TOWN OF CHANNEL-PORT AUX BASQUES

DEVELOPMENT REGULATIONS

2019-2029

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Prepared by:
Boundridge Planning and Development Services (BPD) Inc.
St. John's, Newfoundland

April 2019

ADOPTION AND APPROVAL

1.1 Council Resolution to Adopt; Clerk's Certificate

RESOLUTION TO ADOPT
TOWN OF CHANNEL-PORT AUX BASQUES
Development Regulations 2019 - 2029

Under the authority of Section 16 of the *Urban and Rural Planning Act*, *2000*, the Town Council of Channel-Port Aux Basques adopts The Town of Channel-Port Aux Basques Development Regulations 2019–2019.

Made and adopted by the Council of the Town of Channel-Port Aux Basques, on the day of , 2019.

Signed and sealed this _____ day of _____, 2019.

_____ Mayor

_____ Clerk

(Council seal)

Clerk's Certificate

Certified that the attached Municipal Plan is a correct copy of the Development Regulations for 2019-2029, adopted by the Council of the Town of Channel-Port Aux Basques on the _____ day of _____, 2019.

_____
Clerk

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Council Resolution to Approve; Clerk's Certificate

URBAN AND RURAL PLANNING ACT RESOLUTION TO APPROVE
TOWN OF CHANNEL-PORT AUX BASQUES DEVELOPMENT REGULATIONS 2019-2029

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Town of Channel-Port Aux Basques

a) adopted the Town of Channel-Port Aux Basques Development Regulations 2019-2029 on the _____day of_____, 2019.

b) gave notice of the adoption of the Town of Channel-Port Aux Basques Development Regulations 2019-2029 by advertisement inserted on the_____ day of _____, 2019 and the _____ day of _____, 2019 in the *Gulf News* Newspaper.

c) set the _____ day of _____, 2019 at _____ p.m. at the Town Hall, Town of Channel-Port Aux Basques for the holding of a public hearing to consider objections and submissions.

Now under section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Channel-Port Aux Basques approves the Town of Channel-Port Aux Basques Development Regulations 2019 on the ___ day of _____, 2019.

SIGNED AND SEALED this _____ day of _____, 2019

Mayor: _____

Clerk: _____

Clerk's Certificate

Certified that the attached Development Regulations is a correct copy of the Development Regulations for 2019-2029, approved by the Council of the Town of Channel-Port Aux Basques on the _____ day of _____, 2019.

_____
Clerk

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Planner's Seal and Signature

Canadian Institute of Planners Certification

I certify that this Development Regulation has been prepared in accordance with the Urban and Rural Planning Act, 2000.

_____ _____

MCIP seal Paul Boundridge, MCIP

_____

Date

DRAFT

TABLE OF CONTENTS

SECTION 1: APPLICATION.....1

1.1 Title.....1
1.2 Interpretation.....1
1.3 Town.....1
1.4 Commencement.....1
1.5 Municipal Code and Regulations.....1
1.6 Council.....1
1.7 Delegation of Authority.....2
1.8 Enforcement.....2
1.8.1 Enforcement – Right of Entry.....2
1.8.2 Record of Violations.....2
1.8.3 Stop-Work Order and Prosecution.....2
1.9 Provincial Development Regulations (*Urban and Rural Planning Act 2000* – Ministerial Development Regulations).....2
1.10 Severability.....3
1.11 Amendments.....3

SECTION 2: DEFINITIONS AND CLASSIFICATION OF USES OF LAND AND BUILDINGS.....4

SECTION 3: GENERAL REGULATIONS.....29

3.1 Compliance with Regulations.....29
3.2 Permit Required.....29
3.3 Licenses, Permits and Compliance with Other By-laws.....29
3.4 Approval to Develop/ Permit to be Issued.....29
3.5 Permit Not To be Issued in Certain Cases (Premature Development).....30
3.6 Discretionary Powers of Council.....30
3.7 Variances.....30
3.8 Notice of Variance.....31
3.9 Service Levy.....31
3.10 Financial Guarantees and Insurance.....32
3.11 Dedication of Land for Public Use.....32
3.12 Restoration of Land.....33
3.13 Application.....33
3.14 Register of Application.....34

DRAFT

3.15 Deferment of an Application.....34
3.16 Approval-In-Principle.....34
3.17 Development Approval/Development Permit and Temporary Use Permit.....35
3.18 Decisions of Council/Reasons for Refusing Permit.....36
3.19 Discretionary Uses.....37
3.20 Discretionary Development Assessment Report.....37

APPEALS.....37
3.21 Notice of Right to Appeal.....37
3.22 Appeal Requirements.....38
3.23 Appeal Registration.....38
3.24 Development Prohibited.....39
3.25 Board of Appeal.....39
3.26 Appeals.....39
3.27 Hearing Notice and Meetings.....40
3.28 Hearing of Evidence.....40
3.29 Return of Appeal Fee.....41

PUBLIC NOTIFICATION.....41
3.30 Notice of Application – Variance, Non-Conforming Use, Discretionary Use.....41
3.31 Notice of Application – Rezoning, Text Amendment.....42

SECTION 4: GENERAL DEVELOPMENT STANDARDS.....44

4.1 Access Ramps and Decks.....44
4.2 Accesses and Service Streets.....44
4.3.1 Accessory Buildings - Residential.....44
4.3.2 Accessory Buildings – Non-Dwelling and Non-Apartment Building Uses.....45
4.4 Accessory Uses.....46
4.5 Advertisements (Signs).....47
4.6 Archaeological Sites.....47
4.7 Buffer Strips.....47
4.8 Building Line and Setback, Complementary Yard Setbacks.....47
4.9 Building Near Highways.....48
4.10 Buildings on a Lot.....48
4.11 Height Exceptions.....48
4.12 Heritage Sites and Areas.....49
4.13 Lot Area.....49
4.14 Lot Area and Size Exceptions.....49
4.15 Lot Frontage.....49
4.16 Lots - Development Over Easement.....49

DRAFT

4.17 Non-Conforming Uses....49
4.18 Offensive and Dangerous Uses....51
4.19 Off-street Loading and Parking Requirements and Reduction....51
4.20 Parks and Playgrounds, and Conservation Uses....51
4.21 Protected Road Zoning Regulations....51
4.22 Recreational Trails and Walkways....52
4.23 Residential Buffer....53
4.24 Screening and Landscaping....53
4.25 Services and Public Utilities....53
4.26 Site Development and Subdivision Development - Marine Coastline....54
4.27 Site Development – Fill and Landscaping Permit Requirements....55
4.28 Site Development – Quarry and Soil Removal....55
4.29 Site Development – Slope Greater than 15 Percent or 20 Percent....56
4.30 Storage of Flammable Liquids....56
4.31 Street Construction Standards....56
4.32 Subsidiary Apartments....56
4.33 Un-subdivided Land....56
4.34 Waterways and Wetlands....57
4.35 Fences....58
4.36 Un-Serviced and Semi-Serviced Development; Infilling Adjustment....58
4.37 Access Plan....60

SECTION 5: SPECIFIC USE REGULATIONS....61

5.1 Adult Day Care Use (Non-Residential)....61
5.2 Adult Day Care Use (Residential)....61
5.3 Assisted Living Residential Home....62
5.4 Medical Treatment and Special Care, and Seniors' Housing and Personal Care Facilities....62
5.5 Child Care (Daycare Centre)....63
5.6 Child Care (Family)....63
5.7 Comprehensive Development....63
5.8 Family and Group Care Centres....64
5.9 Forestry and Trees....64
5.10 Mineral Exploration....64
5.11 Mineral Working....65
5.12 Home-Based Business....69
5.13 Home Office Use....70
5.14 Non-Residential Buildings (Adjacent to Residential Areas)....70
5.15 Open Storage....70
5.16 Bed and Breakfast, Boarding House....71
5.17 Convenience Stores....72

DRAFT

5.18 Marine Coastline 72
5.19 Mini Homes....72
5.20 Residential Uses - Agricultural Livestock Operations....73
5.21 Rental Storage Use....74
5.22 Service Stations and Gas Bars....74
5.23 Utilities – Windmills, Wind Farms, Other Energy Sources....74
5.24 Wind Turbines – Small Scale....75
5.25 Telecommunications and Antennas....75
5.26 Scrap Yard (Salvage Yard)....76
5.27 Campground....76

SECTION 6: SUBDIVISION OF LAND....78

6.1 Permit Required and Sureties....78
6.2 Services to be Provided....78
6.3 Payment of Service Levies and Other Charges....78
6.4 Building Permit Required for Each....78
6.5 Issue of a Development Approval Subject to Considerations....78
6.6 Form of Application....79
6.7 Subdivision Subject to Zoning....79
6.8 Building Lines....79
6.9 Minor Subdivisions....79
6.10 Major Subdivisions....80
6.11 Subdivision Agreement....80
6.12 Land for Public Use – Including Stormwater Management....81
6.13 Structure in Street Reservation....82
6.14 Subdivision Design Standards....82
6.15 Engineer to Design Works and Certify Construction Layout....83
6.16 Developer to Pay Engineer's Fees and Charges....84
6.17 Street Works May Be Deferred....84
6.18 Transfer of Streets and Utilities to Authority....84
6.19 Restriction on Sale of Lots....85
6.20 Grouping of Buildings and Landscaping....85
6.21 Lot Frontage Reduction – Subject to Access Plan....85

SECTION 7: SIGNAGE (ADVERTISEMENTS)....86

7.1 Intent 87
7.2 Permit Required 86
7.3 Form of Application....86
7.4 Advertisements (Signs) Prohibited in Street Reservation....86
7.5 Permit Valid for Limited Period....86

7.6 Advertisements (Signs), Non-Compliant.....87
7.7 Removal of Advertisements (Signs).....87
7.8 Advertisements (Signs)- Non-Conforming Uses.....87
7.9 Prohibited Signs.....87
7.10 Signs or Advertisements Not Specifically Covered.....88
7.11 Signs or Advertisements Exempt from Control.....88
7.12 Temporary and/or Portable Signs (Advertisements).....89
7.13 Advertisements Relating to On-Site Uses.....89
7.14 Advertisements Relating to Off-Site Uses.....90
7.15 Advertisements and Signs near Highways.....91

SECTION 8: OFF-STREET PARKING AND LOADING STANDARDS.....92

8.1.1 Off-Street Parking Requirements.....92
8.2 General Parking Requirements.....92
1. Schedule of Standards by Use.....92
2. Drop-Off and Pick-Up Areas.....94
3. Parking Spaces for Persons with Disabilities.....94
4. Parking Relief.....94
8.3 Parking Area Standards.....94
1. Residential Off-Street Parking Spaces.....94
2. Non-Residential Parking Areas.....95
3. Parking for More Than Four (4) Vehicles.....95
8.4 Levy In-Lieu.....96
8.5 Off-street Loading and Parking Requirement.....96
8.6 Adaptive Re-Use: Off-street Loading and Parking Requirements and Reduction.....96

SECTION 9: USE ZONES.....97

9.1 Identification of Zones.....97
9.2 Interpretation of Zone Boundaries.....97
9.3 Classification of Land Uses and Buildings.....97
9.4 Permitted Uses.....97
9.5 Discretionary Uses.....97
9.6 Prohibited Uses.....97
9.7 Uses Permitted in All Zones.....98
9.8 Standards and Conditions.....98
9.9 Use Zones.....98
9.10 Residential (RES) Zone.....99
9.11 Residential Medium Density (RMD) Zone.....102
9.12 Mixed Development (MD) Zone.....105

DRAFT

9.13 Town Centre (TC) Zone……110
9.14 Public (PU) Zone……115
9.15 Open Space (OS) Zone……118
9.16 Commercial (COM) Zone……120
9.17 Commercial Business Park (CBP) Zone……125
9.18 Industrial (IND) Zone……128
9.19 Rural (RUR) Zone……131
9.20 Environmental Protection (EP) Zone……136
9.21 Environmental Protection Management Unit (EPMU) Zone……138
9.22 Protected Public Water Supply (PPWS) Zone……139
9.23 Highway (HWY) Zone……143

APPENDICES

Appendix A: Land Use Zoning Maps
Appendix B: Provincial Development Regulations
Appendix C: Provincial Waterways and Wetlands Directives

DRAFT

SECTION 1: APPLICATION

1.1 Title

These Regulations may be cited as the Town of Channel-Port Aux Basques Development Regulations 2019-2029.

1.2 Interpretation

Words and phrases used in these Regulations shall have the meanings ascribed to them in Sections 2 and 5 of these Regulations. Words and phrases not defined in these Regulations shall have the meanings which are commonly assigned to them in the context in which they are used in the Regulations.

1.3 Town

In these Regulations, "Town" means the Council of the Town of Channel–Port Aux Basques.

1.4 Commencement

These Regulations come into effect throughout the Channel-Port Aux Basques Municipal Planning Area, referred to as the Planning Area, on the date of publication of a Notice of Registration to that effect in the Newfoundland and Labrador Gazette.

1.5 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 Channel-Port Aux Basques, shall, under these Regulations apply to the entire Planning Area.

1.6 Council

In these Regulations, Council means the municipal council of the Town of Channel-Port Aux Basques.

DRAFT

1.7 Delegation of Authority

Where the term Council is referenced in these Regulations, Council may delegate its authority to administer these Regulations or part thereof to an employee of Council or an agent in the employment of Council by a resolution of Council.

1.8 Enforcement

1.8.1 Enforcement – Right of Entry

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

1.8.2 Record of Violations

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

1.8.3 Stop-Work Order and Prosecution

1. Where a person begins a Development contrary or apparently contrary to these Regulations, Council or an Officer of Council may order that person to stop the Development or any 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 Subsection 1.8.3.1 is guilty of an offence under the provisions of the Act.

1.9 Provincial Development Regulations (*Urban and Rural Planning Act 2000* – Ministerial Development Regulations)

The Ministerial Development Regulations (Ministerial Regulations), enacted under Section 36 of the *Urban and Rural Planning Act, 2000*, shall apply to development within the Planning Area. Where there is a conflict between these Regulations and the Provincial Regulations, the Provincial Regulations shall prevail. Appropriate Sections of the *Urban and Rural Planning Act, 2000* and the full text of the Provincial Development Regulations have been incorporated into the Channel-Port Aux Basques Development Regulations. (See Appendix B)

1.10 Severability

If any section, sentence, clause, phrase, word or schedule of these Regulations is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of these Regulations.

1.11 Amendments

1. A person who seeks to have these Regulations amended:

    a. Shall address a written and signed application to the Town;
    b. Shall, where the application involves rezoning an area of land from one type of zoning to another, include therewith:
        (i) a statement as to the ownership thereof;
        (ii) The signature of at least one owner of each parcel of land therein; and
    c. Shall pay a non-refundable application fee of an amount prescribed by the Town and payable to the Town of Channel-Port Aux Basques.

2. An application under this section shall include such information as may be required by the Council for the purpose of adequately assessing the desirability of the proposal.

3. The Council may refuse to consider an application under this section that seeks to rezone an area of land from one type of zone to another that has not been signed by one or more owners of each property.

4. Where an application for rezoning of a property has been refused within the previous twelve (12) months, Town Council will not entertain an application to rezone the same property unless the proposed use is substantially different from the previous application.

DRAFT

SECTION 2: DEFINITIONS

ACCESS means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a Street to adjacent or nearby Land or to go from that Land to the Street.
[Provincial Reg. 4 (1) (a)]

ACCESSORY BUILDING means a detached subordinate building not used as a dwelling, located on the same Lot as the Main Building or Use to which it is accessory, and which has a Use that is customarily incidental or complimentary to the main Use of the Building or Land, and shall include:

a. for Residential Uses: domestic garages, carports, ramps, sheds, Swimming Pools, greenhouses, cold frames, fuel sheds, vegetable storage cellars, shelters for domestic pets, or radio and television antennae.
b. for Commercial Uses: workshops, garages; and
c. for Industrial Uses: garages, Offices, raised ramps and docks. [Provincial Reg. 4 (1) (b]

ACCESSORY DWELLING UNIT means a Dwelling Unit for a caretaker or essential workmen accessory to a permitted Use when the unit is included in the main Building or, in the case of land extensive uses such as Agriculture, Forestry or Salvage Yards, when the Dwelling Unit is situated on the same property as the use and forms part of the Use.

ACCESSORY USE means a Use that is subsidiary to a permitted or Discretionary Use and that is customarily expected to occur with the Permitted or Discretionary Use. [Provincial Reg. 4 (1) (c]

ACT unless the context indicates otherwise, means the *Urban and Rural Planning Act, 2000.*
[Provincial Reg. 2 (a)]

ADULT DAY CARE USE (NON-RESIDENTIAL) means a Building or part of a Building maintained for the purpose of providing day care services and activities for adults.

ADULT DAY CARE USE (RESIDENTIAL) means a dwelling or part thereof in which day care services and activities are regularly provided to adults not related to the resident operator.

ADVERTISEMENT/SIGN 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 (COMMERCIAL) means horticulture, fruit, grain and seed growing, dairy farming, bee keeping, the breeding or keeping of animals for food, skins, or fur, the use of Land, meadow

DRAFT

land, market gardens and nursery grounds and the use of Land for woodlands where that Use is ancillary to the farming of the Land for any other purpose. Agriculture includes primary processing of on-site products. For the purposes of these Regulations, Agriculture also includes the keeping or boarding of horses. “Agricultural” shall be construed accordingly.

AGRICULTURE (URBAN) means the keeping of a limited number of birds, poultry, goats, or a beehive on a residential Lot for the purposes of providing food for the personal consumption of the occupants of the dwelling. For the purpose of these Regulations, Urban Agriculture does not include home gardens.

AMENITY SPACE means a common area on a property that provides benefits to the occupants, which increase the attractiveness, functionality and value of a property and which areas are dedicated to passive and active recreational Uses, exclusive of parking lots and drive isles. Such areas can include but are not limited to patios, decks, Swimming Pools, paths, leisure spaces or lawns. Within a Building, hallway, elevators, stairways and exits are not considered Amenity Space.

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 GROOMING means a Building or part of a Building primarily engaged in providing services involving the non-medical aesthetic care of animals including, but not limited to, grooming, washing, styling, and trimming their coats, and may include day care, but does not include a Kennel.

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).

ANIMAL USE means the keeping of animals (including horses) intended as domestic pets and the associated structures necessary to house them, including Kennels.

APARTMENT BUILDING means a building containing three (3) 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 the Authority for an approval to carry out a Development.

APPROVAL-IN-PRINCIPLE means a preliminary approval of a Development conditional upon the submission of additional plans and details before a Development Approval/Development Permit/ Building Permit is issued.

ASSISTED LIVING RESIDENTIAL HOME means a residential Building designed for people seeking assisted home care by the content and layout of the Dwelling Units (varying in size, number of bedrooms, shared kitchens), provisions for common dining facilities, recreation areas, Amenity Spaces, respite units, and the accessibility of all units and facilities to the physically challenged. Provision of services such as day care for adults, housekeeping, personal care, meal programs, physiotherapy, activity programs may also be provided. The Use includes Personal Care/Nursing Homes but does not include a hospital.

ARTERIAL STREET means the streets in the Planning Area constituting the main traffic arteries of the area, including a provincial highway or other road designed to accommodate through traffic.

ASSEMBLY OCCUPANCY means the occupancy use of a building, or part thereof, by a gathering of persons for civic, political, travel, religious, social, educational, recreational or like purposes, or for the consumption of food or drink

AUTHORITY means a council, authorized administrator or regional authority.

AUTO BODY SHOP means a Building or a clearly defined space on a Lot used for the storage, repair and servicing of motor vehicles including body repair and painting but does not include an automobile service station or an automobile sales establishment.

AUTOMOBILE REPAIR means the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers such as collision service; body repair and frame straightening; painting and upholstering; vehicle steam cleaning; and undercoating.

AUTOMOTIVE VEHICLE SALES or **RENTAL ESTABLISHMENT** means a Building or an open area occupied by an establishment having as its main use the storage of vehicles for sale or the storage of vehicles for rent or lease. Accessory uses may include facilities for the repair or maintenance of such vehicles.

BASEMENT means:

a. That portion of a building partly underground but having less than one-half its clear height below the average lot grade.
b. A portion of a building between two floor levels which is partly set underground but which has at least one-half of its height, from finished floor to finished ceiling or to the undersides of the floor joints of the storey next above, as the case may be, above the adjacent average finished grade level adjacent to the exterior walls of the building.
c. A storey partly above curb level but having at least one-half of its height above the curb level.

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; and in which kitchen and/or bathroom facilities are used in common by some or all of the occupants.

BUILDING means:

a. a structure, erection, excavation, alteration or improvement placed on, over or under Land, or attached, anchored or moored to Land.
b. mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other similar Uses.
c. a part of and fixtures on buildings referred to in (a) and (b), and
d. 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 (a) to (c). [Provincial Reg. 2 (c)]

BUILDING HEIGHT means the vertical distance, measured in metres, from Established Grade to the:

a. highest point of the roof surface of a flat roof.
b. deck line of a mansard roof; and
c. mean height level between the eave and ridge of a gable, hip or gambrel roof;

and, in any case, Building Height shall not include mechanical structures, smokestacks, steeples, and purely ornamental structures above a roof. [Provincial Reg. 4 (1) (d)]

BUILDING LINE (SETBACK) means a line established by Council that runs parallel to the Street Line and is set at the closest point to a Street that a Building may be placed. [Provincial Reg. 4 (1) (e)]

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

CAR WASHING ESTABLISHMENT means an establishment used exclusively for washing or cleaning motor vehicles for gain.

CATERING KITCHEN means a Building or part of a Building in which food and beverages are prepared for consumption off the premises and are not served to customers on the premises or to take out, but does not include an Eating Establishment.

CATERING HALL (BANQUET HALL) means a Building or part of a Building operating as a commercial establishment used for the purposes of catering to banquets, weddings, receptions or similar functions for which food and beverages are prepared and served on the premises,

CEMETERY means the use of land primarily as landscaped open space in the placement of grave sites, and where ossuaries, chapels and accessory buildings associated with a groundskeeper may be incorporated.

CHILD CARE (FAMILY) means a Building or part of a Building in which services and care are regularly provided to up to seven (7) children.

CHILD CARE (DAYCARE CENTRE or DAY NURSERY) means a Building or part of a Building in which licensed child care services are provided to more than six (6) children at any one time in accordance with the *Child Care Services Act*; but does not include a school as defined in the *Schools Act*.

CLINIC means a Building or part of a Building used for medical, dental, surgical or therapeutic treatment of human patients that does not include overnight facilities and does not include a professional office of a doctor located in his or her residence.

CLUB (or Lodge) means a corporation, society or association of people which is the owner, lessee or occupant, of an establishment used solely for objects of a cultural, recreational, social, philanthropic, or athletic nature, but not operated for profit, and includes the land or buildings occupied or used for those purposes.

COLLECTIVE RESIDENTIAL USE (Congregate Housing) means a type of housing in which each individual or family has a private bedroom or living quarters but shares with other residents a common dining room, recreational room, or other facilities. At Council's discretion, this could include a Social Housing Initiative.

COLLECTOR STREET means a street that is designed to link local streets with arterial streets.

COMMERCIAL SCHOOL means a School conducted for gain other than a private academic, religious or philanthropic school; and includes the studio of a dance teacher or music teacher, an art school, golf school, business or trade school and any other specialized school conducted for gain.

COMMERCIAL USE means an occupation, employment or enterprise that is carried on for profit by the owner, lessee, or licensee.

COMMUNICATIONS USE means any establishment or facility in the field of communications, including newspapers; publishing companies; printing businesses; radio stations; television stations; telephone and telegraph companies; and internet service providers.

COMMUNITY GARDEN means an outdoor space used to grow and care for vegetables, flowers, and/or annual plantings for personal consumption or non-commercial purposes.

CONSERVATION means:

a. The preservation, protection and improvement of the components of the natural environment through a comprehensive management and maintenance program administered by a public authority for individual or public us.
b. The wise management of the environment in a way which will maintain, restore, enhance and protect its quality and quantity for sustained benefit to man and the environment.
c. The preservation, protection and/or improvement of the components of the natural environment through management and maintenance for both the individual and society's uses, both in the present and in the future.
d. The protection and care that prevents destruction or deterioration of historical or otherwise significant structures, buildings or natural resources.

CONVENIENCE STORE means a building which is used as a store that serves the primary needs of the adjacent neighbourhood and includes the sale of magazines, confectionery and grocery items, and a delicatessen or snack bar provided that any eating facility is within a wholly enclosed building.

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

DEVELOPER means a person, or company, who is responsible for any undertaking that requires a development permit, a zoning permit, a special-use permit or a conditional-use permit.

