

# TOWN OF WHITBOURNE DEVELOPMENT REGULATIONS

## SCHEDULE C

### USE ZONE TABLES

#### NOTE

This schedule contains Use Zone Tables showing the use classes, which are permitted and uses that, may be permitted as discretionary within each land use zone of these Regulations. The tables also indicate the required standards of development and include conditions affecting some or all of the use classes.

The schedule contains tables for the following Use Zones:

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## STANDARD CONDITIONS FOR ALL USE ZONES

The following conditions shall apply to all use zones listed under these Development Regulations.

### 1. Discretionary Uses

The discretionary uses listed in the use zone tables may be permitted at the discretion of Council, provided that they are complimentary to uses within the permitted use class, or that their development will not inhibit or prejudice the existence or the development of such uses. Reference should be made to Sections 21 and 69 of the General Development Standards.

### 2. Referrals- General Approvals by Provincial and Federal Government Agencies and Departments –

Prior to the issuance of a development permit for the foregoing developments, approvals must be obtained from the various agencies noted below:

#### **Advertisements and other Developments fronting onto Provincial Highways**

The province has designated “control lines” alongside each provincially maintained route, extending to 400 metres from the highway centre lines. The control area is reduced to 100 metres within municipal boundaries, unless otherwise noted. **Offsite Promotional Signs** falling within the designated control lines must be referred to the Government Service Centre. The Department of Transportation and Works should be notified of any other proposed developments within a highway control area, and must approve any new access off a provincial highway.

#### **Agriculture and Farming**

Approvals must be granted from the Department of Natural Resources for any commercial farming operation. The Department of Government Services must approve manure systems.

#### **Crown Lands**

Approvals must be obtained from the Crown Lands Division, Department of Environment and Conservation. Referrals are made to the Government Service Centre.

#### **Forestry**

Permits for commercial woodcutting or other forestry related activities must be obtained from the Department of Natural Resources, Forest Management Unit.

#### **Mineral Workings, Mining and Mineral Exploration**

Approvals and permits must be obtained from the Department of Natural Resources, Mineral Lands Division.

**Archaeology Discovery**

During site excavation works any artefacts or physical structures found of a historical nature shall be reported to the Provincial Archaeology Office, Department from Department of Tourism, Culture and Recreation.

**Waterways**

Any development within a body of water involving alteration of a body of water must be approved or exempted by the following agencies:

Provincial

Department of Government Services - for Crown Lands referrals.

Development of Environment and Conservation, Water Resources Division

Any development within fifteen (15) metres of a body of water or the defined high water mark of a body of water must be approved by the Minister of Environment and Conservation.

Federal

Department of Fisheries and Oceans

Coast Guard Canada – Navigable Waters Act.

Fish Habitat Division

**3. Development Over Easements**

No permanent building shall be constructed over any known easement, whether that easement has been assigned to the Town of Pasadena, a department of the provincial or federal government, or any utility company (ie: Newfoundland Power, telephone, cable television, Crown Land). Permanent buildings include, but are not limited to, all dwellings and accessory buildings.

**4. Obstruction of Yards**

No person shall obstruct, by the erection of a building or accessory building, any yard requirements to be provided by these Regulations. This restriction shall not apply to:

- i) Steps or platforms not projecting more than 2 metres into any required front yard, building line set back;
- ii) Steps, excluding sunken or below grade entrance wells, not projecting more than 50% into any side yard;
- iii) Chimney breasts, eaves, sills, or cornices not projecting more than 0.5 metres into any required side yard, or more than 1.0 metres into any required front yard, building line set back or rear yard;

#### **5. Conservation of Natural Environment and Aesthetic Areas**

Council may require agreements with developers and property owners aimed at preserving sensitive environmental areas and natural scenic areas. These areas may include sensitive vegetation, fish habitat, or water quality. Such agreements may include provisions such as designating of local conservation areas, maintenance of tree cover and maintenance of tree cover along rear yards, rivers, streams and shorelines.

#### **6. Shoreline Buffers**

Generally, no development will be permitted within 15 metres of rivers or streams, or shorelines of lakes and ponds or within 15 metres of the 1:20 year flood level of these features. Certain public works and passive recreational open space uses may be permitted as long as they will not be detrimental to the environmental and aesthetic quality of the area. Development of these areas will be subject to the approval of the federal Department of Fisheries and Oceans, and/or the provincial Department of Environment and Conservation.

#### **7. Advertisements Relating to On-site Uses**

The conditions, which shall apply to the erection or display of a sign 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 follows:

- a) The size, shape, illumination and material construction of the sign shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks and the general amenities of the surrounding area.
- b) No sign shall exceed five (5) square metres in area.

#### **8. Advertisements Relating to Off-site Uses**

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

- a) Each sign shall not exceed three (3) square metres in area.
- b) When the signage relates to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of and the distance or direction to the premises to which they relate.
- c) The location, siting and illumination of each sign shall be to the satisfaction of Council, 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.

**9. Floodway (1:20 year flood risk)**

Within a floodway:

- (i) New development is restricted to non-building uses such as roads and associated structures, agriculture, open space and recreation, service corridors and to minor structures related to utilities and marine activities;
- (ii) The placement of imported fill is prohibited unless it is specifically required as a flood proofing measure or for public infrastructure provided that appropriate studies are carried out and show that these structures will not be damaged by flooding, impede water flow or contribute to an increase in flood risk;
- (iii) Existing buildings or structures damaged beyond economic repair shall not be replaced unless:
  - (a) the replacement building or structure has no greater floor area than the original building or structure at or below the defined flood proofing elevation;
  - (b) the replacement building or structure is flood proofed; and
  - (c) the replacement building or structure does not impede water flows or contribute to an increase in flood risk.
- (iv) Existing uses, such as residential, commercial, industrial and institutional buildings, are encouraged to undertake flood proofing measure to reduce the risk of flood damage or relocate.
- (v) Any expansion of existing buildings and structures must be balanced against the risks to human safety and property and the possibility of exacerbating upstream and downstream flooding. Any expansion of existing buildings and structures in the floodway must not increase the area of the structure at or below the defined flood proof elevation.
- (vi) Development in the floodway, floodway fringe and in a 15 metre buffer around these zones as well as in any area known to flood must obtain prior written approval of the Minister of Environment and Conservation in accordance with S 48 of the water Resources Act.

