



TOWN OF WHITBOURNE

DEVELOPMENT REGULATIONS 2013 – 2023

PARTS 1 TO 5

THE URBAN AND RURAL PLANNING ACT 2000

RESOLUTION TO APPROVE

TOWN OF WHITBOURNE DEVELOPMENT REGULATIONS 2013

Under the authority of Sections 16, 17, 18 and 21 of the Urban and Rural Planning Act 2000, the Town Council of Whitbourne :

- a. Adopted the Whitbourne Development Regulations 2013 on the 30th October 2013.
- b. Gave Notice of the adoption of the Whitbourne Development Regulations 2013 by advertisement inserted on the 9th and 16th November in The Telegram newspaper.
- c. Set the 26th November 2013 at 7.30 p.m. at the Whitbourne Lions Club for the holding of a public hearing to consider representations and objections.
- d. Within the time specified in the notice of public hearing for the receipt of submissions none was received at the Whitbourne Town Office and so the public hearing was cancelled.

Now under the authority of Section 23 of the Urban and Rural Planning Act 2000 the Council of the Town of Whitbourne approves the Whitbourne Development Regulations 2013 as adopted.

APPROVED by the Town Council of Whitbourne on the 27th November, 2013.

SIGNED AND SEALED the 27th November, 2013.

Mayor *Arlola Whelan*

Town Clerk *Crystal Peckle*

Development Regulations/Amendment	
REGISTERED	
Number	<u>5355-2013-008</u>
Date	<u>December 23 2013</u>
Signature	<u><i>Couba</i></u>

PROVINCIAL REGISTRATION

THE URBAN AND RURAL PLANNING ACT

RESOLUTION TO ADOPT

TOWN OF WHITBOURNE DEVELOPMENT REGULATIONS 2013

Under the authority of section 16 of the Urban and Rural Planning Act 2000, the Town Council of Whitbourne adopts the Whitbourne Development Regulations 2013.

The Whitbourne Development Regulations 1998 as amended are repealed and replaced upon the coming into effect of the Whitbourne Development Regulations 2013.

ADOPTED by the Town Council of Whitbourne on the 30th day of October, 2013.

SIGNED AND SEALED the 30th day of October, 2013.

Mayor

Alda Whelan

Town Clerk

Crystal Peckle

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Whitbourne Development Regulations 2013 have been prepared in accordance with the requirements of the Urban and Rural Planning Act 2000.

Stanley N. Clinton MCIP



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MINISTERS DEVELOPMENT REGULATIONS, 2001.

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NEWFOUNDLAND REGULATION 3/01
Development Regulations under the Urban and Rural Planning Act, 2000.

(Filed January 2, 2001)

Under the authority of section 36 of the *Urban and Rural Planning Act, 2000*, I make the following regulations.

Dated at St. John's, January 2, 2001.

Joan Marie Aylward
Minister of Municipal and Provincial Affairs

REGULATIONS

Analysis

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1. Short title

These regulations may be cited as the Development Regulations.

2. Definitions

In these regulations,

- (a) "Act", unless the context indicate otherwise, means the Urban and Rural Planning Act, 2000;
- (b) "applicant" means a person who has applied to an authority for an approval or permit to carry out a development;
- (c) "authority" means a council, authorized administrator or regional authority; and
- (d) "development regulations" means these regulations and regulations and by-laws respecting development that have been enacted by the relevant authority.

3. Application

- (1) These regulations shall be included in the development regulations of an authority and shall apply to all planning areas.
- (2) Where there is a conflict between these regulations and development regulations or other regulations of an authority, these regulations shall apply.
- (3) Where another Act of the province provides a right of appeal to the board, these regulations shall apply to that appeal.

4. Interpretation

- (1) In development regulations and other regulations made with respect to a planning area the following terms shall have the meanings indicated in this section
 - (a) "access" means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street;
 - (b) "accessory building" includes
 - (i) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,
 - (ii) for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television antennae,
 - (iii) for commercial uses, workshops or garages, and
 - (iv) for industrial uses, garages, offices, raised ramps and docks;
 - (c) "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;
 - (d) "building height" means the vertical distance, measured in metres from the

established grade to the

- (i) highest point of the roof surface of a flat roof,
 - (ii) deck line of a mansard roof, and
 - (iii) mean height level between the eave and the ridge of a gable, hip or gambrel roof, and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof;
- (e) "building line" means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed;
- (f) "discretionary use" means a use that is listed within the discretionary use classes established in the use zone tables of an authority's development regulations;
- (g) "established grade" means,
 - (i) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or
 - (ii) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment;
 - (h) "floor area" means the total area of all floors in a building measured to the outside face of exterior walls;
 - (i) "frontage" means the horizontal distance between side lot lines measured at the building line;
 - (j) "lot" means a plot, tract or parcel of land which can be considered as a unit of land for a particular use or building;
- (k) "lot area" means the total horizontal area within the lines of the lot;
- (l) "lot coverage" means the combined area of all building 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;
- (m) "non-conforming use" means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone;
- (n) "owner" means a person or an organization of persons owning or having the legal right to use the land under consideration;
 - (o) "permitted use" means a use that is listed within the permitted use classes set out in the use zone tables of an authority's development regulations;
 - (p) "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 an authority specifies as not permitted within a use zone;

- (q) "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;
- (r) "rear yard depth" means the distance between the rear lot line and the rear wall of the main building on a lot;
- (s) "side yard depth" means the distance between the side lot line and the nearest side wall of a building on the lot;
- (t) "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;
- (u) "street line" means the edge of a street reservation as defined by the authority having jurisdiction;
- (v) "use" means a building or activity situated on a lot or a development permitted on a lot;
- (w) "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;
- (x) "variance" means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the authority's regulations; and
- (y) "zoning map" means the map or maps attached to and forming a part of the authority's regulations.

- (2) An authority may, in its discretion, determine the uses that may or may not be developed in a use zone and those uses shall be listed in the authority's regulations as discretionary, permitted or prohibited uses for that area.

5. Notice of right to appeal

- Where an authority makes a decision that may be appealed under section 42 of the Act, that authority shall, in writing, at the time of making that decision, notify the person to whom the decision applies of the
- (y) person's right to appeal the decision to the 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.

6. Appeal requirements

- (1) The secretary of the board at the Department of Municipal and Provincial Affairs, Main Floor, Confederation Building (West Block), P.O. Box 8700, St. John's, Nfld., A1B 4J6 is the secretary to all boards in the province and 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 board.
- (2) Notwithstanding subsection (1), where the City of Corner Brook, City of Mount Pearl or City of St. John's appoints an appeal board under subsection 40(2) of the Act, an appeal shall be filed with the secretary of that appointed board.
- (3) The fee required under section 44 of the Act shall be paid to the board that hears the decision being appealed by filing it with the secretary referred to in subsection (1) or (2) within the 14 days referred to in subsection 42(4) of the Act.
- (4) The board that hears the decision being appealed shall, subject to subsection 44(3) of the Act, retain the fee paid to the board.
- (5) Where an appeal of a decision and the required fee is not received by a 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.

