

ii) Department of Government Services

Any extensions to the municipal water and sewer system or installation of private water and sewage disposal systems anywhere within the planning area shall require the approval of the Department of Government Services.

iii) Department of Tourism, Recreation and Culture – Provincial Archaeology Office

Any findings of archaeological objects must be reported to the Provincial Archaeology Office of the Department of Tourism, Recreation and Culture. No further development may proceed at a site where an archaeological find has occurred until written permission to do so has been obtained from the Provincial Archaeology Office

iv) Department of Natural Resources – Mineral Lands Division

The provincial Department of Mines and Energy must be consulted with regard to any proposed development within 50 metres of a reserved sand or gravel pit, within 300 metres of an operational sand or gravel pit or within 1000 metres of a gravel pit or quarry, in reserve or operational, in which blasting may take place.

v) Department of Fisheries and Oceans Canada

Applications for development within 15 metres of the highwater mark of any watercourse or the Bay d'Espoir coastline shall be subject to the review, assessment and authorization of the federal Department of Fisheries and Oceans.

## **4.0 LAND USE POLICIES**

The following policies are limited to the particular category of land use under which they are found except where otherwise stated. The land use categories correspond with those on the Future Land Use Maps.

### **4.1 Mixed Development**

#### **4.1.1 Permitted Uses and Discretionary Uses**

While the primary use in the Mixed Development designation is single dwelling residential as a permitted use, this designation also accommodates a wide array of

other residential and non-residential public, commercial, transportation and industrial uses and other appropriated uses as either permitted or discretionary uses.

#### **4.1.2 Residential Subdivisions**

The policies and regulations for general development and general residential development shall also apply to any residential subdivision development. Residential subdivisions shall be developed in as comprehensive a manner as possible. For subdivisions that involve the creation of new streets or roads, no development shall be permitted until a subdivision plan showing open space areas, proposed roads and their interconnection with existing streets, method of drainage, lot layout and road connections to potential further development on adjoining land has been prepared for the entire site and approved by Council.

#### **4.1.3 Other Policies Apply**

The policies and regulations that apply to each particular kind of development shall apply to that development as it occurs in the Mixed Development area. For instance, policies under section 4.1 of this Plan shall apply with regard to residential development in Mixed Development areas.

#### **4.1.4 Avoidance and Mitigation of Land Use Conflicts**

Council will consult with and consider legitimate concerns of surrounding residents and property owners before granting approval for any development in Mixed Development areas. If a proposed development is considered to be unacceptable, a permit may be refused. If measures such as buffering, screening, landscaping and/or property maintenance can render negative effects innocuous they will be required, at the developer's cost. Conversely, if someone wishes to build a residence or undertake some other development next to or near to a pre-existing but potentially conflicting use, Council may refuse the application or require the applicant to provide mitigative measures.

Major commercial and public uses may only be located along Main Street, and major industrial uses may only be allowed along the coast line and in other selected areas where there is not likely to be a conflict with residential development.

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

<b>ZONE TITLE</b>	<b>MIXED DEVELOPMENT (MD)</b>
<b>PERMITTED USE CLASSES</b> (see Regulation 93) Conservation, Office, Recreational Open Space, and Single Dwelling.	
<b>DISCRETIONARY USE CLASSES</b> (see Regulations 23 and 94) Amusement, Antenna, Apartment Building, Bed and Breakfast, Boarding House and Hospitality Home, Catering, Child Care, Club and Lodge, Commercial Residential, Communications, Convenience Store, Cultural and Civic, Double Dwelling, Educational, Funeral Home, General Assembly, General Industry, General Service, Indoor Assembly, Indoor Market, Light Industry, Medical and Professional, Medical Treatment and Special Care, Mobile Home, Outdoor Assembly, Outdoor Market, Passenger Assembly, Personal Service, Place of Worship, Police Station, Row Dwelling, Service Station, Shop, Shopping Centre, Take-out Food Service, Taxi Stand, Theatre, Transportation and Veterinary.	

**CONDITIONS FOR THE MIXED DEVELOPMENT ZONE**

**1. Development Standards – Non-Residential**

- (a) Lot Area and Lot Frontage – as determined by the Department of Government Services for unserviced and semi (partially) serviced development (See Residential Zone)
- (b) Minimum Building Line Setback 4 metres
- (c) Minimum Sideyards Width 5 metres
- (d) Minimum Rearyard Depth 10 metres
- (e) Maximum Height 15 metres

**2. Non-Residential Uses Location**

- (1) The Town will consult with and consider legitimate concerns of surrounding residents and property owners before granting approval for any development in the Mixed Development Zone. If a proposed development is considered to be unacceptable, a permit may be refused. If measures such as buffering, screening, landscaping and/or property maintenance can render negative effects innocuous they will be required, at the developers cost. Conversely, if someone wishes to build a residence or undertake some other development next or near to a pre-existing but potentially conflicting use,

Council may refuse the application or require the applicant to provide mitigative measures.