**10. Floodway Fringe (1: 100 year flood risk)**

Within the floodway fringe:

- (i) New buildings and structures, provided they are flood proofed, may be permitted, except for :
  - (a) residential institutions such as hospitals, senior citizen homes, homes for special care and any use where flooding could pose a significant threat to the safety of residents if evacuation becomes necessary,

- (b) police stations, fire stations and other facilities that may provide emergency services during a flood including government offices,
  - (c) schools, and
  - (d) uses associated with the storage, warehousing or the production of hazardous materials including gas stations.
- (ii) The placement of imported fill shall be limited to that required for flood proofing, flood risk management or for public infrastructure provided that appropriate studies are carried out and show that these structures will not be damaged by flooding, impede water flows or contribute to an increase in flood risk.
- (iii) Development in the floodway and floodway fringe and in a 15 metre buffer around these areas as well as in any area known to flood must obtain prior approval from the Minister of Environment and Conservation pursuant to S. 48 of the water Resources Act.

**Use Zone Table**

<b>ZONE TITLE RESIDENTIAL LARGE LOT (R1)</b>	
<b>PERMITTED USES</b> – see Regulation 90. Single dwellings, conservation.	
<b>DISCRETIONARY USES</b> – see Regulation 34 and 91. Subsidiary apartment, recreation open space, child care, office (home only), personal), antenna.	
<b>Standards</b>	<b>Single Dwelling</b>
<b>Lot Area (min)</b>	<b>1860 m<sup>2</sup></b>
<b>Floor Area (min)</b>	<b>100 m<sup>2</sup></b>
<b>Frontage (min)</b>	<b>30 m</b>
<b>Building Line Set Back (min)</b>	<b>15 m</b>
<b>Building Line Set Back (max)</b>	<b>30 m</b>
<b>Side Yard width (min)</b>	<b>3 m</b>
<b>Rear Yard (min)</b>	<b>15 m</b>
<b>Lot Coverage (max)</b>	<b>33%</b>
<b>Height (max)</b>	<b>8 m</b>

**CONDITIONS****1. Subsidiary Apartments**

A subsidiary apartment may be permitted within a single dwelling provided that its application and review is subject to the discretionary use process outlined in the General Development Standards. If approved, a subsidiary apartment in a dwelling will be permitted under the following conditions:

- a) The lot on which the dwelling is located meets minimum frontage and lot area for that dwelling type;
- b) It takes up a maximum floor area of 40% of the gross floor area of the dwelling in which it is situated;
- c) The appearance of the dwelling is maintained;
- d) In addition to the required parking for the dwelling, one additional off-street parking space is provided for the subsidiary apartment on the lot.

## 2. Accessory Buildings

- a) The maximum lot coverage of all accessory buildings on a lot shall not be greater than seven (7) percent of the lot area up to a maximum of 55 square metres
- b) The maximum height of an accessory building shall be 4.5 metres.
- c) Accessory buildings shall be a minimum of 3.0 metres from other buildings located on the same lot and this distance shall be measured between the nearest parts of the buildings. This minimum separation distance shall not apply to patios and decks.
- d) All accessory buildings must be located in the rearyard (except for domestic garages which may be located at the side of a dwelling) and shall be a minimum of 1.0 metres from side and rear lot lines(except for corner lots where a 7 metre side yard is required on the flanking street) , measured from the nearest wall to the lot line.
- e) Accessory buildings are to be used strictly for ancillary purposes to the permitted uses listed in this use zone. Accessory buildings for residential properties shall not be used for non-residential uses without permission of Council. Aside from minor vehicle maintenance, no person shall use an accessory building for the purpose of performing major repairs, painting, dismantling, or scrapping of vehicles or machinery.

## 3. Home Based Office.

- a) A Home Based Office use must be wholly contained within the dwelling unit which is the principal residence of the operator of the business and shall be subsidiary to the residential use.
- b) The use shall not occupy more than 25% of the gross floor area or 54m<sup>2</sup> , whichever the lesser.
- c) The use shall not alter the principal character or exterior appearance of the dwelling unless these changes are consistent with permitted home renovations.
- d) One non-resident employee is permitted, provided that the resident is the principal operator of the business.
- e) Parking
  - 1) One off-street parking space must be provided for the non-resident employee;
  - 2) If the use involves clients visiting the dwelling, off-street parking must be provided;
  - 3) Parking or storage of vehicles in the front yard or side yard shall be prohibited except on a driveway.
- f) There shall be no outdoor storage or display of goods, materials or equipment associated with the business allowed on site. Indoor storage, related to the business activity, shall be allowed either in the dwelling or accessory building. .
- g) No more than one sign shall be permitted for any home business and no such sign shall exceed 0.2m<sup>2</sup> in area. No illumination of the sign shall be permitted.



## h) Application

- a) A Home Based Office use is a discretionary uses in all Residential zones. Notice of the application must be advertised in the local newspaper at the developers' expense (minimum of one insertion). All public input will be noted and referred to Council for consideration.
- b) In addition to the information requirements of this regulation, each application for a development permit for Home Based Office shall include a description of the business to be undertaken at the dwelling, an indication of the anticipated number of business visits per week and details for the provision of parking, and where any materials or equipment associated with the business are to be stored.

n) The Home Office Development Permit Fee shall be set annually at the discretion of Council.

o) No change shall be made in the size and type of use without a permit

#### 4. Child Care

A day care or day nursery (i.e.: a child care operation in which services are regularly provided to seven or more children), is subject to the following conditions:

- a) The operation is in accordance with all applicable provincial laws and regulations;
- b) A limit of one day care or day nursery will be permitted on any street;
- c) The use will not occupy more than 70 square metres or 40% of the floor area, whichever is less;
- 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, taverns, night clubs, and amusement uses;
- h) The development and operation of the child care use will be subject to conditions outlined in a permit issued by Council.