7. Appeal registration

- (1) Upon receipt of an appeal and fee as required under the Act and these regulations, the secretary of the board as referred to in subsections 6(1) and (2), shall immediately register the appeal.
- (2) Where an appeal has been registered the secretary of the board shall notify the appropriate authority of the appeal and shall provide to the authority a copy of the appeal and the documentation related to the appeal.
- (3) Where an authority has been notified of an appeal that authority 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 the authority 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 authority, a notice that the appeal has been registered.
- (5) A notice published under subsection (4) shall be published not fewer than 2 weeks before the date upon which the appeal is to be heard by the board.

8. Development prohibited

- (1) Immediately upon notice of the registration of an appeal the appropriate authority 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 an authority 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, an authority shall not carry out work related to the matter being appealed.

9. Hearing notice and meetings

- (1) A board shall notify the appellant, applicant, authority and other persons affected by the subject of an appeal of the date, time and place for the appeal not fewer than 7 days before the date scheduled for the hearing of the appeal.
- (2) A board may meet as often as is necessary to conduct its work in an expeditious manner.

10. Hearing of evidence

- (1) A board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under subsection 9(1) or their representative may appear before the board and make representations with respect to the matter being appealed.
- (2) A 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 board.
- (4) In the conduct of an appeal hearing, the board is not bound by the rules of evidence.

11. Board decision

A decision of the board must comply with the plan, scheme or development regulations that apply to the matter that has been appealed to that board.

12. Variances

- (1) Where an approval or permit cannot be given by an authority because a proposed

development does not comply with development standards set out in development regulations, an authority may, in its discretion, vary the applicable development standards to a maximum of 10% if, in the authority'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.

- (2) An authority shall not allow a variance from development standards set out in 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) An authority shall not permit a variance from development standards where the proposed development would increase the non conformity of an existing development.

13. Notice of variance

Where an authority is to consider a proposed variance, that authority shall 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.

14. Residential non conformity

A residential building or structure referred to in paragraph 108(3)(g) of the Act must, where being repaired or rebuilt, be repaired or rebuilt in accordance with the plan and development regulations applicable to that building or structure.

15. Notice and hearings on change of use

Where considering a non conforming building, structure or development under paragraph 108(3)(d) of the Act and before making a decision to vary an existing use of that non-conforming building, structure or development, an authority, at the applicant's expense, 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.

16. Non-conformance with standards

Where a building, structure or development does not meet the development standards included in 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.

17. Discontinuance of non-conforming use

An authority may make development regulations providing for a greater period of time than is provided under subsection 108(2) of the Act with respect to the time by which a discontinued non-conforming use may resume operation.

18. Delegation of powers

An authority shall, where designating employees to whom a power is to be delegated under subsection 109(3) of the Act, make that designation in writing.

19. Commencement

These regulations shall be considered to have come into force on January 1, 2001.

**TOWN OF WHITBOURNE
LAND USE, ZONING, SUBDIVISION AND ADVERTISEMENT REGULATIONS
(DEVELOPMENT REGULATIONS)**

APPLICATION

1. Title

These Regulations may be cited as the Whitbourne Development Regulations.

2. Interpretation

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

3. Commencement

These Regulations come into effect throughout the Whitbourne 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**.

4. Municipal Regulations

The building regulations, the fire regulations and any other municipal regulations controlling development shall, under these Regulations, apply to the Whitbourne Municipal Planning Area. The National Building Code of Canada, Fire Code of Canada, and all ancillary codes and regulations, shall also apply to the entire Whitbourne Municipal Planning Area.

5. Council

In these Regulations, “Council ” means the municipal council of the Town of Whitbourne hereby authorized to administer the Municipal Plan and these Regulations.

PART 1 – GENERAL REGULATIONS**6. Compliance with Regulations**

Development shall be carried out in accordance with the Municipal Plan, these Regulations, and the conditions stated in a Permit to Develop.

7. Permit to Develop Required

Development shall not be carried out unless the Council has first issued a Permit to Develop.

8. Permit to Develop be Issued

Subject to Regulations 9 and 10, a permit shall be issued for development within the Planning Area that conforms to:

- (a) the general development standards set out in Part II of these Regulations, the requirements of Part V of these Regulations, and the use classes, standards, requirements, and conditions prescribed in Schedule C of these Regulations for the use zone in which the proposed development is located;
- (b) 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;
- (c) the standards set out in Part III of these Regulations in the case of advertisement;
- (d) the standards set out in Part IV of these Regulations in the case of subdivision;
- (e) the standards of design and appearance established by the Council.

9. Permit not to be Issued In Certain Cases

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

10. Discretionary Powers of Council

- (1) In considering an application for a permit or for approval in principle to carry out development, the Council shall take into account the policies expressed in the Municipal Plan and any further scheme, plan or regulations pursuant thereto, and shall assess the general appearance of the development of the area, the amenity of the surroundings, availability of utilities, public safety and convenience, and any other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of these Regulations, Council may, in its discretion, and as a result of its consideration of the matters set out in this Regulation, conditionally approve or refuse the application.
- (2) Council may, in its discretion, determine the uses that may or may not be developed in a use zone and those uses shall be listed in the Council's regulations as discretionary, permitted or prohibited uses for that area.

11. Variances (Refer to Ministerial Development Regulations, Section 12)

- (1) Where an approval or permit cannot be given by the Council because a proposed development does not comply with development standards set out in development regulations, the Council may, in its discretion, vary the applicable development standards to a maximum of 10% if, in the 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.
- (2) The Council shall not allow a variance from development standards set out in 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) The 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.

12. Notice of Variance (Refer to Ministerial Development Regulations, Section 13)

Where the Council is to consider a proposed variance, the Council shall 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 7 days for response.

13. Service Levy

- (1) The 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 the 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 the Council and permitted by the 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,
 - (b) and the density of development made possible or increased by the public work.
- (4) The Council may require a service levy be paid by the owner of the property benefited and may specify the time for payment. The amount of the service levy shall be determined by the Council.

14. Financial Guarantees and Insurance

- (1) The Council may require a developer to enter into a financial agreement in order to guarantee compliance with the Permit to Develop. Permit securities shall be determined by the Council.
- (2) The Council may require a developer to have insurance sufficient to cover public liability relative to the development.
- (3) The Council shall determine the form, amount and conditions of the financial agreement and the insurance, as outlined under Section 38 of the Urban and Rural Planning Act (*Act*).

15. Dedication of Land for Public Use

In addition to the requirements for dedication of land under Regulation 79, the Council may require the dedication of a percentage of the land area of any subdivision or other development for public use, and such land shall be conveyed to the Council in accordance with the provisions of the *Act*.

16. Restoration of Land

The Council may order the developer, the site occupier, the owner, or any of them to restore the site to the satisfaction of the Council where;

- (a) the use of land is discontinued,
 - (b) a Permit to Develop has been revoked or has expired,
-
-

- (c) the intensity of the use has been decreased, or
- (d) a temporary Permit to Develop has expired.

17. Form of Application

- (1) An application for a Permit to Develop or an Approval in Principle shall be made by the owner or the owner's agent to the Council on the application form referred to in (3), and will include plans and an application fee if required.
- (2) The Council shall supply to each applicant a copy of the application form referred to in (1), and any available information required by the applicant applicable to the application.
- (3) The application forms to be used are available from the Town Council Office.