DEVELOPMENT means the carrying out of building, engineering, mining or other operations in, on, over or under Land, or the making of a material change in the Use, or the intensity of use of Land, Buildings, or premises and the:

a. making of an Access onto a highway, road or way.
b. erection of an advertisement or Sign.
c. construction of a Building.
d. the parking of a trailer, or vehicle used for the sale of refreshments or merchandise, or as an Office, or for living accommodation; And Excludes:
e. the carrying out of works for the maintenance, improvement or other alteration of a Building, being works which affect only the interior of the Building or which do not materially affect the external appearance or Use of the Building.
f. the carrying out by a highway authority of works required for the maintenance or improvement of a road, being works carried out on Land within the boundaries of the road reservation.
g. the carrying out by a local authority or statutory undertaker of works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of Streets or other Land for that purpose.
h. the Use of a Building or Land within the courtyard of a dwelling house for a purpose incidental to the enjoyment of a dwelling house as a dwelling.
[Urban and Rural Planning Act Sec. 2 (g)]

For the purposes of these Regulations, Development also includes excavation, land clearing and grubbing, and the subdividing or consolidating of parcels of land.

DEVELOPMENT ASSESSMENT REPORT means a report prepared by suitably qualified person to identify and assess the impacts of a proposed Land Use or Development on the urban or natural environment and/or surrounding Lands or neighbourhood; and includes recommendations and proposal to control and mitigate identified impacts.

DEVELOPMENT APPROVAL (DEVELOPMENT PERMIT) means a written approval from the Town that the proposed use of a site, as well as the planned size and location of any buildings or structures are in accordance to these Development Regulations.

DEVELOPMENT REGULATIONS means regulations made under sections 34 to 38 of the *Urban and Rural Planning Act 2000*.

DEVELOPMENT SCHEME means a type of plan that becomes part of the zoning for the property. The plan depicts site characteristics and development information for the proposed development of a specified parcel of land that reflects thereon the location of buildings, easements, parking arrangements, public access, street pattern, and other similar features.

DISCRETIONARY USE means a Use that is listed within the Discretionary Use classes established in the Use Zone tables of Council's Development Regulations. [Provincial Reg. 4 (1) (f)]

DOUBLE DWELLING (DUPLEX) means a Building containing two (2) Dwelling Units, constructed one above the other, each having an individual entrance, provided that no such unit shall be constructed or located in the basement of any such dwelling.

DWELLING (ROW) means a Building of three (3) or more Dwelling Units at ground level, where each unit is separated vertically from an adjoining unit by a common wall, and in which each unit may be situated on a separate Lot.

DWELLING (SEMI-DETACHED) means a dwelling containing one unit, situated on its own Lot, separated vertically from another adjoining unit, situated on its own Lot, by a common wall, and does not include a Self-Contained Dwelling (Single-Detached Dwelling Unit) containing a Subsidiary Apartment.

DWELLING SINGLE (SINGLE DETACHED) means a dwelling containing one (1) main Dwelling Unit situated on its own Lot, which is not attached to another dwelling, and can include a Subsidiary Apartment.

DWELLING (MULTIPLE UNIT) means a Building containing three (3) or more Dwelling Units, including an apartment building, but does not include a Row Dwelling.

DWELLING (SUBSIDIARY APARTMENT) means a separate Dwelling Unit constructed within and subsidiary to a Single Dwelling.

DWELLING UNIT means one or more habitable rooms operated as a housekeeping unit; used or intended to be used as a domicile/residence by one or more persons as an independent and separate housekeeping establishment; containing cooking, eating, living, sleeping and sanitary facilities.

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

EATING ESTABLISHMENT means a building or part of a building where food is offered for sale or sold to the public for immediate consumption and includes such uses as a restaurant, cafe, cafeteria, take-out counter, ice-cream parlour, tea or lunch room, dairy bar, coffee shop, snack bar or refreshment room or stand; but does not include a boarding or lodging house.

ENGINEER means a professional engineer who has a license to practice in Newfoundland and Labrador and has complied with the provisions of the Association of Professional Engineers and Geoscientists Act of Newfoundland and Labrador; and is a member in good standing of the association created by that Act.

ESTABLISHED GRADE means:

a. where used in reference to a Building, the average elevation of the finished surface of the ground where it meets the exterior of the front of that Building exclusive of any artificial embankment or entrenchment; or
b. 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. [Provincial Reg. 4 (1) (g)]

EXISTING means legally existing as of the effective date of these Regulations.

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".

FLOOR AREA means the total area of all floors of a Building measured to the outside face of exterior walls. [Provincial Reg. 4 (1) (h)]

FLOOR AREA (NET) for the purposes of these Regulations means 80% of Floor Area.

FLOOR AREA (GROSS) means the total Floor Area of all floors in a Building or Buildings on the Lot including basements and mezzanines but excluding any porches, verandas, sunrooms (unless habitable in all seasons of the year), mechanical penthouse, any Floor Areas used exclusively for parking area, or Amenity Space.

FLOOR AREA (GROUND) means that portion of a Lot covered by a Building or structure excluding, in the case of a Dwelling, any porch, veranda, sunroom or private garage.

FORESTRY means the use of Land for the purpose of forest and woodland management including the felling, cutting, trimming and thinning of forest or woodland for the extraction of timber, and includes reforestation, afforestation and silviculture.

FRONTAGE (LOT FRONTAGE) means the horizontal distance between side lot lines measured at the building line. [Provincial Reg. 4 (1) (i)]

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.

FUNERAL HOME means a building designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body

for internment or cremation. Facilities for cremation, such as crematoria, shall be included in this definition.

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

GAS BAR means an establishment comprising gasoline pumps with or without a shelter for an attendant; but does not include a facility for the repair of motor vehicles, a commercial/general garage or a car wash.

GENERAL GARAGE (COMMERCIAL GARAGE) means a Building or part of a Building used for the commercial repair of equipment or self-propelled vehicles and/or trailers and may include the sale of gasoline or diesel oil.

GENERAL INDUSTRY means the use of Land or Buildings for the purpose of storing, assembling, altering, repairing, manufacturing, fabricating, preparing, processing, testing, salvaging, breaking up, demolishing, or treating any article, commodity or substance, and "Industry" shall be construed accordingly.

HAZARDOUS INDUSTRY means the use of Land or Buildings for industrial purposes involving the storage or use of materials or processes, which because of their inherent characteristics constitute a special fire, explosion, radiation or other environmental hazard.

HEALTH AND FITNESS FACILITY means an establishment providing health, fitness and recreational activities, such as, but not limited to boxing, dancing, gymnastics, martial arts, weightlifting, yoga or other forms of physical exercise. This use may also include the incidental sale of health and fitness merchandise.

HIGHWAY means a highway as defined under the *Highway Traffic Act of Newfoundland*, RSN, Ch. 4.

HISTORIC RESOURCE means a work of nature or of humans that is primarily of value for its archaeological, prehistoric, historic, cultural, natural, scientific or aesthetic interest, including an archaeological, prehistoric, historic or natural site, structure or object. [Historic Resources Act Sec. 2 (e)]

HOME-BASED BUSINESS means a secondary Use of a Dwelling Unit and/or its Accessory Building by at least one of the residents of such Dwelling Unit to conduct a gainful occupation or business activity; and subsidiary to a residential Use. Includes professional, medical, personal, general service, and office Uses, as well as small-scale manufacturing such as crafts and art - but does not include a woodworking shop for the purposes of manufacturing such things as stairs or cabinets.

HOME OFFICE means a secondary Use of a Dwelling Unit by at least one of the residents of such Dwelling Unit to conduct a gainful occupation or business activity with such occupation or

business activity being restricted to office Uses which do not involve visitation by clients, customers, or the general public to the site, nor the employment of non-residents, and subsidiary to a residential Use.

HOSPITAL means a hospital, sanatorium, convalescent home, clinic, mental hospital and/or an institution for the care and rehabilitation of any addiction or other such special- purpose medical institution. Hospital does not include a Veterinary Hospital.

HOTEL means a Building wherein paid temporary accommodation is provided for more than sixteen (16) persons, which contains Suites habitually let to transient persons, and which may contain one or more kitchens, dining rooms, lounges, and other public rooms, and this definition also includes a hostel for men and women.

INFILL means the placement of new buildings into established built-up areas, resulting in an increase in building stock.

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. A Building or part thereof used for non-commercial purposes by a non-profit society for promoting a social, educational, cultural, religious or philanthropic objective and, without restricting the scope of this definition, may include homes for the aged, mentally, physically or socially handicapped persons, convalescent homes, nursing homes, personal care homes, sanatoria, or Hospitals, churches, Schools and universities; and
b. May also include a Building or part thereof occupied or used by persons who are involuntarily detained, or detained for penal or correctional purposes, or whose liberty is restricted.

KENNEL means a Building or premise where domestic household animals and birds are boarded for breeding or otherwise.

LAND includes land covered by water, and Buildings and structures on, over, or under the soil and fixtures that form part of those Buildings and structures. [Urban and Rural Planning Act Sec. 2 (i)]

LANDSCAPING means that part of a Lot developed for beautification or visual improvement such as, but not limited to, an artwork, berm, fence, fountain, lawn, path, patio, pond, retaining wall, shrub, screen, tree, walkway, wall or existing natural treed area, but does not include any space beneath, within or on top of a Building, or an Access, driveway, parking area or ramp.

LIGHT INDUSTRY means the use of Land or Buildings for 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 a collector street or arterial.

LODGING HOUSE means a dwelling in which at least two (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 that can be considered as a unit of Land for a particular Use or Building. [Provincial Reg. 4 (1) (j)]

LOT (CORNER) means a Lot or parcel of Land abutting upon two or more Streets at their intersection, or upon two parts of the same Street forming an interior angle of less than 135 degrees.

LOT AREA means the total horizontal area within the lines of a Lot. [Provincial Reg. 4 (1) (k)]

LOT COVERAGE means the combined area of all Buildings on a Lot measured at the level of the lowest floor above the Established Grade and expressed as a percentage of the total area of the Lot. [Provincial Reg. 4 (1) (l)]

LOT DEPTH means the average distance between the Front Lot Line and the rear Lot Line of a Lot.

LOT FRONTAGE (FRONTAGE) means the horizontal distance between side Lot Lines measured at the Building Line. [Provincial Reg. 4 (1) (i)]

LOT LINE means any line defining the boundaries of a Lot and shall include a Front Lot Line, a rear Lot Line and a side Lot Line.

LOT LINE (FRONT) means the Street Line on which a Lot has its civic address, except where a Lot has two (2) or more Street Lines, in which case Council shall determine the Front Lot Line, considering the most appropriate siting of the Building on the Lot.

LOUNGE means a Building or part of a Building which is primarily used for the purpose of selling and serving of spirits, wines or beer to the general public for consumption on the premises and which is licensed under the Liquor Control Act and any regulations made thereunder.

MAIN BUILDING (PRINCIPAL BUILDING) means any Building which is carried on the principal purpose for which the Building Lot is used.

MARINA means a dock or basin together with associated facilities where slips, moorings, supplies, repairs, and other services that are typically available for recreational boats and other

leisure watercraft, including storage, sales and rentals, with or without a club house and catering facilities. It can also include a boat-house or shed associated with a dock or wharf.

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

MINERAL WORKING means an operation consisting of one or more of the following activities: the digging for, excavation, and removal of quarry materials (i.e., quarrying) (may involve blasting), the removal of quarry materials previously excavated, the removal of quarry materials previously deposited on site, the stockpiling of quarry materials, the processing of quarry materials (e.g., crushing, screening, washing), the production of civil construction materials which use quarry materials in their natural form (e.g., asphalt, concrete), the re-processing of quarry materials including from reclaimed civil construction materials (e.g., reclaimed asphalt, concrete), the production of soil by blending organic materials with quarry materials, or the treatment or remediation of soil. "Quarry material" for the purpose of interpreting the definition of mineral working is as defined in the provincial *Quarry Materials Act, 1998*. Mineral working does not include mining but may include mineral exploration (development) as a secondary activity. Mineral working does not include the excavation and removal of quarry materials as a by-product of an approved development.

MINING means an operation involving the extraction of a mineral for sale and for which a mining lease is required under the provincial *Mineral Act* administered by the Department of Natural Resources. "Mineral" for the purpose of interpreting the definition of mining is as defined under the *Mineral Act*. Mining may include, as secondary activities, mineral exploration (development) and mineral working. Note that under the *Mineral Act* dimension stone (i.e., stone used for building facades, gravestones, etc.) is considered a mineral in Newfoundland (but a quarry material in Labrador) and therefore extraction of dimension stone within the Town of Port aux Basques Municipal Planning Area would be considered mining.

MINISTER shall mean the Minister of Municipal Affairs and Environment, unless otherwise specified.

MINI-HOME means a prefabricated single dwelling complying with the National Building Code, having the dimensions of a single-wide mobile home and a floor area less than the minimum required for a Single Dwelling, and which has been transported to the site on a single trailer.

MODULAR HOME means a transportable factory-built Single-Detached Dwelling Unit:

a. Which complies with space standards substantially equal to those laid down in the current edition of the National Building Code of Canada and is in accordance with the construction standards laid down by the Canadian Standards Association and all other applicable provincial and municipal codes;
b. Which is designed to be transported to a modular home Lot, and subsequently supported on its own foundation; and
c. Which is connected to piped water, piped sewer, and utilities in order to be suitable for year-round occupancy.

MODULAR HOME/MINI HOME PARK means a residential development under single or joint ownership, cared for and controlled by a modular home park or mini home park operator, where individual modular home or mini home lots are rented or leased with or without modular home or mini home units placed thereon, and where ownership and responsibility for the maintenance and development of site facilities, including underground services, access roads, communal areas, snow clearing and garbage collection, or any of them, are the responsibility of the modular home/mini home park management; and where the modular home/ mini home development is classified as a Modular Home/Mini Home Park by the Town.

MODULAR HOME/MINI HOME SUBDIVISION means a residential 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 modular home or mini 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 modular home/mini home development is classified as a Modular Home/Mini Home Subdivision by the Town.

MOTEL means a tourist establishment that:

a. Consists of one (1) or more than one Building containing four (4) or more attached accommodation units accessible from the exterior only;
b. May or may not have facilities for serving meals; and
c. Is designed to accommodate the travelling public for whom the automobile is the principal means of transportation.

MUNICIPAL PLAN or **PLAN** means the Town of Channel-Port Aux Basques Municipal Plan 2019-2029.

NON-CONFORMING BUILDING means a Building legally existing at the coming into force of these Regulations that does not meet the requirements of these Regulations.

NON-CONFORMING USE means a legally Existing Use that is not listed as a Permitted Use or Discretionary Use for the Use Zone in which it is located or which does not meet the development standards for that Use Zone. [Provincial Reg. 4 (1) (m)]

NON-CONFORMING LOT means a Lot legally existing at the coming into force of these Regulations that does not meet the requirements of these Regulations.

OFFICE means any Building or part thereof which is used exclusively for the management, direction or transaction of commerce, public enterprises or public services, but excludes the production or storage of any produce or merchandise on the premises; without limiting the generality of this definition, includes office buildings, business, professional and public offices and agencies. It does not include clinics and Banks or similar financial institutions.

OWNER means a person or an organization or persons owning or having legal right to use the Land under consideration. [Provincial Reg. 4 (1) (n)]

OUTDOOR STORAGE means the storage of merchandise, goods, inventory, materials or equipment or other items which are not intended for immediate sale, by locating them outside.

OWNER means any person, firm or corporation controlling the property under consideration**.**

PARKING LOT means an open area of land other than a street or an area within a structure for the parking of vehicles.

PERMITTED USE means a Use that is listed within the Permitted Use classes set out in the Use Zone tables of these Development Regulations. [Provincial Reg. 4 (1) (o)]

PERSONAL CARE HOME (SPECIAL CARE FACILITY) means a Building or facility designed or converted for the accommodation and care of elderly persons and/or persons with special needs

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

PLACE OF WORSHIP means a Building dedicated to religious worship and includes a church, synagogue, temple, or assembly hall; and may include such Accessory Uses as a nursery school, a school of religious education, convent, monastery, parish hall, food bank and residential dwelling/Dwelling Unit.

PLANNING AREA means a regional planning area and a municipal planning area established under Section 6 and 11 of the *Urban and Rural Planning Act 2000*. For the purpose and context

of these Regulations, the Planning Area shall mean the area within the boundaries of the Town of Channel-Port Aux Basques Municipal Planning Area.

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

PUBLIC USE means land or Buildings used by the Council, the Province of Newfoundland or the Government of Canada for a purpose not otherwise defined in these Regulations; and includes lands, structures or buildings constructed for use by the general public, including but not limited to parks, playgrounds, trails, paths and other recreational and open spaces, scenic and historic sites, publicly funded buildings such as schools, hospitals, libraries, fire stations, equipment depots, and other public buildings and structures.

PUBLIC UTILITY means all land and Buildings used by the municipality or a "Public Utility" (as defined in the *Public Utilities Act*, Revised Statutes of Newfoundland, 1970, Chapter 323, as Amended) to provide services for the health, safety and convenience of the general public, and includes land, Buildings and facilities to provide water, sewage, electricity, transportation, and radio, television and telephone.

PROHIBITED USE means a Use that is not listed in a Use Zone within the Permitted Use classes or Discretionary Use classes or a Use that Council specifies as not permitted within a Use Zone. [Provincial Reg. 4 (1) (p]

REAR YARD DEPTH means the distance between the rear lot line and the rear wall of the main building on a lot. [Provincial Reg. 4 (1) (r)]

RENTAL STORAGE USE means use of a Building or part of a Building, or of a Lot or a part of a Lot, solely for the storage of articles, objects, materials and vehicles.

RESTAURANT means a Building or part thereof, designed or intended to be used or occupied for the purpose of serving food on the premises but does not include a Lounge.

RETAIL STORE means a Building, or part thereof where consumer goods are displayed for sale or rent, or sold directly to the public for the purchaser's own use, and includes a garden centre, but does not include an establishment wherein the primary purpose is the serving of meals or refreshments, a General Garage, or a Service Station.

ROW DWELLING means a dwelling containing three (3) or more dwelling units at ground level in one building, each unit separated vertically from the others.

SALVAGE YARD (SCRAP YARD) is a premises where scrap metals or other scrap materials are sorted or stored; or where automobiles, other vehicles, machinery, or parts thereof are

dismantled, demolished, or stored; or where used goods, wares, merchandise, or articles are processed for further use. This definition does not include a hazardous waste material storage or disposal site and excludes Recycling Depots.

SCHOOL means a public school, a high school, a technical school, a vocational school, college or university or any other school established and maintained either at public expense, by a religious denomination, or by a non-profit organization; and does not include a for-profit commercial school.

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.

SEMI-SERVICED DEVELOPMENT means development which is connected to the municipal water or municipal sewer system, whether or not the sewage is piped directly to a body of water.

SERVICE STATION means a Building, including gas pumps, used for the sale of petroleum products, automotive parts and accessories, and may include general merchandise, minor automotive repairs, and washing and polishing of 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 (RETAIL STORE) 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 Retail Stores (Shops) and complementary uses with integrated parking which is planned, developed and designed as a unit containing a minimum of five (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. [Provincial Reg. 4 (1) (s)]

SIGHT TRIANGLE means a triangle-shaped portion of Land established at Street intersections to ensure a safe sight distance for motorists entering or leaving the intersection. The triangular-shaped portion of Land is formed by the Street Lines and a line drawn from a point in one Street Line to a point in the other Street Line.

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.

SINGLE DWELLING (SINGLE DETACHED) means a dwelling containing one (1) main Dwelling Unit situated on its own Lot, which is not attached to another dwelling, and can include a Subsidiary Apartment.

SOCIAL HOUSING INITIATIVE means affordable rental housing intended for households with a gross annual income of less than $40,000.

SPECIAL CARE FACILITY means a Building and grounds used for the purpose of providing special and individualized care to elderly, children or disabled, provided the facility complies with applicable legislation; without limiting the generality of the foregoing, it may include a children's home, nursing home, or home for the aged, but does not include a retirement home or senior citizens' home or an Assisted Living Residential Complex.

STREET means a street, road, highway or other way designed for the passage of vehicles and pedestrians, and which is accessible by fire department and other emergency vehicles.
[Provincial Reg. 4 (1) (t)]

STREET (ARTERIAL) means the Streets in the Planning Area constituting the main traffic arteries of the area.

STREET (COLLECTOR) means a Street that is designed to link Local Streets with Arterial Streets.

STREET (LOCAL) means a Street designed primarily to provide access to adjoining Land.

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

STREET LINE means the edge of the right-of-way of a Street Reservation as defined by the Authority having jurisdiction.

STREET RESERVATION means an area determined by Council that is reserved for a Street, a future Street or future street improvements.

SUBDIVISION means the dividing of Land, whether in single or joint ownership, into two (2) or more pieces (including Lots), for the purpose of Development. [Urban and Rural Planning Act Sec. 2 (q)]

SUBDIVISION IMPROVEMENT means curbs, gutters, catch basins, sidewalks and streets, including survey monuments, granular subgrades, pavement and improvement to open space specified by the Council or the Director of Engineering, as the case may be, as being necessary or required to be supplied, constructed, installed and completed under any development or subdivision designs, plans or specifications.

SUBSIDIARY APARTMENT means a Suite within a Single Detached Dwelling whose Floor Area does not exceed 40% of the Gross Floor Area of the Dwelling

SUITE means a single room or series of rooms of complementary uses, operated under a single tenancy, and includes Dwelling Units, individual guest rooms in motels, Hotels, Boarding Houses, rooming houses and dormitories as well as individual stores and individual or complimentary rooms for business and personal service companies.

TAKE-OUT FOOD SERVICE means a Building or part of a Building in which a retail establishment sells prepared food not for consumption on the premises.

TAVERN (LOUNGE) 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.

THEATRE means a building or part of a building which is used for the commercial showing of films or presentation of live entertainment.

TINY HOUSE DWELLING means a residential building that complies with the National Building Code; and contains a single dwelling unit intended for permanent, year-round use with a maximum width of 8.5 feet (2.59 metres) and a maximum floor area of 400 square feet (approximately 37 square metres). This building is designed to be used with a permanent foundation, may be constructed on a chassis or a foundation, and is not fitted with facilities for towing or to which towing apparatus can be attached.

TOURIST ESTABLISHMENT means any premises operated to provide sleeping accommodation for the travelling public or sleeping accommodation for the use of the public engaging in recreational activities; and includes the services and facilities in connection with which sleeping accommodation is provided.

TRANSPORTATION means the use of land to accommodate larger-scale road- and marine-oriented transportation purposes, such as airfields, railway yards, and docks and harbours.

TRANSPORTATION DEPOT means any station or Lot used for the purpose of storing, servicing or refueling of vehicles connected with the transportation business, but does not include a Commercial Garage.

TRANSPORTATION TERMINAL means any station for the use of transportation facilities available to the general public, includes ferry terminals, airports and bus terminals.

TOWN MANAGER means the Town Manager appointed by Council.

UNSERVICED AREA/DEVELOPMENT in these Regulations means area/development lacking municipally-provided water supply and sewage disposal services, whether or not the sewage is piped directly to a body of water.

URBAN PLANNER means a person who is a Member of the Canadian Institute of Planners eligible to prepare plans under the *Urban and Rural Planning Act, 2000*.

USE means a Building or activity situated on a Lot or a Development permitted on a Lot.
[Provincial Reg. 4 (1) (v)]

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.
[Provincial Reg. 4 (1) (w)]

UTILITIES means Windmills, Wind Turbines, Solar and other energy sources not classed as a Public Utility under the Public Utilities Act.

VARIANCE means a departure to a maximum of 10% from the Yard, Area, Lot Coverage, Setback, size, Height, Frontage, or any other numeric requirement of the applicable Use Zone table of these Regulations. [Provincial Reg. 4 (1) (X)]

VETERINARY CLINIC means a facility for the medical care and treatment of animals and may include provision for their overnight accommodation, provided such accommodation is soundproofed and does not exceed 15% of the gross floor area of the main Building, but does not include any outdoor facilities such as Kennels, pen runs and enclosures.

VETERINARY HOSPITAL means a facility for the medical care and treatment of animals and includes provision for their overnight accommodation and may include a boarding kennel and outdoor pens and enclosures, provided the Lot so used is at least 100 m from the nearest Residential Zone.

WATERCOURSE means any lake, pond, river, stream or other body of water.

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

WETLAND means the Land usually or at any time occupied by water, where the water table is at or is just above the surface of the Land either permanently or intermittently, depending upon

the class of the Wetland which includes bogs, fens, marshes, swamps and shallow water zones along shorelines of bodies of water. In addition to providing valuable habitat for wildlife, wetlands also:

a. Enhance water quality due to their ability to filter drinking water supply;
b. Abate flood damage by soaking up and holding flood waters;
c. Ensure adequate water supply for public use, irrigation, and livestock, thanks to the groundwater-recharging functions of wetlands;
d. Reduce shoreline erosion and damage as wetland vegetation binds and stabilizes substrates, traps sediments, and reduces wave or current energy; and
e. Provide recreational opportunities as wetlands can support boating, fishing, hunting, bird watching and other wildlife viewing.