#### 5. Decks & Patios in the Rear and Side Yards

ii) A deck may be permitted in the rear and side yards of a dwelling subject to the following conditions:

- (a) Decks shall be 1metre from the rear and side property lines.
- (b) The maximum floor height of a deck shall be equal to the level of the main floor of the dwelling.

- (c) A deck may be constructed from the second storey of a dwelling provided the floor of the deck is equal to the level of the second floor of the dwelling.
- (d) The use of lead based paint or stain is not permitted.
- (e) The maximum height of any part of the deck shall be 1.2 metres above the deck's floor level. For double dwellings and row housing, screening to a maximum height of .61 metres may be attached to the top of the rails of the deck along the shared property line. Screening is defined as material such as lattice board or any other material the Authority may consider appropriate.
- (f) The Authority may require the area beneath the floor of the deck to be enclosed in order to maintain a neat and tidy appearance.
- (g) A deck shall not be used for storage purposes.
- (h) The Authority may require all decks permitted under this condition, or all decks on a particular street or in a neighbourhood to be constructed with specified materials and be of a specific colour or finish in order to maintain amenity.
- (i) A deck may be constructed with a roof or awning but in such instances will be treated as an attachment to the main building.

## 6. Screening

Council may require screening between recreational open space and residential lots.

**Use Zone Table**

<b>ZONE TITLE</b>		<b>RESIDENTIAL MEDIUM DENSITY</b>		<b>(R2)</b>	
<b>PERMITTED USES</b> – see Regulation 90.  Single dwellings, double dwelling recreation open space conservation.					
<b>DISCRETIONARY USES</b> – see Regulation 34 and 91.  Apartment, collective residential, child care, boarding house residential, office (home only), general service (eg. home based upholstery, small tool and appliance repair etc.), personal service, medical and professional, antenna.					
<b>STANDARDS</b>		<b>Single Dwelling</b>	<b>Double Dwelling (only in serviced areas)</b>		
<b>Lot Area (min)**</b>		<b>620 m<sup>2</sup></b>	<b>390 m<sup>2</sup>*</b>		
<b>Floor Area (min)</b>		<b>80 m<sup>2</sup></b>	<b>80 m<sup>2</sup>*</b>		
<b>Frontage (min)</b>		<b>23 m</b>	<b>26 m</b>		
<b>Building Line Set Back (min)</b>		<b>9 m</b>			
<b>Building Line Set Back (max)</b>		<b>15 m</b>			
<b>Side Yard width (min)</b>		<b>3 m</b>			
<b>Rear Yard (min)</b>		<b>9 m</b>			
<b>Lot Coverage (max)</b>		<b>30%</b>	<b>33%</b>		
<b>Height (max)</b>		<b>8 m</b>			
<b>STANDARDS</b>		<b>Apartment Buildings (Only in serviced areas)</b>			
		<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3 Bedroom</b>	<b>4 Bedroom</b>
<b>Minimum Lot area Per Unit (m2)</b>		<b>200 m<sup>2</sup></b>	<b>250 m<sup>2</sup></b>	<b>280 m<sup>2</sup></b>	<b>300 m<sup>2</sup></b>
<b>Minimum Floor Area Per Unit (m2)</b>		<b>40 m<sup>2</sup></b>	<b>50 m<sup>2</sup></b>	<b>60 m<sup>2</sup></b>	<b>70 m<sup>2</sup></b>
<b>Minimum Frontage (m)</b>		<b>36 m</b>			
<b>Minimum Building Line Set Back (m)</b>		<b>8 m</b>			
<b>Minimum Side Yard (m)</b>		<b>5 m except for corner lots flanking the street which is 10 m</b>			
<b>Minimum Rear Yard (m)</b>		<b>15 m</b>			
<b>Maximum Lot Coverage</b>		<b>33%</b>			
<b>Maximum Height (m)</b>		<b>10 m</b>			

\* per dwelling      \*\*When connected to municipal water supply and sewer systems

**LOT AREA IN UNSERVICED OR SEMI SERVICED LOCATIONS**

Subject to site approval the land area per dwelling unit shall be determined in accordance with the water and sewer services available, as follows:

- |  |                      |
|--|----------------------|
| a) With a municipal piped water supply and sewage disposal by septic tank and tile field | 1,400 m <sup>2</sup> |
| b) With a well water supply and connected to a municipal sewer                           | 1,400 m <sup>2</sup> |
| c) With a well water supply and sewage disposal by septic tank and tile field            | 1,860 m <sup>2</sup> |

**CONDITIONS****1. Subsidiary Apartments**

A subsidiary apartment may be permitted within a single and double dwelling, provided that its application and review is subject to the discretionary use process outlined in the General Development Standards. If approved, a subsidiary apartment in a dwelling will be permitted under the following conditions:

- The lot on which the dwelling is located meets minimum frontage and lot area for that dwelling type;
- It takes up a maximum floor area of 40% of the gross floor area of the dwelling in which it is situated;
- The appearance of the dwelling is maintained;
- In addition to the required parking for the dwelling, one additional off-street parking space is provided for the subsidiary apartment on the lot.

**2. Accessory Buildings**

- The maximum lot coverage of all accessory buildings on a lot shall not be greater than seven (7) percent of the lot area up to a maximum of 55 squares metres
- The maximum height of an accessory building shall be 4.5 metres.
- Accessory buildings shall be a minimum of 3.0 metres from other buildings located on the same lot and this distance shall be measured between the nearest parts of the buildings. This minimum separation distance shall not apply to patios and decks.
- All accessory buildings must be located in the rearyard (except for domestic garages which may be located at the side of a dwelling) and shall be a minimum of 1.0 metres from side and rear lot lines (except for corner lots where a 7 metre side yard is required on the flanking street), measured from the nearest wall to the lot line.
- Accessory buildings are to be used strictly for ancillary purposes to the permitted uses listed in this use zone. Accessory buildings for residential properties shall not be used for non-residential uses without permission of Council. Aside from minor vehicle maintenance, no person shall use an accessory building for the purpose of performing major repairs, painting, dismantling, or scrapping of vehicles or machinery.