18. Register of Application

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

19. Deferment and Deemed Refusal of an Application

- (1) The Council may defer consideration of an application with the written agreement of the applicant.
- (2) Applications which have not been determined or deferred by the Council, and on which a decision has not been communicated in writing to the applicant within 60 days of the application being received by the Council, shall be deemed refused.

20. Approval in Principle

- (1) An application for Approval in Principle shall include;
 - a) a description of the proposed development,
 - b) a description of the limits of the land to be used with the proposed development, and may include a survey description of the subject lands,
 - c) submission of conceptual plans,
 - d) any additional information that may be required by the Council.

- (2) The Council may issue an Approval in Principle if it determines the application conforms to the Municipal Plan and these Regulations.
- (3) An Approval in Principle shall be valid for a period of 1 year, and may be extended 1 year, if requested by applicant, up to a total maximum period of 2 years.
- (4) No development shall be carried out under an Approval in Principle.
- (5) Council may revoke an Approval in Principle if it determines the applicant has changed the proposed development in a way that significantly alters the original intent of the applications.

21. Permit to Develop

- (1) A written Permit to Develop, including a temporary Permit to Develop, issued by the Council or its staff and validated by its designated official, shall be permission to develop. This permission shall not relieve the applicant from full responsibility of obtaining all other approvals, prior to the commencement of development, and complying with the requirements of all other regulations and statutes during development.
- (2) The Council may attach conditions to a Permit to Develop to ensure compliance with the Municipal Plan and these Regulations, and the permit holder shall be responsible for full compliance with the permit conditions.
- (3) A Permit to Develop is valid for a period of 1 year and may be extended 1 year if requested by applicant, up to a total maximum period of 2 years
- (4) The issuance of a Permit to Develop shall not prevent the Council from requiring the correction of errors, or ordering the cessation, removal of, or remedial work on any development being carried out that is in violation of the Municipal Plan and these Regulations.
- (5) The Council may revoke a Permit to Develop for failure by the developer to comply with the Municipal Plan and these Regulations, or any condition attached to the Permit to Develop, or where it was issued in error or was issued on the basis of incorrect information.
- (6) No person shall change the application for which a Permit to Develop has been issued unless the change has been approved by a resolution of the Council, and written approval has been issued.
- (7) A copy of the Permit to Develop, and the plans and specifications, shall be kept on the site until completion of the development.

22. Temporary Use Permit to Develop

A Permit to develop for a temporary use, which must comply with the Municipal Plan and these Regulations, may be issued for a period not exceeding 1 year, and may be extended in writing for further 1 year period, and shall not exceed maximum period of 2 years.

23. Permit Fees

A fee may be charged for a Permit to Develop in accordance with the annual schedule of fees as adopted by the Council.

24. Reasons for Conditions or Refusing a Permit

The Council shall state in writing the reasons;

- (a) for refusing a Permit to Develop or an Approval in Principle , and
- (b) for attaching conditions to them.

25. Notification of Right to Appeal (Refer to Ministerial Development Regulations, Section 5)

Where the Council makes a decision that may be appealed under Section 42 of the *Act*, the 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.

26. Appeal Requirements (Refer to Ministerial Development Regulations, Section 6)

- (1) The secretary of the Appeal Board at the Department of Municipal Affairs, Confederation Building (West Block), P.O. Box 8700, St. John's, Nfld., A1B 4J6 is the secretary to all Appeal Boards in the province and 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) or (2) within the 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.

27. Appeal Registration (Refer to Ministerial Development Regulations, Section 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 subsections 26(1) and (2), shall immediately register the appeal.
- (2) Where an appeal has been registered the secretary of the Appeal Board shall notify the Council of the appeal and shall provide to the Council a copy of the appeal and the documentation related to the appeal.
- (3) Where the Council has been notified of an appeal that Council shall within one week of notification 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 the 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 2 weeks before the date upon which the appeal is to be heard by the board.

28. Development Prohibited (Refer to Ministerial Development Regulations, Section 8)

- (1) Immediately upon notice of the registration of an appeal the 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 the 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*, the Council shall not carry out work related to the matter being appealed.

29. Board of Appeal

The Western Newfoundland Board of Appeal is established as the Appeal Board for the Whitbourne Municipal Planning Area. The mandate, powers, and duties of this Appeal Board are specified under Sections 40 - 46 of the *Act*, and the Ministerial Regulations there under.

30. Appeals

- (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 the 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 shall be filed with the Appeal Board not more than 14 days after the person who made the original application appealed from has received the decision being appealed.
- (4) 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.
- (5) 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.
- (6) An Appeal Board may inform itself of the subject matter of the appeal in the manner it considers necessary to reach a decision.
- (7) 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.
- (8) A decision of the Appeal Board must comply with the plan, scheme or development regulations that apply to the matter that has been appealed to that board.
- (9) 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 the Council to carry out its decision or make the necessary order to have its decision implemented.

- (10) Notwithstanding subsection (9), where the Council may, in its discretion, make a decision, an Appeal Board shall not make another decision that overrules the discretionary decision.
- (11) 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.

31. Hearing Notice and Meetings (Refer to Ministerial Development Regulations, Section 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 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

32. Hearing of Evidence (Refer to Ministerial Development Regulations, Section 10)

- (1) An Appeal Board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under regulation 31(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.

33. 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 regulation 26(2) shall be paid to him or her by the Council.

34. Notice of Application (Refer to Ministerial Development Regulations, Sections 13, 15)

- (1) Notice of an application must be given when;
 - (a) a variance is to be considered under Section 11,

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- (b) a change in a non-conforming *use* is to be considered under Section 51(4),
 - (c) the proposed development is listed as a discretionary use in Schedule C,
 - (d) the Council determines that the public should be notified of an application.
- (2) Subsequent to 34 (1) above, the Council shall give notice of an application for a Permit to Develop and for an 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 11 (Variances), and in compliance with the provisions of the *Act*. The 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 the Council determines the public should be notified of an application, there shall be a public advertisement, with a minimum seven (7) day response period, to be specified in the notice, or as specified under, Sections 51(4) (Non-conforming uses), and in compliance with the provisions of the *Act*.
- (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.

35. Right of Entry

The Council, and its designated official, may enter upon land and may, at all reasonable times, enter a building for the purpose of making inspections relative to the development.

36. Record of Violations

A designated official shall keep a record of each violation of these Regulations and report that violation to the Council.

37. Stop Work Order and Prosecution

- (1) Where a person begins or continues a development contrary, or apparently contrary, to the Municipal Plan and these Regulations, the Council may order that person to stop the development, and any work

connected with it, pending the submission and approval of an application or a final decision in a prosecution arising out of the development.

- (2) A person who does not comply with an order made under (1) is guilty of an offence under Sections 102-107 of the *Act*.

38. Delegation of Powers (Refer to Ministerial Development Regulations, Section 18)

The Council shall, where designating employees to whom a power is to be delegated under subsection 109(3) of the *Act*, make that designation in writing.

PART 2 - GENERAL DEVELOPMENT STANDARDS**39. Access and Service Streets**

- (1) An access shall be located as specified by the Council.
- (2) No vehicular access shall be closer than 10 metres to the street line of a street intersection of a local road, or 20 metres to the street line of a street intersection in the case of a collector or arterial road.
- (3) The Council may require the provision of service streets to reduce the number of individual *accesses* to an adjacent street.