WIND TURBINE – SMALL SCALE means a turbine that converts the wind's kinetic energy into either electrical power or mechanical energy. The wind turbine is comprised of the tower, rotor blades (either vertical or horizontal) and the nacelle. A small scale wind turbine is a single turbine that has a nameplate capacity which is not greater than 300 kW. It has a stand-alone design, either on its own foundation or supported by guy wires, and is not roof-mounted.

WIND TURBINE – TOWER HEIGHT means the height measured from grade to the highest point of the turbine rotor blade when it reaches its highest elevation

YARD means any open, uncovered, unoccupied space appurtenant to a Building.

YARD (ABUTTING) means the Yard of an abutting Lot which shares a Lot Line of the subject property.

YARD (FLANKING) means the Side Yard of a Corner Lot extending from the Front Yard to the Rear Yard between the flanking Lot Line and the nearest main wall of any Main Building or structure on the Lot.

YARD DEPTH (FRONT) means a Yard extending across the full width of the Lot between the Front Lot Line and the wall of a Main Building.

YARD DEPTH (REAR) means the distance between the rear Lot Line and the rear wall of the Main Building on a Lot. [Provincial Reg. 4 (1) (r)]

YARD DEPTH (SIDE) means the distance between the side Lot Line and the nearest side wall of a Building on the Lot. [Provincial Reg. 4 (1) (s)]

ZONING MAP means the map or maps attached to and forming part of these Regulations. [Provincial Reg. 4 (1) (y)]

SECTION 2: 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	General Assembly	Community Halls, Lodge Halls, Dance Halls, Gymnasia, 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
ASSEMBLY USES	Outdoor Assembly	Bleachers, Grandstands, Outdoor Ice Rinks and Swimming Pools, Amusement Parks and Fair-grounds, 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

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INSTITUTIONAL USES	Medical Treatment and Special Care	Children's Homes, Convalescent Homes Homes for Aged, Hospitals, Infirmaries
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
RESIDENTIAL USES	Collective Residential	Assisted Living Residential Home, Educational Residences, Nurses and Hospital Residences, Social Housing Initiatives, etc.
RESIDENTIAL USES	Boarding House Residential and/or Bed and Breakfast	Boarding Houses, Lodging Houses, Bed and Breakfast
RESIDENTIAL USES	Commercial Residential	Hotels & Motels, Hostels, Residential Clubs
RESIDENTIAL USES	Seasonal Residential	Summer Homes & Cabins, Hunting & Fishing Cabins
RESIDENTIAL USES	Modular Home	Modular Home
RESIDENTIAL USES	Mini Home, Tiny House Dwelling	Mini Home, Tiny House Dwelling
RESIDENTIAL USES	Seniors' Housing and Personal Care Facilities	Seniors' Housing and Personal Care Facilities
BUSINESS & PERSONAL SERVICE USES	Office	Offices (including Government Offices), Banks
BUSINESS & PERSONAL SERVICE USES	Medical and Professional	Medical Offices and Consulting Rooms, Dental Offices & Surgeries, Legal Offices & Similar Professional Offices
BUSINESS & PERSONAL SERVICE USES	Personal Service	Barbers, Hairdressers, Beauty Parlours, Tailor Shops, Small Appliance Repairs
BUSINESS & PERSONAL SERVICE USES	General Service	Self-service Laundries, Dry Cleaners (not using flammable or explosive substances), Small Tool and Appliance Rentals, Travel Agents

BUSINESS & PERSONAL SERVICE USES	Communications	Radio Stations, Telephone Exchanges
BUSINESS & PERSONAL SERVICE USES	Police Station	Police Stations without detention quarters
BUSINESS & PERSONAL SERVICE USES	Taxi Stand	Taxi Stands
BUSINESS & PERSONAL SERVICE USES	Take-out Food Service	Take-out Food Service
BUSINESS & PERSONAL SERVICE USES	Veterinary	Veterinary Surgeries
MERCANTILE USES	Shopping Centre	Shopping Centres
MERCANTILE USES	Shop	Retail Shops and Stores and Showrooms, Department Stores
MERCANTILE USES	Indoor Market	Market Halls, Auction Halls
MERCANTILE USES	Outdoor Market	Market Grounds, Animal Markets, Produce and Fruit Stands, Fish Stalls
MERCANTILE USES	Convenience Store	Confectionary Stores, Corner Stores, Gift Shops, Specialty Shops
INDUSTRIAL USES	Hazardous Industry	Bulk Storage of hazardous liquids and substances, Chemical Plants, Distilleries Feed Mills, & Lacquer, Mattress, Paint, Varnish, and Rubber Factories, Spray Painting
INDUSTRIAL USES	General Industry	Factories, Cold Storage Plants, Freight Depots General Garages, Warehouses, Workshops, Laboratories, Laundries, Planing Mills, Printing Plants, Contractors' Yards
INDUSTRIAL USES	Service Station	Gasoline Service Stations, Gas Bars, Car Washes
INDUSTRIAL USES	Light Industry	Light Industry, Parking Garages, Indoor Storage, Warehouses, Workshops
NON-BUILDING USES	Agriculture	Commercial Farms, Hobby Farms, Market Gardens & Nurseries
NON-BUILDING USES	Forestry	Tree Nurseries, Silviculture

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NON-BUILDING USES	Mineral Exploration	Mineral Exploration
NON-BUILDING USES	Mineral Working	Quarries, Pits
NON-BUILDING USES	Mining	Mining, Oil Wells
NON-BUILDING USES	Recreational Open Space	Playing Fields, Sports Grounds, Parks, Playgrounds, Recreational Trails
NON-BUILDING USES	Conservation	Watersheds, Buffer Strips, Flood Plains, Architectural, Historical and Scenic Sites, Steep Slopes, Wildlife Sanctuaries
NON-BUILDING USES	Cemetery	Cemeteries, Graveyards
NON-BUILDING USES	Scrap Yard	Car Wrecking Yards, Junk Yards, Scrap Dealers
NON-BUILDING USES	Solid Waste	Solid Waste Disposal, Sanitary Land Fill Incinerators
NON-BUILDING USES	Animal	Animal Pounds, Kennels, Zoos
NON-BUILDING USES	Antenna	TV, Radio and Communications Transmitting and Receiving Masts and Antennae
NON-BUILDING USES	Transportation	Airfields, Docks, Marina, Yacht Club, Boating Club, Boat House and Harbours
NON-BUILDING USES	Utilities	Windmills, Wind Turbines, Solar, and other energy sources not classed as a Public Utility under the Public Utilities Act.

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SECTION 3: GENERAL REGULATIONS

3.1 Compliance with Regulations

Development shall be carried out and maintained within the Planning Area in accordance with the Municipal Plan, these Regulations, the conditions stated in a Development Approval and/or Building Permit, and any other by-law or regulation enacted by Council.

3.2 Permit Required

No person shall carry out any Development within the Planning Area controlled by these Regulations unless a permit, Development Permit, or Development Agreement under these Regulations has been issued which has been duly signed and stamped by the issuing Officer.

Any application for Development, including any application requiring a Development Agreement, shall be subject to such fees as Council may determine.

3.3 Licenses, Permits and Compliance with Other By-laws

Nothing in these Regulations shall exempt any person from complying with the requirements of any by-law in force within the Town of Channel-Port Aux Basques, or from obtaining any license, permission, permit, authority or approval required by any statute or regulation of the Province of Newfoundland and Labrador or the Government of Canada.

3.4 Approval to Develop/ Permit to be Issued

Subject to Sections 3.5 and 3.6, an approval/permit shall be issued for Development within the Planning Area that conforms to:

a. The policies expressed in the Municipal Plan and any further scheme, plan or regulation pursuant thereto.
b. The General Development Standards set out in Section 4 of these Regulations, the Specific Use Regulations of Section 5 of these Regulations, and the Use classes, standards, requirements, and conditions prescribed in Section 9 of these Regulations for the Use Zone in which the proposed Development is located.
c. The standards set out in the Building Code and/or other ancillary codes, and any Building Regulations, Waste Disposal Regulations, and/or any other municipal regulation in force in the Planning Area regulating or controlling Development, conservation and use of Land and Buildings.
d. The standards set out in Section 6 of these Regulations in the case of Subdivision of Land.
e. The standards set out in Section 7 of these Regulations in the case of signs.

f. The standards set out in Section 8 of these Regulations in the case of offstreet parking and loading.

3.5 Permit Not to be Issued in Certain Cases (Premature Development)

Neither a Development Approval nor Approval in Principle shall be issued for Development within the Municipal Planning Area when, in the opinion of Council, it is premature by reason of the site lacking adequate road access, power, drainage, sanitary facilities, or domestic water supply, or being beyond the natural development of the area at the time of application unless the applicant contracts to pay the full cost of construction of the services deemed necessary by Council and such cost shall attach to and upon the property in respect of which it is imposed.

3.6 Discretionary Powers of Council

In addition to any other discretionary powers and considerations in the issuance of a permit:

1. Council may conditionally approve an application to carry out Development which, notwithstanding the conformity of the application with the requirements of these Regulations, is, in the opinion of Council:

    a. Consistent with the policies expressed in the Municipal Plan and any further scheme, plan or regulations applicable to the subject property;
    b. Would not create any hazard to public safety; and
    c. Enhances the general appearance of the area.

2. Council may refuse an application to carry out Development which, notwithstanding the conformity of the application with the requirements of these Regulations, is, in the opinion of Council:

    a. Not consistent with the intent and policies of the Municipal Plan and any further scheme, plan or regulations applicable to the subject property.
    b. Would not conform to applicable Provincial and/or Federal policies and guidelines.
    b. Would create a hazard to public safety.
    c. Would not enhance the general appearance or amenity of the development site and surroundings and could or would create a nuisance to nearby properties in the form of traffic noise, odour, traffic or pollution.
    d. The development is deemed to lack adequate access and services and would create unplanned demands for public services and utilities.

3.7 Variances

1. Where an approval or permit cannot be given by Council because a proposed Development does not comply with development standards set out in Development

Regulations, Council may, in its discretion, vary the applicable development standards to a maximum of 10% if, in Council's opinion, compliance with the development standards would prejudice the proper Development of the Land, Building or structure in question or would be contrary to public interest. [Provincial Reg. 12]

2. Council shall not allow a Variance from development standards set out in the Development Regulations if that Variance, when considered together with other Variances made or to be made with respect to the same Land, Building or structure, would have a cumulative effect that is greater than a 10% Variance even though the individual Variances are separately no more than 10%.

3. Council shall not permit a Variance from development standards where the proposed Development would increase the non-conformity of an Existing Development, or where approval of a Variance will result in the creation of a non-conformity of any legal Existing Development.

3.8 Notice of Variance

Where Council is to consider a proposed Variance, Council shall, at the expense of the Applicant, give written notice of the proposed Variance from development standards to all persons whose Land is in the immediate vicinity of the Land that is the subject of the Variance, and allow a minimum period of seven (7) days for response. (See also Section 3.30.)

3.9 Service Levy

1. Council may require the payment of a service levy in accordance with Section 149 (2) of the *Municipalities Act, SN, 1999*.

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

3. A service levy shall be assessed on: a. the amount of property benefiting by the public work relative to all the property benefited; and b. the density of Development made possible or increased by the public work.

4. Council may require a service levy be paid by the Owner of the property benefited and may specify the time for payment:

    a. the time the levy is imposed;
    b. the time development of the real property commences;
    c. the time development of the real property is completed; or,

d. such other time as the Town may decide.

3.10 Financial Guarantees and Insurance

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 service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit.

2. The Town shall determine the form, amount and conditions of the financial agreement and the insurance, as outlined under Section 38 of the Act:
   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.

3. Financial Guarantees – Mineral Workings
   The Developer shall provide a financial guarantee in the form of a performance bond or unconditional and irrevocable letter of credit or other form acceptable to the Town for an amount to cover the cost of restoring or landscaping the site after the quarry operations have ended or the site is abandoned by the applicant.

   The financial guarantee shall be returned when the Reclamation Plan has been carried out, or the development terminated and any conditions attached to the development permit have been met to the satisfaction of the Town.

3.11. Dedication of Land for Public Use

1. The Town may require the dedication of a percentage of the land area of any subdivision or development for park land or other public use in accordance with the provisions of Section 37 of the Act. The amount of land so dedicated shall not exceed 10% of the land to be developed.

2. The 10% limitation under Clause 1 of this Regulation does not apply to land required for municipal services, roads and public utilities, easements and land required for drainage control and stormwater management and buffers and conservation areas along watercourses and selected trails.

3.12 Restoration of Land

Council may order the Developer, the site occupier, and/or the Owner, to restore the site to the satisfaction of Council where:

a. the use of Land is discontinued,
b. a Development Approval and/or a Building Permit has been revoked,
c. the intensity of the Use has been decreased, or
d. a temporary Building Permit has expired.

This may require the removal all or any buildings or erections, the covering or filling all wells or excavations, and to closing of 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.

3.13 Application

1. An application for Approval-in-Principle, Development Approval or for a Permit to carry out Development shall be made only by the Owner or person authorized by the Owner to Council, on such form as may be prescribed by Council. Every application shall include such plans, specifications and drawings and be accompanied by the appropriate fee, as required by Council.

2. Council shall, on request, supply to every Applicant a copy of the application forms referred to in Regulation 3.13.1 and a description of the plans, specifications and drawings required to be provided with the application.

3. 1. <u>Minimum Information Required with Application</u>
An application for Approval-in-Principle/Development Approval shall contain the information needed to satisfy the applicable requirements in these Regulations. Such information shall include at least the following:

a. Location;
b. Use;
c. Lot Area and Lot Frontage;
d. Access;
e. Availability of water supply and waste disposal;
f. A stamped and signed property survey prepared by a Registered Professional Property Surveyor; and
g. Any other information that may be required by Council.

2. Where the Application involves a Building, the following information shall be added to the preceding list:

h. Setting of Building, including Building Line and Yards;
i. Bulk and height, in terms of Floor Area and Building Height; and
j. Off-street parking, in terms of the variables specified in Section 8 of these Regulations.

4. Discretionary Uses
In addition to the requirements of Regulation 3.13.3, an application for a Discretionary Use shall contain the following information:

(1) Discretionary Uses involving operation of a business/service:

a. Floor Area to be used for Discretionary Use;
b. number of employees employed on site;
c. hours of operation;
d. Parking Area required.

3.14 Register of Application

The Town shall keep a public register of all applications for Development, which shall contain a record of Council's decision and the result of any appeal from that decision.

3.15 Deferment of an Application

1. Council may defer consideration of an application with the written agreement of the Applicant.

2. Council may defer decisions on an application within a specified area where Council has directed that a planning study or other similar study pertaining to the future Use and Development of the specified area be undertaken.

3. 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 (8) weeks of the receipt thereof by the Town, and on which consideration has not been deferred in accordance with Regulation 3.15.1, shall be deemed to be refused.

3.16 Approval-In-Principle

1. The Town may grant Approval-in-Principle for 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 Section, it shall be subject to the subsequent approval by the Town 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 (2) years from the grant of Approval in Principle.

3. An Approval-in-Principle or conditions attached thereto is subject to appeal under the Act.

4. An Approval-in-Principle hall be valid for two (2) years from the date of the Council decision.

5. Notwithstanding an Approval-in-Principle, no work shall commence until Development Approval (a Development Permit) or other permit has been issued by the Town.

3.17 Development Approval/Development Permit and Temporary Use Permit

1. Development Approval may be given by Council, provided:

   a. the terms of the Approval-in-Principle have been satisfied;
   b. the application for Final Approval has been made within two (2) years of the granting of the Approval-in-Principle by Council; and
   c. all necessary payments and levies, and/or land dedications have been made.

2. 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.

3. **Conditions** - The Town may attach to a permit 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.

4. **Duration** - A permit is valid for a specified period, not to exceed two (2) years. If the development has not commenced, the permit may be renewed for a further period not in excess of one (1) 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 Part III of these Regulations.

5. **Temporary Use** – The Town may, in its discretion, issue a permit for a temporary use such as an outdoor market, a temporary shelter for a vehicle or a boat, and other permissible uses which have a limited and fixed term. The permit shall specify its duration, and upon expiry of the permit, the use shall be removed. In no case shall the term of a temporary permit exceed two (2) years, which may be extended in writing by the Town for a further period as specified not exceeding two (2) years. This clause does not apply to advertisements which are covered under Section 7 of the Development Regulations.

6. **Correction of Errors** -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.

7. **Revoke Approval** - The Town may revoke a Development Approval and/or Building 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.

8. **Alterations** - No person shall erase, alter or modify any drawing or specifications upon which a permit to develop has been issued by the Town. Any changes or modifications to plans or drawings shall be approved in writing by the Town.

9. There shall be kept available on the premises where any work, matter or thing in 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.

10. A Development Approval or a Building Permit or conditions attached thereto is subject to appeal.

3.18 Decisions of Council/Reasons for Refusing Permit

Decisions made by Council with respect to an Approval in Principle or a Development Approval required by these Regulations, shall be made in writing stating:

a. The reasons for a refusal of an application.
b. The conditions contained within the Approval-in-Principle or Development Approval.
c. The right to appeal the decision, in accordance with Section 42 of the Act and the requirements of Section 3.21 of these Regulations.

3.19 Discretionary Uses

Discretionary Uses may only be considered for approval where they are set out as Discretionary Uses in Section 9, subject to the requirements of these Regulations, and until adequate notification has been made in accordance with Section 3.30. Where a notice is required to be published in a local newspaper and/or distributed to owners/residents of property within the immediate vicinity of the subject property, this shall be done by the Town at the expense of the Applicant.

3.20 Discretionary Development Assessment Report

1. Council may require a Development Assessment Report to evaluate any proposed land use, Development and/or situation that affects the policies contained in the Municipal Plan.

2. The Terms of Reference for a Development Assessment Report shall be approved by Council prior to its execution and shall become an integral part of the report itself. The report and any supporting studies may be prepared at the expense of the applicant, at Council's discretion.

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

4. Prior to the approval of a Development Assessment Report the Council shall provide adequate time for a public review of the report, using the procedures for public notification as outlined in Section 3.31.

APPEALS

3.21 Notice of Right to Appeal [Provincial Reg. 5]

Where Council makes a decision that may be appealed under Section 42 of the Act, Council shall, in writing, at the time of making that decision, notify the person to whom the decision applies of the:

a. person’s right to appeal the decision to the Appeal Board.
b. time by which an appeal is to be made.
c. right of other interested persons to appeal the decision; and
d. manner of making an appeal and the address for the filing of the appeal.

3.22 Appeal Requirements [Provincial Reg. 6]

1. The Secretary of the Appeal Board at the Department of Municipal Affairs and Environment, Main Floor, Confederation Building (West Block), P.O. Box 8700, St. John's, NL, A1B 4J6 is the Secretary to all Appeal Boards in the province. An appeal filed with that Secretary within the time period referred to in Subsection 42(4) of the Act shall be considered to have been filed with the appropriate Appeal Board.

2. The fee required under Section 44 of the Act shall be paid to the Appeal Board that hears the decision being appealed by filing it with the Secretary referred to in Subsection (1) within the fourteen (14) days referred to in Subsection 42(4) of the Act.

3. The Appeal Board that hears the decision being appealed shall, subject to Subsection 44(3) of the Act, retain the fee paid to the Appeal Board.

4. Where an appeal of a decision and the required fee is not received by an Appeal Board in accordance with this Section and Part VI of the Act, the right to appeal that decision shall be considered to have been forfeited.

3.23 Appeal Registration [Provincial Reg. 7]

1. Upon receipt of an appeal and fee as required under the Act and these Regulations, the Secretary of the Appeal Board as referred to in Subsection 3.24(1), shall immediately register the appeal.

2. Where an appeal has been registered the Secretary of the Appeal Board shall notify Council of the appeal and shall provide to Council a copy of the appeal and the documentation related to the appeal.

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

4. Upon receipt of the information under Subsection (3), the Secretary of the Board shall publish in a newspaper circulated in the area of the appropriate Council, a notice that the appeal has been registered.

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

3.24 Development Prohibited [Provincial Reg. 8]

1. Immediately upon notice of the registration of an appeal Council shall ensure that any Development upon the property that is the subject of the appeal ceases.

2. Sections 102 and 104 of the Act apply to Council acting under Subsection (1). 3. Upon receipt of a notification of the registration of an appeal with respect to an order under Section 102 of the Act, Council shall not carry out work related to the matter being appealed.

3.25 Board of Appeal

The Western Newfoundland Board of Appeal is established as the appeal Council for the Channel-Port Aux Basques Municipal Planning Area. The mandate, powers, and Council of this Appeal Board are specified under Sections 40 - 46 of the Act, and the Ministerial Regulations thereunder.

3.26 Appeals [Urban and Rural Planning Act Sec. 42 (1]

1. A person or an association of persons aggrieved of a decision that, under the regulations, may be appealed, may appeal that decision to the appropriate Appeal Board where the decision is with respect to:

    a. an application to undertake a Development;
    b. a revocation of an approval or a permit to undertake a Development;
    c. the issuance of a stop work order; and
    d. a decision permitted under the Act or another Act to be appealed to the board.

2. A decision of Council to adopt, approve or proceed with a Municipal Plan, a scheme, Development Regulations and amendments and revisions of them is final and not subject to an appeal.

3. An Appeal Board shall not make a decision that does not comply with the Municipal Plan, a scheme and Development Regulations that apply to the matter being appealed.

4. An appeal shall be filed with the Appeal Board not more than fourteen (14) days after the person who made the original application appealed from has received the decision being appealed.

5. An appeal shall be made in writing and shall include:
    a. a summary of the decision appealed from.
    b. the grounds for the appeal; and
    c. the required fee.

6. An Appeal Board may meet as often as it considers necessary to conduct its work in an expeditious manner.

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

8. An Appeal Board may inform itself of the subject matter of the appeal in the manner it considers necessary to reach a decision.

9. An Appeal Board shall consider and determine appeals in accordance with the Act and the Municipal Plan, scheme and regulations that have been registered under Section 24, of the Act, and having regard to the circumstances and merits of the case.

10. In determining an appeal, an Appeal Board may confirm, reverse or vary the decision appealed from and may impose those conditions that the board considers appropriate in the circumstances and may direct Council to carry out its decision or make the necessary order to have its decision implemented.

11. Notwithstanding Subsection (10), where Council may, in its discretion, make a decision, an Appeal Board shall not make another decision that overrules the discretionary decision.

12. The decision of a majority of the members of an Appeal Board present at the hearing of an appeal shall be the decision of the Appeal Board.

13. The Appeal Board shall, in writing notify the appellant and Council of the decision of the Appeal Board.

3.27 Hearing Notice and Meetings [Provincial Reg. 9]

1. An Appeal Board shall notify the appellant, Applicant, Council and other persons affected by the subject of an appeal of the date, time and place for the appeal not fewer than seven (7) days before the date scheduled for the hearing of the appeal.

2. An Appeal Board may meet as often as is necessary to conduct its work in an expeditious manner.

3.28 Hearing of Evidence [Provincial Reg. 10]

1. An Appeal Board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under Section 3.29(1) or their representative may

appear before the Appeal Board and make representations with respect to the matter being appealed.

2. An Appeal Board shall hear an appeal in accordance with Section 43 of the Act and these Regulations.

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

4. In the conduct of an appeal hearing, the Appeal Board is not bound by the rules of evidence.

3.29 Return of Appeal Fee

Where an appeal made by an appellant under Section 42 of the Act, is successful, an amount of money equal to the fee paid by that appellant under Section 3.24(2) shall be paid to the appellant by Council.

PUBLIC NOTIFICATION

3.30 Notice of Application – Variance, Non-Conforming Use, Discretionary Use

1. Notice of an application must be given when:

   a. a Variance is to be considered under Section 3.7;
   b. a Change in a Non-Conforming Use is to be considered under Section 4.17;
   c. the proposed Development is listed as a Discretionary Use in Section 9; and
   d. Council determines that the public should be notified of an application.

2. Subsequent to 3.30.1, Council shall give notice of an application for a Development Approval and Approval in Principle as follows:

   a. for an application for a Variance, a direct notification of persons that are affected by the application as specified under Sections 3.8 (Variances), and in compliance with the provisions of the Act. Council may use the property tax roll where available, or other means to determine who is affected.

   b. for a Change in a Non-Conforming Use, any proposed Development listed as a Discretionary Use, or if Council determines the public should be notified of an application, there shall be a public advertisement, with a minimum fourteen (14) day response period, to be specified in the notice, or as specified under, Section 15 of the Provincial Development Regulations.

c. for a Discretionary Use, notices will be sent to property owners within 200 metres of the proposed Development in addition to the public advertisement referred to in 2(b).