**3. Home Based Business, Office, Personal Service, General Service, Catering, Medical and Professional Uses**

- a) Any Home Based Business, Office, Personal Service, General Service, Catering, Medical and Professional Uses must be wholly contained within the dwelling unit which is the principal residence of the operator of the business and shall be subsidiary to the residential use. Catering shall be restricted to food preparation and the serving of food away from the premises.
- b) The use may occupy a subsidiary building on the residential lot of the operator provided that it complies with Section (c) and any regulations in the Town's Development Regulations regarding accessory buildings.
- c) The use shall not occupy more than 25% of the gross floor area or 54m<sup>2</sup>, whichever the lesser.
- d) The use shall not alter the principal character or exterior appearance of the dwelling unless these changes are consistent with permitted home renovations.
- e) One non-resident employee is permitted, provided that the resident is the principal operator of the business.
- f) Parking
  - 1) One off-street parking space must be provided for the non-resident employee;
  - 2) If the use involves clients visiting the dwelling, off-street parking must be provided;
  - 3) Parking or storage of vehicles in the front yard or side yard shall be prohibited except on a driveway.
- g) Retail sales shall be restricted to articles manufactured on the premises. Product display is not allowed and any sales from the residence must be incidental and subsidiary to the proposed use.
- h) Any use involving instructional activity shall be limited to a maximum of 4 students at a time.
- i) There shall be no outdoor storage or display of goods, materials or equipment associated with the business allowed on site. Indoor storage, related to the business activity, shall be allowed either in the dwelling or accessory building.
- j) Noise and Disturbance
  - a) The use shall not create noise, vibration, fumes, odour, dust, glare or radiation which is evident outside the dwelling unit and which exceeds any limits established by town regulations and provincial legislation;
  - b) The use shall not generate vehicular traffic or parking in excess of that which is characteristic of the district in which it is located; and
  - c) There shall be no mechanical or electrical equipment used which creates external noise or visible and audible interference with home electronics equipment in adjacent dwellings.
- k) There shall be no commodities sold or services rendered that require receipt or delivery of merchandise, goods or equipment by other than a passenger motor vehicle or by parcel or letter carrier mail service using vehicles typically employed in residential deliveries.

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- l) No more than one sign shall be permitted for any home business and no such sign shall exceed 0.2m<sup>2</sup> in area. No illumination of the sign shall be permitted.
- m) Application
- a) Home Based Business, Office, Personal Service, Medical and Professional uses are discretionary uses in all Residential zones. Notice of the application must be advertised in the local newspaper at the developers' expense (minimum of one insertion). All public input is noted and referred to Council for consideration.
- b) In addition to the information requirements of this regulation, each application for a development permit for the use classes Home Based Business, Office, Personal Service, Medical and Professional shall include a description of the business to be undertaken at the dwelling, an indication of the anticipated number of business visits per week and details for the provision of parking, and where any materials or equipment associated with the business are to be stored.
- n) The Home Business Development Permit Fee shall be set annually at the discretion of Council.
- o) No change shall be made in the type, class or extent of service provided without a permit.

#### 4. Child Care

A day care or day nursery (i.e.: a child care operation in which services are regularly provided to seven or more children), is subject to the following conditions:

- a) The operation is in accordance with all applicable provincial laws and regulations;
- b) A limit of one day care or day nursery will be permitted on any street;
- c) The use will not occupy more than 70 square metres or 40% of the floor area, whichever is less;
- 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, taverns, night clubs, and amusement uses;
- h) The development and operation of the child care use will be subject to conditions outlined in a permit issued by Council.

### 5. Boarding House Residential

- i) The Boarding House Residential use class shall be limited to Hospitality Homes, Bed and Breakfasts and Tourist Homes and may be permitted as a discretionary use. It is also subject to the conditions outlined below and to any special conditions outlined by Council to ensure structural alterations and the activities themselves are fully compatible with the character and residential quality of the area
  - (a) The use does not adversely affect the residential quality of the area through excessive noise, traffic, or parking;
  - (b) The dwelling in which the boarding house residential use is carried out is similar in exterior finish, design, height and scale to a private residential building;
  - (c) One parking space shall be provided for each guest room on the lot;
  - (d) A parking area shall be screened by a fence, or hedge;
  - (e) A non-illuminated identification fascia sign not exceeding 0.2 m<sup>2</sup> and/or a free standing sign not exceeding 2.7 m<sup>2</sup> in area shall be permitted, provided that the sign is consistent with the residential character of the neighbourhood;
  - (f) The maximum number of guest rooms shall be six (6);
  - (g) The use is carried out by a resident of a single or double.
  
- ii) A Hospitality Home, Bed and Breakfast or Tourist Home may be permitted provided:
  - (a) The use is carried out by a resident of the single or double;
  - (b) The establishment is licensed under the Provincial Regulations.

### 6. Decks & Patios in the Rear and Side Yards

- ii) A deck may be permitted in the rear and side yards of a dwelling subject to the following conditions:
  - (j) Decks shall be 1metre from the rear and side property lines. The minimum sideyard requirement does not apply to the **shared** property line of double dwellings and row housing.
  - (k) The maximum floor height of a deck shall be equal to the level of the main floor of the dwelling.
  - (l) A deck may be constructed from the second storey of a dwelling provided the floor of the deck is equal to the level of the second floor of the dwelling.
  - (m) The use of lead based paint or stain is not permitted.
  - (n) The maximum height of any part of the deck shall be 1.2 metres above the deck's floor level. For double dwellings and row housing, screening to a maximum height of .61 metres may be attached to the top of the rails of the deck along the shared property line. Screening is defined as material such as lattice board or any other material the Authority may consider appropriate.
  - (o) The Authority may require the area beneath the floor of the deck to be enclosed in order to maintain a neat and tidy appearance.

- (p) A deck shall not be used for storage purposes.
- (q) The Authority may require all decks permitted under this condition, or all decks on a particular street or in a neighbourhood to be constructed with specified materials and be of a specific colour or finish in order to maintain amenity.
- (r) A deck may be constructed with a roof or awning but in such instances will be treated as an attachment to the main building and governed by the applicable regulations.