40. Accessory Buildings

- a) Accessory buildings shall be clearly incidental and complementary to the use of the main buildings in character, use and size, and shall be contained on the same lot.
- b) No accessory building or part thereof shall project in front of any building line.
- c) The side yard requirements set out in the use zone tables in these Regulations shall apply to accessory buildings wherever they are located on the lot but 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.

41. Advertisements

Advertisements shall not be erected or displayed except in accordance with Part III of these Regulations.

42. Buffers

- 1) 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 by Council and shall be maintained by the owner or occupier to the satisfaction of Council.

- 2) Where any commercial development permitted in any Use Zone abuts an existing or proposed residential area the owner of the site of commercial development shall provide a buffer strip between the two areas. The buffer shall include the provision of such natural or structural barrier as may be required by Council and shall be maintained by the owner or occupier to the satisfaction of Council.

- 3) The Council may require landscaping and screening for a proposed development in order to provide;
 - (a) a screen or separation between different or incompatible uses, principally between residential and non-residential uses, which will consist of either a screen of a minimum height of 1.8 metres, or a buffer of 10 metres,
 - (b) an acoustic barrier,
 - (c) an attractive visual continuity and appearance between developments or on an individual site,
 - (d) delineation of an area, and
 - (e) protection for the natural environment.

43. Building Height

The Council may permit the erection of buildings of a height greater than that specified in Schedule C, but in such cases the building line setback and rear yard requirements shall be varied as follows:

- (1) The building line setback shall be increased by 2 metres for every 1 metre increase in height.
- (2) The rear yard shall not be less than the minimum building line setback calculated as described in (1) above plus 6 metres.

44. Building Line and Setback

The Council, by resolution, may establish building lines on an existing street and may require any new buildings to be located on those building lines, whether or not such building lines conform to the standards set out in the tables in Schedule C of these Regulations.

45. Personal Care or Group Home

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.

46. Height Exceptions

The height requirements prescribed in Schedule C 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 10% of the permitted height of the structure shall only be authorized under the provisions of Regulation 11.

47. Livestock Structures and Uses

- (1) No structure designed to contain more than five animal units shall be erected or used unless it complies with the following requirements:
 - (a) The structure shall be at least 600 m from a 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.
 - (b) The structure shall be at least 60 m from the boundary of the property on which it is to be erected.
 - (c) The structure shall be at least 90 m from the centre line of a street.
 - (d) The erection of the structure shall be approved by the Department of Natural Resources and the Department of Environment and Conservation.
- (2) No development for residential use shall be permitted within 600 m of an existing structure designed to contain more than five animal units unless the Department of Natural Resources has first approved the development.

48. 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.

49. Lot Area and Size Exceptions

Where, at the time of coming into effect of these Regulations, one or more lots already exist in any residential zone, with insufficient frontage or area to permit the owner or purchaser of such a lot or lots to comply with the provisions of these Regulations, then these Regulations shall not prevent the issuing of a permit by the Council for the erection of a dwelling thereon, provided that the lot coverage and height are not greater than, and the yards and floor area are not less than the standards set out in these Regulations.

50. Lot Frontage

Except where specifically provided for in the Use Zone Tables in Schedule C of these Regulations, no residential or commercial building shall be erected unless the lot on which it is situated fronts directly onto a publicly owned and maintained street or forms part of a Comprehensive Development Scheme.

51. Non-Conforming Use

- (1) Notwithstanding the Municipal Plan, scheme or regulations made under the *Urban and Rural Planning Act, 2000*, the Council 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 a regulation, scheme, or plan that applies to that land provided that the non-conforming use legally existed before the registration under section 24 of the *Act*, scheme or regulations made with respect to that kind of development or use.
- (2) Notwithstanding subsection (1), a right to resume a discontinued non-conforming use of land shall not exceed 12 months after that discontinuance.
- (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 (1)
 - (a) shall not be internally or externally varied, extended or expanded unless otherwise approved by the Council;
 - (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 Council to a use that is, in the Council's opinion, more compatible with the plan and regulations applicable to it;
 - (e) may have the existing building extended by approval of the Council where, in the Council's opinion, the extension is not more than 50% of the existing building;
 - (f) where the non-conformance is with respect to the standards included in these development regulations, shall not be expanded if the expansion would increase the non-conformity;

- (4) Where considering a non-conforming building, structure or development under paragraph 108(3)(d) of the Act and before making a decision to vary an existing use of that non-conforming building, structure or development, the Council, at the applicant's expense, 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.

52. 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 Council and any other Council having jurisdiction.

53. Off Street Parking Requirements

- (1) For every building, structure or use to be erected, enlarged or established, there shall be provided and maintained a quantity of off-street parking spaces sufficient to ensure that the flow of traffic on adjacent streets is not impeded by the on-street parking of vehicles associated with that building, structure or use.
- (2) The number of parking spaces to be provided for any building, structure, use of occupancy shall conform to the standards set out in Schedule D of these Regulations.
- (3) Each parking space, except in the case of one or two-family dwellings, shall be made accessible by means of a hard surfaced right-of-way at least 3 m in width. Parking required in a Residential Zone shall be provided on the same lot as the dwelling or dwellings. Parking space for apartments shall be provided in the rear yard where possible. In a Non-Residential Zone, parking spaces shall be provided within the limits of the zone in which the use is situated and not more than 200 m distant from the use concerned.
- (4) The parking facilities required by this Regulation shall, except in the case of single or attached dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.
- (5) Where, in these Regulations, parking facilities for more than four vehicles are required or permitted:
 - (a) parking space shall mean an area of land, not less than 15 m² in size, capable of being used for the parking of a vehicle without the need to move other vehicles on adjacent areas;
 - (b) the parking area shall be constructed and maintained to the specifications of the Council;
 - (c) the lights used for illumination of the parking area shall be so arranged as to divert the light away from adjacent development;
 - (d) 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;

- (e) except in zones in which a service station is a permitted use, no gasoline pump or other service station equipment shall be located or maintained on a parking area;
 - (f) no part of any off-street parking area shall be closer than 1.5 m to the front lot line in any zone;
 - (g) access to parking areas in non-residential zones shall not be by way of residential zones;
 - (h) where a parking area is in or abuts a residential zone, a natural or structural barrier a minimum of 1.8 m in height shall be erected and maintained along all lot lines;
 - (i) where, in the opinion of the Council, strict application of the above parking requirements is impractical or undesirable, the Council 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 Council for the provision and upkeep of alternative parking facilities within the general vicinity of the development.
- (6) Parking spaces, other than residential, for the physical challenged shall meet the requirements of the Department of Government Services and Lands or the appropriate agency in place at the time of application.

54. Off-Street Loading Requirements

- (1) 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 Council.
- (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.

55. Parks, Playgrounds and Open Spaces

The Council may permit the establishment of recreational spaces (public parks, playgrounds, and open spaces) in any use zone if the location of the development is not adjacent to a hazardous or incompatible use, or in an area not compatible for such a recreational use.

56. Services and Public Utilities

The Council may 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 Council, adequate to protect the character and appearance of the area.

