owes its unique ecological attributes to the area encompassing both the land draining into the water body and the water body itself. Unplanned and imprudent development on shore water zones, including infilling and waste disposal, may have detrimental effects on water quality, water quantity, and on terrestrial and aquatic life and habitat. Human impacts on salt water shore zones, caused by, for example, untreated sewage disposal, surface runoff from urban and industrial sites, etc., has led to closures of bays to aquaculture and shellfish harvesting. The economic impacts of environmental damage of fresh water shore zones include loss of recreational opportunities, depreciation of land values, etc. Shore water zones are also areas that are subject to flooding, with possible adverse impacts on life and property along the zones.

2.0 OBJECTIVES

This policy will establish the criteria for issuing a permit under Section 48 of the *Water Resources Act*, SNL 2002 cW-4.01, for all development activities in and affecting shore water zones. The objective of the policy is to permit developments of shore water zones such that potential economic losses and impacts on water quantity, water quality, and terrestrial and aquatic habitats and life are minimized.

3.0 LEGISLATION

Water Resources Act, SNL 2002 cW-4.01, ("the Act") sections 30, 48 and 64

4.0 DEFINITIONS

Body of Water -

(Statutory definition from the *Act*) "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

Shore Water Zone -

"Shore Water Zone" means the land that is intermittently occupied by water as a result of the naturally fluctuating surface water level in a body of water which can be either

a fresh or salt water body and, in either case, the low water mark and high water mark of the water body defining the edges of the shore water zone.

Development -

"Development" means the carrying out of an activity or operation which includes construction of wharves, moorings, jetties, other docking facilities, marinas, boathouses, etc., mechanical disturbance of the land, infilling, drainage, dredging, channelization, erosion control works, and removal of vegetation on shore water zones for social or economic benefits, or any change in the use or the intensity of use of any shore water zone.

5.0 POLICIES

5.1 High Water Level of a Water Body

The high water 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. In marine situations, the level must include maximum waves, wind setup, storm surge, and ultimate mean sea levels under current global climatic forecasts for a 1:100 year design.

5.2 Developments Not Permitted

5.2.1 Infilling, drainage, dredging, channelization, or removal of surface or underwater vegetation on or along shore water zones which could aggravate flooding problems will not be permitted.

5.2.2 Infilling, drainage, dredging, channelization, or removal of surface or underwater vegetation on or along shore water zones which have unmitigable adverse water quality impacts on the shore water zones will not be permitted.

5.2.3 Infilling, drainage, dredging, channelization, or removal of surface or underwater vegetation on or along shore water zones which have significant impacts on water circulation patterns within the shore water zones or on sediment deposition or accretion or removal rates along the shore water zones will not be permitted.

5.2.4 Placing, depositing or discharging into shore water zones of any raw sewage, refuse, municipal and industrial wastes, fuel or fuel containers, pesticides, herbicides or other chemicals or their containers, or any other material which impairs or has the potential to impair the water quality of the shore water zones will not be permitted.

5.2.5 Construction of extensive paved surfaces along a shore water zone which changes the intrinsic character of the shore water zone will not be permitted.

5.3 Developments Requiring Written Permission

The following developments on or along shore water zones will be permitted subject to the prior written permission of the Minister of Environment and Conservation (the "Minister") in accordance with the Act:

5.3.1 Limited removal of surface vegetation cover for the construction of marinas, boathouses, jetties, wharves, moorings, and other docking facilities.

5.3.2 Construction of marinas, boathouses, jetties, wharves, moorings and other docking facilities which would require only minor disturbances to water circulation patterns within the shore water zone and which have limited impacts on sediment deposition or accretion rates along the shore water zone.

5.3.3 Extension and upgrading of existing buildings, structures and facilities within shore water zone areas.

5.3.4 Development related to recreational activities including the setting up of camp grounds, permanent and semi-permanent facilities, etc., along shore water zones.

5.4 Implementation of Mitigative Measures

All developments which are permitted within shore water zones and which could result in potentially adverse changes to water quantity or water quality of the shore water zone will require the implementation of mitigative measures to be specified in the terms and conditions for the environmental approval.