#### **7. Medical Treatment and Special Care**

Council may permit Medical Treatment and Special Care use in the form of a residential home for the aged or a children's home within this land use zone.

#### **8. Medical and Professional**

Medical and Professional use shall not include the clinical office of a physician, dentist or drugless practitioner.

#### **9. General Service**

General Service uses shall be limited to small tool and appliance repair type uses within the Residential zone.

#### **10. Screening**

Council may require screening between recreational open space and residential lots.



### Use Zone Table

<b>ZONE TITLE</b>	<b>MIXED DEVELOPMENT</b>	<b>(MD)</b>
<p><b>PERMITTED USES</b> – see Regulation 90. All use classes within the residential uses division, recreation open space, conservation.</p>		
<p><b>DISCRETIONARY USES</b> – see Regulation 34 and 91. All use classes in the general assembly division, collective residential, commercial residential, all use classes in the business or personal services group, all use classes in the mercantile group, agriculture, forestry, cemetery, antenna.</p>		

#### CONDITIONS

##### 1 Development Standards

- a) Residential development shall conform to the standards of the Residential Medium Density Z one.
- b) For all other types of development standards are as follows:
  - i) Minimum Building Line Setback      8m
  - ii) Minimum Sideyard Width              5m
  - iii) Minimum Rearyard Depth              10m
  - iv) Maximum Height                         10m

##### 2. Accessory Building

- a) The maximum lot coverage of all accessory buildings on a lot shall not be greater than seven (7) percent of the lot area up to a maximum of 55 square metres
- b) The maximum height of an accessory building shall be 4.5 metres.
- c) Accessory buildings shall be a minimum of 3.0 metres from other buildings located on the same lot and this distance shall be measured between the nearest parts of the buildings. This minimum separation distance shall not apply to patios and decks.
- d) All accessory buildings must be located in the rear yard (except for domestic garages which may be located at the side of a dwelling) and shall be a minimum of 1.0 metres side and rear lot lines (except for corner lots where a 7 metre side yard is required on flanking streets) measured from the nearest wall to the lot line.

- e) Accessory buildings are to be used strictly for ancillary purposes to the permitted uses listed in this use zone. Accessory buildings for residential properties shall not be used for non-residential uses without permission of Council. Aside from minor vehicle maintenance, no person shall use an accessory building for the purpose of performing major repairs, painting, dismantling, or scrapping of vehicles or machinery.

### 3. Water and Sewage

All development not connected to municipal piped services must have its arrangements for water and sewage disposal approved by the Government Service Centre before Council will consider issuing a development permit. If the minimum lot area prescribed in these standards is judged to be insufficient, Council will require a larger lot as determined by the Government Service Centre.

### 4. Boarding House Residential

The Boarding House Residential use class shall be limited to Hospitality Homes, Bed and Breakfasts and Tourist Homes and may be permitted as a discretionary use. It is also subject to the conditions outlined below and to any special conditions outlined by Council to ensure structural alterations and the activities themselves are fully compatible with the character and residential quality of the area

- a) The use does not adversely affect the residential quality of the area through excessive noise, traffic, or parking;
- b) The dwelling in which the boarding house residential use is carried out is similar in exterior finish, design, height and scale to a private residential building;
- c) A non-illuminated identification fascia sign not exceeding 0.2 m<sup>2</sup> and/or a free standing sign not exceeding 2.7 m<sup>2</sup> in area shall be permitted, provided that the sign is consistent with the residential character of the neighbourhood;
- d) The maximum number of guest rooms shall be six (6);
- e) A Hospitality Home shall be licensed under the Provincial Regulations.

### 5. Professional, Medical, Personal Service and Office Use

These uses may be permitted as discretionary uses within this zone. These developments will only be permitted within a residence. The following development conditions shall apply:

- a) The use may occupy a subsidiary building on the residential lot of the operator provided that it complies with Section (c) and an provision of the Town's Development Regulations regarding accessory buildings.
- b) The use shall not occupy more than 50% of the gross floor area or 54m<sup>2</sup>, whichever the lesser.
- c) Exterior appearance of the dwelling shall be designed to be compatible with the general residential area.
- d) Provision for off-street parking will be required as per parking requirements as outline in Schedule D of the Development Regulations.

- e) There shall be no outdoor storage or display of goods, materials or equipment associated with the business allowed on site. Indoor storage, related to the business activity, shall be allowed either in the dwelling or accessory building.
- f) Negative Impacts on Adjoining Property
  - i) The use shall not create noise, vibration, fumes, odour, dust, glare or radiation which is evident outside the dwelling unit and which exceeds limits established by town regulations and provincial legislation;
  - ii) There shall be no mechanical or electrical equipment used which creates external noise or visible and audible interference with home electronics equipment in an adjacent dwelling.
- g) No change shall be made in the type, class or extent of service provided without a permit.

## 6. Child Care

A day care or day nursery (i.e.: a child care operation in which services are regularly provided to seven or more children), is subject to the following conditions:

- a) The operation is in accordance with all applicable provincial laws and regulations;
- b) A limit of one day care or day nursery will be permitted on any street;
- c) Any on-site, outdoor play space will have a fence erected around its perimeter, with a gate in case of emergency;
- d) Provision for off-street parking will be required as per parking requirements as outline in Schedule D of the Development Regulations;
- e) The drop-off and pick-up of children will not interfere with the free flow of vehicular traffic;
- f) The development and operation of the child care use will be subject to conditions outlined in a permit issued by Council.

**Use Zone Table**

<b>ZONE TITLE</b>	<b>COMMERCIAL GENERAL</b>	<b>(CG)</b>
<b>PERMITTED USES</b> – see Regulation 90.		
General assembly, convenience store, office, communications, veterinary, shop, general service, taxi stand, passenger assembly, personal service, catering (not lounges), medical and professional, indoor market, cultural and civic, conservation.		
<b>DISCRETIONARY USES</b> – see Regulation 34 and 91.		
Shopping Centre, outdoor market, police station, service station, automotive sales, child care, commercial residential, funeral home, indoor assembly, amusement, catering (lounges), educational, club and lodge, place of worship, antenna.		

