

DEFINITIONS

ACCESS means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street.

ACCESSORY BUILDING includes:

- (a) 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 which is customarily incidental or complimentary to the main use of the building or land:
- (b) 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,
- (c) for commercial uses: workshops, garages, and
- (d) for industrial uses: garages, offices, raised ramps and docks.

ACCESSORY DWELLING UNIT means a separate dwelling unit constructed within and subsidiary to the main use. The main use shall not be a single dwelling, double dwelling, row dwelling, and apartment building.

ACCESSORY USE means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use.

ACT unless the context indicates otherwise, means the Urban and Rural Planning Act.

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

ADJACENT USE means the use of adjacent land.

ADVERTISEMENT means any words, letter model, sign, placard, board, notice, device or representation illuminated or not, in the nature of and employed wholly or in part for the purpose of advertisement, announcement or direction; excluding such thing employed wholly as a memorial, or functional advertisement of councils, or other local authorities, public utilities and public transport undertakers, and including any hoarding or similar structure used or adapted for use for the display of advertisements.

AGRICULTURE means horticulture, fruit growing, grain growing, crop growing, seed growing, dairy farming, bee keeping, the breeding or keeping of animals for food, skins, or fur, the use of land, meadow land, market gardens and nursery grounds and the use of land for woodlands where that use is ancillary to the farming of the land. Agriculture may at Council's discretion include primary processing of onsite

products.

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 HOSPITAL means a facility for the medical care and treatment of animals and includes provision for their accommodation and confinement.

ANIMAL UNIT means one of the following animals or groups:

1 Dairy Cow (plus calves)	3 Sows (Breed Sow, litter 1-15 kg.)
1 Beef Cow (plus calves)	6 Hogs (operation based on 15-90 kg.)
1 Bull	3 Boars
1 Horse (plus foal)	300 Broiler Chickens (less than 1.5 kg)
6 Ewe sheep (plus lambs)	200 Layer Hens (less than 2.3 kg)
40 Foxes (inc. breed females, male & litter)	90 Broiler Turkeys (less than 5.0 kg)
150 Mink (inc. breed females, males & litter)	60 Heavy Hen Turkeys (5.0-7.5 kg)
200 Rabbits (doe includes litter)	40 Heavy Tom Turkeys (5.0-12.0 kg)
1 Sow (farrow to finish)	380 Pullets (less than 1.2 kg)

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

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

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

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

APPROVAL IN PRINCIPLE means the preliminary approval of an application relating to the development subject to the later submission to the Council, for consideration and approval, which does not permit development, of details not stated in the application.

AUTHORITY means a council, authorized administrator or regional authority.

BASEMENT means a habitable portion of a building which is partly underground, and has not more than half of the distance between the floor level and the underside of the ceiling joists above the adjacent

finished grade elevation.

BED AND BREAKFAST means either a single, double or row dwelling occupied by the property owner or the bed and breakfast host as a primary residence in which overnight accommodation and a breakfast meal are offered to registered guests for a fee.

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.

BUFFER means a berm, row of trees or shrubs, hedge, fence, or distance separation that provides a barrier between incompatible sites, uses or districts.

BUILDING means:

- (a) a structure, erection, excavation, alteration or improvement placed on, over or under land, or attached, anchored or moored to land; mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other similar uses;
- (b) a part of and fixtures on buildings referred to in (a) and (b), and
- (c) 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).

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, a Building Height shall not include mechanical structures, smokestacks, steeples, and purely ornamental structures above a roof.

BUILDING LINE means a line established by the Council that runs parallel to the street line and is set at the closest point to a street that a building may be placed.

BUILDING PERMIT means a document authorizing the construction of a new building, demolition and/or alteration of a building on an approved lot.

BUILDING SEPARATION means the minimum distance between two buildings on adjoining parcels of land.

CEMETERY means a use of land or a building for interment of the deceased.

CHILD CARE means a building or part of a building in which services and activities are regularly provided for seven (7) or more children as defined in the Child Care Services Act, but does not include a school as defined by the Schools Act. .

COLLECTOR STREET means a street that is designed to link local streets with arterial streets and which may be designated as a collector street in the Municipal Plan, or on the Zoning Map.