57. Petroleum Dispensing Facilities/Service Stations

The following requirements shall apply to lots on which petroleum-dispensing pumps are located;

- (a) petroleum dispensing pumps must be located on pump islands which vehicles may access on either side, except for propane, diesel, and kerosene pumps which may have access on one side,
- (b) pump islands shall be set back a minimum of 4 metres from the front lot line,
- (c) accesses to the lot shall have a minimum width of 7 metres, and shall be clearly defined,
- (b) when a dispensing pump is located on a corner lot, the minimum distance between an access to the lot and the intersection of street lines shall be 10 metres.
- (c) Surface run-off shall be directed to an oil/water separator before discharging into any storm sewer or any other surface or sub-surface drainage system.

58. Side Yards

A side yard, which shall be kept clear of obstruction, shall be provided on the exposed sides of every building in order to provide access for the maintenance of that building.

59. Street Construction Standards

A Street shall be constructed in accordance with the Municipal Standards of the Council in effect at the time of development.

60. Subsidiary Apartments

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

61. Drainage System of Developments

- (1) A development may not be constructed or maintained so that it alters the natural flow of water causing damage to other properties.
- (2) Each development shall be provided with a drainage system that is adequate to prevent the retention of surface water on the development site.
- (3) The Council may require the provision of an off-site drainage system to dispose of on-site drainage.

- (4) The drainage system of a development shall connect to other drainage systems on surrounding properties and streets.

62. Mobile Homes

A mobile home shall if allowed in any zone:

- (a) be supported and secured to a foundation sufficient to support its weight and prevent movement,
- (b) be anchored to the ground with a minimum tension of 2,180 kilograms at each required anchor point, including each corner, and have skirting extending to the ground.
- (c) Abide by the conditions listed in the applicable use zone tables found in Schedule C of these Regulations.

63. Zero Lot Line and Comprehensive Development

The Council may approve the development of dwellings, which are designed to form part of a zero lot line development or other comprehensive development design if the minimum floor area of each dwelling conforms to the standards set out for the use zone in which the development is proposed.

64. Services Required

- (1) A development that is required or proposed to contain a plumbing system, must include provisions satisfactory to the Council for the supply of water and disposal of sewage.
- (2) A development may be required to connect to a system for the supply of electricity.
- (3) A development may be required to include a fire fighting system in accordance with the requirements of the municipal and/or provincial fire regulations.

65. Multiple Uses on a Lot

- (1) A multiple use occurs when two or more different use classes exist in the same building or on the same lot.
- (2) The Council shall not permit a multiple use where it determines the proposed use is not compatible with existing uses on or adjacent to the lot by reason of amenity, safety, appearance, design, or nuisance.
- (3) Where the requirements of these Regulations are different for each component use of the multiple use(s), then the requirements will be cumulative or the more stringent will apply as determined by the Council.

PART 3 - ADVERTISEMENT

66. Permit Required

Subject to the provisions of Regulation 71, no advertisement shall be erected or displayed in the Planning Area unless a permit for the advertisement is first obtained from the Council. Permits for the erection or display of advertisement on Provincial Highways shall be obtained from the Government Service Centre.

67. Form of Application

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

68. Advertisements Prohibited in Street Reservation

No advertisement shall be permitted, to be erected or displayed within, on or over any highway or street reservation.

69. Permit Valid for Limited Period

A permit granted under these Regulations for the erection or display of an advertisement shall be for a limited period, not exceeding two years, but may be renewed at the discretion of the Council for similar period.

70. Removal of Advertisements

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

- (a) hazardous to vehicular and pedestrian traffic by reason of its sitting, colour, illumination, or structural condition, or,
- (b) detrimental to the amenities of the surrounding area,
- (c) not maintained to the satisfaction of the Council.

71. Advertisements Exempt from Control

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

- a) on a dwelling or within the court yard of a dwelling, one nameplate not exceeding 0.2 m² in area;
- b) on an agricultural holding or farm, a notice board not exceeding 1.0 m² in area and relating to the operations being conducted on the land;
- c) on land used for forestry purposes, signs or notices not exceeding 1.0 m² in area and relating to forestry operations or the location of logging operations conducted on the land;
- d) on land used for mining or quarrying operations, a notice board not exceeding 1.0 m² in area relating to the operation conducted on the land;
- e) on a dwelling or within the court yard of a dwelling, one nameplate not exceeding 0.2 m² in area in connection with the practice of a professional person carried on in the premises;
- f) on any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board not exceeding 1.0 m² in area;

- g) 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;
- h) on any parking lot directional signs and one sign not exceeding 1.0 m² in size, identifying the parking lot;
- i) election signs of any candidate or political party during Federal, Provincial, Municipal or School Board elections;
- j) temporary signs relating to Federal, Provincial or Municipal works;
- k) notices required by law;
- l) real estate sales or leasing signs;
- m) one construction sign not exceeding 9 m² relating to the development of a property, located on that property and to be removed after its completion;
- n) temporary signs for local events, fairs, markets, etc. one month prior to the event and to be removed within one week of its conclusion.

72. Approval Subject to Conditions

A permit may only be issued for the erection or display of advertisements, which comply with the appropriate conditions, and specifications set out in the Use Zone Tables in Schedule C, Standard Conditions for all use zones.

73. Non-Conforming Uses

Notwithstanding the provisions of Regulation 66, a permit may be used for the erection or display of advertisements on a building or within the courtyard of a building or on a parcel of land, the use of which is a non-conforming use, provided that the advertisement does not exceed the size and type of advertisement which could be permitted if the development was in a Use Zone appropriate to its use, and subject to any other conditions deemed appropriate by the Council.

PART 4 - SUBDIVISION OF LAND

74. Application of Part 4

This Part of the Regulations applies where land in single or joint ownership is subdivided, into two or more pieces and may include, or is required by the Council to include, one of the following;

- (a) new street construction, street upgrading, or street extension,
- (b) extension and upgrading of the municipal water and sewer system,
- (c) infilling of two or more lots on an existing public street.

75. Permit Required

Where Section 74 applies, land shall not be subdivided unless the Council first issues a Permit to Develop.

76. 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 Council 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 Regulations 13 and 14.

77. Issue of a Permit to Develop Subject to Considerations

A Permit to Develop shall not be issued when 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, the Council shall consider:

- (a) the availability of and the demand created for public services, and public utilities,
- (b) the land use, physical form and character of adjacent developments,
- (c) the transportation network and traffic densities affecting the site,
- (d) the topography, drainage, soil, and subsurface characteristics of the site,
- (e) natural features such as lakes, streams, trees and shrubs,
- (f) community facilities, and
- (g) any other factor(s) that Council may deem material.

78. Permit to Develop Required for Each Lot

A separate Permit to Build is required for each lot proposed to be developed in a Subdivision, and shall not be issued until the developer has complied with all the provisions of these Regulations, and conditions attached to

the Permit to Develop for the Subdivision. This section may apply to each phase of a Subdivision.

79. Land for Public Use

- (1) Subject to Section 37 of the *Act*, the Council may require the developer to convey to the 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 that;
 - (a) the location and suitability of the land conveyed is acceptable to the Council ,
 - (b) in lieu of the conveyance of land, the Council may accept a sum of money equal to the value of the land. The money shall be reserved for the acquisition and development of land for public use.
- (2) Land conveyed for public use may be sold or leased and the proceeds of any sale shall be applied against the cost of acquisition and development of land for public uses.