3. Notice of an application shall be at the expense of the Applicant.

4. Notice of an application shall contain enough information to properly inform the public of the location, the proposed type of Development and other information deemed necessary to determine whether or not there is a concern about the application.

3.31 Notice of Application – Rezoning, Text Amendment

Where the Town has received an application for an amendment to the Development Regulations (property rezoning and/or text amendment), prior to considering it for approval:

1. Council shall advertise or cause to be advertised such application by one (1) advertisement in the newspaper in circulation in Channel-Port Aux Basques at least fourteen (14) calendar days prior to a Regular Meeting of Council where such application shall be considered.

2. The newspaper notice shall:

   a. contain a general description of the application;
   b. specify the date set for a Regular Meeting of Council at which the application is to be considered;
   c. specify the date set for receipt of written representation on the application by the Town Clerk; and,
   d. identify the place and time where the application can be viewed by the public.

3. Council may make such effort as it deems reasonable to provide that written notices are mailed to the addresses of property owners, as identified on the current Town of Channel-Port Aux Basques assessment role, within a radius of at least 150 metres from the application site, a minimum of fourteen (14) calendar days prior to a Regular Meeting of Council where such application is considered.

4. Council may require a Public Information Session (Meeting) to be held in respect of any matter arising under these Regulations:

   a. The Town Clerk shall cause to be recorded the proceedings of the Public Information Session and these proceedings, together with any written representations, shall be considered by Council when it makes its decision on the matter, which is the subject of the Public Information Session.
   b. Council shall appoint a member of Council as Chairperson of the Public Meeting. Alternatively, Council may delegate this duty to a staff member or to a third party.

c. Public Notification in respect of a Public Information Session shall be as outlined in (1), (2) and (3) above, substituting only references to "a Regular Meeting of Council", with "a Public Information Session ".

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SECTION 4: GENERAL DVELOPMENT STANDARDS

4.1 Access Ramps and Decks

1. An access ramp for a wheelchair 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.

2. An open or partially enclosed deck attached to a building 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.

3. An access ramp or open deck not is deemed to be part of the building when calculating lot coverage under the Use Zone Requirements.

4.2 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. No vehicular access shall be closer than 10 metres to the street line of any street intersection.

3. Council may require, at the Developer's expense, installation of traffic control devices as may be necessary to ensure vehicular and pedestrian safety as a result of a Development.

4. Council may require the provision of Service Streets to reduce the number of individual Accesses to an adjacent Street.

4.3.1 Accessory Buildings - Residential

1. Accessory buildings shall be clearly incidental and complementary to the use of the main buildings in character, use and size, and except as otherwise determined at the discretion of the Town, shall be contained on the same lot as the main building or buildings.

2. The Town may in its discretion allow an accessory building which is not complementary to the main buildings in terms of character where the property is large and the accessory building would not be visually obtrusive or offensive.

3. Accessory buildings on the same lot as the main buildings shall not exceed 9% in lot coverage or 70 square metres in area, whichever is the less. However, the lot maximum allowable floor area may be increased up to 80 square metres at the discretion of the Town, provided that it does not exceed the maximum allowable lot coverage of 9%.

4. Where located to the rear of the dwelling, an accessory building shall not be closer than 1 m to the side lot line, and 1 m to rear lot line, and accessory buildings shall maintain a minimum separation distance of 3.6 m from a dwelling. Within the minimum 3.6 m separation distance between a dwelling and an accessory building, an accessory building shall maintain a minimum separation distance of 1 metre from a deck.

5. Where located to the side of the dwelling, and not extending to the rear of the dwelling, an accessory building shall not be closer the front lot line than the main building (see also Clause 6 following) and 1.8 m from the side lot line.

6. However, the Town in its discretion may permit the erection of an accessory building in front of the main building and up to the building line. In no case shall the accessory building be erected between the building line and the front property line unless the main building is already located in front of the building line, in which case the Town in its discretion may permit the erection of an accessory building at the same distance from the front property line as the main building.

7. Notwithstanding the foregoing, accessory buildings on two (2) adjoining properties may be built to property boundaries provided they shall be of fire-resistant construction and have a common firewall.

8. The maximum height of an accessory building shall not exceed 5 metres. However, the Town in its discretion may allow a maximum height of 6 metres.

9. An accessory building not located on the same lot as the main building shall only be used for marine-related uses or for storage purposes only; and shall have height no greater than 5 metres and a floor area no greater than 75 square metres or 15 % of the lot area whichever is less.

4.3.2 Accessory Buildings – Non-Dwelling and Non-Apartment Building Uses

This Regulation sets out the requirements for accessory buildings for non-dwelling and non-apartment uses, that is, uses not included under Section 4.3.1.

1. 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.

2. Building Line – The minimum building line (distance from the front lot line) for an accessory building shall be as that set out in the Use Zone for principal and other buildings.

3. Side Yard and Rear Yard and Flanking Road – the minimum side yard and rear yard for an accessory building shall be 5 metres where it abuts a residential zone or property, and the accessory building shall not be closer to a flanking road than that set out for the principal building under the Zone Requirements.

4. 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.

5. Lot Coverage – Unless otherwise specified under Section 9, no lot coverage requirements are set out.

6. Floor Area – Unless otherwise specified under Section 9, no floor area requirements are set out.

7. Height – The maximum height of an accessory building shall not exceed the height of the principal building.

4.4 Accessory Uses

1. **ACCESSORY USE** means a Use that is subsidiary to a Permitted or Discretionary Use and that is customarily expected to occur with the Permitted or Discretionary Use.

2. Unless prohibited in the Use Zone in which a property is located, uses accessory to a Permitted or Discretionary Use shall be permitted in any zone, for example:

    a. facilities for the serving of food and alcoholic beverages in an arena or other place of assembly, museum, marina, or hotel (commercial - residential);
    b. vehicle repair facilities within a shop, such as a major retail outlet, or automobile dealership;
    c. a gift or souvenir shop in a museum, hotel or other establishment;
    d. office and/or a small convenience store or catering establishment in a campground;
    e. a dock, wharf or stage associated with a permitted or discretionary use;
    f. an accessory dwelling or accessory dwelling unit, such as a caretaker's dwelling or subsidiary apartment;
    g. a business conducted in a dwelling or a building accessory to a dwelling conducted by a resident of a dwelling and compatible with the primary residential use of the property (home business);
    h. a solar panel, satellite dish or similar device attached to a building.

3. 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.

4.5 Advertisements (Signs)

Advertisements (Signs) shall not be erected or displayed except in accordance with Section 7 of these Regulations.

4.6 Archaeological Sites

1. If an archaeological site or historical artifacts are discovered during construction, development shall cease 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.

4.7 Buffer Strips

Where any industrial development permitted in any Use Zone abuts an existing or proposed residential area, or is separated from it by a road only, the owner of the site of the industrial development shall provide a buffer strip not less than ten (10) metres wide between any residential activity and the industrial area. The buffer shall include the provision of such natural or structural barrier as may be required (e.g.: a landscaped, treed berm or a screen wall) by the Town and shall be maintained by the owner or occupier to the satisfaction of the Town.

4.8 Building Line and Setback, Complementary Yard Setbacks

1. The Town, by resolution, may establish building lines on an existing or proposed 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 Use Zone(s).

2. The building line setback is measured from the front property line.

3. However, notwithstanding the minimum front, side and rear yard requirements set out in the Zone in which a property is located, the Town may allow development to complement existing building setbacks from the front, side and rear lot lines of the adjoining properties by modifying the minimum yard requirements and after notification is given to the adjacent property owners.

4. The building line along Provincial highways shall not be less than that specified under the provincial Building Near Highways Regulations.

4.9 Building Near Highways

Any building, fence, shrub or hedge within 45 metres of the centre-line of the Trans-Canada Highway or 20 metres of Highway 470 cannot be approved until permission is first given by the Department of Transportation and Works. Access to any provincial highway must be approved by the Department of Transportation and Works before a permit can be issued by the Town.

4.10 Buildings on a Lot

1. Except for single dwellings, more than one principal or main building can be permitted on a Lot provided that the Use Zone Requirements are satisfied. However, more than one single dwelling can be permitted on lot where it forms part of a comprehensive development under Section 5.7.

2. Sufficient area shall be reserved to satisfy the yard and other allowances called for in the Use Zone in which the lot located and the allowances shall be retained when the adjacent land is developed.

4.11 Height Exceptions

1. Building Height shall be in accordance with the requirements of the applicable Use Zone.

2. The height requirements prescribed in applicable Use Zone of these Regulations may be waived in the case of communication masts and antennae, flagpoles, water towers, spires, belfries, or chimneys; but any such waiver which results in an increase of more than 20% in the permitted height of the structure shall only be authorized under the provisions of Section 3.6 (Discretionary Powers of Council).

4.12 Heritage Sites and Areas

1. There are a number of buildings of interest, including St. James Anglican Church (1927), the Provincial Court House and a number of cemeteries which are significant to the Town's history and culture. No development shall be allowed which could impair the quality or significance of these properties, or other buildings or sites which would be so identified. Any development adjacent or within 30 metres of these properties shall be reviewed by the Town to ensure that there are no negative effects on these properties.

2. The Town may from time to time designate heritage areas and sites and under the Sections 200 (2) and 414 (1) (dd) respectively of the *Municipalities Act*.

4.13 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.

4.14 Lot Area and Size Exceptions

Council may approve Development of a Building on a Lot that exists at the time of coming into effect of these Regulations that has insufficient Frontage or area to permit the Owner or purchaser of the lot to comply with the provisions of these Regulations where:

a. There is evidence that the Lot had received approval from Council prior to the coming into effect of these Regulations; and
b. The Development can meet the minimum standards for Lot Coverage, Yards and Floor Area set out in the applicable Use Zone in which it is located.

4.15 Lot Frontage

Except where specifically provided for in the applicable Use Zone of these Regulations, no residential or commercial building shall be erected unless the Lot on which it is situated fronts directly onto a street or forms part of a Comprehensive Development Scheme.

4.16 Lots - Development Over Easements

No permanent Building shall be constructed over any known easement, whether that easement has been assigned to the Town of Channel-Port Aux Basques, a department of the provincial or federal government, or a utility company

4.17 Non-Conforming Uses

This Regulation is derived from Section 108 of the *Urban and Rural Planning Act 2000*, and Sections 14, 15, and 16 of the Ministerial Development Regulations.

1. Continuance of Non-Conformity - Notwithstanding a plan, scheme or regulations made under the *Urban and Rural Planning Act 2000*, the Town shall, in accordance with regulations made under this Act, allow a development or use of land to continue in a manner that does not

conform with the Municipal Plan and these Regulations provided that the Non-Conforming Use legally existed before the registration under Section 24 of the Act of the plan, scheme or regulations made with respect to that kind of development or use.

2. Discontinuance/Expiry of Non-Conformity - Notwithstanding subsection 4.17.1, a right to resume a Discontinued Non-Conforming Use of land shall not exceed twelve (12) months. For the purpose of this Regulation, Discontinuance of a Non-Conforming use begins when any one of the following conditions is met:

   a. the building or use of land is clearly vacated or the building is demolished;
   b. the owner or tenant has ceased paying business occupancy taxes for that use;
   c. the owner or tenant has stated in writing that the use has ceased.

3. A building, structure or development that does not conform to a scheme, plan or regulations made under the Act that is allowed to continue under subsection 4.17.2:

   a. shall not be internally or externally varied, extended or expanded unless otherwise approved by the Town;
   b. shall not be structurally modified except as required for the safety of the building, structure or development;
   c. shall not be reconstructed or repaired for use in the same non-conforming manner where 50% or more of the value of that building, structure or development has been destroyed;
   d. may have the existing use for that building, structure or development varied by the Town to a use that is more compatible, in Council's opinion, with the Municipal Plan and these Regulations;
   e. may have the existing building extended by the Town where, in Council's opinion, that extension is not more than 50% of the existing building;
   f. where the non-conformance is with respect to the standards included in the Development Regulations, the building, structure or development shall not be expanded if the expansion would increase the non-conformity – and an expansion must comply with the development standards applicable to that building, structure or development.
   g. where the building or structure is primarily zoned and used for residential purposes, may, in accordance with the with the Municipal Plan and these Regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed; and
   h. a residential building or structure referred to in the above paragraph must, where being repaired or rebuilt, be repaired or rebuilt in accordance with the with the Municipal Plan and these Regulations applicable to that building or structure, except for Lot Size.

4. Public Notification - Where considering a Non-Conforming Building, structure or development under Section 4.17.3.d of these Regulations, and before making a decision to vary an existing use of that non-conforming building, structure or development, the Town, at the applicant's expense, and per Section 3.30, shall publish a notice in a newspaper circulating in the area or by other means give public notice of an application to vary the existing use of

a non-conforming building, structure or development and shall consider any representations or submissions received in response to that advertisement.

4.18 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.

4.19 Adaptive Re-Use: Offstreet Loading and Parking Requirements and Reduction

Reduction – In order to facilitate adaptive re-use of existing buildings and properties the Town may, in its discretion, reduce the minimum offstreet parking and loading requirements beyond ten percent (10%) where it can be established that there will be no negative impacts on nearby properties – that is, that there will be no extended on-street parking or blocking of access and that this reduction will not pose a safety hazard or create snow-clearing difficulties.

4.20 Parks and Playgrounds, and Conservation Uses

1. Nothing in these Regulations shall prevent the designation of conservation areas or the establishment of parks and playgrounds in any zones provided that such parks and playgrounds are not located in areas which may be hazardous to their use and are not operated for commercial purposes.

2. Parks and playgrounds may be located on backlands but shall have at least one 5-metre-wide vehicular access directly onto a public street.

3. Fences, hedges or barriers around parks and playgrounds shall be no higher than 1 metre when in front of the building line on all street frontages, unless the fences or barriers are constructed of materials which do not obstruct vision.

4. The Town may permit fences or barriers only to a maximum height of 1.5 metres in front of the building line if they are constructed of materials which do not obstruct vision and their design and construction is otherwise to the Town's satisfaction.

4.21 Protected Road Zoning Regulations

1. Within the Town boundary any development within 100 metres of the closest centre-line of the Highway within the Town requires the approval of the Department of Government Services.

2. Outside the Town boundary, but within the Municipal Planning Area, approval of the Department of Government Services is required for any development within 150 metres of the closest centre-line of the Trans-Canada Highway.

3. Within the above-mentioned corridors development along the Trans-Canada Highway up to the Grand Bay Bridge is regulated under the Protected Road Zoning Regulations pursuant to the *Urban and Rural Planning Act 2000*. However, the provisions of these Regulations override the Protected Zoning Regulations, even though a permit is required from the Government Service Centre.

4.22 Recreational Trails and Walkways

[See also Section 4.34 - Waterways and Wetlands]

1. As a condition of an Approval in Principle and/or a development permit the Town may require that a trail corridor be deeded to the Town or a non-profit group approved by the Town; and where applicable, this may be considered part of the open space requirement under Section 6 of these Regulations.

2. Wherever space and terrain characteristics allow, the appearance and use of well-known trails and/or mapped trails, including the T'Railway, shall be protected by natural vegetation buffers that separate the trail and other forms of development and from hazard areas and areas subject to erosion, such as river and brook banks.

3. The vegetation buffer shall be deep enough to prevent shallow rooted trees being knocked over by wind.

4. The buffer is included within the trail corridor that includes the trail and the buffer.

5. The minimum width of a trail corridor shall be 30 metres – 15 metres either direction from the centre of the trail. However, the trail corridor may be reduced where:

    a. the area adjacent to the trail is already developed, as along portions of the trail or T'Railway;
    b. in the opinion of the Town it is necessary to reduce the corridor width due to reason of site conditions, ownership, or other pertinent factors, in which case the trail or Track corridor may be reduced to 15 metres.

6. For a trail to be eligible for protection it must be shown on the Land Use Zoning Maps, and/or on a plan of trails adopted by the Town and/or, as indicated on a plan of a trail which has been accepted by the Town.

7. Unless it is already shown on the Land Use Zoning Maps or other plan approved by the Town as a trail, the designation of a trail or trails for protection shall be advertised in accordance with the provisions of Section 3.31 and an opportunity provided for persons to comment before a trail or plan of trails is adopted by the Town.

8. Within the trail corridor, only accessory recreational uses, public utilities and roads can be allowed. No other development is permitted on or near the trail.

4.23 Residential Buffer

1. Where any proposed non-residential use is to abut an existing or proposed residential use or a Residential zone, the proponent of the non-residential development may be required to provide a buffer. Conversely, in the case of a residential development locating adjacent to an existing or proposed non-residential use or zone, the Town may require the developer of the residential use to provide a buffer. Any such buffer shall be made up of hedges, trees, shrubs, earthen berms or structural barriers that will sufficiently mitigate noise, visual unpleasantness and other undesirable effects. Trees and shrubs existing on the site prior to development which could form all or part of a buffer shall not be removed.

2. Before approving any non-residential development near existing or proposed residential development or Residential zones, the Town must be satisfied that the proposed non-residential development:

    a. will not give rise to excessive noise or other forms or pollution;
    b. will not generate vehicle traffic which is above the level acceptable to adjacent residential amenities;
    c. will not cause an unacceptable nuisance or hazard to adjacent residential uses; and;
    d. in general, can be considered acceptable to the amenity of residential uses.

4.24 Screening and Landscaping

1. The Town may, in the case of existing unsightly development, order the owner or occupier to provide adequate and suitable landscaping or screening; and for this purpose, may require the submission of an application giving details of the landscaping or screening, and these Regulations shall then apply to that application.

2. 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.

4.25 Services and Public Utilities

The Town can within any zone 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 concerned provided that the design and landscaping of any development of any land so used is, in the opinion of the Town, adequate to protect the character and appearance of the area.

4.26 Site Development and Subdivision Development - Marine Coastline

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. Along the marine coastline, wherever possible development required for emergency services and developments containing vulnerable populations (hospitals, special care homes, seniors' complexes, etc.) shall be located above the 8-metre elevation. An exception can be made, if, after suitable analysis the risk of flooding is deemed to be minor and/or the structure can withstand the damage that could be incurred by a flood or storm event.

4. Along the marine coastline, except for marine related activities and temporary or minor structures, new development may not be permitted at or below the 4 metre elevation, unless it can be demonstrated to the satisfaction of the Town and other relevant authorities that the risk is low and/or that the development can withstand the damage that could be incurred by a flood or storm event.

5. Wherever possible, natural features, such as beaches, barrier islands, and shoreline vegetation that can mitigate the impacts of storms shall be maintained.

6. 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. These drainage control facilities shall not be included in the calculation of open space as set out under Section 37 of the *Urban and Rural Planning Act 2000*.

7. 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.

4.27 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 grubbing, 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.

3. Where such grubbing, filling-in or excavation can affect the buffer of water body or the water body, then a permit shall also be obtained from the Department of Municipal Affairs and Environment, and where applicable, the Department of Fisheries and Oceans Canada.

4. A landscaping and site grading plan for any new development shall form part of the application for a development permit for a development which entails the development of the entire site or significant portion thereof and to this application shall be attached a plan showing vegetation – particularly trees, water-bodies, rock outcrops and other natural features.

4.28 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 (1) 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 (1) year periods up to a maximum of three (3) 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 Section 3.10.3 of these Regulations that shall be returned to the developer upon satisfactory completion of the work.

4.29 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 public or private recreational use or public service or utility.

4.30 Storage of Flammable Liquids

Uses and structures for the storage of flammable liquids shall meet the following requirements:

1. They are constructed to conform with the requirements of the Provincial Fire Commissioner.

2. Where part of an approved Use in any commercial, industrial or planned Development Use Zone, structures that contain flammable liquids shall generally be located in the Rear Yard or Side Yard placed at or behind the Building Line; and

3. Be surrounded by such buffers and landscaping as Council may require to prevent damage to adjacent Uses by fire, explosion or spillage of flammable liquid or other dangerous goods.

4.31 Street Construction Standards

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

4.32 Subsidiary Apartments

Subsidiary apartments may be permitted in Single Dwellings (Single Detached Dwellings) only; and for the purposes of calculating lot area and yard requirements, shall be considered part of the self-contained dwelling.

4.33 Un-subdivided Land

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

4.34 Waterways and Wetlands

Development within waterways and wetlands is subject to this Section and all relevant provincial and federal policies and statutes, including Department of Municipal Affairs and Environment Conservation Policy Directives W.R. 97-1: Development in Shorewater Zones, W.R. 97-2: Development in Wetlands, and W.R. 96-1: Flood Plain Management which are set out in Appendix C. Where there is a conflict between the Policy Directives and this Regulation, the more restrictive standards shall apply.

1. Minimum Buffer - 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, of the stream, river, pond or other body of water or wetland. This 15-metre buffer shall be expanded to 30 metres along the marine coast line and estuaries.

2. Measuring Buffer - If the toe of an embankment with an average slope of 30% or more lies within 15 or 30 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.

3. Limited Uses Allowed - Subject to the approval of the Department of Municipal Affairs and Environment and the Town, the only uses that can be permitted in the buffer area of a waterway are roads, driveways, public 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.

4. Approvals Required - 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.

5. Environmental Review - 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.

6. 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 Municipal Affairs and Environment 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 Resources Division of the Department of Municipal Affairs and Environment before a permit is issued by the Town.

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

8. Wetlands can only be developed in such a way as to minimize damage and impacts on the hydrology and environment of the area.

9. Any development within a wetland or the buffer of a wetland shall require the approval of the Minister of Municipal Affairs and Environment as well as the Town whether or not that wetland is zoned Environmental Protection under the Development Regulations.

10. 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.

11. Minor Waterway Definition - a drainage course, an intermittent stream which does not carry significant storm flows and/or a stream which is not a fish habitat.

12. Minor Wetland Definition - a wetland less than 5,000 square metres (5000 m^2) 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.

4.35 Fences

Notwithstanding any other provision of these Regulations, a fence may be placed or located in any yard, however:

a. Except for a security fence of chain link construction in any Commercial, Industrial, Institutional or Special zone, no fence located within the required front and flanking yard shall exceed 1 metre in height.
b. No fence shall exceed 2.5 metres in height in any zone.
c. No fence in any Residential zone shall be electrified or incorporate barbed wire or other sharp dangerous material in its construction

4.36 Un-Serviced and Semi-Serviced Development; Infilling Adjustment

1. Land Uses - The Town may, in its sole discretion, refuse to issue a permit for an un-serviced or semi-serviced development where, in its opinion the development is capable of being serviced by municipal water and/or sewer; there are concerns about possible pollution or adequacy of the private water supply; and/or the Town is of the opinion that such

development could necessitate the provision of any public service beyond what is already being provided in an area.

2. In addition to an approval by the Town, any development on a private water and/or waste disposal system shall require the approval of the Department of Government Services in accordance with the *Private Water Supply and Sewage Disposal Standards 2006* of the Department of Government Services.

3. Except for Lot Area and Lot Frontage, the standards for un-serviced or semi-serviced development shall be as set out in the Use Zone Table.

4. Un-serviced Development – Where the development lacks municipal water and sewer services (un-serviced) the minimum lot size is as determined by the Department of Government Services or 1860 m^2 per dwelling unit, 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. Standards for non-residential development shall be as determined by the Department of Government Services.

5. 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 m^2 is required per dwelling unit. A minimum lot width 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.

6. Infilling Adjustment – Where un-serviced 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 – Department of Government Services;
    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.

4.37 Access Plan

In order to control access to Streets Council may, by the adoption of an Access Plan:

a. determine the number, location and layout of accesses to a Street;
b. require an access to a Service Street, where direct access to an Arterial is not desirable; and
c. require two or more properties to share a joint access to an Arterial where individual accesses would not be desirable; and
d. reduce the minimum Lot Frontage required by Section 10 by up to 50%, provided that Council is satisfied that such a reduction will not create traffic hazards or demands for municipal services.

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SECTION 5: SPECIFIC USE REGULATIONS

5.1 Adult Day Care Use (Non-Residential)

An Adult Day Care Use (Non-Residential) shall be subject to the following conditions:

a. The Use shall comply with all pertinent provincial and municipal regulations.
b. Adequate noise separation shall be maintained between the Use and adjoining Dwelling Units in an apartment building.
c. Adequate noise separation shall be maintained between the Use and adjoining commercial Uses.
d. A fire exit for the exclusive use of the Adult Day Care Use shall be provided.
e. A separate entrance for the exclusive use of the Adult Day Care Use shall be provided unless the entrance to the Use from a common lobby or foyer is immediately adjacent to such lobby or foyer.
f. Parking as required in these Regulations shall be provided and reserved for the exclusive use of the Adult Day Care Use and identified as such on the parking plan.
g. A minimum of 5 m^2 of Net Floor Area per person shall be provided for use by the Adult Day Care users, this aggregate floor space shall be utilized for the purpose of group amenity areas and individual rest areas; and
h. The Use shall operate only during the full daytime period between 7:00 a.m. and 6:00 p.m.