5.5 Restoration Measures

The terms and conditions of the environmental approval will specify the restoration measures to be implemented upon cessation of activities or abandonment of facilities on shore water zones.

POLICY DIRECTIVE 97-2
Wetlands

1.0 INTRODUCTION

Wetlands, which include bogs, fens, marsh, swamps, and shallow water, 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. The wetlands of Newfoundland and Labrador are increasingly being altered from their natural state to support alternative land uses such as agriculture, urbanization, industrial development, and recreation. Unplanned and imprudent development of wetlands, including drainage, infilling, and channelization, have detrimental effects on the wetlands' and downstream water quality and water quantity, and on terrestrial and aquatic habitat, life, flora and fauna. The potential consequences of impacts on water resources include structural damage to bridges and culverts from increased flood flows; river bed erosion causing siltation; and detrimental impacts on fish resources, drinking water quality and recreational uses of water bodies.

The problem facing wetland management is that the ecological and socio-economic benefits of these ecosystems are usually not directly measurable and in many instances are not recognized until it is too late. The extensive nature of wetlands, peatlands in particular, in this province means that there is room for more developments to occur to meet social and economic needs, as long as hydrologic and environmental impacts are minimized.

2.0 OBJECTIVES

This policy will establish the criteria for issuing a permit under Section 48 of the *Water Resources Act*, SNL 2002 cW-4.011, for all development activities in and affecting wetlands. The objective of the policy is to permit developments in wetlands, which do not adversely affect the water quantity, water quality, hydrologic characteristics or functions, and terrestrial and aquatic habitats of the wetlands.

3.0 LEGISLATION

Water Resources Act, SNL 2002 cW-4.01, ("the Act") sections 30, 48 and 64

4.0 DEFINITIONS

Body of Water -

(Statutory definition from the Act) "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.

Wetland - (Statutory definition from the Act) "wetland" means land that has the water table at, near or above the land surface and includes bogs, fens, marshes, swamps and other shallow open water areas

Wetland development - "Wetland development" means the carrying out of an activity or operation which includes the construction of ditches, mechanical disturbance of the ground, alteration of normal water level fluctuations, infilling, drainage, dredging, channelization, and removal of vegetation cover and/or organic matter on a wetland for social or economic benefits, or the making of any change in the use or the intensity of use of any wetland which affects its hydrologic characteristics or functions

5.0 POLICIES

5.1 Developments Not Permitted

5.1.1 Infilling, drainage, dredging, channelization, removal of vegetation cover or removal of soil or organic cover of wetlands which could aggravate flooding problems or have unmitigable adverse water quality or water quantity or hydrologic impacts will not be permitted.

5.1.2 Developments of wetlands which are located within the recharge zones of domestic, municipal or private groundwater wells will not be permitted.

5.1.3 Placing, depositing or discharging any raw sewage, refuse, municipal and industrial wastes, fuel or fuel containers, pesticides, herbicides or other chemicals or their containers, or any other material which impairs or has the potential to impair the water quality of wetlands will not be permitted.

5.2 Developments Requiring Written Permission

The following developments affecting wetlands will be permitted subject to the prior written permission of the Minister of Environment and Conservation (the "Minister") in accordance with the Act:

- 5.2.1 Removal of the surface vegetation cover of wetlands for extraction of peat, or for preparing the area for agricultural or forestry activities.
- 5.2.2 Construction of ditches, tile fields and other types of flow conveyances to drain wetlands for extraction of peat, or for preparing the area for agricultural or forestry operations.
- 5.2.3 Removal of the topsoil or organic cover of wetlands for use as horticultural or fuel peat, or for preparing the area for agricultural or forestry activities.
- 5.2.4 Infilling, dredging, or any other disturbance of wetlands for the construction of permanent or temporary roads, bridges, culverts, trails, power and telecommunication transmission lines, pipelines, etc., through wetlands which would necessitate only minor disturbances to the vegetation and organic cover, the flow drainage pattern of the area and ground slope.
- 5.2.5 Infilling, dredging or other disturbance of wetlands for the construction of residential, commercial, industrial and institutional facilities or extension and upgrading of existing buildings and facilities within wetland areas.
- 5.2.6 Development related to recreational activities including the setting up of campgrounds, permanent and semi-permanent facilities, etc., on wetland areas.
- 5.2.7 Construction of flow control structures to alter the normal water level fluctuations of wetlands for the purposes of enhancing the quality or quantity of fish and other wildlife habitat.