CONSTRUCT means to build, reconstruct, or relocate, and without limiting the generality of the word, also includes:

- (a) any preliminary operation such as excavation, filling or draining; and
- (b) altering an existing building or structure by an addition, enlargement, extension or other structural change such as shelving and changing modular units.

CONSTRUCTION PERMIT means a document authorizing construction of municipal infrastructure such as piped municipal services, roads, cubs, sidewalks, utilities and site grading. These activities are approved under a phased subdivision development approval and/or development agreement.

CONVENIENCE STORE means a development used for the retail sale of goods required by area residents, or traveling public. Within residential areas convenience stores shall not exceed 280 m² (3,014 sq. ft.) in gross floor area.

COUNCIL means the Municipal Council of the Town of Pasadena.

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.

DEVELOPMENT AGREEMENT means a written agreement between the municipality and a developer, which establishes particular circumstances and conditions under which a development may be carried out.

DEVELOPMENT PERMIT means a document authorizing a development issued pursuant to these Development Regulations.

DEVELOPMENT AUTHORITY means the Municipal Council of the Town of Whitbourne or an employee hired or designated by Council to administer all or part of the Development Regulations.

DISCRETIONARY USE means a use that is listed within the discretionary use classes established in the use zone tables of the Council's Development Regulations.

DIRECTOR means the Director of Engineering and Land Use Planning, Department of Municipal Affairs.

DOUBLE DWELLING means one building containing two dwelling units, placed one above the other, side by side, or joined by a carport with separate lot areas dedicated to each unit, but does not include a single dwelling containing a subsidiary apartment.

DRIVEWAY means that portion of a lot used to provide access from the street to a parking space or spaces and which has been graded and graveled or surfaced with concrete, asphalt, crushed stone or other hard surface and dustless materials and has a maximum width equal to that of the garage on the lot.

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

ENGINEER means an engineer who is a member of the Association of Professional Engineers and Geoscientists of Newfoundland, employed or retained by the Council.

- 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;
 - 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.
- EXISTING** means in existence on the effective dates of the Development Regulations.
- FLOOR AREA** means the total area of all floors of a building measured to the outside face of exterior walls.
- 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** means the horizontal distance between side lot lines measured at the building line.
- FRONT YARD DEPTH** means the distance between the front lot line of a lot and the front wall of the main building on the lot.
- GARAGE** means an accessory building or part of the principal building designed and used primarily for the storage of non-commercial motor vehicles.
- GENERAL GARAGE** means land or buildings used for the repair, maintenance and storage of motor vehicles and may include the sale of petroleum products.
- 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.
- GRADE** means the ground elevation established for the purpose of regulating the height of a building. The building grade shall be the finished ground elevation adjacent the walls of the building if the

finished grade is level. If the ground is not entirely level the grade shall be determined by averaging the finished ground elevation for each face of the building.

GROSS FLOOR AREA means the total of the floor areas of a building(s), above or below grade, measured between the exterior faces of the exterior walls of the building at each floor level.

GROUP HOME means a dwelling unit accommodating not more than 6 persons, exclusive of staff, in a home-like setting where staff provide care and supervision. This definition includes, but is not limited to, the facilities called “Transition House” and “Foster Home”.

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

HOME BUSINESS means a secondary use of a dwelling unit and its accessory buildings by at least one of the permanent residents of such dwelling unit to conduct a gainful occupation or business activity. The resident of the dwelling shall be the principle operator of the business. This business shall not cause a level of vehicular traffic to the area which would cause a disturbance to the neighbourhood. No aspects of the business shall be detectable from the outside of the property. The dwelling shall be used as a work place for one only non-resident employee of the business, in addition to the resident owner or lessee of the property.

HOME OCCUPATION means a secondary use of a dwelling unit 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, also referred to as a “Home based Business”.

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, also referred to as a “Home Based Business”.

HOSPITALITY HOME means a dwelling unit in which at least 1 room is regularly rented, and includes the uses commonly referred to as “Bed and Breakfast” and “Tourist Home”..

HOTEL means a building in which rooms are provided for temporary sleeping accommodation where each room has access for a common interior corridor and in which food and beverage services are usually also available.

INDOOR MARKET means the sale of goods or products within a building or enclosed structure (example a commercial tent), usually from open stalls. Examples may include farmers markets, fish market, flea markets or other types of goods.