5.2 Adult Day Care Use (Residential)

An Adult Day Care Use (Residential) shall be subject to the following conditions:

a. The Use shall comply with all pertinent provincial and municipal regulations.
b. The Use shall occupy a maximum of forty 40% of the Floor Area of the Dwelling Unit.
c. The Use shall have a maximum of six (6) Adult Day Care users present at any time.
d. A minimum of 5 m^2 of Net Floor Area per person shall be provided for use by Adult Day Care users, this aggregate floor space shall be utilized for the purpose of group amenity areas and individual rest areas.
e. Adequate parking shall be provided.
f. The operator of the Use shall maintain the dwelling in which the Use is located as his/her primary residence.
g. A maximum of one (1) person, other than the operator, shall be employed in the Adult Day Care Use.
h. The Use shall be clearly subsidiary to the residential Use.
i. The Use shall be compatible with nearby Uses; and
j. The Use shall operate only during the full daytime period between 7:00 a.m. and 6:00 p.m.

5.3 Assisted Living Residential Home (Personal Care Home Use)

Assisted Living Residential Homes, where permitted, shall meet the following requirements:

a. They shall be licensed by the applicable provincial authority (where required).
b. Have paved Access and parking area.
c. Council may require a privacy fence to be constructed.
d. Unless part of a planned mixed-use Development, meet the following minimum Lot standards:

Standard	
Lot Frontage (min)	30 m
Building Line Setback (min)	10 m or consistent with the Building Line Setback as established by Existing Lots on the Street
Side Yard (min)	5 m, 5 m
Rear Yard (min)	10 m
Lot Coverage (max)	50%
Landscaping (min)	20%

e. A Personal Care Home Use is permitted in a Dwelling Unit that is adequate in size to accommodate the number of persons living in the group, inclusive of staff. The Use and appearance of the dwelling shall not materially differ from, nor adversely affect, the amenities of the adjacent residences or neighbourhood.

5.4 Medical Treatment and Special Care and Seniors' Housing and Personal Care Facilities

Notwithstanding any other provisions of these Regulations, including those of the parking standards for dwellings in this Zone of Section 8, the following provisions shall apply to "Medical Treatment and Special Care and Seniors' Housing and Personal Care Facilities":

a. the development shall be a comprehensive development as set out in Section 5.7 of these Regulations, except that the minimum dwelling floor areas, building line setbacks and yards shall be as determined by the Town, planned as a single development with all of the necessary facilities and services;
b. the development shall be tailored to the needs of the persons occupying the development in accordance with their condition;
c. the overall design of the development – including road layout, landscaping, building design and location, parking areas, and so forth – is such that it is attractive, and compatible with other uses in the vicinity;
c. a single management authority shall be responsible for the maintenance of properties within the development;

d. building types can be those necessary to serve the purposes of the development, including a variety of dwelling types, special purpose structures, communal storage areas and workshops for the use of the residents, communal garages and care facilities;
e. the total lot coverage of all buildings does not exceed 33%;
f. the parking standards shall be tailored to the needs of the users of the facilities, provided that there is adequate provision for both residents and visitors, and provided that where independent living accommodation is provided in single, double or row dwelling types that at least one (1) parking space per dwelling unit is provided adjacent the dwelling unit;
g. the development is connected to the Town's municipal water and sewer services.

5.5 Child Care (Daycare Centre)

Where permitted in a Use Zone, a Daycare Centre shall meet the following conditions:

a. The operation is in accordance with all applicable provincial laws and regulations.
b. The Building shall be designed so that its type, massing and visual appearance fits into the Street on which it is located.
c. A limit of one (1) Daycare or day nursery will be permitted on any cul-de-sac.
d. Any on-site, outdoor play space will have a fence erected around its perimeter, with a gate in case of emergency.
e. Provision for off-street parking will be required as per the off-street parking requirements of these Regulations.
f. The drop-off and pick-up of children will not interfere with the free flow of vehicular traffic.
g. The Use is not located adjacent to or near hazardous, dangerous, or incompatible Uses. These include, but are not limited to, heavy industrial Uses, Service Stations, garages, Lounges, and nightclubs.

5.6 Child Care (Family)

Where permitted in a Dwelling Unit by the Town of Channel-Port Aux Basques, Child Care as a Home-Based Business shall conform to the requirements of the *Child Care Services Act* and Regulations. Where required, a licence to operate shall be obtained from the applicable provincial department.

5.7 Comprehensive Development

The Town may in its discretion permit a large scale private or public comprehensive development that does not meet the requirements of these Development Regulations for frontage on a publicly owned and maintained road ('public road'), lot size, lot frontage, minimum or maximum building line setback, side yard width and rear yard depth, 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 public road and the development is connected to the municipal water and sewer system;
d. the development is compatible with adjacent development;
e. there are at least two developments within the comprehensive development and the land area of the development is at least two (2) hectares (4.9 acres);
f. the property is situated within the town or municipal boundary as opposed to being outside the Town, but within, the Municipal Planning Area Boundary;
g. where roads and services are to be installed, the developer supplies sureties to the Town as required under these Regulations or a policy adopted by the Town.

5.8 Family and Group Care Centre

1. Family Group Care Centre use is permitted in any dwelling or apartment that is adequate in size to accommodate the number of persons living in the group, inclusive of staff, provided that in the opinion of 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.

2. The Town may require special access and safety features to be provided for the occupants before occupancy is permitted.

5.9 Forestry and Trees

1. Forestry development, including timber cutting, is subject to the prior approval of the Forestry Division of the Department of Natural Resources and the Town.

2. Trees in subdivisions and on individual properties shall be retained or replaced wherever possible, and in order ensure that this occurs, the Town shall require that a landscaping and site grading plan is submitted for any new development that entails the development of the entire site or significant portion thereof.

3. See also Sections 4.27 and 4.28

5.10 Mineral Exploration

1. No permit shall be issued by the Town for mineral exploration until the necessary permits and approvals have been first obtained from the Departments of Natural Resources,

Government Services, and Municipal Affairs and Environment, together with any other relevant Provincial agencies.

2. Subject to the other provisions of the Development Regulations, mineral exploration which is not classed as development by virtue of appreciable ground disturbance, construction of access roads, noise, odour and appearance can be permitted anywhere in the Planning Area, provided that adequate notification is provided to the Town.

3. Mineral exploration which is classed as development can or may be permitted in certain zones provided that adequate provision is made for buffering/and or other mitigations of impacts of existing or future urban, residential, commercial, industrial, institutional and recreational areas and provided that all necessary approvals are obtained.

4. Higher impact mineral exploration classed as development shall be subject to conditions that control noise, appearance, duration of the drilling or excavating program and the control of other impacts that may arise. The precise nature of these controls will depend upon the location of the mineral exploration in respect to built-up and environmentally sensitive areas, such as watersheds, waterways and wetlands.

5. Where there is to be ground disturbance, the developer shall provide a site restoration surety and/or other satisfactory guarantees of site landscaping to the Town.

5.11. Mineral Working

Mineral Working uses shall meet the conditions set out below:

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.

	Minimum Buffer Distance of Pit or Quarry Working
Hardrock quarry and Urban Development:	1,000 metres
Other than hardrock quarry and existing or Proposed Residential Development:	300 metres
Any other development area, or area likely to be developed during the life of the pit or quarry working:	150 metres

Public highway or street:	50 metres
Protected Road:	90 metres
Waterbody or watercourse:	50 metres

Where a minimum required distance was originally observed when choosing the location of a mineral working, the mineral working shall not be discontinued or impeded where the buffer is reduced to less than the required distance due to encroachment of development towards the mineral working.

2. Screening

A mineral working shall be screened in the following manner where it is visible from a public street or highway, developed area, or area likely to be developed during the life of the working:

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 operation from the surrounding uses or streets will be prevented. The tree screens must be maintained by the owner or occupier of the mineral working 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 to be planted to fill in the area affected to the satisfaction of the Town or, at the discretion of the Town, condition 5.11.2.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 from any part of the mineral working operation 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 in 5.11.2.a – 5.11.2.c above, the Town may refuse to permit the mineral working or associated activity.

3. Fencing

The Town may require the mineral working site or excavated area 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 waterbed or watercourse. Any access road to a pit and 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 Municipal Affairs and Environment.

5. Water Ponding

No mineral working shall result in the excavation of areas below the level of the water table nor in any way cause the accumulation or ponding of water in any part of the site. Settling ponds may be permitted with the approval of the Department of Municipal Affairs and Environment.

6. Erosion Control

No mineral working shall be carried out in a manner so as to cause 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

No quarry may be developed where the access road passes through a residential neighbourhood.

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 uncleared areas and 10 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

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.

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.

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. Permit Copy to be Sent to Mineral Lands Division

For approved developments where the extraction of quarry materials is occurring or may be expected occur, the Town will send a copy of the development permit to the Quarry Materials Section, Mineral Lands Division, Department of Natural Resources. Quarry materials include but are not limited to aggregate, fill, rock, stone, gravel, sand, clay, borrow material, topsoil, overburden, subsoil, peat.

12. 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 percent or to the slope conforming to that existing prior to the mineral working.
c. Topsoil and many organic materials shall be spread over the entire quarried area.
d. The access road to the working shall be ditched or barred to the satisfaction of the Town.

If the mineral working contains reserve of material sufficient to support further extraction operations, the Town may require the work described above to the carried out only in areas of the site where extraction has depleted aggregate reserves.

13. Security

The Town may require the posting of a bond or other acceptable type of financial guarantee as security to ensure the rehabilitation of quarry sites to acceptable standard.

14. Extraction & Rehabilitation Plan

As a condition of approval, the Town may require the developer:

a. to submit for the consideration and approval of the Town a Mineral Working Development Plan for the proposed Mineral Working use which shall include a site plan showing the location of physical site features and extraction and processing features; and

b. to submit for the consideration and approval of the Town a Mineral Working Reclamation Plan for the proposed mineral working use which shall explain, illustrate and show to the satisfaction of the Town a plan for restoration of the site which includes final ground contours, slopes, depth of topsoil, and vegetation and a phasing plan if necessary in the form of a grading and landscape plan or plans.

15. Permit Fee

The development permit fee for a mineral working shall be determined by the Town in an amount sufficient to cover the review of any required Development and Reclamation Plans by a professional engineer, ongoing inspection of the site for conformity with any required Plans and with the conditions of the development permit, and inspection of the site to determine acceptable reclamation, and, where applicable, for purposes of return or cancellation of the financial guarantee required in 5.11.12 above.

5.12 Home-Based Business

1. The following conditions shall apply to the Use of a Dwelling Unit for a Home-Based Business:

    a. The Dwelling Unit is occupied as a residence by the Applicant.
    b. The Use is clearly subsidiary to the residential Use and does not detract from the residential character of the surrounding area. The external appearance of the Dwelling shall not be changed by the Home-Based Business.
    c. No more than 25% of the total Floor Area of the dwelling (up to a maximum of 45m^2), is devoted to the business Use.
    d. No wholesale sales are carried out and retail sales are incidental and subsidiary to the approved Use.
    e. There is no outdoor storage or display.
    f. Signage is consistent with a residential neighbourhood, and is limited to one, non-illuminated sign with an area no greater than 2.8 m^2.
    g. There will not be more than two (2) non-resident employees working regularly in the dwelling.
    h. The Lot shall have sufficient area to accommodate the parking requirements of the Dwelling Unit and the Home-Based Business.
    i. Activities associated with the Use are not hazardous, and do not cause noticeable noise, odour, dust, fumes, night lights, or other inconvenience or nuisance to the neighbouring residents.
    j. Activities, such as the delivery or movement of goods, are limited to the hours of 8 a.m. to 8 p.m.
    k. There will be no repair, major maintenance, dismantling, or scrapping of vehicles or heavy equipment.

l. The separation and screening between the home business and other nearby dwellings, when required, is deemed to be adequate by the Town.
m. No change will be made in the type, class, intensity or extent of the business or service without a permit.

2. In addition to the requirements set out in Section 5.12.1, a Home-Based Business in an Accessory Building may only be permitted subject to the following conditions:

a. Not include any autobody, off-road vehicle or heavy equipment repair or salvage, painting/detailing or sales;
b. The business shall be owned and operated by the occupants of the dwelling; and,
c. Activities associated with the Use are carried out inside the Accessory Building, are not hazardous and do not cause a noticeable increase in noise, odour, dust or fumes, nor cause electrical interference or in any other way result in a nuisance to the occupants of surrounding residences.

5.13 Home Office Use

A Home Office Use is a Permitted Use in a residential Dwelling Unit provided that:

a. It shall not occupy more than 25% of the total Floor Area of the dwelling.
b.. It shall have no other exterior open storage or display of goods, materials or equipment.
c. It must have no employees other than a resident of the dwelling.
d. It shall have no signage associated with the Home Office Use.

5.14 Non-Residential Buildings (adjacent to Residential Areas)

1. The following conditions shall apply to a Development that includes a Building containing a commercial, office, industrial or public Use that adjoins a residential Lot or Zone:

a. The views from habitable rooms of dwellings and the amenity of outdoor spaces shall be respected in the design and siting of the proposed non-residential Building.
b. Landscaping of the non-residential property shall screen outdoor parking, shipping and storage areas directly visible from adjacent dwellings.
c. Snow piling areas shall be provided away from common fences with residential properties and away from Streets.
d. Parking lots and motor vehicle circulation areas for commercial Uses shall be situated to minimize the impact on adjoining residential properties.

2. A Development Assessment Report may be required to assess the impact of shading and shadow effects on surrounding residential properties. Council may require Building

Height, and Side or Rear Yards to be modified to prevent shading and shadow effect of the proposed Building on adjoining residential properties.

5.15 Open (Outdoor) Storage

The Town will not permit open dry storage of materials, goods and machinery, on sites abutting or on the opposite side of a road from lands zoned or used for residential purposes. Where permitted, open storage shall meet the following requirements:

a. Open storage on non-residential lots in the Commercial Zone, the Commercial Business Park Zone or the Industrial Zone shall not occupy more than 50 percent (50%) of the site area and shall not be located in the front yard or in any required buffer areas;
b. Open storage on non-residential lots in the Mixed Development Zone shall not occupy more than 25 percent (25%) of the site area and shall not be located in the front yard or in any required buffer areas
c. Open storage areas shall be enclosed by a wall or fence not less than 2 metres in height constructed of uniform materials approved by the Town;
d. Open storage areas shall be maintained with a stable surface to prevent raising or movement of dust, clay, mud, and loose particles;
e. Where provided with lighting, the fixtures shall be designed so that the illumination is contained within the boundaries of the storage area/site.

5.16 Bed and Breakfast; Boarding House

The following conditions shall apply to a Bed and Breakfast operation:

a. the proposed building has an exterior design and landscaping which is sensitive to the residential character of the surrounding area and respects the appearance, scale and density of adjacent dwellings and properties;
b. the parking area is suitably screened from adjacent residences;
c. the building lot shall have a minimum frontage of 20 metres;
d. the minimum lot area shall be 600 square metres;
e. signage is consistent with a residential neighbourhood, not more than one and not to exceed 2.8 m^2;
f. no change in the type, class or extent of the use shall be permitted except in accordance with a permit issued by the Town;
g. the Bed and Breakfast establishment is licensed under the Tourist Establishment Regulations.

5.17 Convenience Stores

Where allowed as a Permitted Use or as a Discretionary Use, Convenience Stores may only be permitted under the conditions set out below:

a. the store will form part of, or be attached to a self-contained dwelling unit or stand on a separate lot;
b. the retail use shall be subsidiary to the residential character of the area, and shall not detract from residential amenities of adjoining properties;
c. the floor area shall be no greater than 80 m^2;
d. off-street parking for at least five (5) automobiles shall be provided for the use of customers;
e. the store is located on a lot which fronts on a collector or arterial road.

5.18 Marine Coastline

1. See also Regulation 4.26 (Site Development and Subdivision Development - Marine Coastline)

2. Along the marine coastline, wherever possible development required for emergency services, residential development and developments containing vulnerable populations (hospitals, special care homes, seniors' complexes, etc.) shall be located away from areas known to be prone to flooding or other storm damage.

5.19 Mini Homes

1. Groups of more than three (3) Mini Homes shall be located only in an approved mini home park and mini home subdivision in Residential Use Zones so designated and shall conform to the requirements of the Provincial Mobile Home Development Regulations currently in effect.

2. <u>Mini Home Lot Development Standards</u>

   a. A mini home lot must be provided with a mini home stand capable of supporting the maximum anticipated load of the mobile home throughout all seasons of the year without settlement or other movement;

   b. A mini home stand must be designed to fit the dimensions of the particular home positioned on the mini home stand and must be paved or provided with some other hard surface;

   c. A mini home stand shall be required to be supported and secured by foundation walls, piers, posts or other means, carried to a depth sufficient to prevent movement by frost and sufficient to support the anticipated load at such points on its chassis frame as required;

   d. Anchors in the form of eyelets embedded in concrete, screw augers or arrowhead anchors, or alternative devices acceptable to the Town must be provided at all corners of the mobile home stand and at additional points where necessary to secure the mobile home against the forces exerted by wind or other naturally occurring forces;

e. Anchors or devices must be connected to each anchor point of the mobile home chassis frame by a cable or other device approved by the Town;

f. Anchors and connections must be made capable of withstanding a tension of at least 2,180 kilograms;

g. A mini home shall be placed on an approved mini home lot, and in a manner allowing it to be placed and removed from the lot without interfering with other lots;

h. Mini homes will be blocked with approved materials so that there will be a minimum clearance of 0.6 metres from the underside of the steel beam frame to the ground. The maximum clearance will be 1.2 metres from the underside of the frame to the ground; and,

i. When a mini home is in the correct position and secured in place, the open space beneath it will be skirted with a minimum 1.25 centimetre plywood or equivalent, secured to a minimum five (5) centimetre by five (5) centimetre framing on 60 (60) centimetre centres. The skirting must be acceptable to the Town and have an accessible, removable panel to give access to service connections.

5.20 Residential Uses - Agricultural Livestock Operations

1. No Development for residential use shall be permitted within 600 metres of an existing structure designed to contain more than five (5) Animal Units unless the Development is first approved by the Department of Forest Resources and Agri-foods, and the Department of Government Services and Lands.

2. No structure designed to contain more than five (5) Animal Units shall be erected or used for that purpose within 600 metres of an existing residence (except a farm residence or a residence which is a Non-Conforming Use in any zone in which agriculture is a permitted use class in the Use Zone Tables in Schedule C of these Regulations), and, from an area designated for Residential Use in an approved Plan, and, from a Provincial or Federal Park unless the following requirements are satisfied:

   a. The structure shall be approved by the Department of Forest Resources and Agrifoods, and the Department of Government Services and Lands;

   b. The structure shall be at least 60 metres from the boundary of the property on which it is to be located; and

   c. The application for the Development is advertised in accordance with the procedures set out in Section 3.30 and subsequently approved by Council.

5.21 Rental Storage Use

A Rental Storage Use is subject to the following requirements:

1. No sales of goods or materials shall be conducted from the site;

2. The outside storage of goods, materials and vehicles may be permitted provided:

   a. The storage area is located to the rear of a storage building; and

   b. The outside storage area is enclosed by a wall or screen fence, not less than 2.4 metres high, which design and location shall be approved by the Director of Building and Property Management.

   c. Exterior lighting shall be arranged to not spill over towards the neighbouring properties or adjacent streets; and,

   d. Off-street Parking Requirements: at least 1 space shall be provided for 1,000 m2 of Gross Floor Area.

5.22 Service Stations and Gas Bars

The following requirements shall apply to all proposed Service Stations and Gas Bars:

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.

5.23 Utilities – Windmills, Wind Farms, Other Energy Sources

1. Windmills, wind turbines, wind farms and other energy forms, including solar based and small hydro generating facilities – "Utilities" in Section 2 (Classifications of Uses of Land and Buildings) – and associated facilities and services are subject to the approval of the Town and the conditions set out below.

2. Utilities are subject to the approval of or exemption by relevant provincial and federal departments and agencies and public utilities, including the Mines and Energy Division of the Department of Natural Resources, NALCOR and Transport Canada.

3. 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 windmills or wind turbines designed to serve particular properties.

4. 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.

5. 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.

5.24 Wind Turbines – Small Scale

1. Minimum setback for a small-scale Wind Turbine shall be 1.5 times the height of the Wind Turbine from all property lines and Public Streets.

2. Minimum setback from a small-scale wind Turbine shall be 1.5 times the height of the Wind Turbine from where an occupied building is located on an adjacent lot.

3. Council shall have the discretion to increase the setback to a maximum of 3 times the height of the Wind Turbine.

4. There shall be no signs or advertisements attached to the Wind Turbine or blades.

5.25 Telecommunications and Antennas

Telecommunications structures or antennas shall comply with all applicable provincial and federal regulations and follow Industry Canada guidelines for community consultation. Council shall provide input to Industry Canada regarding the impact of proposed telecommunications towers and their potential impact on the community.

5.26 Scrap Yard (Salvage Yard)

The requirements below shall apply to any Salvage Yard (Scrap Yard):

1. Buffers
   a. A Landscaped Buffer not less than 300 m wide, shall be provided between a Salvage Yard and any area on which exists or is proposed to exist a residential development, or land that is zoned for a Residential Use.
   b. Landscaped Buffer not less than 150 m wide shall be provided between a Salvage Yard and area developable area or area likely to be developed.
   c. A Landscaped Buffer not less than 50 m wide shall be provided between a Salvage Yard and a Public Highway or Street
   d. A Landscaped Buffer not less than 50 m wide shall be provided between a Salvage Yard and a Watercourse or water body.
   e. A Landscaped Buffer not less than 90 m wide shall be provided between a Salvage Yard and a Protected Road
   f. The Landscaped Buffers shall have, or be planted with, trees and shrubs in such a manner that visibility of any part of the operation from surrounding areas or Streets will be prevented.

2. Fencing - Salvage Yards shall be fenced to prevent unauthorized entry and to Screen open storage areas from view.

3. Pollution Prevention - Adequate steps shall be taken to prevent the pollution of any water course by any Salvage Yard.

4. Security - The Town may require the deposit of a Security as a guarantee that the works set forth in the permit are carried out.

5.27 Campground

1. A campground may only be permitted as a Discretionary Use, provided a plan of the development is submitted in a format satisfactory to the Town, showing and specifying:

   a. camping sites – location and sizes;
   b. roads and accesses;
   c. parking areas;
   d. accessory uses, such as laundry facilities, storage areas, showers, snack-bar, and convenience stores and the caretaker residence, and any other building or facility accessory to the campground facility;
   e. water supply and waste disposal services;
   f. landscaping;

g. buffers, and screening between the campground and existing and future residential development;
h. the land to be developed on a legal survey prepared by a Newfoundland Land Surveyor;
i. where deemed, necessary by the Town, a phasing plan of the campground.

2. Commercial uses, washroom facilities, Laundromats and similar facilities, and parking areas and recreational areas shall not be located adjacent to residential areas.

3. All sites and facilities shall only be accessed by the internal road network of the campground.

4. A suitable buffer located on the property and that is landscaped and planted with materials approved by the Town and/or a privacy fence of a design approved by the Town, shall be provided where the development abuts a public road, right of way, and/or a present or future residential neighbourhood.

5. Any buffering or screening shall be properly maintained by the owner, and not allowed to fall into disrepair or become unsightly.

6. The permit for a campground shall specify the maximum number of units and sites – in the form of tents, recreational vehicles, and so forth – that may be accommodated on the site at any one time. This number shall not be exceeded.

7. Any proposed expansion or alteration to a campground shall be subject to review by the Town, and except for repairs and maintenance, shall be treated as a new Discretionary Use Application.

8. The owner and/or the operator shall ensure that all bylaws and regulations of the Town pertaining to noise, rowdy behavior, and litter are complied with.

9. Where deemed necessary by the town, a deposit sufficient to cover the cost of the buffer and screening shall be deposited with the Town, and then subsequently returned by the Town upon satisfactory completion of the work, or, used by the Town to complete the work in accordance with the approved plan.

10. Notwithstanding the above, for an Overnight/Short-Term RV and Travel Trailer Campground, the requirements shall be, at Council's discretion, as determined by Council

SECTION 6: SUBDIVISION OF LAND

6.1 Permit Required and Sureties

1. No Land shall be subdivided and no Development may commence unless a Development Approval is first obtained from the Town.