5.3 Implementation of Mitigative Measures

All uses and developments of wetlands resulting in potentially adverse changes to water quantity or water quality or hydrologic characteristics or functions of the wetlands will require the implementation of mitigative measures to be specified in the terms and conditions for the environmental approval.

5.4 Restoration Measures

The terms and conditions of the environmental approval will specify the restoration measures to be implemented upon cessation of activities or abandonment of facilities on wetland areas.

POLICY DIRECTIVE 96-1 Flood Plain Management

1.0 INTRODUCTION

- Land use within flood plains involves trade offs between flood risk and development. Flood risk takes the form of danger to health and safety, financial costs associated with property damage and degradation of water resources and the environment. Some factors associated with flood risk such as flow velocity, upstream inundation, erosion potential or environmental impacts may be severe. Consequently, new land development should therefore be restricted or prohibited. However, where conditions are not as severe, some types of development and land use may occur safely provided certain terms and conditions apply.

2.0 OBJECTIVES

- to prevent loss of human life and avoid personal hardships,
- to minimize flood damage to properties and the environment,
- to restrict activities which would degrade water resources,
- to maintain the natural capability of waterways to convey flood flows,
- to minimize disruption of transportation, social and business activity, and,
- to minimize costs to the taxpayers of Newfoundland and Labrador.

The unwise development of land in flood plains has historically taken place in many areas of the province probably due to a natural tendency for settlers to utilize land that is near bodies of water. Unfortunately, the potential for flooding is often recognized only after it is too late. The basic operating premise of this policy is that these problems will not materialize if development takes place in a manner that does not place it at any risk of flooding.

The policy will address Crown land, developed land and undeveloped land. Where lands that are subject to periodic flooding are still directly owned by the Crown, those lands will not be transferred to private developers. However, where land is already alienated, it is necessary to determine the risk of flooding and to discourage potential development by planning, zoning regulations and by removing any economic advantages or subsidies that would otherwise encourage such development. Finally, where development has already taken place or cannot be avoided, policy is intended to minimize potential flood damage by ensuring that flood proofing measures are implemented and that the development does not further exacerbate the flooding problem by impeding flows or by unduly constricting the flow channel.

3.0 BACKGROUND

Canada - Newfoundland Flood Damage Reduction Program

Under the Canada - Newfoundland Flood Damage Reduction Program, both governments agreed that public funds would not be used or provided for development projects in flood risk areas. To identify these areas, hydrotechnical studies were carried out for 37 communities in the province. Without exception, the main recommendation in each study was that the implementation of proper flood plain management policies would minimize flood risk.

4.0 LEGISLATION

Water Resources Act, SNL 2002 cW-4.01, ("the Act") sections 30, 32, 33, 34, 35, 48, 64 and 90, the *Lands Act* SNL1991 CHAPTER 36 Section 7.