80. Structure in Street Reservation

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

81. Subdivision Design Standards

A Subdivision shall conform to the following standards;

- (a) the finished grade of a street shall not exceed 10 percent,
- (b) a dead end street shall be terminated with a turning circle having a minimum driving surface of 30m, diameter, forming a cul de sac,
- (c) the maximum length of a cul de sac shall be;
 - i)110 metres without an emergency vehicle access,
 - ii)230 metres with an emergency vehicle access.
- (d) emergency vehicle access to a cul de sac shall not be less than three (3) metres wide and shall connect the head of the cul de sac with an adjacent street,
- (e) a cul de sac shall not terminate, or appear to terminate, a collector street,
- (f) a Subdivision shall have street connections with an existing street(s),
- (g) street intersections shall be constructed within 5° of a right angle and this alignment shall be maintained for 30 m from the intersection,
- (h) the centre line of a street intersection shall not be closer than 60 m to the centre line of another street intersection,
- (i) no more than 4 streets shall join at any street intersection,
- (j) no street block shall be longer than 500m between street intersections,

- (k) Streets, water, sewer and storm sewers in a subdivision shall be designed in accordance with the Council’s Municipal Standards, in force at the time of their construction, but in the absence of such standards, shall conform to the minimum standards set out in table below.

STREET DESIGN STANDARDS

	Street Reservation	Pavement Width	Sidewalk Width	Sidewalk Number
Arterial	30m	15m	1.5m	Discretion Of Council
Collector Streets	20m	15m	1.5m	2
Local Residential Streets: Where more than 50% of the units are single or double dwellings.	15m	9m	1.5m	1
Local Residential Streets: Where 50% or more of the units are row houses or apartments.	20m	9m	1.5m	2
Service Streets	15m	9m	1.5m	Discretion Of Council

- (l) residential lots shall not abut a local street at both front and rear lot lines,
 (m) no lot intended for residential purposes shall have a depth exceeding four times the frontage.
 (n) the Council may require an existing natural, historical or architectural feature to be retained, and
 (o) land shall not be subdivided in such a manner as to inhibit the development and subdivision of adjoining land.

82. 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 Council to service the area proposed to be developed or subdivided shall be designed to Council’s Municipal Standards and be prepared by or approved by the Engineer. Such designs and specifications shall, upon approval by the Council, be incorporated in the plan of subdivision.
- (2) Upon approval by the Council 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 Council to service the said area.

83. Developer to Pay Engineer's Fees and Charges

The developer shall pay to the Council 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 and Geoscientists of Newfoundland and in effect at the time the work is carried out.

84. Street Works May Be Deferred

The construction and installation of all curbs and gutters, catch basins, sidewalks and paving specified by the Council as being necessary, may, at the Council's discretion, be deferred until a later stage of the work on the development of the subdivision but the developer shall deposit with the Council before approval of his application, an amount estimated by the Engineer as reasonably sufficient to cover the cost of construction and installation of the works. In the later stage of the work of development, the Council 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 Council the amount of the excess. If the contract price is less than the deposit, the Council shall refund the amount by which the deposit exceeds the contract price.

85. Transfer of Streets and Public Utilities to Council

- (1) The developer shall, following the approval of the subdivision of land and upon request of the Council, transfer to the Council, at no cost to the Council, 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 Council 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 Council.
- (2) Before the Council 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 Council 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 Council.

86. 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 Council 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.

87. 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 Council, shall not be changed without written application to and subsequent approval of the Council.

PART 5 - USE ZONES

88. Use Zones

- (1) For the purpose of these Regulations, the Planning Area is divided into Use Zones, which are shown on the Zoning Map attached to and forming part of these Regulations.
- (2) Subject to Regulation 88(3), the permitted use classes, discretionary use classes, standards, requirements and conditions applicable to each Use Zone are set out in the Use Zone Tables in Schedule C of these Regulations.
- (3) Where standards, requirements and conditions applicable in a Use Zone are not set out in the Use Zone Tables in Schedule C, the Council may in its discretion, determine the standards, requirements and conditions which shall apply.

89. Use Classes

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

90. Permitted Uses

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

91. Discretionary Uses

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone Table in Schedule C may be permitted in that Use Zone if the 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 the Council has given notice of the application in accordance with Regulation 34 and has considered any objections or representations which may have been received on the matter.

92. Uses Not Permitted

Uses that do not fall within the Permitted Use Classes or Discretionary Use Classes set out in the appropriate

Use Zone Tables in Schedule C shall not be permitted in that Use Zone.

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, curbs, 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.

CLASSIFICATION OF USES OF LAND AND BUILDINGS

Note: The classification of uses set out in the following table is based on the Classification of Typical Occupancies included as Table 3.1.2.A of the **National Building Code of Canada, 1980**. This classification is referred to in Regulation 89.

(A) ASSEMBLY USES		
DIVISION	USE CLASS	EXAMPLES
1. Assembly uses intended for the production and viewing of the performing arts.	(a) Theatre	Movie Theatre T.V. and Radio Studio admitting an audience Arts & Culture Centre Theatre (Live)
2. General Assembly uses.	(a) Cultural and Civic	Library Museum Art Gallery Tourist Chalet Court Room Municipal Office Convention Centre Interpretation Centre
	(b) Educational	University School College Private School
	(c) General Assembly	Community Halls Lodge Halls Dance Halls Gymnasium Auditorium Bowling Alleys
	(d) Place of Worship	Church and similar place of worship Church Hall
	(e) Passenger Assembly	Passenger Terminal Bus Terminal
	(f) Clubs and Lodges	Service Club Private Club Lodge (non-residential)
	(g) Catering	Restaurant/Snack Bar Take Out (no seating) Lounges (includes night clubs and bars)
	(h) Funeral Home	Funeral Home Crematorium
	(i) Child Care	Family child care or Day Nursery Group child care or Day care centre Preschool

(A) ASSEMBLY USES (cont')		
2. General Assembly uses.	(j) Amusement	Electronic Games Arcade Poolroom Youth Centre Bingo Hall

		Paintball Establishment
3. Arena type uses	(a) Indoor Assembly	Arena Sports Stadium Rink Swimming Pool Dance Studio (Aerobics) Shooting Range Auditorium Gymnasium
4. Open air type uses	(a) Outdoor Assembly	Sports Field Bleachers Grandstand Rink Swimming Pool Amusement Park Fairground Exhibition Ground Drive-in Theatre R.V. Camping Parks

(B) INSTITUTIONAL USES		
DIVISION	USE CLASS	EXAMPLES
1. Penal and Correctional Detention	(a) Penal and Correctional Detention	Jail Penitentiary Police Station (with detention quarters) Prison Psychiatric Hospital (with Detention quarters) Reformatory
2. Special Care Institutional	(a) Medical Treatment and Special Care	Children's Homes Convalescent and Care Homes Personal care Home Hospitals Infirmaries Orphanages Psychiatric Hospitals Sanatorium

(C) RESIDENTIAL USES		
DIVISION	USE CLASS	EXAMPLES
1. Residential Dwelling	(a) Single Dwelling	Single Detached Dwelling Family and Group Homes