2. Before an Approval in Principle or permit is issued for a subdivision requiring the construction and/or upgrading of roads and municipal water and/or sewer services the Town shall require the deposit of surety in a form satisfactory to the Town to ensure the completion of the work in accordance with the approval. The requirements for a surety, along with other matters, shall be set out in the Subdivision Policy adopted by the Town and any agreements pursuant to that policy.

6.2 Services to be Provided

The Development of a Subdivision shall include provisions for Streets, water, waste and stormwater infrastructure designed to standards established by the Town. 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.

6.3 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 services, utilities and streets deemed necessary for the proper development of the subdivision, and all service levies and other charges imposed under these Development Regulations.

6.4 Building Permit Required for Each Lot

Notwithstanding the approval of a Subdivision by Council, a separate Building Permit is required for each Building proposed to be erected within the Subdivision. No Building Permit shall be issued until the developer has complied with all the provisions of these Regulations, with respect to the Development of the Subdivision.

6.5 Issue of a Development Approval Subject to Considerations

A Development Approval shall not be issued when, in the opinion of Council, the Development of a Subdivision does not contribute to the orderly growth of the municipality and does not demonstrate sound design principles. In determining an application, Council shall consider:

a. The location of the Land.
b. The availability of and the demand created for schools, water, waste and storm, sewer services, and public utilities.
c. The policies of the Municipal Plan.
d. The Land Use, physical form and character of adjacent Developments, including proximity to potential sources of Land Use conflict or nuisance.
e. The transportation network, including Street typologies and traffic densities affecting the site.
f. The topography, drainage, soil, and subsurface characteristics of the site.
g. Natural environment features such as lakes, streams, vegetation.
h. Availability of community facilities.
i. Energy conservation.
j. Potential for enhancing connectivity of the Street and pedestrian network.
k. Such other matters that Council may deem material.

6.6 Form of Application

Application for a permit to develop a subdivision shall be made to the Authority in accordance with Section 3.13 of these Regulations.

6.7 Subdivision Subject to Zoning

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

6.8 Building Lines

Council may establish Building Lines for any Subdivision Street and require any new Buildings to be located on such Building Lines.

6.9 Minor Subdivisions

Applications for Subdivision of Lands fronting on an existing public Street, shall include the following information:

a. The property to be subdivided, including a map or consolidated survey showing all original parcels of Land to be included in the proposed Development;
b. A map or survey showing how the parcel is proposed to be divided;
c. The physical features of the site, including any constraints, vegetation, potential hazards;
d. The location and type of any Existing Buildings on the property being subdivided.

6.10 Major Subdivisions

Applications for Subdivision of Lands resulting in the creation of three (3) or more Lots plus any remainder Lot and includes extension to an Existing Street or new Street(s) shall include a report, prepared and certified by a professional Urban Planner and other design professionals as necessary, that includes the following information:

a. The property to be subdivided and developed, including a map or consolidated survey showing all original parcels of Land to be included in the proposed Development.
b. How the proposed Development is consistent with the intent of the Municipal Plan and how the Development will help achieve the Plan's stated goals and objectives.
c. The physical features of the site, including Development opportunities and constraints, vegetation, potential hazards.
d. The conceptual layout of proposed Lots, Streets, pedestrian and cycle pathways, parks, and natural areas to be retained as public Amenity Space within the Development such as water bodies or significant stands of trees.
e. How the proposed Subdivision relates to surrounding Development, including Land Use, Streets, and pedestrian infrastructure.
f. How the Development provides for access to adjacent Lands identified in the Municipal Plan for future Development.
g. The volume and type of traffic that will be generated by the Development.
h. Proposed servicing infrastructure, including water and sewer, stormwater management and utilities.
i. In residential Subdivisions, appropriate locations for neighbourhood mailboxes.
j. The placement of parking areas, including driveways.
k. A general grading plan that indicates areas of cut and fill relative to Lots, Streets, natural areas and planned open space; and
l. A Development Assessment Report, or other report concerning the proposed Development, may be submitted to satisfy some or all of the information requirements of this Section.

6.11 Subdivision Agreement

As a condition of approval for new Developments, Council shall require a developer to enter into a subdivision agreement with the municipality. Such agreements shall include specifications for fees, detailed plans for Lot layout, infrastructure, open space, grading and landscaping, utility easements, street lights, fill management, as well as neighbourhood mailboxes where required.

6.12 Land for Public Use – Including Stormwater Management

(See also Section 3.11 of these Regulations)

1. Subject to Section 37 of the *Urban and Rural Planning Act 2000*, Council may require the developer to convey to Council title to an area of Land for public Use equal to, but not exceeding, 10% of the gross land area to be developed, provided the location and suitability of the Land conveyed is acceptable to Council.

2. 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 10% of the gross area of the subdivision for public open space, 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 clause 6.12.2.d. above, shall be reserved by the Town for the purpose of the acquisition or development of land for public open space or other public purpose.

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

4. 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 public use under Clause (1) of this Regulation.

5. Land required for storm water management and drainage control, such as retention ponds and vegetated swales, shall be in addition to the land dedicated for public open space or use as set out in the previous Clause (1) of this Regulation. Subject to a subdivision agreement, this land may be deeded to the Town or remain in private ownership.

6.13 Structure in Street Reservation

The placing within any Street Reservation of any structure (for example, a hydro pole, telephone pole, fire hydrant, mailbox, 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.

6.14 Subdivision Design Standards

Except as otherwise specified in a Subdivision Policy 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.

1. The finished grade of streets shall not exceed 10 percent, or up to 12 percent at the discretion of the Town where it would otherwise be impossible to develop the site, or compliance with the 10 percent requirement would entail excessive cutting and filling.

2. Every cul-de-sac shall be provided with a turning circle of a diameter of not less than 30 m.

3. The maximum length of any cul-de-sac shall be:

    a. 250 m where no emergency access is provided;
    b. 300 m where emergency access is provided, but it can be extended to more than 300 m where the cul-de-sac is connected to an arterial or collector road.

4. Emergency vehicle access to a cul-de-sac shall be not less than 3 m wide and shall connect the head of the cul-de-sac with an adjacent street.

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

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

7. All street intersections shall be constructed within 5 degrees of a right angle and this alignment shall be maintained for 30 m from the intersection.

8. No street intersection shall be closer than 60 m to any other street intersection.

9. No more than four streets shall join at any street intersection.

10. No residential street block shall be longer than 490 m between street intersections.

11. Streets within subdivisions shall be designed in accordance with the Subdivision Policy adopted by the Town, but in the absence of such standards, shall conform to the following minimum standards:

Type of Street	Street Reservation	Pavement Width	Walkway Width and Design & Number
Arterial Streets	30 m	15 m	Minimum – 1.5 m and 2
Collector Streets	20 m	9 m	Minimum – 1.5 m and 2
Local Streets	15 m	7 m	Minimum – 1.5 m and 2

12. No lot intended for residential purposes shall have a depth exceeding four times the frontage except as otherwise approved by the Town.

13. Residential lots shall not be permitted which abut a local street at both front and rear lot lines except as otherwise approved by the Town.

14. The Town may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed.

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

16. A cul-de-sac shall not be permitted unless the Town is satisfied that there is no reasonable alternative to developing the property.

17. Water and sewer mains shall be designed as loops to avoid dead-ending.

6.15 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 Authority 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.

6.16 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 the Association of Professional Engineers of Newfoundland and in effect at the time the work is carried out.

6.17 Street Works May Be Deferred

1. 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.

2. 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.

6.18 Transfer of Streets and Utilities to Authority

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 Authority 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 Authority.

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.

6.19 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.

6.20 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.

6.21 Lot Frontage Reduction – Subject to Access Plan

Subject to an Access Plan adopted under Section 4.37, Council may reduce the minimum Lot Frontage required by Section 9 by up to fifty percent (50%).

SECTION 7: SIGNAGE (ADVERTISEMENTS)

7.1 Intent

For the purpose of these Development Regulations, the terms “advertisement”, “sign” and “signage” are interchangeable.

The purpose of regulations set out in this Section is to regulate Signs in the Town with the intent of authorizing Signs that:

a. Are appropriate in size, number, and location to the type of activity or Use to which they pertain.
b. Provide reasonable and appropriate means for the public to locate and identify facilities, businesses, and services without difficulty or confusion.
c. Are compatible with their surroundings.
d. Protect and enhance the aesthetic qualities and visual character of the Town.
e. Do not create a distraction or safety hazard for pedestrians or motorists.
f. Minimize adverse impacts on nearby public and private property.

7.2 Permit Required

Unless specifically exempted, no sign (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.

7.3 Form of Application

Application for a permit to erect or display a sign (advertisement) shall be made to the Town in accordance with Section 3.13 of these Regulations.

7.4 Advertisements (Signs) Prohibited in Street Reservation

No sign (advertisement) shall be permitted to 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 unless this sign has been approved by the Town and where applicable, the Department of Government Services and the Department of Transportation and Works along provincial highways.

7.5 Permit Valid for Limited Period

A permit granted under these Regulations for the erection or display of a sign (advertisement) shall be for a limited period, not exceeding two (2) years, but may be renewed at the discretion of the Town for similar periods.

7.6 Advertisements (Signs), Non-Compliant

Except where a sign (advertisement) is deemed to fall under one of the categories described under Subsection 7.7, an advertisement presently not in compliance with the Regulations shall be removed or brought into compliance within one (1) year of the date of written notification by the Town.

7.7 Removal of Advertisements (Signs)

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

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

7.8 Advertisements (Signs)- Non-Conforming Uses

A permit may be used for the erection or display of advertisements (signs) 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.

7.9 Prohibited Signs

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, animation, 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 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; and
f. on a sign erected by the Department Transportation and Works.

7.10 Signs or Advertisements Not Specifically Covered

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

7.11 Signs or 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 in area, 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 0.2 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 0.2 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 m, 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 – although the approval of the Department of Transportation and Works may be required.

7.12 Temporary and/or Portable Signs (Advertisements)

1. A temporary and/or portable sign may be permitted in any zone for a period not exceeding 30 consecutive days; or 45 days at the Town's discretion where the purpose of the sign is to promote a not-for-profit initiative, provided the sign:

    a. The Sign must be located on the property on which the business or not—for-profit initiative is located.
    b. The Sign shall not interfere or obstruct access to or from a Lot.
    c. The Sign does not create or aggravate a traffic hazard, such as by blocking a sight-line
    d. The Sign shall not be placed on a portion of a Lot that abuts a residential Zone or Existing residential Lot.
    e. The Sign does not exceed 5 m^2 in area;
    f. The Sign does not interfere with other lawful signs, including directional signs;
    g. The location, materials, design and colour of the Sign are in keeping with the character and appearance of the area;
    h. The Sign, if necessary, is approved by the Department of Government Services, together with the Town.

2. A renewal permit for a temporary sign may only be issued after 30 days have passed since the original permit has expired.

3. A free standing temporary or portable sign affixed to the ground by legs shall be properly anchored to the ground in a manner that is sound and attractive. The Sign shall be constructed in accordance with engineered drawings approved by Council

4. If it is not exempted from these Regulations, with the written permission of Newfoundland Power, or the owner if not Newfoundland Power, a sign may be permitted on a utility pole.

7.13 Advertisements Relating to On-Site Uses

This section deals with signage relating to on-site uses - that is, uses located on the same property as the sign or signs. Sign types include free standing signs, signs affixed to buildings, fences and other structures, fascia signs and the use of building surfaces for advertising.

The conditions which shall apply to the erection or display of an advertisement on any lot or site occupied by a use permitted or existing as a legal non-conforming use in a use zone shall be as set out below.

1. The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Town, having regard for the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.

2. The maximum allowable size of the advertisement shall be determined in accordance with Subsection 7.13.1 above and in consideration of the size of the premise or premises being advertised. For example, a sign for a large shopping centre would necessarily be of a different scale than one for a convenience store.

3. Only one free standing advertisement per entrance or exit shall be permitted in the front of a multi-use building, strip mall, shopping centre and similar facilities containing more than one premise. However, one additional sign shall be permitted in the front of a building if it is a free-standing temporary sign as set out under Section 7.12.

4. Where an advertisement is attached to the roof of a building and protrudes above the roof, then it shall be included in the calculation of the height of the building.

7.14 Advertisements Relating to Off-Site Uses

This Regulation deals with signage relating to off-site uses – that is, uses not located on the same property as the sign or signs. Sign types include free standing signs, signs affixed to buildings, fences and other structures, fascia signs and the use of building surfaces for advertising.

Except as noted in Section 7.14.4, the conditions to be applied to the erection or display of an advertisement on any site, relating to a use permitted in a zone, or not relating to a specific land use, shall be as set out below.

1. The advertisement shall not exceed 3 m^2 in area, except along the Trans Canada Highway where a larger sign may be permitted up to maximum size of 9 m^2, subject to the approval of the Department of Government Services and the Department of Transportation and Works.

2. When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to the premises to which they relate.

3. 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.

4. The size restriction of Section 7.14.1 are waived where the Town has erected or permitted to be erected an advertisement related to a civic or improvement or other public purpose.

7.15 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 centrelines, except that the control area is reduced within Municipal Boundaries to 100 metres from the centreline 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 Government Services office serving the Planning Area.

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SECTION 8: OFF-STREET PARKING AND LOADING STANDARDS

8.1 Off-Street Parking Requirements

For every Building, structure or Use to be erected, enlarged or established, there shall be provided and maintained off-street parking in conformity with the requirements of this Section a quantity of off-street 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.

8.2 General Parking Requirements

1. Schedule of Standards by Use

The off-street parking requirements for uses in the various use classes shall be as set out in the following table, except as may otherwise set out in the specific Use Zone in which a property/development is situated. In case of developments including uses in more than one class, these standards shall be regarded as cumulative.

CLASS (TYPE OF OCCUPANCY)	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 Area.
General Assembly	One space for every 10 square metres of Gross Floor Area.
Educational	Schools - 2 spaces for every classroom. 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 determined 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.
Outdoor Assembly	As determined by the Town.
Campground	As determined by the Town.
Penal and Correctional Detention	As determined by the Town.
Medical Treatment and Special Care	Once space per 20 square metres of suite or ward area
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.
Assisted Living Residential Home	1 space for every 4 residents and 1 space for each 2 staff persons (based on the maximum number of staff on duty at peak time)
Collective Residential	As determined by the Town.
Boarding House Residential and/or Bed and Breakfast	As determined 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 30 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 determined by the Town.
Police Station	As determined by the Town.
Taxi Stand	As determined 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 20 m^2 of Gross Floor Area.
Shop	One space for every 20 m^2 of Gross Floor Area.
Indoor Market	As determined by the Town.
Outdoor Market	As determined by the Town.
Convenience Store	One space for every 20 m^2 of Gross Floor Area.
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 determined 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	As determined by the Town.
Forestry	As determined by the Town.
Mineral Working	As determined by the Town.
Mining	As determined by the Town.
Recreational Open Space	As determined by the Town.
Conservation	As determined by the Town.
Cemetery	As determined by the Town.
Scrap Yard	As determined by the Town.
Solid Waste	As determined by the Town.
Animal	As determined by the Town.
Antenna	As determined by the Town.
Transportation	As determined by the Town, taking into consideration associated uses, such as boat repairs, and other facilities and services.
Marina	As determined by the Town, taking into consideration associated uses, such as boat repairs, and other facilities and services.

Rental Storage Use	One space per 1000 m^2 of Gross Floor Area.

2. Drop-Off and Pick-Up Areas

Adequate off-street 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.

3. Parking Spaces for Persons with Disabilities

For any Development 4% of the total number of parking spaces required shall be allocated for disabled parking in accordance with the requirements of the *Buildings and Accessibility Act* and Regulations administered by the Province of Newfoundland and Labrador. All such spaces shall be appropriately sized and marked with readily visible signage.

4. Parking Relief

At the discretion of Council, an Applicant may be relieved of all or part of the parking required under Section 8.2.1 provided the Applicant is able to demonstrate that, because of the particular characteristics of the Development, the actual parking requirements within the foreseeable future are expected to be lower than those required by Council.

8.3 Parking Area Standards

1. Residential Off-Street Parking Spaces

Parking areas for vehicles on a Residential Lot shall:

a. Be on the area of the Lot approved for off-street parking space or spaces.
b. Not be permitted on the landscaped portion of the Front Yard, or Flanking Street Side Yard of the Lot.
c. For Row Dwellings, parking may be provided for groups of dwellings within an approved Development.
d. Parking space for apartment buildings shall be provided in the Rear Yard where possible.
e. Driveway and parking areas shall have a surface treatment that may include a hard surface such as asphalt, or pervious treatment with pavers, brick, turf stone or porous pavement designed to reduce stormwater runoff.

2. Non-Residential Parking Areas

1. To the extent that is possible and practicable, off-street parking spaces shall be sited to reduce the visibility of parking areas from public Streets through a combination of placement within a Development, Landscaping and shared parking space. Parking areas, where possible, shall be planned so that they are located within or behind buildings, or in a Side Yard.

2. Parking areas should be located on the same Lot as the building containing the use to which they are accessory is located. Where this is not possible or practical, Council may allow off-site parking spaces on land located within a radius of no more than 200 metres of the Use the parking is for.

3. Parking for More Than Four (4) Vehicles

1. Where permitted, parking areas for more than four (4) vehicles shall meet the following requirements:

    a. The parking areas shall be arranged so that it is not necessary for any vehicle to reverse onto or from a Street.
    b. Each parking space shall be made accessible by means of a hard-surfaced right-of-way at least 3 metres in width.
    c. The parking area and an adjoining driveway shall be paved and provide drainage, lighting, curbs, and Landscaping in accordance with requirements of Council.
    d. The lights used for illumination of the parking area shall be so arranged as to not spill over onto adjacent Developments/properties.
    e. 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.
    f. Except in Zones in which a Service Station or Gas Bar is a Permitted Use, no gasoline pump, canopy or related equipment shall be located or maintained in a parking area.
    g. No part of any off-street parking area shall be closer than 1.5 m to the Front Lot Line in any Zone.
    h. Access to parking areas in Non-Residential Zones *shall not* be by way of Residential Zones
    i. Where a parking area is in or abuts a residential Zone, a natural or structural barrier at least 1.8 m in height shall be developed and maintained along the abutting Lot Lines.
    j. For parking spaces perpendicular to the curb, the following minimum dimensions shall apply:

        - 2.75 metres Parking Stall Width
        - 5.8 metres Parking Stall Length or Depth
        - 7.3 metres Aisle Width (stalls opposite each other)
        - 7.3 metres Aisle Width (other obstruction)
        - 7.0 metres Driveway Width.

k. For parking spaces parallel to the curb, the Minimum Parking Stall Width shall be 7.0 metres, and the Minimum Aisle Width (if applicable) shall be at least 4 metres, more if deemed necessary by the Town.

8.4 Levy In-Lieu

Where, in the opinion of the Town, strict application of the parking standards contained in Section 8.3 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.

8.5 Off-Street Loading and Parking Requirement

1. Where the Town deems necessary - for every building, structure or use to be erected, enlarged or established requiring the shipping, loading or unloading of animals, goods, wares or merchandise - there shall be provided and maintained for the premises loading facilities on land that is not part of a street comprised of one or more loading spaces, 15 m long, 4 m wide, and having a vertical clearance of at least 4 m with direct access to a street or with access by a driveway of a minimum width of 6 m to a street.

2. The number of loading spaces to be provided shall be determined by the Town.

3. The loading facilities required by this Regulation shall be so arranged that vehicles can manoeuvre clear of any street and so that it is not necessary for any vehicle to reverse onto or from a street.

4. Council may require loading spaces to be visually screened from nearby Streets or residential Use by berm, Building, Landscaping, solid fence, wall, or any other similar structure.

8.6 Adaptive Re-Use: Offstreet Loading and Parking Requirements and Reduction
(See also Section 4.19)

In order to facilitate adaptive re-use of existing buildings and properties, the Town may in its discretion reduce the minimum offstreet parking and loading requirements beyond ten percent (10%) where it can be established that there will be no negative impacts on nearby properties – that is, that there will be no extended on-street parking or blocking of access and that this reduction will not pose a safety hazard or create snow-clearing difficulties.

SECTION 9: USE ZONES

9.1 Identification of Zones

For the purpose of these Regulations, the Planning Area is divided into Use Zones which are illustrated on the Channel-Port Aux Basques Land Use Zoning Maps, attached as Appendix A and forming part of these Regulations.

9.2 Interpretation of Zone Boundaries

Boundaries between Zones shall be determined as follow: a. Where a Zone boundary is indicated as following a Street the boundary shall be the centre line of the Street unless otherwise indicated.; b. Where the Zone boundary is indicated as approximately following Lot Lines the boundary shall follow the Lot Lines.; c. Where an electric transmission line right-of-way serves as a Zone boundary, the centreline of the right-of-way shall be considered the boundary between the Zones unless otherwise indicated.; d. Where a Zone boundary is indicated as following the edge of a watercourse the Zone shall follow any change in the boundary of that watercourse.

9.3 Classification of Land Uses and Buildings

Section 2 contains a table listing classes of Uses and provides examples of specific Uses for each Use class. Where a Use is proposed that is not listed as an example, Council may interpret that Use as being included in a Use class for the purposes of determining whether it is a Permitted, Discretionary or Prohibited Use in the applicable Use Zone.

9.4 Permitted Uses

Subject to these Regulations, the Uses that fall within the Permitted Use classes set out in the appropriate Use Zones shall be permitted by Council in that Use Zone.

9.5 Discretionary Uses

Subject to these Regulations, the Uses that fall within the Discretionary Use classes set out in the appropriate Use Zones may be permitted in that Use Zone if Council 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 Council has given notice of the application and has considered any objections or representations which may have been received on the matter.

9.6 Prohibited Uses

Uses that do not fall within the Permitted or Discretionary Use class of any Use Zone or are specifically identified as a Prohibited Use shall not be permitted in that Zone.

9.7 Uses Permitted in All Zones

The following Uses shall be permitted in any Use Zone:

- Municipal Infrastructure, Services and Utilities
- Public Open Space
- Conservation

9.8 Standards and Conditions

In addition to the requirements of these Regulations, the standards and conditions for Development in each Use Zone are listed in the Use Zone tables. Where standards, requirements and conditions applicable in a Use Zone are not set out in these Regulations, Council may determine the standards, requirements and conditions which shall apply.

Before issuing an Approval in Principle or a Permit for a Development, the Town shall review the Application to ensure that it is in compliance with Section 2 – Definitions and Classification of Uses of Land and Buildings, Section 3 – General Regulations, Section 4 – General Development Standards, Section 5 – Specific Use Regulations, Section 6 – Subdivision of Land ,Section 7 – Signage (Advertisements) Regulations, Section 8 – Offstreet Loading and Parking Requirements; and, Section 9 – Use Zones of the Development Regulations.

9.9 Use Zones

The following Land Use Zones are set out in these Regulations. The abbreviations listed have been used to identify individual Use Zones on the Zoning Map:

USE ZONE	**ABBREVIATION**
RESIDENTIAL	RES
RESIDENTIAL MEDIUM DENSITY	RMD
MIXED DEVELOPMENT	MD
TOWN CENTRE	TC
PUBLIC	PU
OPEN SPACE	OS
COMMERCIAL	COM
COMMERCIAL BUSINESS PARK	CBP
INDUSTRIAL	IND
RURAL	RUR
ENVIRONMENTAL PROTECTION	EP
ENVIRONMENTAL PROTECTION MANAGEMENT UNIT	EPMU
PROTECTED PUBLIC WATER SUPPLY	PPWS
HIGHWAY	HWY

9.10 RESIDENTIAL (RES) ZONE

9.10.1 Permitted Uses

The following Uses shall, subject to the requirements of these Regulations (including Section 6), be permitted:

a. Accessory Building (see Sections 4.3.1 and 4.3.2)
b. Single Dwelling
c. Double Dwelling
d. Subsidiary Apartment in a Single Detached Dwelling (see Section 4.32)
e. Bed and Breakfast (subject to Section 5.16)
f. Child Care – Family (subject to Section 5.6)
g. Conservation
h. Home Office Use (subject to Section 5.13)
i. Recreational Open Space
j. Public Park
k. Public Utility

9.10.2 Discretionary Uses (subject to Section 3.30)

The following Uses 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; and subject to the requirements of these Regulations:

a. Row Dwelling
b. Apartment Building
c. Adult Day Care - Non-Residential (subject to Section 5.1)
d. Adult Day Care - Residential (subject to Section 5.2)
e. Antenna (subject to section 5.25)
f. Apartment Building
g. Assisted Living Residential Home (subject to Section 5.3)
h. Child Care - Daycare Centre (subject to Section 5.5)
i. Clinic – Medical Treatment and Special Care
j. Comprehensive Development (subject to Section 5.7)
k. Convenience Store (subject to Section 5.17)
l. Health and Fitness Facility
m. Home Based Business (subject to Section 5.12)
n. Mini Home (Subject to Section 5.19)
o. Tiny House Dwelling
p. Transportation Uses – Wharves and Docks

RESIDENTIAL (RES) ZONE

9.10.3 Zone Requirements/Standards

1. Serviced Development

STANDARD	Single Dwelling	Double Dwelling	Row Dwelling	Apartment Building	Mini Home	Tiny House Dwelling
Lot Area (min)	450 sq m	450 sq m	300 sq m	900 sq m	360 sq m	120 sq m
Floor Area (min)	80 sq m	70 sq m each	70 sq m each	50 sq m per d.u.	---	---
Residential Density	---	---	---	1 d.u. per 200 sq m	---	---
Frontage (min)	15 m	20 m	10 m	30 m	12 m	6 m
Building Line & Setback (min)	6 m	6 m	6 m	8 m	6 m	6 m*
Side Yards (min)	1.8 m, 1.8 m	1.8 m,1.8 m	2 m – End Units	5 m, 5 m	1.5 m, 1.5 m	1 m, 3 m
Flanking Yard (min)	6 m	6 m	6 m	8 m	6 m	5 m
Rear Yard (min)	9 m	9 m	9 m	9 m	9 m	6 m
Lot Coverage– All Buildings (max)	33%	33%	33%	33%	40%	40%
Height (max)	8 m	8 m	10 m	10 m	8 m	8 m

* Minimum 40% landscaped area to be maintained in Front Yard

2. Un-Serviced or Semi-Serviced Development

At Council's sole discretion and in compliance with the requirements of Section 4.36 of these Regulations.