**CONDITIONS**

**1. Development Standards**

<b>STANDARDS</b>	<b>All Uses</b>
<b>Frontage (min)</b>	<b>23 m</b>
<b>Building Line Set back (min)</b>	<b>4 m *</b>
<b>Side Yard (min)</b>	<b>5 m</b>
<b>Rear Yard (min)</b>	<b>6 m</b>
<b>Height (max)</b>	<b>15 m</b>

\* Council may require larger set backs from Main Street.

**2. Signage**

Signage may be permitted in accordance with General Regulations 7 and 8 in Schedule C, and Part III of the Development Regulations.

### 3. Development Criteria

Any commercial development in this zone will be subject to the following:

- i) It must be located and designed to minimise the impact of traffic, noise, lighting, and signage on any nearby residential uses. Where necessary, screening will be required through the provision of trees, shrubs, berms, landscaping or fencing;
- ii) It must be designed and maintained to a high standard with regard to safety, appearance, and compatibility with surrounding land uses;
- iii) Access points to the street must be limited in number and designed for maximum safety of pedestrians and vehicles;

### 4. Parking and Access

- i) Off-street parking shall be provided within the limits of the property on which the use is situated.
- ii) Parking space shall mean an area of land suitable for the parking of a vehicle, not less than nineteen (19) square metres (200 square feet), accessible to vehicles without the need to move other vehicles.
- iii) Minimum required parking spaces shall be as established in Schedule D of the Development Regulations.
- iv) Council may require parking areas to be screened by fence or hedges.
- v) Loading space shall be provided and maintained on land that is not part of the street with direct unobstructed access to a street.
- vi) Loading facilities shall be so arranged that vehicles can manoeuvre clear of any street and that it is not necessary for any vehicle to reverse onto or from a street.
- vii) All uses in this zone shall be required to gain access from a collector road. Access points will be limited in number.

### 5. Landscaping

- i) Landscaping of the lot shall be as specified by Council.
- ii) Parking areas shall be paved with a bituminous or concrete surface or other approved material, providing adequate drainage.
- iii) Council may require fencing along the side and rear boundaries to protect the privacy of adjacent property.

### 6. Refuse Collection

- i) Public garbage receptacles shall be required within 2 metres of all entrances.

- ii) Large commercial dumpster containers shall be required to be located to the rear of the building and accessible to collection contractors
- iii) Dumpster containers are required to be fenced in or screened

## **7. Catering**

Catering uses such as restaurants, coffee shops, and take out food service shall be permitted within this zone. Lounges and clubs may be permitted at the discretion of Council.

## **8. Child Care**

A day care or day nursery (i.e.: a child care operation in which services are regularly provided to seven or more children), is subject to the following conditions:

- a) The operation is in accordance with all applicable provincial laws and regulations;
- b) Any on-site, outdoor play space will have a fence erected around its perimeter, with a gate in case of emergency;
- c) Provision for off-street parking will be required as per parking requirements as outline in Schedule D of the Development Regulations;
- d) The drop-off and pick-up of children will not interfere with the free flow of vehicular traffic;
- e) The development and operation of the child care use will be subject to conditions outlined in a permit issued by Council.

## **9. Open Storage**

Open storage of unsightly goods and machinery shall not be located in the front yard. Storage may be permitted in either side or in the rear yard and will be screened from the street and adjoining properties by a screen or fence, no less than 2.0 metres in height, and constructed to Council's specifications.

## **10. Automotive Sales**

An automotive sales use may be permitted as a discretionary use subject to the following conditions:

- i) The developer shall submit to Council an acceptable development plan including the following;
  - a) The number and location of parking spaces;

- b) Ingress and egress of the parking lot;
  - c) Motor vehicle circulation pattern around the lot;
  - d) Location of buildings on the lot;
  - e) Area to be landscaped and screened and the type of landscaping to be used;
  - f) Customer parking in accordance with Schedule D of these Regulations.
- ii) The automotive sales use shall have a main building on the lot in which the business is conducted. The main building will include washroom facilities.
- iii) The automotive sales lot shall be paved and shall provide drainage, lighting, curbs, and landscaping in accordance with the requirements of Council.
- iv) The automotive sales use shall be licensed under the Automotive Dealers Act prior to the use commencing.

**Use Zone Table**

<b>ZONE TITLE</b>	<b>COMMERCIAL HIGHWAY</b>	<b>(CH)</b>
<b>PERMITTED USES</b> – see Regulation 90. Commercial residential, catering (not lounges), service station, passenger assembly.		
<b>DISCRETIONARY USES</b> – see Regulation 34 and 92. Catering (lounges), take out food service, outdoor assembly, taxi stand, outdoor market, indoor market, convenience store, amusement, transportation, recreational open space, and antenna.		

**CONDITIONS****1. Development Standards**

<b>STANDARDS</b>	<b>All Uses</b>
<b>Frontage</b>	<b>30 m</b>
<b>Building Line Set back (min)</b>	<b>15 m *</b>
<b>Side Yard (min)</b>	<b>5 m</b>
<b>Rear Yard (min)</b>	<b>10 m</b>
<b>Height (max)</b>	<b>15 m</b>

\* Council may require larger setbacks from the Trans Canada Highway.

**2. Signage**

Signage may be permitted in accordance with General Regulations 7 and 8 in Schedule C, and Part III of the Development Regulations.

**3. Development Criteria**

Any development in this zone will be subject to the following:

- i) Development shall be designed and maintained to a high standard with regard to safety and appearance;
- ii) Access points to the street must be limited in number and designed for maximum safety of pedestrians and vehicles;



- iii) Where necessary, screening shall be required through the provision of trees, shrubs, berms, landscaping or fencing between uses that are non compatible.