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

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

INSPECTOR means a person appointed as an inspector by the Council.

KENNEL means an establishment for the keeping, breeding and raising of domesticated animals for personal or business interest.

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.

LANDSCAPING means the development of land by altering the topography and ground cover and may include the use of turf, plants, shrubs, trees, retaining walls and fences.

LANDSCAPING PLAN means a scaled drawing illustrating a design for a landscaped area which specifies the number, species, height and caliper of trees and shrubs, the size, colour and texture of hard landscaping, areas of grass, edging details, cross sections and details of any construction and details of any other features or horticultural elements.

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.

LIVESTOCK FACILITIES means livestock/poultry barns where agricultural animals are housed and the associated manure storage.

LIVESTOCK UNIT means equivalent values for various types of animals including poultry, based on manure production and production cycles. (See Animal Unit)

LOCAL STREET means a street designed primarily to provide access to adjoining land and which is not designated as a collector street or arterial street in the Municipal Plan, or on the Zoning Map.

LODGING HOUSE means a dwelling where accommodations are rented to 6 or fewer persons, including the building owner(s), and in which the kitchen and/or bathroom facilities are used in common by some or all of the occupants.

LOT means a plot, tract or parcel of land that can be considered as a unit of land for a particular use or building.

LOT AREA means the total horizontal area within the lines of a lot.

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

LOT DEPTH means the length of a straight line joining the middle of the front lot line with the middle of the rear lot line.

LOT WIDTH means the distance between the side lot lines at a point midway between the front and rear of the lot and approximately parallel to the street line.

MARKET GROUND means an area of land approved by Council for the sale and vending of local produce, crafts and merchandise in a retail setting. Examples are farmers markets, craft and flea markets.

MEDICAL CLINIC means a building or part of a building where two or more practitioners provide human health services without overnight accommodation for the patients

MINERAL CLAIM means an exclusive right to explore the subsurface of a specific area of land.

MINERAL LICENSE means exclusive right to explore the surface and subsurface of the land for minerals.

MINERAL WORKING means land or buildings used for the working, stockpiling or extraction of rock, mineral, peat or aggregate material and includes a “quarry”.

MINING LEASE means legal rights to surface and subsurface minerals and the rights to fully develop a mine.

MINI HOME means a factory produced single dwelling complying with the National Building Code and having the appearance of a mobile home.

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

MOBILE HOME means a transportable factory-built single family dwelling unit, which complies with space standards substantially equal to those laid down in Part IX 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 regulations, and which is designed to be transported on its own wheels and chassis to a lot, and subsequently supported on its own wheels, jacks, or posts or a permanent foundation; and connected to exterior public utilities approved by the Authority, namely, piped water, piped sewer, electricity and telephone, in order for such mobile home unit to be suitable for year round term occupancy.

MOBILE HOME PARK means a mobile home development under single or joint ownership, cared for and controlled by a mobile home park operator where individual mobile home lots are rented or leased with or without mobile home units placed on them and where ownership and responsibility for the maintenance and development of site facilities including underground services, access roads, communal areas, snow clearing and garbage collection, or any of them, are the responsibility of the mobile home park management, and where the mobile home development is classified as a mobile home park by the Authority.

MOBILE HOME SUBDIVISION means a mobile home development requiring the subdivision of land whether in single or joint ownership into two or more pieces or parcels of land for the purpose of locating thereon mobile home units under either freehold or leasehold tenure and where the maintenance of streets and services is the responsibility of a municipality or public authority, and where the mobile home development is classified as a mobile home subdivision by the Authority.

MOTEL means a building or a group of buildings on a parcel of land designed and operated to provide temporary sleeping accommodation for transient travelers and contains separate sleeping units, each of which is provided with an adjoining or conveniently located parking space.

MOTOR VEHICLE REPAIR GARAGE means a building or structure where the service performed or executed on motor vehicles for compensation shall include the installation, rust proofing, motor vehicle diagnostic centre, major and minor mechanical repairs or similar use.

MUNICIPALITY means the Town of Whitbourne.

MUNICIPAL PLAN means a plan adopted and approved by the Council as a Municipal Plan pursuant to the Urban and Rural Planning Act, 2000.