5.0 DEFINITIONS

Body of Water	(Statutory definition from the Act) "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 usually or at any time occupied by that body of water;
Flood Plain	An area adjacent to a lake, river, seashore etc. which is inundated or covered with water on average at least once in 100 years. Note that a flood plain is considered to be an integral part of a body of water as defined above because it includes "the land usually or at a time occupied by that body of water" and "whether that source usually contains water or not".
Designated Area	A specific flood plain in a community for which a hydrotechnical study has determined the extent of flooding and for which flood risk maps are available. The designation is in accordance with the Canada - Newfoundland Flood Damage Reduction Program Agreements.
Floodway	The portion of a flood plain where the most frequent flooding occurs and where the flow of water is fastest. This area is determined on the basis of the 1 in 20 year return period flood.
Floodway Fringe	The portion of a flood plain where less frequent flooding occurs and where the flow of water is considered to be tranquil. This area is where flooding occurs up to 1 in 100 years on average
Other Flood Risk Area	An area where flooding is known or has some probability to occur due to unique or unusual circumstances such as areas subject to shoreline recession, areas downstream of dams or areas adjacent to watercourses potentially prone to ice jams.
Buffer Zone	A zone of land that is in its natural state and that is intended to separate developed areas from bodies of water to provide basic protection of water resources. This zone may coincide with a Crown land reservation of a shoreline as prescribed by Section 7(1) of the <i>Lands Act</i> . In the absence of specific setback requirements (depending on the activity) the buffer is taken to be 15 metres measured from the high water mark which in turn is understood to be the 1 in 100 year high water mark.

6.0 POLICIES

6.01 Development Requires Written Approval

Development in a designated flood risk area, development in a flood plain and any development in the buffer zone shall be subject to the prior written approval of the Minister of Environment and Conservation (the "Minister") in accordance with the Act.

6.02 Project Categories

In general it is the policy of the Department of Environment and Conservation ("the Department") that flood plains and the buffer zones be preserved and left in their natural state. Recognizing that this is an ideal that would hinder significant benefits that could be derived from certain development in a flood plain and outweigh all risk

of loss, damage or peril, this policy for flood plain management views any application to avail of land in flood risk areas in decreasing order of preference. These preferences are referred to hereafter as project categories.

- . **Temporary alterations** in a buffer zone, a designated floodway fringe, a flood plain, a designated floodway and lastly, the body of water itself.
- . **Non-structural uses** such as open space recreation, pasture, and wildlife habitat enhancement.
- . **Structures related to use of water resources** such as wharves, slipways, boathouses, pumping stations, storm or sewerage discharges.
- . **Minor structural or other projects** where only soil disturbance is involved such as constructed trails, pipelines, transmissions lines, roads, etc., assuming there will be no change in the grade of the land.
- . **Other structures not used primarily for residential**, commercial, industrial or institutional purposes where there will be a change in grade but not a building.
- . **Industrial uses related to the marine shipping** or fishing industries.
- . **Other industrial and commercial** development.
- . **Institutional** developments such as hospitals, senior citizens homes, homes for special care or schools where flooding could pose a significant threat should evacuation become necessary.
- . **Residential and other institutional** development.

6.03 Hydraulic Structures

A special class of structures which includes most hydraulic structures such as dams, bridges, causeways, dykes, canals etc., are by their own needs and characteristics constructed in buffer zones and flood plains and consequently, no preference can be assigned. However, such structures are the subject of the Act and every effort must be made to ensure that such structures do not adversely affect the capability of the body of water to convey flow. In the case of dams, new areas of flooding and the impact of that flooding must be fully assessed by the proponent.

6.04 Project Classifications

Table 1 below indicates whether or not project categories are permitted in each of the defined flood plains.

Table 1 - Projects in Flood Risk Areas

Category	All Flood Plains	Where Flood Plains are Designated	
		Floodway (1:20 year Zone)	Floodway Fringe (1:100 year Zone)
Temporary alterations	Permitted	Permitted	Permitted
Non-structural uses	Permitted	Permitted	Permitted
Structures related to use of water resources	Permitted	Permitted	Permitted
Minor structural or other projects	Permitted	Permitted with conditions*	Permitted with conditions*
Other structures not used primarily for residential	Permitted with conditions*	Permitted with conditions*	Permitted with conditions*
Industrial Uses related to shipping (marine only)	Permitted with conditions*	Permitted with conditions*	Permitted with conditions*
Other industrial and commercial	Not Permitted	Not Permitted	Permitted with conditions*
Institutional	Not Permitted	Not Permitted	Not Permitted
Residential and other institutional	Not Permitted	Not Permitted	Permitted with conditions*
Hydraulic Structures	Permitted	Permitted	Permitted

* - See Section 6.05 for special terms and conditions related to necessary flood proofing measures.