(2) Major commercial, including service stations, light industrial and public uses may only be located along Main Street. General Industry and Transportation may only be allowed along the coast line in appropriate and approved locations.

#### General Development Standards – Residential Serviced Development

STANDARDS	WHERE PERMITTED						
	Single Dwelling	Double Dwelling	Row Dwelling	APARTMENT BUILDING			
				1 Bed Apt.	2 Bed Apt.	3 Bed Apt.	4 Bed Apt.
Lot area (minimum)	450 m <sup>2</sup>	390 m <sup>2</sup>	350 m <sup>2</sup> (average)	200 m <sup>2</sup>	250 m <sup>2</sup>	280 m <sup>2</sup>	300 m <sup>2</sup>
Floor area (minimum)	80 m <sup>2</sup>	80 m <sup>2</sup>	65 m <sup>2</sup>	40 m <sup>2</sup>	50 m <sup>2</sup>	60 m <sup>2</sup>	70 m <sup>2</sup>
Frontage (minimum)	15 m	26 m	12 m (average)	36 m			
Building Line Setback (minimum)	10 m	10 m	10 m	10 m			
Side yard Width (minimum)	1 m	1 m	1 m	5 m			
Side yard Width, Flanking Road (minimum)	6 m	6 m	6 m	8 m			
Rear yard Depth (minimum)	9 m	9 m	9 m	14 m			

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Lot Coverage All Buildings (m <sup>2</sup> maximum)	33%	33%	33%	33%
Height	8 m	8 m	10 m	10 m

\* Per dwelling unit

**4. General Development Standards – Unserviced and Semi-Serviced Residential Development and Infilling Variances**

**(1) Unserviced Development**

- (a) Where the single or double dwelling development lacks municipal water and sewer services (unserviced) the minimum lot size is as determined by the Department of Government Services or 1860 m<sup>2</sup> per dwelling unit, whichever is greater.
- (b) The minimum lot frontage for a single or double dwelling shall be as determined by the Department of Government Services or 30 metres per dwelling unit minimum, whichever is greater.
- (c) Other development, the minimum lot area and frontage is as determined by the Department of Government Services.

**(2) Semi-serviced Development:**

- (a) For semi-serviced building lots (lots where water or sewage disposal services will be provided off-site), a minimum lot size of 1,400 m<sup>2</sup> is required per dwelling unit of a single or double dwelling. A minimum frontage of 23 metres per dwelling unit of a single or double dwelling is required throughout the entire area in which the absorption field (distribution box to end of absorption trenches) is to be installed. The area must be sufficient to accommodate the septic system while maintaining separation distances and have sufficient space for the installation of a replacement system.
- (b) Other development, the minimum lot area shall be as determined by the Department of Government Services.

**(3) Infilling Variance**

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

- (a) the variance amounts to no more than a twenty percent (20%) reduction in the requirements;
- (b) the variance is not contrary to the general intent and purpose of the policy and procedure as set out in the *Private Sewage Disposal and Water Supply Standards*;
- (c) the application of the variance would not interfere with the maintenance of required distance separations and sewage system dimensions;
- (d) the application of the variance would not undermine the quality of adjacent property or pose a hazard to human health;
- (e) the application of the variance is related to the specific property and is not general to land within the area;
- (f) the particular practical difficulties for the owner or developer are distinguishable from a mere inconvenience or desire to acquire monetary gain.

**5. Access**

The number of accesses to the street shall be limited and designed to the satisfaction of the Town, having regard to the safety and efficiency of the street for both vehicles and pedestrians.

**6. Accessory Buildings**

See Regulations 30 and 31.

**7. Advertisements**

See Regulations 33 - 38.

**8. Backlot Development**

Backlot residential development must:

- (a) be for residential purposes;
- (b) be located no further than 30 metres (100 feet) from a publicly maintained road, in order to ensure emergency vehicle access;
- (c) where required by the Departments of Government Services or Environment and Conservation be integrated with the Town's water and sewer lines unless it is financially or physically impractical to do so, in which case private onsite servicing must be installed. The cost of connecting with the Town's services or provision of private services shall be borne by the developer.

**9. Bed and Breakfast, Boarding House, Hospitality Home**

See Regulation 41.

**10. Convenience Stores**

Convenience stores will only be permitted as a discretionary use under the following conditions:

- (a) the store building shall conform to the building lot standards for residential development;
- (b) the retail use shall be subsidiary to the residential character of the area, and shall not negatively affect residential amenities of adjoining properties;
- (c) landscaping and adequate offstreet parking with well defined access points are provided.

11. Discretionary Use Classes

See Regulation 49.

12. Medical and Professional, Office, and Personal Service Uses (Home Business)  
See Regulations 32 (Accessory Uses) and 54 (Home Business).