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.

OFFICE means a room or rooms where business may be transacted, service performed or a consultation given but shall not include the manufacturing of any product or the retail selling of goods.

OUTDOOR MARKET means the sale of goods or products at an open property with no buildings. Temporary facilities or open stalls may be used to hold and display the goods being sold. Examples may include farmers markets, fish market, flea markets or other types of goods.

OUTDOOR STORAGE means the storage of merchandise, goods, inventory, material or equipment which are not intended for immediate sale, by locating them on a lot exterior to a building.

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

PASSIVE RECREATIONAL USE means recreational use not requiring buildings and not altering the soil or topography, such as open space and environmental areas.

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

PLANNING AREA means a regional planning area and a municipal planning area established under section 6 and 11 of the Act.

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.

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

RETAIL STORE means a building or part of a building in which goods, wares, merchandise, substance, articles, or things are offered for sale directly to the public at retail value..

RESTAURANT means a building or part of a building, licensed for the purpose of serving meals and includes a “Snack Bar”.

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

SCREENING means structures, trees, shrubs or plants that obscure an area from public view or from view of neighboring properties.

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.

SECONDARY USE means any use, except those uses contained in the prohibited uses section of these Development Regulations, which is subordinate and incidental to the residential use and does not compromise the residential character of the property.

SERVICE STATION means a building, including gas pumps, used for the sale of petroleum products, and may include general merchandise, minor automotive repairs, and washing 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 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 with integrated parking which is planned, developed and designed as a unit containing a minimum of 5 retail establishments.

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

SIDE YARD means a yard extending from the front yard to the rear yard between the side boundary of the parcel of land and the wall of the main building thereon.

SIDEYARD WIDTH means the distance between a side lot line and the nearest side wall of a building on the lot.

SIGN means a word, letter, model, placard, board, device or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement, or

direction and excludes those things employed wholly as a memorial, advertisements or local government, utilities and boarding or similar structures used for the display of advertisements.

SINGLE DWELLING means one building containing a single dwelling unit for the use of one family, placed on its own lot, and can include a subsidiary apartment.

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

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

SUBDIVISION means the dividing of land, whether in single or joint ownership, into 2 or more pieces (including lots), for the purpose of development.

SUBSIDIARY APARTMENT means a separate dwelling unit constructed within and subsidiary to a single, double, or row dwelling.

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

TAVERN includes a night-club 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.

TAXI STAND means an area for taxis to wait for fares and allows for a dispatch office. It does not allow for a garage or area for the servicing or storage of vehicles.

TEMPORARY USE means a development or the use of land limited in scope, duration and frequency and is allowed to operate on a short-term basis for a one-year period, but may be extended upon approval of Council.

TEMPORARY USE PERMIT means a permit for certain uses, of a limited scope, duration and frequency that are allowed to operate on a short-term basis. These temporary uses shall be conducted so they do not have long-term impacts upon permitted uses, the character of the area in which they are proposed to be located, and people living and working in the area. The intent is to define these uses and identify standards and criteria for governing their scope, duration and frequency.

TEMPORARY WORKERS' RESIDENCE means residential housing limited to the duration of a specific project and located in non-residential areas for a short duration. Temporary site infrastructure; including water supply and sewage disposal shall be supplied and eventually the site shall be reclaimed to its original condition and the site re-vegetated. Examples are construction offices, mobile homes, modular homes, or portable units for office or workers' quarters.

TOWN means the Town of Whitbourne.

USE means a building or activity situated on a lot or a development permitted on a lot.

USE ZONE or ZONE means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply.

VARIANCE means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage, or any other numeric requirement of the applicable use zone table of the Council's regulations.

YARD means an open space on the same site as a building and which is unoccupied and unobstructed from the ground upward except as otherwise provided herein.

YARD, REAR means a yard extending across the full width of a lot and situated between the rear lot line and the nearest exterior wall of the principal building.

YARD, SIDE means a yard extending from the front yard to the rear yard and situated between the side lot line and the nearest exterior wall of the principal building.

ZERO LOT LINE SUBDIVISION means a form of residential development where buildings are permitted to be located on one or more lot lines with no yard between the building and the lot line.

ZONING MAP means the map or maps attached to and forming part of the Council's regulations.