Note: All permits contain standard terms and conditions.

6.05 Projects Permitted Where Flood Plains Are Designated

In Table 1 where projects may be permitted with conditions, the following conditions will apply:

- i the ground floor elevation of the structure is higher than the 1 in 100 year flood level, and,
- ii the structure will not interfere with the flow of water or displace water such that it creates a worse flooding situation for other properties, and,
- iii the structure and the associated utilities must be designed and constructed in accordance with the approved flood proofing guidelines of the Department and entrances and exits from the building can be safely used without hindrance in the event of a flood, and,
- iv the proposed use of the facility and site will not involve any storage of pollutants such as fuels, chemicals, pesticides etc.
- v additional conditions which may be appropriate for specific projects and included in a permit issued under Section 48 of the Act.

6.06 Additions and Modifications to Existing Development

Additions, modifications, enhancements and improvements to existing structures where there is an increase in the floor area within the flood plain, will be assessed for suitability in the same way as the project category as a whole.

6.07 Use of Flood Risk Mapping in Municipal Plans

Where flood risk mapping has been prepared for a community (or any city, town or area) the information in the flood risk maps must be incorporated in the Municipal Plan (if one exists) and the flood risk areas must be zoned so as to permit only those project categories specified by this policy. In the absence of official flood risk mapping, communities will be encouraged to determine flood risk areas in accordance with this Department's standard hydrotechnical methods for delineating flood risk zones and to zone those lands in accordance with this policy. Failing this, communities will be encouraged to at least make provisions in planning documents for minimum setbacks from watercourses to provide some margin of safety and to recognize potential flood susceptibility.

6.08 Eligibility for Flood Disaster Assistance

Any vulnerable development placed in a buffer zone or designated flood risk area after the designation and not in conformance with this policy or without approval as required by this policy, would not be eligible for flood disaster compensation if such a program of compensation were to become available through government. This policy provision does not apply to any development lawfully established in a flood plain prior to designation.

6.09 Use of Flood Disaster Compensation

In the event that compensation by government is awarded to flood victims, it will be the policy of this Department to encourage victims to apply the compensation towards relocating rather than replacing or repairing damaged property in situ. If it is deemed acceptable by this Department to repair or replace damaged property in flood risk areas, then it will be required that the compensation be used firstly for appropriate flood proofing measures.

6.10 Encouraging Purchase of Flood Insurance

Persons living or carrying out business in flood risk areas are encouraged to purchase flood insurance, carry out flood proofing measures and have an emergency plan available.

6.11 Flood Control Projects

Proposals for flood control measures such as construction of dykes, river diversions, retaining walls or flood control dams will only be considered where the alternative with the highest benefit/cost ratio is recommended. Alternatives considered may also include possible compensation for flood victims or the cost of relocating the inhabitants of the flood risk areas or maintaining the status quo.

6.12 Role of Water Resources Management Division

The Water Resources Management Division of this Department will continue as the lead agency with respect to flood plain management. This role will include but is not limited to:

- i Evaluating all applications for approval under section 48 of the *Act* and making the appropriate recommendations in accordance with this policy.
- ii Carrying out hydrotechnical studies, flood risk analyses and mapping to the extent possible with limited funds provided.
- iii Continuing to monitor areas of flood risk such as Badger and Steady Brook to providing flood warning and flood status reports.
- iv Providing to the public, information, data, maps, guidelines for flood proofing and other materials that will be useful in reducing flood damage.
- v Providing technical expertise and assisting Emergency Measures Division of the Department of Municipal and Provincial Affairs in the event of a flood emergency.
- vi Continue with the ability to forecast flooding using computer models and real time data.

6.13 Offences

A municipal authority or person that unlawfully alters a body of water by carrying out any development in a designated flood risk area, a flood plain or any buffer zone without written approval from the minister, thereby violates section 48 of the Act and commits an offence contrary to section 90 of the Act.