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RESIDENTIAL (RES) ZONE

9.10.3 Zone Requirements/Standards

3. Assisted Living Residential Home (Section 5.3)

Standard	
Lot Frontage (min)	30 m
Building Line Setback (min)	10 m or consistent with the Building Line Setback as established by Existing Lots on the Street
Side Yard (min)	5 m, 5 m
Rear Yard (min)	10 m
Lot Coverage (max)	50%
Landscaping (min)	20%

4. Wharves and Docks on Ponds and Marine Shorelines

Subject to the following conditions:

1. Size, scale and use of structures is compatible with surrounding development and land use policies for the area, including nearby zones; and
2. Approval in writing is obtained from the Water Resources Branch of the Department of Municipal Affairs and Environment.

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9.11 RESIDENTIAL MEDIUM DENSITY (RMD) ZONE

9.11.1 Permitted Uses

The following Uses shall, subject to the requirements of these Regulations (including Section 6), be permitted:

a. Accessory Building (see Sections 4.3.1 and 4.3.2)
b. Single Dwelling
c. Double Dwelling
d. Row Dwelling
e. Mini Home (Subject to Section 5.19)
f. Subsidiary Apartment in a Single Detached Dwelling (see Section 4.32)
g. Bed and Breakfast (subject to Section 5.16)
h. Child Care – Family (subject to Section 5.6)
i. Conservation
j. Home Office Use (subject to Section 5.13)
k. Recreational Open Space
l. Public Park
m. Public Utility

9.11.2 **Discretionary Uses** (subject to Section 3.30)

The following Uses 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; and subject to the requirements of these Regulations:

a. Adult Day Care - Non-Residential (subject to Section 5.1)
b. Adult Day Care - Residential (subject to Section 5.2)
c. Antenna (subject to section 5.25)
d. Assisted Living Residential Home (subject to Section 5.3)
e. Child Care - Daycare Centre (subject to Section 5.5)
f. Clinic – Medical Treatment and Special Care
g. Comprehensive Development (subject to Section 5.7)
h. Convenience Store (subject to Section 5.17)
i. Health and Fitness Facility
j. Home Based Business (subject to Section 5.12)
k. Tiny House Dwelling
l. Transportation Uses – Wharves and Docks

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RESIDENTIAL MEDIUM DENSITY (RMD) ZONE

9.11.3 Zone Requirements/Standards

1. Serviced Development

STANDARD	Single Dwelling	Double Dwelling	Row Dwelling	Apartment Building	Mini Home	Tiny House Dwelling
Lot Area (min)	450 sq m	450 sq m	300 sq m	---	360 sq m	120 sq m
Floor Area (min)	80 sq	70 sq m each	70 sq m each	50 sq m each		---
Residential Density				1 d.u. per 200 sq m		---
Frontage (min)	15 m	20 m each	10 m each	36 m	12 m	6 m
Building Line & Setback (min)	10 m	10 m	---	---	6 m	6 m*
Side Yards (min)	1.8 m, 1.8 m	1.8 m,1.8 m	2 m – End Units	5 m, 5 m	1.5m, 1.5 m	1 m,3 m
Flanking Yard (min)	6 m	6 m	6 m	8 m	6 m	5 m
Rear Yard (min)	9 m	9 m	9 m	9 m	9 m	6 m

∗ Minimum 40% landscaped area to be maintained in Front Yard

2. Un-Serviced or Semi-Serviced Development

At Council's sole discretion and in compliance with the requirements of Section 4.36 of these Regulations.

STANDARD	Single Dwelling	Double Dwelling	Mini Home
Lot Area (min)	Section 4.36	Section 4.36	Section 4.36
Floor Area (min)	80 sq m	70 sq m each du	70 sq m each du
Frontage (min)	Section 4.36	Section 4.36	Section 4.36
Building Line & Setback (min)	10 m	10 m	6 m
Side Yards (min)	1.8 m, 1.8 m	1.8 m,1.8 m	1.5 m, 1.5 m
Flanking Yard (min)	10 m	10 m	8 m
Rear Yard (min)	15 m	15 m	12 m
Lot Coverage– All Buildings (max)	33%	33%	40%
Height (max)	8 m	6 m	7 m

RESIDENTIAL MEDIUM DENSITY (RMD) ZONE

9.11.3 Zone Requirements/Standards

3. Assisted Living Residential Home (Section 5.3)

Standard	
Lot Frontage (min)	30 m
Building Line Setback (min)	10 m or consistent with the Building Line Setback as established by Existing Lots on the Street
Side Yard (min)	5 m, 5 m
Rear Yard (min)	10 m
Lot Coverage (max)	50%
Landscaping (min)	20%

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9.12 MIXED DEVELOPMENT (MD) ZONE

9.12.1 Permitted Uses

The following Uses shall, subject to the requirements of these Regulations (including Section 6), be permitted:

a. Accessory Dwelling Unit
b. Accessory Use (see Section 4.4)
c. Adult Day Care - Non-Residential (subject to Section 5.1)
d. Adult Day Care - Residential (subject to Section 5.2)
e. Apartment Building
f. Assisted Living Residential Home (subject to Section 5.3)
g. Single Dwelling
h. Double Dwelling
i. Row Dwelling
j. Subsidiary Apartment in a Single Detached Dwelling (see Section 4.32)
k. Bed and Breakfast (subject to Section 5.16)
l. Boarding House (subject to Section 5.16)
m. Child Care - Daycare Centre (subject to Section 5.5)
n. Conservation
o. Convenience Store (subject to Section 5.17)
p. Home Based Business (subject to Section 5.12)
q. Home Office Use (subject to Section 5.13)
r. Business and Personal Service Uses (e.g. Hair Salon, Tailor, Shoe Repair)
s. Recreational Open Space
t. Public Park
u. Public Utility

9.12.2 **Discretionary Uses** (subject to Section 3.30)

The following Uses 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; and subject to the requirements of these Regulations:

a. Amusement Use (Place of Amusement)
b. Antenna (subject to section 5.25)
c. Club (non-profit)
d. Commercial School
e. Communications Use
f. General Industry Use
g. Hotel/Motel

MIXED DEVELOPMENT (MD) ZONE

9.12.2 Discretionary Uses (subject to Section 3.30)

h. Light Industry Use
i. General Service Use
j. Indoor Market Use
k. Outdoor Market Use
l. Medical and Professional Services
m. Mini Home (subject to Section 5.19)
n. Office
o. Passenger Assembly Use
p. Service Station and Gas Bar (subject to Section 5.22)
q. Shop Use (Retail Store)
r. Take-Out Food Service
s. Tavern (Lounge)
t. Taxi Stand
u. Theatre
v. Tiny House Dwelling
w. Transportation Use
x. Veterinary Clinic

9.12.3 Zone Requirements/Standards

1.1 Residential Development

STANDARD	Single Dwelling	Double Dwelling	Row Dwelling	Apartment Building	Mini Home	Tiny House
Lot Area (min)	450 sq m	450 sq m	300 sq m	900 sq m	360 sq m	120 sq m
Floor Area (min)	80 sq m	70 sq m each du	70 sq m each du	50 sq m per du	---	---
Residential Density	---	---	---	1 d.u. per 200 sq m	---	---
Frontage (min)	15 m	20 m	10 m	36 m	12 m	6 m
Building Line & Setback (min)	6 m	6 m	6 m	8 m	6 m	6 m*
Side Yards (min)	1.8 m, 1.8 m	1.8 m,1.8 m	2 m – End Units	5 m, 5 m	1.5 m, 1.5 m	1 m, 3 m
Flanking Yard (min)	6 m	6 m	6 m	8 m	6 m	5 m
Rear Yard (min)	9 m	9 m	9 m	9 m	9 m	6 m
Lot Coverage– All Buildings (max)	33%	33%	33%	33%	40%	40%
Height (max)	8 m	8 m	10 m	10 m	10 m	8 m

* Minimum 40% landscaped area to be maintained in Front Yard

MIXED DEVELOPMENT (MD) ZONE

9.12.3 Zone Requirements/Standards

1.2 Building Line and Setback, Complementary Yard Setbacks

1. The Town, by resolution, may establish building lines on an existing or proposed 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 under Schedule C of these Regulations.

2. The building line setback is measured from the front property line.

3. However, notwithstanding the minimum front, side and rear yard requirements set out under Section 9, the Town may allow development to complement existing building setbacks from the front, side and rear lot lines of the adjoining properties by modifying the minimum yard requirements and after notification is given to the adjacent property owners.

4. The building line along Provincial highways shall not be less than that specified under the provincial Building Near Highways Regulations.

2. Non-Residential Development Standards

1. For Non-Residential uses not located in a dwelling and not on a dwelling lot, the development standards for this zone shall be as follows:

a. Minimum Building Line Setback	8 metres
b. Minimum Side Yards	5 metres
c. Minimum Rear Yard	10 metres
d. Maximum Height	10 metres

2. For Non-Residential uses located in a separate building or extension on a dwelling lot, the requirements and standards for an accessory building shall apply (see Section 4.3.2 - Accessory Buildings – Non-Dwelling and Non-Apartment Building Uses).

MIXED DEVELOPMENT (MD) ZONE

9.12.3 Zone Requirements/Standards

3. Open (Outdoor) Storage (see Section 5.15)

The Town will not permit open dry storage of materials, goods and machinery, on sites abutting or on the opposite side of a road from lands zoned or used for residential purposes. Where permitted, open storage shall meet the following requirements:

1. Open storage on non-residential lots shall not occupy more than 25 percent (25%) of the site area and (except for lots occupied by a Service Station/Gas Bar/Commercial Garage) shall not be located in the front yard or in any required buffer areas;

2. Open storage areas shall be enclosed by a wall or fence not less than 2 metres in height constructed of uniform materials approved by the Town;

3. Open storage areas shall be maintained with a stable surface to prevent raising or movement of dust, clay, mud, and loose particles;

4. Where provided with lighting, the fixtures shall be designed so that the illumination is contained within the boundaries of the storage area/site.

4. Site Maintenance Standards, Non-Residential Uses

Any use other than a private residence occupying a site in the Mixed Development Zone shall meet the conditions below.

1. Trash and Garbage Receptacles – Trash and garbage receptacles which contain garbage awaiting collection shall be located within a screened enclosure constructed of opaque materials and of a design satisfactory to the Town.

2. Exterior Lighting – Exterior lighting for use on the site shall be erected and maintained so the light is confined to the property and will not case direct light or glare upon the adjacent properties or roads and the light source shall not be higher than 6 metres.

3. Landscaping and Surfacing – Lots shall be landscaped or provided with a stable surface to prevent raising or movement of dust, clay, mud, and loose particles.

MIXED DEVELOPMENT (MD) ZONE

9.12.3 Zone Requirements/Standards

5. Marine Coastline

1. See also Regulation 4.26 (Site Development and Subdivision Development - Marine Coastline)

2. Along the marine coastline, wherever possible development required for emergency services, residential development and developments containing vulnerable populations (hospitals, special care homes, seniors' complexes, etc.) shall be located away from areas known to be prone to flooding or other storm damage.

6. Take-Out and Amusement Uses

Uses in the Take-out Food Service and Amusement Use Classes may be considered for approval provided:

1. The proposed site does not abut lands zoned or used for residential purposes; and

2. The Town has made regulations under the *Urban and Rural Planning Act* or the *Municipalities Act* with respect to the licensing and operation of the Use Class.

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9.13 TOWN CENTRE (TC) ZONE

9.13.1 Permitted Uses

The following Uses shall, subject to the requirements of these Regulations (including Section 6), be permitted:

a. Accessory Dwelling Unit
b. Accessory Use (see Section 4.4)
c. Adult Day Care - Non-Residential (subject to Section 5.1)
d. Adult Day Care - Residential (subject to Section 5.2)
e. Apartment Building
f. Single Dwelling
g. Double Dwelling
h. Row Dwelling
i. Subsidiary Apartment in a Single Detached Dwelling (see Section 4.32)
j. Bed and Breakfast (subject to Section 5.16)
k. Boarding House (subject to Section 5.16)
l. Child Care - Daycare Centre (subject to Section 5.5)
m. Conservation Uses
n. Convenience Store (subject to Section 5.17)
o. Cultural and Civic Uses
p. Eating Establishment
q. Family and Group Care Centre
r. General Service Use
s. Home Based Business (subject to Section 5.12)
t. Home Office Use (subject to Section 5.13)
u. Hotel/Motel
v. Indoor Market
w. Medical and Professional Services
x. Outdoor Market
y. Passenger Assembly
z. Personal Service Uses (e.g. Hair Salon, Tailor, Shoe Repair)
aa. Place of Assembly
bb. Place of Worship
cc. Recreational Open Space
dd. Residential Dwelling Units on the second floor or higher of a Commercial building
ee. Public Park
ff. Public Utility
gg. Shop Use (Retail Store)
hh. Taxi Stand
ii. Transportation Use

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TOWN CENTRE (TC) ZONE

9.13.2 Discretionary Uses (subject to Section 3.30)

The following Uses 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; and subject to the requirements of these Regulations:

a. Amusement Use (Place of Amusement)
b. Antenna (subject to section 5.25)
c. Assisted Living Residential Home (subject to Section 5.3)
d. Catering Kitchen
e. Catering Hall
f. Club
g. Commercial School
h. Funeral Home
i. General Industry Use
j. Light Industry Use
k. Mini Home
l. General (Commercial) Garage
m. General Service Use
n. Mini Home (subject to Section 5.19)
o. Service Station and Gas Bar (subject to Section 5.22)
p. Short-Term/Overnight RV and Trailer Campground (subject to Section 5.27.10)
q. Tavern (Lounge)
r. Theatre
s. Tiny House Dwelling
t. Veterinary Clinic

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TOWN CENTRE (TC) ZONE

9.13.3 Zone Requirements/Standards

1.1 Residential Development

STANDARD	Single Dwelling	Double Dwelling	Row Dwelling	Apartment Building	Mini Home
Lot Area (min)	450 sq m	450 sq m	300 sq m each du	400 sq m	360 sq m
Floor Area (min)	80 sq m	70 sq m each du	70 sq m each du	50 sq m each du	---
Residential Density				1 d.u. per 200 sq m	
Frontage (min)	15 m	20 m	10 m each du	30 m	12 m
Building Line & Setback (min)	6 m	6 m	6 m	8 m	6 m
Side Yards (min)	1.8 m, 1.8 m	1.8 m,1.8 m	2 m – End Units	5 m, 5 m	1.5 m, 1.5 m
Flanking Yard (min)	6 m	6 m	6 m	8 m	6 m
Rear Yard (min)	9 m	9 m	9 m	9 m	9 m
Lot Coverage– All Buildings (max)	33%	33%	33%	33%	40%
Height (max)	8 m	8 m	10 m	10 m	10 m

Tiny House Dwelling Standards

Lot Area (min)	120 sq. m
Lot Frontage (min)	6 m
Building Line (min)	6 m
Front Yard Landscaped (min)	40%
Side Yards (min)	1 m, 3 m,
Side Yard, Flanking Road (min)	3 m & 5 m
Rear Yard (min)	6 m
Building Height (max)	8 m
Parking Spaces (min)	1

1.2 Building Line and Setback, Complementary Yard Setbacks

1. The Town, by resolution, may establish building lines on an existing or proposed 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 under Section 9 of these Regulations.

2. The building line setback is measured from the front property line.

TOWN CENTRE (TC) ZONE

9.13.3 Zone Requirements/Standards

3. However, notwithstanding the minimum front, side and rear yard requirements set out under Schedule C, the Town may allow development to complement existing building setbacks from the front, side and rear lot lines of the adjoining properties by modifying the minimum yard requirements and after notification is given to the adjacent property owners.

4. The building line along Provincial highways shall not be less than that specified under the Provincial Building Near Highways Regulations.

2. Non-Residential Development Standards

1. For Non-Residential uses not located in a dwelling and not on a dwelling lot, the development standards for this zone shall be as follows:

a. Minimum Building Line Setback	4 metres
b. Minimum Sideyards	3 metres
c. Minimum Rearyard	10 metres
d. Maximum Height	10 metres
e. Maximum Lot Coverage	33%

3. Open (Outdoor) Storage (see Section 5.15)

The Town will not permit open dry storage of materials, goods and machinery, on sites abutting or on the opposite side of a road from lands zoned or used for residential purposes. Where permitted, open storage shall meet the following requirements:

1. Open storage on non-residential lots shall not occupy more than 25 percent (25%) of the site area and (except for lots occupied by a Service Station/Gas Bar/Commercial Garage) shall not be located in the front yard or in any required buffer areas;

2. Open storage areas shall be enclosed by a wall or fence not less than 2 metres in height constructed of uniform materials approved by the Town;

3. Open storage areas shall be maintained with a stable surface to prevent raising or movement of dust, clay, mud, and loose particles;

4. Where provided with lighting, the fixtures shall be designed so that the illumination is contained within the boundaries of the storage area/site.

TOWN CENTRE (TC) ZONE

9.13.3 Zone Requirements/Standards

4. Site Maintenance Standards, Non-Residential Uses

Any use other than a private residence occupying a site in the Mixed Development Zone shall meet the conditions below:

1. Trash and Garbage Receptacles – Trash and garbage receptacles which contain garbage awaiting collection shall be located within a screened enclosure constructed of opaque materials and of a design satisfactory to the Town.

2. Exterior Lighting – Exterior lighting for use on the site shall be erected and maintained so the light is confined to the property and will not case direct light or glare upon the adjacent properties or roads and the light source shall not be higher than 6 metres.

3. Landscaping and Surfacing – Lots shall be landscaped or provided with a stable surface to prevent raising or movement of dust, clay, mud, and loose particles.

5. Marine Coastline

1. See also Regulation 4.26 (Site Development and Subdivision Development - Marine Coastline)

2. Along the marine coastline, wherever possible development required for emergency services, residential development and developments containing vulnerable populations (hospitals, special care homes, seniors' complexes, etc.) shall be located away from areas known to be prone to flooding or other storm damage.

6. Take-Out and Amusement Uses

Uses in the Take-out Food Service and Amusement Use Classes may be considered for approval provided:

1. The proposed site does not abut lands zoned or used for residential purposes; and

2. The Town has made regulations under the *Urban and Rural Planning Act* or the *Municipalities Act* with respect to the licensing and operation of the Use Class.

9.14 PUBLIC (PU) ZONE

9.14.1 Permitted Uses

The following Uses shall, subject to the requirements of these Regulations (including Section 6), be permitted:

a. Adult Day Care - Non-Residential (subject to Section 5.1)
b. Assisted Living Residential Home (subject to Section 5.3)
c. Child Care - Daycare Centre (subject to Section 5.5)
d. Conservation Uses
e. Cultural and Civic Uses
f. General Assembly Uses
g. Indoor Assembly Uses
h. Outdoor Assembly Uses
i. Hospital
j. Medical Clinic, Medical Offices
k. Office Uses
l. Place of Worship
m. Police Station
n. Recreational Open Space
o. Public Park
p. Public Utility

9.14.2 **Discretionary Uses** (subject to Section 3.30)

The following Uses 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; and subject to the requirements of these Regulations:

a. Apartment Building
b. Catering Kitchen
c. Catering Hall
d. Cemetery
e. Club
f. Collective Residential Use (including a Social Housing Initiative)
g. Communications Use
h. Fire Station
i. Funeral Home
j. General Service Use
k. Medical and Professional Services
l. Personal Service Use

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PUBLIC (PU) ZONE

9.14.2 Discretionary Uses

m. Row Dwelling
n. Sem-Detached Dwelling
o. Theatre
p. Transportation Use

9.14.3 Zone Requirements/Standards

1. Residential Development Standards

STANDARD	Row Dwelling	Apartment Building	Assisted Living Residential Home
Lot Area (min)	300 sq m per du	900 sq m	
Residential Density		1 d.u. per 180 sq m	
Frontage (min)	10 m	30 m	30 m
Building Line & Setback (min)	6 m	8 m	10 m or consistent with the Building Line Setback as established by Existing Lots on the Street
Side Yards (min)	2 m – End Units	5 m, 5 m	5 m, 5 m
Flanking Yard (min)	6 m	8 m	5 m
Rear Yard (min)	9 m	9 m	10 m
Lot Coverage– All Buildings (max)	33%	33%	50%
Height (max)	10 m	10 m	

2. Non-Residential Development Standards

For Non-Residential uses not located in a dwelling and not on a dwelling lot, the development standards for this zone shall be as follows:

a. Minimum Building Line Setback 10 metres
b. Minimum Side Yards 5 metres
c. Minimum Rear Yard 15 metres
d. Maximum Height 15 metres

3. Access and Parking

In assessing proposed new public uses, the Town will require adequate vehicular and pedestrian access to the site and off-street parking that meets the standards of these Development Regulations.

PUBLIC (PU) ZONE

9.14.3 Zone Requirements/Standards

4. Municipal Services

Full municipal water and sewer services shall be required for all development.

5. Marine Coastline

1. See also Regulation 4.26 (Site Development and Subdivision Development - Marine Coastline)

2. Along the marine coastline, wherever possible development required for emergency services, residential development and developments containing vulnerable populations (hospitals, special care homes, seniors' complexes, etc.) shall be located away from areas known to be prone to flooding or other storm damage.

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9.15 OPEN SPACE (OS) ZONE

9.15.1 Permitted Uses

The following Uses shall, subject to the requirements of these Regulations (including Section 6), be permitted:

a. Cemetery
b. Conservation Use
c. Recreational Open Space
d. Public Park
e. Public Utilities
f. Transportation Uses (small docks and wharves)

9.15.2 Discretionary Uses (subject to Section 3.30)

The following Uses 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; and subject to the requirements of these Regulations:

a. Antenna
b. Campground (subject to Section 5.27)
c. Cultural and Civic Uses
d. Indoor Assembly Uses
e. Outdoor Assembly Uses
f. Small-Scale Wind Turbine (subject to Section 5.24)
g. Theatre

9.15.3 Zone Requirements/Standards

1. Development Standards

1. The development standards are as determined by the Town, subject to the necessary approvals by Provincial and Federal agencies.

2. In accordance with Section 3.6 (Discretionary Powers of Council), the Town shall ensure that any development in this zone is compatible with the open space and recreational development of the area, and that cemeteries are protected.

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OPEN SPACE (OS) ZONE

9.15.3 Zone Requirements/Standards

2. Marine Coastline

1. See also Regulation 4.26 (Site Development and Subdivision Development - Marine Coastline)

2. Along the marine coastline, wherever possible development required for emergency services, residential development and developments containing vulnerable populations (hospitals, special care homes, seniors' complexes, etc.) shall be located away from areas known to be prone to flooding or other storm damage.