Uses	(b) Double Dwelling	Semi-detached Dwelling Duplex Dwelling Family and Group Homes
	(c) Row Dwelling	Row House Town House
	(d) Apartment Building	Apartments
2. General Residential Uses	(a) Collective Residential	Residential Colleges and Schools University and College Halls of Residence Convents and Monasteries Nurses and Hospital Residences
	(b) Boarding House Residential	Boarding House Lodging House Bed & Breakfast Home Hospitality Home Tourist Home
	(c) Seasonal Residential	Summer Home & Cottage Recreational Cabin Hunting and Fishing Cabins
	(d) Commercial Residential	Hotels and Motels Hostels Residential Clubs Workers' Residence (temporary) Industrial Training Student Accommodations
	(e) Mobile Homes	Mobile Home Mini Home

(D) BUSINESS AND PERSONAL SERVICES USES		
DIVISION	USE CLASS	EXAMPLES
1. Business, Professional, and Personal Service Uses	(a) Office	Office Building Office Bank Financial Service Home Office Home Based Business
	(b) Medical & Professional	Professional Office Medical Office Dental/Denturist Legal Office Optometrist Veterinary Clinic Travel Agency

	(c) Personal Service	Barber Hairdresser Beauty Salon Manicurist Health Spa Fitness Gym Tailor Arts & Crafts Instruction
	(d) General Service	Laundry Dry Cleaner Small Tool and Appliance Rentals/Repair Upholstery
	(e) Communications	TV Station Radio Station Telephone Exchange Telecommunication Facility
	(f) Police Station	Police Stations Without Detention quarters
	(g) Taxi Stand	Taxi Stands with Waiting Areas
	(h) Veterinary	Veterinary Surgeries

(E) MERCANTILE USES		
DIVISION	USE CLASS	EXAMPLES
1. Retail Sales and Display Uses	(a) Shopping Centre	Shopping Mall Strip Mall (5 Units or more) Mini Mall (5 Units or less)
	(b) Shop	Outlet for retailing of a general range of Merchandise Retail Store Showroom Department Store Video Store Pharmacy Crafts Store Gift Store Confectionary Store Building Supply Store

	(c) Service Station	Gasoline Service Stations (not including general repair garages) Gas Bars
	(d) Indoor Market	Market Hall Auction Hall Flea Market
	(e) Outdoor Market	Market Ground Animal Market Flea Market Vehicle Sales Lot & Automotive Sales Lots
	(f) Convenience Store	Confectionary Stores Corner Stores Specialty Stores

(F) INDUSTRIAL USES		
DIVISION	USE CLASS	EXAMPLES
1. Industrial uses involving highly combustible and hazardous substances and process.	(a) Hazardous Industry	Bulk Storage of hazardous liquids and substances. Chemical Plant Distillery Feed Mill Lacquer, Paint, Varnish, and Rubber Factory Fibreglass Fabrication Foundry Pulp & Paper Mill Auto Body Shop Recycling Plant
	(b) Service Station	Gasoline Service and repair garage
2. General Industrial Uses involving limited hazardous substances and processes)	(a) General Industry	Factory Fish Processing Plant Marine Service Centre Cold Storage Plant Contractor Yards Freight Depot General Garage Laboratories Laundries Warehouse Welding Shop Workshops
	(b) Service Station	Gasoline Service and repair garage
3. Light Non-hazardous or non-intrusive industrial uses	(a) Light Industry	Light Industry Parking Garages Indoor Storage Warehouses Workshops

(G) NON-BUILDING USES		
DIVISION	USE CLASS	EXAMPLES

1. Uses not directly related to Buildings	(a) Agriculture	Piggery Dairy Farm Fur Farm Bees Green House Poultry Farm Apiary Crop Farm Hobby Farm Orchards Fruit Farm Hydroponics Market Garden & Nursery Primary Processing Facility
	(b) Forestry	Tree Farming Tree Harvesting Tree Nursery Silviculture
	(c) Mineral Working	Quarry and Stockpiling Pit and Stockpiling Topsoil Extraction and Composting Mine Oil Well Mineral Exploration Peat Extraction
	(d) Recreational Open Space	Playing Field Sports Grounds Day Park Playground Recreational Trailer Park/ Camping Park Golf Course/Mini Golf Paint Ball Range/Shooting Range Amusement Park/ Theme Park Waterslide Go-Cart Track Bumper Boats Walkways and Trails Recreational Area (No Building) Play Area (No Building) Cross Country Skiing Down Hill Skiing

(G) NON-BUILDING USES con't		
DIVISION	USE CLASS	EXAMPLES

1. Uses not directly related to Buildings	(e) Conservation	Nature Park/Sanctuary Watershed Steep Slope Buffer Strip Architectural, Historical and Scenic Site Walking and Hiking Trails
	(f) Cemetery	Crematorium Cemetery Graveyard
	(g) Scrap Yard	Car Wrecking Yard Junk Yard Scrap Yard Automotive Recycle
	(h) Solid Waste	Solid Waste Transfer Station Solid Waste Recycling Centre Sewage Treatment Plant
	(i) Animal	Animal Pound Commercial Kennel Riding/ Boarding Stable Veterinary Hospital
	(j) Antenna	TV, Radio & Communications Transmitting, Receiving Masts, Dishes & Antennae
	(k) Transportation	Car Park Airfield Helipad Wharf Dock and Harbour Slipway Breakwater Seaplane Hanger and docks Railway and railway marshalling yards

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:

Land Use Zone	Abbreviation	Page
Standard Conditions for all Use Zones	-	1
Residential Large Lot	R2	6
Residential Medium Density	R1	10
Mixed Development	MD	16
Commercial General	CG	19
Commercial Highway	CH	23
Residential Seasonal	RS	26
Commercial Industrial	CI	27
Institutional-Correctional	IC	29
Public Use	P	30
Open Space/ Recreation	OS/R	31
Rural	RU	32
Environmental Protection	EP	35

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 Whiybourne, 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

ZONE TITLE	RESIDENTIAL LARGE LOT	(R2)
PERMITTED USES – see Regulation 90. Single dwellings, conservation.		
DISCRETIONARY USES – see Regulation 34 and 91. Subsidiary apartment, recreation open space, child care, office (home only), antenna.		
Standards	Single Dwelling	
Lot Area (min)	1860 m²	
Floor Area (min)	100 m²	
Frontage (min)	23 m	
Building Line Set Back (min)	9 m	
Building Line Set Back (max)	15 m	
Side Yard width (min)	3 m	
Rear Yard (min)	9 m	
Lot Coverage (max)	30%	
Height (max)	8 m	

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 54m², 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 0.2m² 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 1 metre 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

ZONE TITLE	RESIDENTIAL MEDIUM DENSITY	(R1)
PERMITTED USES – see Regulation 90. Single dwellings, double dwelling recreation open space conservation.		
DISCRETIONARY USES – 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.		