#### **4. Parking and Access**

- i) Off-street parking shall be provided within the limits of the property on which the use is situated.
- ii) Parking space shall mean an area of land suitable for the parking of a vehicle, not less than nineteen (19) square metres (200 square feet), accessible to vehicles without the need to move other vehicles.
- iii) Minimum required parking spaces shall be as established in Schedule D of the Development Regulations.
- iv) Council may require parking areas to be screened by fence or hedges.
- v) Loading space shall be provided and maintained on land that is not part of the street with direct unobstructed access to a street.
- vi) Loading facilities shall be so arranged that vehicles can manoeuvre clear of any street and that it is not necessary for any vehicle to reverse onto or from a street.
- vii) All uses in this zone shall be required to gain access from a collector road. Access points will be limited in number.

#### **5. Landscaping**

- i) Landscaping of the lot shall be as specified by Council.
- ii) Parking areas shall be paved with a bituminous or concrete surface or other approved material, providing adequate drainage.
- iii) Council may require fencing along the side and rear boundaries to protect the privacy of adjacent property.

#### **6. Open Storage**

Open storage of unsightly goods and machinery shall not be located in the front yard. Storage may be permitted in either a side or rearyard and will be screened from the street and adjoining properties by a screen or fence, no less than 2.0 metres in height, and constructed to Council's specifications.

#### **7. Refuse Collection**

- i) Public garbage receptacles shall be required within 2 metres of all entrances.
- ii) Large commercial dumpster containers shall be required to be located to the rear of the building and accessible to collection contractors

iii) Dumpster containers are required to be fenced in or screened

**8. Catering**

Catering uses such as restaurants, coffee shops, and take out food service shall be permitted within this zone. Lounges and clubs may be permitted at the discretion of Council.

Use Zone Table

<b>ZONE TITLE</b>	<b>COMMERCIAL RECREATIONAL</b>	<b>(CR)</b>
<b>PERMITTED USES</b> – see Regulation 90.		
Commercial residential, catering (restaurants and coffee shops) recreation open space, conservation.		
<b>DISCRETIONARY USES</b> – see Regulation 34 and 91.		
Single dwelling, mobile home, childcare, convenience store, catering ( take out food service)		

**CONDITIONS****1. Development Standards**

Development standards will be determined on a case by case basis based upon the submission of an overall Development Proposal, the precise mix of uses proposed and their relationship to each other and the type of water, sewage and storm drainage facilities proposed.

**2. Signage**

Signage may be permitted in accordance with General Regulations 7 and 8 in Schedule C, and Part III of the Development Regulations.

**3. Catering**

Catering uses such as restaurants, and coffee shops, shall be permitted within this zone. Take- out food services may be permitted at the discretion of Council.

Use Zone Table

<b>ZONE TITLE</b>	<b>INDUSTRIAL</b>	<b>(IND)</b>
<b>PERMITTED USES</b> – see Regulation 90. Agriculture (restricted only to the rearing and processing of poultry).		
<b>DISCRETIONARY USES</b> – see Regulation 34 and 91. Office.		

**CONDITIONS****1. Development Standards**

<b>STANDARDS</b>	<b>All Uses</b>
<b>Frontage</b>	<b>30 m</b>
<b>Building Line Set back (min)</b>	<b>8 m</b>
<b>Side Yard (min)</b>	<b>5 m</b>
<b>Rear Yard (min)</b>	<b>15 m</b>
<b>Height (max)</b>	<b>14 m</b>

**2. Signage**

Signage may be permitted in accordance with General Regulations 7 and 8 in Schedule C, and Part III of the Development Regulations.

**3. Development Criteria**

Any development in this zone will be subject to the following:

- i) Development shall be designed and maintained to a high standard with regard to safety and appearance;
- ii) Access points to the street must be limited in number and designed for maximum safety of pedestrians and vehicles;

- iii) Where necessary, screening shall be required through the provision of trees, shrubs, berms, landscaping or fencing between uses that are non-compatible.

#### **4. Storage of Flammable Materials**

All uses and structures for the storage of bulk and flammable materials shall conform to the requirements of the provincial Fire Commissioner, and shall be surrounded by such buffers and landscaping as Council may require to prevent damage to adjacent uses by fire, explosion, or spillage.

#### **5. Open Storage**

Open storage of unsightly goods and machinery shall not be located in the front yard, storage shall be permitted at either side or rearyard and will be screened from the street and adjoining properties by a screen or fence, no less than 2.0 metres in height, and constructed to Council's specifications

Use Zone Table

<b>ZONE TITLE</b>	<b>INSTITUTIONAL-CORRECTIONAL</b>	<b>(I-C)</b>
<b>PERMITTED USES</b> – see Regulation 90. Penal and correctional		
<b>DISCRETIONARY USES</b> – see Regulation 34 and 91. None.		

**CONDITIONS**

To be determined by Council in consultation with Government.

<b>STANDARDS</b>	<b>All Uses</b>
<b>Building Line Set back (min)</b>	<b>15 m</b>
<b>Side Yard (min)</b>	<b>5 m</b>
<b>Rear Yard (min)</b>	<b>15 m</b>
<b>Height (max)</b>	<b>15 m</b>

**Use Zone Table**

<b>ZONE TITLE</b>	<b>PUBLIC USE</b>	<b>(P)</b>
<b>PERMITTED USES</b> – see Regulation 90.		
Cultural and civic, educational, , general assembly, place of worship, recreational open space, conservation.		
<b>DISCRETIONARY USES</b> – see Regulation 34 and 91.		
Indoor assembly, antenna.		

**CONDITIONS****1. Development Standards**

<b>STANDARDS</b>	<b>All Uses</b>
<b>Building Line Set back (min)</b>	<b>10 m</b>
<b>Side Yard (min)</b>	<b>5 m</b>
<b>Rear Yard (min)</b>	<b>15 m</b>
<b>Height (max)</b>	<b>10 m</b>

Lot area and frontage requirements will be determined based on the proposed use and its scale.

**2. Signage**

Signage may be permitted in accordance with General Regulations 7 and 8 in Schedule C, and Part III of the Development Regulations.