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9.16 COMMERCIAL (COM) ZONE

9.16.1 Permitted Uses

The following Uses shall, subject to the requirements of these Regulations (including Section 6), be permitted:

a. Accessory Dwelling Unit
b. Amusement Uses
c. Antenna (subject to Section 5.25)
d. Catering Hall
e. Catering Kitchen
f. Child Care - Daycare Centre (subject to Section 5.5)
g. Communications Use
h. Conservation Uses
i. Convenience Store
j. Cultural and Civic Uses
k. Dwelling Unit on the second floor or higher of a Commercial building
l. Eating Establishment
m. Funeral Home
n. General Service Use
o. Hotel/Motel
p. Indoor Market
q. Light Industrial Use
r. Medical and Professional Services
s. Municipal Infrastructure, Services and Public Utilities
t. Office
u. Outdoor Market
v. Personal Service Use
w. Place of Worship
x. Recreational Open Space
y. Service Station and Gas Bar (subject to Section 5.22)
z. Shop/ Retail Store
aa. Shopping Centre
bb. Taxi Stand
cc. Theatre
dd. Transportation Use
ee. Veterinary Clinic
ff. Veterinary Hospital (provided the Lot is at least 100 metres from a Residential Zone)

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COMMERCIAL (COM) ZONE

9.16.2 Discretionary Uses (subject to Section 3.30)

The following Uses 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; and subject to the requirements of these Regulations:

a. Drive-Thru Business
b. Rental Storage Use (subject to Section 5.21)
c. Utilities – Windmills, Wind Farms, Other Energy Sources (subject to Section 5.23)
d. Wind Turbines – Small Scale (subject to Section 5.24)

9.16.3 Zone Requirements/Standards

1. Development Standards - General

Standard	
Lot Area (minimum)	900 m^2
Lot Frontage (minimum	30 m
Lot Coverage (maximum)	50%
Building Line Setback (minimum)	6 m
Side Yard (minimum	1 m per storey
Side Yard Flanking Road (minimum)	6 m
Rear Yard (minimum	10 m
Building Height (maximum)	15 m
Side Yard for Open Storage (minimum)	5 m * (subject to Section 5.15)
Landscaping of Lot (minimum)	20%; see also Section 8.3

In accordance with Section 6.20 of these Regulations, subject to the Adoption by Council of an Access Plan under Section 4.37, Council may reduce the minimum Lot Frontage required by Section 9 by up to fifty percent (50%).

2. Open (Outdoor) Storage (see Section 5.15)

The Town may permit open dry storage of materials, goods and machinery, provided the following conditions are met:

1. Open storage on lots shall not occupy more than 50 percent (50%) of the site area (except for lots occupied by a Service Station/Gas Bar/Commercial Garage) and shall not be located in the front yard or in any required buffer areas;

COMMERCIAL (COM) ZONE

9.16.3 Zone Requirements/Standards

2. Open (Outdoor) Storage (see Section 5.15)

2. Open storage areas shall be enclosed by a wall or fence not less than 2 metres in height constructed of uniform materials approved by the Town;

3. Open storage areas shall be enclosed by a wall or fence not less than 2 metres in height constructed of uniform materials approved by the Town;

4. Open storage areas shall be maintained with a stable surface to prevent raising or movement of dust, clay, mud, and loose particles;

5. Where provided with lighting, the fixtures shall be designed so that the illumination is contained within the boundaries of the storage area/site.

3. Site Maintenance Standards, Non-Residential Uses

Any use other shall meet the conditions below:

1. Trash and Garbage Receptacles – Trash and garbage receptacles which contain garbage awaiting collection shall be located within a screened enclosure constructed of opaque materials and of a design satisfactory to the Town.

2. Exterior Lighting – Exterior lighting for use on the site shall be erected and maintained so the light is confined to the property and will not case direct light or glare upon the adjacent properties or roads and the light source shall not be higher than 6 metres.

3. Landscaping and Surfacing – Lots shall be landscaped or provided with a stable surface to prevent raising or movement of dust, clay, mud, and loose particles.

4. Municipal Services

Development in this zone shall be connected to municipal water and sewer systems.

COMMERCIAL (COM) ZONE

9.16.3 Zone Requirements/Standards

5. Marine Coastline

1. See also Regulation 4.26 (Site Development and Subdivision Development - Marine Coastline)

2. Along the marine coastline, wherever possible development required for emergency services, residential development and developments containing vulnerable populations (hospitals, special care homes, seniors' complexes, etc.) shall be located away from areas known to be prone to flooding or other storm damage.

6. Vehicular Access

Each Lot shall be separated from the adjoining road by a curb or other suitable barrier against unchanneled motor vehicle access. The barrier shall be located on the Lot along the Street Line unless the barrier takes the form of a curb along the roadway.

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9.17 COMMERCIAL BUSINESS PARK (CBP) ZONE

9.17.1 Permitted Uses

The following Uses shall, subject to the requirements of these Regulations (including Section 6), be permitted:

a. Catering Hall (Banquet Hall)
b. Child Care - Daycare Centre (subject to Section 5.5)
c. Conservation Uses
d. Convenience Store
e. Eating Establishment (no drive-thru)
f. General Assembly
g. General Services
h. Health and Fitness Facility
i. Hotel
j. Indoor Assembly
k. Indoor Market
l. Office
m. Personal, Professional, Medical Service Uses
n. Public Uses and Public Utilities
o. Shop (Retail Store)
p. Theatre
q. Veterinary Clinic

9.17.2 **Discretionary Uses** (subject to Section 3.30)

The following Uses 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; and subject to the requirements of these Regulations:

a. Automotive Sales and Service
b. Dwelling Unit on the second storey or higher of a Commercial building
c. General Garage (Commercial Garage)
d. Light Industry Use
e. Lounge (Tavern)
f. Outdoor Market
g. Service Station and Gas Bar (subject to Section 5.22)
h. Taxi Stand
i. Antenna/ Telecommunications Tower (subject to Section 5.25)
j. Wind Turbine – Small Scale (subject to Section 5.24)

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COMMERCIAL BUSINESS PARK (CBP) ZONE

9.17.3 Zone Requirements/Standards

1. Development Standards - General

Standard	
Lot Area (minimum)	900 m^2
Lot Frontage (minimum	30 m
Lot Coverage (maximum)	50%
Building Line Setback (minimum)	10 m (subject to Section 4.8)
Side Yard (minimum	1 m per storey
Side Yard Flanking Road (minimum)	6 m
Rear Yard (minimum	10 m
Building Height (maximum)	12 m
Side Yard for Open Storage (minimum)	5 m (subject to Section 5.15)
Landscaping of Lot (minimum)	20%; see also Section 8.3

1. In accordance with Section 6.20 of these Regulations, subject to the Adoption by Council of an Access Plan under Section 4.37, Council may reduce the minimum Lot Frontage required by Section 9 by up to fifty percent (50%).

2. Shall meet the conditions set out in Section 4.9 (Building Near Highways) and may require the prior written approval of the Department of Transportation and Works

3. Shall meet the conditions set out in Section 4.21 (Protected Road Zoning Regulations) and may require the prior written approval of the Department of Government Services.

2. Open (Outdoor) Storage (see Section 5.15)

The Town may permit open dry storage of materials, goods and machinery, provided the following conditions are met:

1. Open storage on lots shall not occupy more than 30 percent (30%) of the site area and (except for lots occupied by a Service Station/Gas Bar/Commercial Garage) shall not be located in the front yard or in any required buffer areas;

2. Open storage areas shall be enclosed by a wall or fence not less than 2 metres in height constructed of uniform materials approved by the Town;

3. Open storage areas shall be maintained with a stable surface to prevent raising or movement of dust, clay, mud, and loose particles;

COMMERCIAL BUSINESS PARK (CBP) ZONE

9.17.3 Zone Requirements/Standards

4. Where provided with lighting, the fixtures shall be designed so that the illumination is contained within the boundaries of the storage area/site.

3. Site Maintenance Standards, Non-Residential Uses

Any non-residential use shall meet the conditions below:

1. Trash and Garbage Receptacles – Trash and garbage receptacles which contain garbage awaiting collection shall be located within a screened enclosure constructed of opaque materials and of a design satisfactory to the Town.

2. Exterior Lighting – Exterior lighting for use on the site shall be erected and maintained so the light is confined to the property and will not case direct light or glare upon the adjacent properties or roads and the light source shall not be higher than 6 metres.

3. Landscaping and Surfacing – Lots shall be landscaped or provided with a stable surface to prevent raising or movement of dust, clay, mud, and loose particles.

4. Municipal Services

Development in this zone shall be connected to municipal water and sewer systems.

5. Marine Coastline

1. See also Regulation 4.26 (Site Development and Subdivision Development - Marine Coastline)

2. Along the marine coastline, wherever possible development required for emergency services, residential development and developments containing vulnerable populations (hospitals, special care homes, seniors' complexes, etc.) shall be located away from areas known to be prone to flooding or other storm damage.

6. Vehicular Access

Each Lot shall be separated from the adjoining road by a curb or other suitable barrier against unchanneled motor vehicle access. The barrier shall be located on the Lot along the Street Line unless the barrier takes the form of a curb along the roadway.

9.18 INDUSTRIAL (IND) ZONE

9.18.1 Permitted Uses

The following Uses shall, subject to the requirements of these Regulations (including Section 6), be permitted:

a. Antenna/ Telecommunications Tower (subject to Section 5.25)
b. Catering Kitchen
c. Communications Use
d. Conservation Use
e. General Industry Uses
f. General Service Uses
g. Light Industry Uses
h. Market
i. Office
j. Passenger Assembly Uses
k. Service Station and Gas Bar (subject to Section 5.22)
l. Transportation Uses
m. Uses that form part of the Marine Atlantic Ferry Service and port related activities
n. Uses that are similar to or compatible with the above

9.18.2 Discretionary Uses (subject to Section 3.30)

The following Uses 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; and subject to the requirements of these Regulations:

a. Hazardous Industry Uses
b. Mineral Exploration (subject to Section 5.10)
c. Mineral Working (subject to Section 5.11)
d. Scrap Yard/Salvage Yard (subject to Section 5.26)
e. Utilities
f. Wind Turbine – Small Scale (subject to Section 5.24)

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INDUSTRIAL (IND) ZONE

9.18.3 Zone Requirements/Standards

1. Development Standards - General

Standard	
Lot Area (minimum)	As determined by Council
Lot Frontage (minimum	30 m
Lot Coverage (maximum)	As determined by Council
Building Line Setback (minimum)	10 m (subject to Section 4.8)
Side Yard (minimum	1 m per storey
Side Yard Flanking Road (minimum)	6 m
Rear Yard (minimum	10 m
Building Height (maximum)	15 m
Side Yard for Open Storage (minimum)	5 m (subject to Section 5.15)
Landscaping of Lot (minimum)	3 m from each lot line

Notwithstanding the foregoing, Council may, in its discretion, vary these requirements when taking into consideration adjacent land uses.

2. Open (Outdoor) Storage (Refer to Section 5.15)

The Town may permit open dry storage of materials, goods and machinery, provided the following conditions are met:

1. Open storage on a lot shall not occupy more than 50 percent (50%) of the site area and (except for lots occupied by a Service Station/Gas Bar/Commercial Garage) shall not be located in the front yard or in any required buffer areas;

2. Open storage areas shall be enclosed by a wall or fence not less than 2 metres in height constructed of uniform materials approved by the Town;

3. Open storage areas shall be maintained with a stable surface to prevent raising or movement of dust, clay, mud, and loose particles;

4. Where provided with lighting, the fixtures shall be designed so that the illumination is contained within the boundaries of the storage area/site.

3. Flammable Liquids Storage (Refer to Section 4.30)

In this zone, all uses and structures for the on-site bulk storage of flammable liquids shall conform to the requirements of the Provincial Fire Commissioner and in order to prevent damage to

adjacent uses by fire, explosion or spillage of flammable liquid shall be surrounded by such buffers and landscaping as the Town may require.

4. Industrial Streets and Services

1. Development in this zone shall be connected to municipal water and sewer systems.

2. All industrial and light industrial uses must be provided with streets and municipal services designated for industrial use including firefighting capability. Any industrial establishment must provide adequate off-street parking facilities for all employees. Customer parking may be provided in the street right-of-way by the construction of suitable bays in which parked vehicles will not interfere with moving traffic.

5. Site Maintenance Standards, Non-Residential Uses

Any use shall meet the conditions below:

1. Trash and Garbage Receptacles – Trash and garbage receptacles which contain garbage awaiting collection shall be located within a screened enclosure constructed of opaque materials and of a design satisfactory to the Town.

2. Exterior Lighting – Exterior lighting for use on the site shall be erected and maintained so the light is confined to the property and will not case direct light or glare upon the adjacent properties or roads and the light source shall not be higher than 6 metres.

3. Landscaping and Surfacing – Lots shall be landscaped or provided with a stable surface to prevent raising or movement of dust, clay, mud, and loose particles.

6. Marine Coastline

1. See also Regulation 4.26 (Site Development and Subdivision Development - Marine Coastline)

2. Along the marine coastline, wherever possible development required for emergency services, residential development and developments containing vulnerable populations (hospitals, special care homes, seniors' complexes, etc.) shall be located away from areas known to be prone to flooding or other storm damage.

7. Vehicular Access

Each Lot shall be separated from the adjoining road by a curb or other suitable barrier against unchanneled motor vehicle access. The barrier shall be located on the Lot along the Street Line unless the barrier takes the form of a curb along the roadway.

9.19 RURAL (RUR) ZONE

9.19.1 Permitted Uses

The following Uses shall, subject to the requirements of these Regulations (including Section 6), be permitted:

a. Agriculture
b. Antenna/ Telecommunications Tower (subject to Section 5.25)
c. Conservation
d. Forestry
e. Mineral Exploration (subject to Section 5.10)
f. Recreational Open Space

9.19.2 Discretionary Uses (subject to Section 3.30)

The following Uses 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; and subject to the requirements of these Regulations:

a. Animal Use (Kennel, Riding Stable)
b. Campground (subject to Section 5.27)
c. Catering Hall (Banquet Hall)
d. Cemetery
e. Communications Use
f. General Industry
g. Mineral Working (subject to Section 5.11)
h. Outdoor Assembly Uses
i. Rental Storage Use (subject to Section 5.21)
j. Scrap Yard-Salvage Yard (subject to Section 5.26)
k. Single Dwelling Accessory to an Existing Permitted Use (subject to the approval of the Provincial Department of Forestry and Agriculture)
l. Solid Waste Disposal
m. Transportation
n. Utilities
o. Veterinary Use
p. Wind Turbine – Small Scale (subject to Section 5.24)

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RURAL (RUR) ZONE

9.19.3 Zone Requirements/Standards

1. **General** - The minimum lot area, frontage and front, rear and side yards shall be as determined by the Town, subject to the approval of the Department of Government Services. Applications shall also be referred to the Department of Natural Resources and if necessary, the Department of Transportation and Works.

2. Single Dwelling Accessory to a Permitted Use

1. Subject to the written approval of the Provincial Department of Forestry and Agriculture.

2. The Accessory Dwelling Unit shall be located on the same lot on which the Forestry operation, the Agriculture-Livestock operation and/or the Horticulture operation is located; and

3. Only one (1) Accessory Dwelling Unit shall be permitted on the property; and

4. Shall comply with these standards

Standard	
Site/Lot Area (minimum)	2400 m^2
Site/Lot Frontage (minimum	30 m
Building Line (minimum)	15 m
Side Yards (minimum	6 m, 6 m
Rear Yard (minimum)	10 m

3. Campground (Refer to Section 5.27)

1. A campground may only be permitted as a Discretionary Use, provided a plan of the development is submitted in a format satisfactory to the Town, showing and specifying:

    a. camping sites – location and sizes;
    b. roads and accesses;
    c. parking areas;
    d. accessory uses, such as laundry facilities, storage areas, showers, snack-bar, and convenience stores and the caretaker residence, and any other building or facility accessory to the campground facility;
    e. water supply and waste disposal services;
    f. landscaping;
    g. buffers, and screening between the campground and existing and future residential development;

RURAL (RUR) ZONE
9.19.3 Zone Requirements/Standards

h. the land to be developed on a legal survey prepared by a Newfoundland Land Surveyor;
i. where deemed, necessary by the Town, a phasing plan of the campground.

2. Commercial uses, washroom facilities, Laundromats and similar facilities, and parking areas and recreational areas shall not be located adjacent to residential areas.

3. All sites and facilities shall only be accessed by the internal road network of the campground.

4. A suitable buffer located on the property and that is landscaped and planted with materials approved by the Town and/or a privacy fence of a design approved by the Town, shall be provided where the development abuts a public road, right of way, and/or a present or future residential neighbourhood.

5. Any buffering or screening shall be properly maintained by the owner, and not allowed to fall into disrepair or become unsightly.

6. The permit for a campground shall specify the maximum number of units and sites – in the form of tents, recreational vehicles, and so forth – that may be accommodated on the site at any one time. This number shall not be exceeded.

7. Any proposed expansion or alteration to a campground shall be subject to review by the Town, and except for repairs and maintenance, shall be treated as a new Discretionary Use Application.

8. The owner and/or the operator shall ensure that all bylaws and regulations of the Town pertaining to noise, rowdy behavior, and litter are complied with.

9. Where deemed necessary by the town, a deposit sufficient to cover the cost of the buffer and screening shall be deposited with the Town, and then subsequently returned by the Town upon satisfactory completion of the work, or, used by the Town to complete the work in accordance with the approved plan.

RURAL (RUR) Zone
9.19.3 Zone Requirements/Standards

4. Marine Coastline

1. See also Regulation 4.26 (Site Development and Subdivision Development - Marine Coastline)

2. Along the marine coastline, wherever possible development required for emergency services, residential development and developments containing vulnerable populations (hospitals, special care homes, seniors' complexes, etc.) shall be located away from areas known to be prone to flooding or other storm damage.

5. Forestry

Forestry activities must preserve the scenic views of the community. Logging will not be permitted in areas clearly visible from the urban area of the Town.

6. General Industry

1. General Industrial uses shall be restricted to the maintenance and repair of equipment, processing and storage related to Agriculture, Forestry or Mineral Working uses, or to uses meeting the following criteria:

    a. unsuitable for location near urban development because they interfere with the amenity and use of adjacent lands by reason of appearance, noise, vibration, smell, fumes, smoke, grit, soot, ash, dust or glare;
    b. operations of a manufacturing or assembly nature or activities which require large areas for open storage and handling of materials, goods, and equipment and whose buildings are accessory to the open storage and handling;
    c. capable of being serviced by on-site water supply and sanitary sewage disposal;
    d. capable of being screened from public roads and lands designated for urban uses;
    e. generating low volumes of traffic; and
    f. capable of operations with no deleterious effect on the environment including, quality of water in any stream, pond or bog.

2. No warehousing or wholesale and retail sales activities shall be permitted.

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RURAL (RUR) Zone
9.19.3 Zone Requirements/Standards

7. Mineral Working

1. Shall meet the conditions set out in Section 5.11

2. No permit shall be issued by the Town for mineral exploration until the necessary permits and approvals have been first obtained from the Departments of Natural Resources, Government Services, and Municipal Affairs and Environment, together with any other relevant Provincial agencies.

8. Mineral Exploration

1. Shall meet the conditions set out in Section 5.10

2. No permit shall be issued by the Town for mineral exploration until the necessary permits and approvals have been first obtained from the Departments of Natural Resources, Government Services, and Municipal Affairs and Environment, together with any other relevant Provincial agencies.

9. Scrap Yard-Salvage Yard

Shall meet the conditions set out in Section 5.26.

10. Rental Storage Use

1. Shall meet the conditions set out in Section 5.21 (Rental Storage Use)

2. Shall meet the conditions set out in Section 4.9 (Building Near Highways) and may require the prior written approval of the Department of Transportation and Works

3. Shall meet the conditions set out in Section 4.21 (Protected Road Zoning Regulations) and may require the prior written approval of the Department of Government Services.

11. Solid Waste Disposal

No new solid waste disposal site may be permitted within this zone unless it is a transfer station or a waste disposal recycling facility that has been approved by the Provincial Government and the Town.

12. Municipal Services
Development in this Zone shall not be connected to the Town's water and sewer system.

9.20 ENVIRONMENTAL PROTECTION (EP) ZONE

9.20.1 Permitted Uses

The following Uses shall, subject to the requirements of these Regulations (including Section 6), be permitted:

a. Conservation

9.20.2 Discretionary Uses (subject to Section 3.30)

The following Uses 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; and subject to the requirements of these Regulations:

a. Agriculture (low impact)
b. Mineral Exploration
c. Mineral Working
d. Transportation
e. Public Utilities, Infrastructure and Services
f. Recreational Open Space
g. Utilities

9.20.3 Zone Requirements/Standards

1. General

All development in this Zone is subject to the approval of the Department of Municipal Affairs and Environment along with that of the Town.

2. Mineral Workings

Mineral workings are allowed to continue on sites for which permits have been issued by the Mineral Lands Division of the Department of the Natural Resources. Although a lease or permit may lapse, the Town together with the Department of Natural Resources and the Department of Municipal Affairs and Environment may allow a new operation to occur on a site that has previously been used as a mineral working.

3. Transportation

Transportation uses in this Zone are limited to uses requiring a direct access to a body of water, such as fishing stages, wharves and slipways.

ENVIRONMENTAL PROTECTION (EP) ZONE
9.20.3 Zone Requirements/Standards

4. Marine Coastline

1. See Section 5.18

2. Flood Risk Area – Approval

Any development within a Flood Risk Area is subject to the written approval of the Minister of Municipal Affairs and Environment under the Water Resources Act.

3. Flood Risk Area – 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 capacity 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.

4. Flood Risk Areas – Structures

A structure in any of the Flood Risk Areas 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 Municipal Affairs and Environment 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, chemical, 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*.

5. Flood Risk Area – Additions and Modifications to Existing Development

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

9.21 ENVIRONMENTAL PROTECTION MANAGEMENT UNIT (EPMU) ZONE

9.21.1 Permitted Uses

The following Uses shall, subject to the requirements of these Regulations (including Section 6), be permitted:

a. Conservation

9.21.2 Discretionary Uses (subject to Section 3.30)

The following Uses 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; and subject to the requirements of these Regulations:

a. Public Infrastructure, Services and Utilities
b. Recreational Open Space - unstructured recreation facilities such as walking or nature trails and boardwalks that will not impact sensitive wildlife and animal habitats

9.21.3 Zone Requirements/Standards

1. General

All development in this Zone is subject to the approval of the Department of Municipal Affairs and Environment along with that of the Town, in consultation with the Eastern Habitat Joint Venture. Where necessary to protect wild-fowl habitat, trails for motorized vehicles can be limited or even prohibited within the Environmental Protection - Management Unit as described under this Municipal Plan.

2. Discretionary Uses

Public Services and Public Utilities, roads and driveways and recreational open space and trails may be approved provided that these do not affect sensitive plant and animal habitats.

3. Marine Coastline

See Section 5.18

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9.22 PROTECTED PUBLIC WATER SUPPLY (PPWS) ZONE

9.22.1 Permitted Uses

The following Uses shall, subject to the requirements of these Regulations (including Section 6), be permitted:

a. Conservation

9.22.2 Discretionary Uses (subject to Section 3.30)

The following Uses 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; and subject to the requirements of these Regulations:

a. Mineral Exploration
b. Public Infrastructure, Services and Utilities
c. Recreational Open Space
d. Utilities

9.22.3 Zone Requirements/Standards

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 Municipal Affairs and Environment.

Conditions 1, 2, 3, 4, and 5 are based upon Department of Municipal Affairs and Environment Directive W.R. 95-01 - Water Resources Management 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 Municipal Affairs & Environment 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.

PROTECTED PUBLIC WATER SUPPLY (PPWS) ZONE
9.22.3 Zone Requirements/Standards

2. Limitation of Certain Uses

Notwithstanding Section 9.7 (Uses Permitted in All Zones), Transportation is not permitted in the PPWS Zone.

3. 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 Public 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 Municipal Affairs and Environment considers environmentally unacceptable.

PROTECTED PUBLIC WATER SUPPLY (PPWS) ZONE
9.22.3 Zone Requirements/Standards

4. 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 Municipal Affairs & Environment 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 Municipal Affairs & Environment, has caused impairment or has potential to impair water quality.

5. 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 Municipal Affairs and Environment for approval.

2. The Minister of Municipal Affairs and Environment 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 of Municipal Affairs and Environment 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.

PROTECTED PUBLIC WATER SUPPLY (PPWS) ZONE
9.22.3 Zone Requirements/Standards

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 Municipal Affairs and Environment 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 Municipal Affairs and Environment 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.

6. Buffer Zones

The proponents shall provide the following widths of buffer zones along and around water bodies from the highwater 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.

7. 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.

SECTION 9.23 HIGHWAY (HWY) ZONE

9.23.1 Permitted Uses

The following Uses shall, subject to the requirements of these Regulations (including Section 6), be permitted:

a. Conservation

9.23.2 Discretionary Uses (subject to Section 3.30)

The following Uses 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; and subject to the requirements of these Regulations:

a. Public Infrastructure, Services and Utilities
b. Recreational Open Space

9.23.3 Zone Requirements/Standards

9.23.4 General Development Standards

All development shall be approved by the Department of Transportation and Works before a permit it issued by the Town.

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