STANDARDS	Single Dwelling	Double Dwelling(only in serviced areas)		
Lot Area (min)**	620 m ²	390 m ² *		
Floor Area (min)	80 m ²	80 m ² *		
Frontage (min)	23 m	26 m		
Building Line Set Back (min)	9 m			
Building Line Set Back (max)	15 m			
Side Yard width (min)	3 m			
Rear Yard (min)	9 m			
Lot Coverage (max)	30%	33%		
Height (max)	8 m			
STANDARDS	Apartment Buildings (Only in serviced areas)			
	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Minimum Lot area Per Unit (m2)	200 m ²	250 m ²	280 m ²	300 m ²
Minimum Floor Area Per Unit (m2)	40 m ²	50 m ²	60 m ²	70 m ²
Minimum Frontage (m)	36 m			
Minimum Building Line Set Back (m)	8 m			
Minimum Side Yard (m)	5 m except for corner lots flanking the street which is 10 m			
Minimum Rear Yard (m)	15 m			
Maximum Lot Coverage	33%			
Maximum Height (m)	10 m			

* 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 | 1,400sq
m |
| b) With a well water supply and connected to a municipal sewer | 1,400sq
m |
| c) With a well water supply and sewage disposal by septic tank and tile field | 1,860sq
m |

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:

- 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 squares 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 Business, Office, Personal Service, General Service, Medical and Professional Uses

- a) Any Home Based Business, Office, Personal Service, General Service, 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 54m², 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.

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- 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.
 - l) No more than one sign shall be permitted for any home business and no such sign shall exceed 0.2m² 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 m² and/or a free standing sign not exceeding 2.7 m² 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 1 metre 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

ZONE TITLE	MIXED DEVELOPMENT	(MD)
PERMITTED USES – see Regulation 90. All use classes within the residential uses division, recreation open space, conservation.		
DISCRETIONARY USES – 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.		

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.

3. 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 m² and/or a free standing sign not exceeding 2.7 m² 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.

4. 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 54m², 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.

5. 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

ZONE TITLE	COMMERCIAL GENERAL	(CG)
PERMITTED USES – 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.		
DISCRETIONARY USES – 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**

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

* 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

ZONE TITLE	COMMERCIAL HIGHWAY	(CH)
PERMITTED USES – see Regulation 90.		
Commercial residential, catering (not lounges), service station, passenger assembly.		
DISCRETIONARY USES – 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**

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

* 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

ZONE TITLE	RESIDENTIAL SEASONAL	(RS)
PERMITTED USES – see Regulation 90. Trailer, recreational vehicle, catering (restaurants and coffee shops) recreation open space, conservation.		
DISCRETIONARY USES – see Regulation 34 and 91. 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

ZONE TITLE	COMMERCIAL INDUSTRIAL	(CI)
PERMITTED USES – see Regulation 90. Agriculture (restricted only to the rearing and processing of poultry), general industry, light industry, service station.		
DISCRETIONARY USES – see Regulation 34 and 91. Office, commercial residential, shopping centre.		

CONDITIONS**1. Development Standards**

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

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

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

CONDITIONS

To be determined by Council in consultation with Government.

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

Use Zone Table

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

CONDITIONS**1. Development Standards**

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

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

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

CONDITIONS

1. Development Standards

STANDARDS	All Uses
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

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

CONDITIONS

1. Development Standards

STANDARDS	All Uses
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

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

CONDITIONS

1. Recreation

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

OFF-STREET PARKING REQUIREMENTS

1. The off-street parking requirements for uses in the various use classes set out in Schedule B shall be set out in the following tables.
2. In the case of developments including uses in more than one use class, these standards shall be regarded as cumulative.
3. Adequate off-street provision for drop-off and pick-up of persons shall be provided in developments where required, such as uses within the educational, passenger assembly, child care, medical treatment and special care, commercial residential and take-out food services use classes.

CLASS	
ASSEMBLY USES	
(a) Theatre	Two spaces for every 5 seats.
(b) Cultural and Civic	One space for every 50m ² of gross floor area.
(c) Educational	K - 12 - 3 spaces for every classroom. Other facilities - 1 space for every 5 persons using the facilities (students, faculty and staff).
(d) Place of Worship	Two spaces for every 5 seats.
(e) Passenger Assembly	As specified by the Council.
(f) Private Club	One space for every 3 persons that may be accommodated at one time.
(g) Catering	One space for every 3 persons that may be accommodated at one time.
(h) Lounges and Bars	One space for every 3 persons that may be accommodated at one time.
(i) Funeral Home	One space for every 10m ² of gross floor area.
(j) Child Care	One space for every 20m ² of gross floor area.
(k) Amusement	One space for every 10m ² of gross floor area.
(l) Indoor Assembly	One space for every 10 persons that may be accommodated at one time.
(m) Outdoor Assembly	As specified by the Council.
(n) General Assembly	One space for every 3 persons that may be accommodated at one time.

CLASS	
INSTITUTIONAL USES	
(a) Detention Centre	As specified by the Council.
(b) Medical Treatment and Special Care	One space for every 20m ² of gross floor area.
(c) Special Care	One space for every bed.
(d) Collective Residential	As specified by the Council.

CLASS	
RESIDENTIAL USES	
(a) Single Dwelling	Two spaces for every dwelling unit.
(b) Double Dwelling	Two spaces for every dwelling unit.
(c) Row Dwelling	Two spaces for every dwelling unit.
(d) Apartment Building	Three spaces for every 2-dwelling units.
(e) Subsidiary Apartment	One space for every apartment unit.
(f) Hospitality Home	As specified by the Council.
(g) Boarding House Residential	One space for every residential unit.
(h) Mobile Home	Two spaces for every residential unit.
(i) Seasonal Residential	One space for every residential unit.

CLASS	
BUSINESS AND PERSONAL SERVICES	
(a) Office	One space for every 20m ² of gross floor area.
(b) Professional Service	One space for every 20m ² of gross floor area.
(c) Personal Service	One space for every 20m ² of gross floor area.
(d) General Service	One space for every 20m ² of gross floor area.
(e) Communications	As specified by the Council.
(f) Home Occupation	Minimum of 1 space per non-resident employee.

(g) Taxi Stand	As specified by the Council.
(h) Veterinary	As specified by the Council.

CLASS	
COMMERCIAL USES	
(a) Shopping Centre	One space for every 20m ² of gross floor area.
(b) Shop	Minimum of 2 spaces plus one space for every 20m ² of gross floor area.
(c) Convenience Store	Minimum of 2 spaces plus one space for every 20m ² of gross floor area.
(d) Take-Out Food	Minimum of 2 spaces plus one space for every 15m ² of gross floor area.
(e) Vending Stand	Minimum of 2 spaces plus additional as specified by the Council.
(f) Indoor Market	As specified by the Council.
(g) Outdoor Market	As specified by the Council.
(h) Service Station	One space for every 20m ² of gross floor area.
(i) Commercial Residential	One space for every rental room.

CLASS	
INDUSTRIAL USES	
(a) Hazardous Industry	One space for every employee, plus 3.
(b) General Industry	One space for every employee, plus 3.
(c) Light Industry	One space for every employee, plus 3.

CLASS	
NON-BUILDING USES	
(a) Outdoor Recreation	As specified by the Council.

(b) Conservation	As specified by the Council.
(c) Cemetery	As specified by the Council.
(d) Scrap Yard	As specified by the Council.
(e) Animal	Minimum of 2 spaces plus one space for every 20m ² of gross floor area.
(f) Transportation	As specified by the Council.