**Use Zone Table**

<b>ZONE TITLE</b>	<b>OPEN SPACE/RECREATION</b>	<b>(OSR)</b>
<b>PERMITTED USES</b> – see Regulation 90. Recreational open space, cemetery, conservation.		
<b>DISCRETIONARY USES</b> – see Regulation 34 and 91. Outdoor assembly, indoor assembly, office, shop, catering, antenna.		

**CONDITIONS****1. Development Standards**

<b>STANDARDS</b>	<b>All Uses</b>
As determined by Council.	

**2. Signage**

Signage may be permitted in accordance with General Regulations 7 and 8 in Schedule C, and Part III of the Development Regulations.

**3. Catering, Office and Shop Uses**

Catering, office and shop uses may be permitted at Council's discretion. These uses must be associated with recreational uses and Council shall set conditions in any permit to restrict the development to only those that are associated with recreational uses.



**Use Zone Table**

<b>ZONE TITLE</b>	<b>RURAL</b>	<b>(RU)</b>
<b>PERMITTED USES</b> – see Regulation 90. Agriculture and conservation.		
<b>DISCRETIONARY USES</b> – see Regulation 34 and 91. Single dwelling, animal, veterinary, mineral exploration, mineral working, forestry, light industry, cemetery, recreational open space, antenna.		

**CONDITIONS****1. Development Standards**

<b>STANDARDS</b>	<b>All Uses</b>
As determined by Council.	

**2. Signage**

Signage may be permitted in accordance with General Regulations 7 and 8 in Schedule C, and Part III of the Development Regulations.

**3. Recreational Open Space**

Recreational open space uses shall be restricted to activities such as hiking, walking, bird watching, fishing, cycling and adventure tourism.

**4. General and Light Industrial Uses**

Industrial uses shall be limited to those uses directly related to the natural resource base.

## 5. Buffering of Livestock and Poultry Facilities

A buffer of not less than 480 metres will be maintained between any livestock or poultry holding or processing facility and an existing or planned residential use within adjacent Residential Low Density and Residential Medium Density zones.

Existing livestock or poultry holding or processing facilities located less than 480 metres from existing or planned residential development will not be permitted to expand by more than fifty percent unless it can be shown that this will not be detrimental to neighbouring residential areas.

## 6. Mineral Workings

Council may permit a mineral operation if it is satisfied that it will not create a nuisance, result in serious adverse effects on the natural environment, extend below the water table, or adversely affect an existing or planned development.

### a) Minimum Buffer Around a Pit or Quarry

No pit or quarry shall be located closer than the minimum distance set out below to a specified development or natural feature:

	Minimum Buffer
Existing or planned residential development	300 metres
Any other development or site likely to be developed during the life of the pit or quarry.	150 metres
Public highway or street	50 metres
Protected road	90 metres
Waterbody or water course	50 metres

### b) Water Pollution and Ponding

No mineral working or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any waterbody or watercourse. Any access road to a pit or quarry that crosses a brook or stream shall be bridged in accordance with the regulations of the Department of Environment and Conservation.

### c) Erosion Control

No mineral working operation shall be carried out in a manner so as to cause erosion of adjacent land.

### d) Site Maintenance

Mineral working operations shall be kept clean of refuse, abandoned vehicles, abandoned equipment and derelict buildings.

### e) Access Roads

During extended periods of shutdown, access roads to a mineral working site shall be ditched or barred to the satisfaction of Council.

### f) Conservation of Topsoil and Organic Material

In establishing a mineral working site, every care will be taken to conserve cover material for site reinstatement. All stumps, organic material, and topsoil, including the rusty coloured iron stained layers, shall be stripped and stockpiled at least 5 metres from active quarry and aggregate stockpile areas. The

owner or operator shall ensure that the quality of this material is not affected by dilution with other materials.

g) Termination and Site Rehabilitation

Upon termination of the mineral working operation, the following work shall be carried out by the operator:

- i. All buildings, machinery, and equipment shall be removed.
- ii. All pits and quarry slopes will be graded to grads of less than 20° or to a grade conforming to that existing prior to the mineral working.
- iii. Topsoil and other organic material will be respread over the entire quarried area and grass seeding shall be undertaken.
- iv. The access road to the working site shall be ditched or barred to the satisfaction of Council.

h) Security Bonding

Prior to a permit being issued for a pit, quarry, or other potentially intrusive industrial activity, an applicant will be required to post a performance bond or some other financial guarantee with the Town to ensure performance conditions set by Council are adhered to. The performance bond will be returned to the developer upon cessation of the operation and restoration of the site to Council's satisfaction.

## 7. Other Non-Agricultural Industrial Operations

Council may require that other non-agricultural activities conform to the same or similar conditions as stipulated above for Mineral Workings operations.

## 8. The Newfoundland T'Railway

Unless otherwise permitted by Council, existing tree cover and plant life within 50 metres of both sides of the T'Railway will be maintained to preserve the natural and aesthetic quality of the corridor.

## 9. Other Recreational Trails

Unless otherwise permitted by Council, existing tree cover and plant life within 50 metres of all recreational trails, designated by Council will be maintained to preserve the natural and aesthetic quality of the corridor. Designated trails will include all the trails of the Pasadena Nordic Ski Club, certain snowmobiling trails, and other specific trails as identified by Council.

## 10. Single Dwelling

Single dwellings may be permitted in only as a subsidiary use to a bona fide farm operation subject to the following:

- (i) It can be shown that full-time habitation is necessary to the successful operation of the farm as determined by the Department of Natural Resources.
- (ii) The resident is a full-time farmer who derives more than 50 percent of his or her income from the farm.

**Use Zone Table**

<b>ZONE TITLE</b>	<b>ENVIRONMENTAL PROTECTION</b>	<b>(EP)</b>
<b>PERMITTED USES</b> – see Regulation 90. Maintenance and operation of existing uses, public utilities (water treatment and pump house), conservation.		
<b>DISCRETIONARY USES</b> – see Regulation 34 and 91. Recreational open space, antenna.		

**CONDITIONS****1. Recreation**

Only passive recreational activities such as hiking and cross country skiing shall be permitted in the protected watershed area.