13. Mobile Home

Mobile homes can only be allowed in a mobile home park approved by the Town or on a lot outside a mobile home park which already contains a mobile home, the owner of which is seeking to replace the existing mobile home.

14. Outdoor Market

An outdoor market may, at the discretion of the Town, include a used car lot, provided due consideration is given to the size and scale of the development relative to surrounding development and to the site itself. Due consideration shall also be given to buffering where appropriate, off-street parking, and to the implications of traffic movement and/or congestion as well as safe access.

15. Protection of Residential Use

Adverse effects of any proposed development on an adjacent existing residential use shall be prevented or minimized through proper site planning and the provision of buffering by the developer to the satisfaction of the Town. See also Condition 2.

16. Protection of Water Resources and Environment

See Regulation 73.

17. Subdivision Development

- (1) See also Part III – Subdivision of Land.
- (2) With regard to residential subdivision design and in addition to the requirements of Part III of these Regulations, the Town may require that:
  - (a) street layout and placement of building lots conform to natural features and topography as much as possible and a grid pattern be avoided;
  - (b) at least two accesses from the subdivision to a collector or arterial street be provided;
  - (c) waterbodies and watercourses be not altered and, if possible, integrated with open space and park areas;

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- (d) original trees and plant growth be left on building lots and open space areas;
- (e) open space areas be landscaped and free of garbage and refuse;
- (f) utility poles be placed at the backs of building lots.

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SCHEDULE C - RU ZONE*

USE ZONE TABLE  
RURAL (RU) ZONE

ZONE TITLE	RURAL (RU)
PERMITTED USE CLASSES (see Regulation 93)	Agriculture, Cemetery, Conservation, and Forestry.
DISCRETIONARY USE CLASSES (see Regulations 23 and 94)	Animal, Antenna, General Industry, Hazardous Industry, Light Industry, Mineral Exploration, Mineral Working, Outdoor Assembly, Outdoor Market, Recreational Open Space, Scrapyard, Service Station, Single Dwelling, Solid Waste Disposal and Transportation.

CONDITIONS FOR THE RURAL ZONE

1. General Development Standards

The minimum lot area, frontage and front, rear and side yards shall be as determined by the Town, subject to the approvals of the appropriate agencies, including, where applicable, the Departments of Government Services, Natural Resources and Environment and Conservation.

2. Access

The number of accesses to the street shall be limited and designed to the satisfaction of the Town, having regard to the safety and efficiency of the street for both vehicles and pedestrians.

3. Accessory Buildings

See Regulations 30 and 31.

4. Advertisements

See Regulations 33 - 38.

5. Agriculture

See Regulation 39.

#### **4.2 General Industrial**

- i) General Industrial areas shall be reserved for general and light industry, transportation and conservation purposes.
- ii) Due to the fact that Industrial uses are often unsightly Council intends to ensure that adequate screening and buffering of such development is put in place. If screening is not possible a permit may be refused.
- iii) Suitable areas under the Rural and Mixed Development designations may be used for further industrial development should the need arise, provided all applicable policies and regulations are complied with.

#### **4.3 Public Buildings**

This category of land use includes stand alone major public utilities, such as the chlorination plant for the Town's water supply, and places where a public service or public gathering for non-commercial purposes may take place and includes such things as schools, churches, government offices and meeting halls. Since there is unlikely to be much demand in the foreseeable future, no land for Public Building uses, other than for existing sites, has been designated. Mixed Development areas will be able to accommodate future needs for Public Building sites.

#### **4.4 Rural**

##### **4.4.1 Permitted and Discretionary Uses**

All areas not designated under any other land use category will be considered Rural areas. They will generally remain undeveloped, to be left for agriculture, forestry and conservation uses and other compatible uses, including mineral exploration and mineral workings. However, as developable land is limited in St. Alban's certain other uses which require relatively large areas of land and which could not be accommodated in other areas, such as certain industrial uses (for example, a marine industrial park), scrapyards and solid waste disposal sites may be permitted in Rural areas at Council's discretion.

#### **4.4.2 Industrial Uses**

Industrial uses in Rural areas must:

- i) conform with all regulations for both General Industrial and Rural development;
- ii) not create the need to extend or install municipal services or impede existing or potential development of permitted uses anywhere in the planning area;
- iii) not cause pollution;
- iv) be adequately screened from view if they are to take place along a public road or within general view of developed or developable areas of Town.

#### **4.4.3 Residential Development**

Residential development shall not be permitted in Rural areas unless ancillary to a permitted use after it has been in operation for at least 2 years and provided approval has been obtained from the Departments of Government Services and Natural Resources.

#### **4.4.4 Cemeteries**

Any new cemeteries will be located in Rural areas away from lands suitable for other uses.

#### **4.4.5 Mineral Workings**

- i) All activities that may be classified under the general category of mineral workings including extraction, processing or storage of gravel, sand, rock or any other such substance will only be permitted in Rural areas. This includes concrete and asphalt plants, rock crushing, quarries and sand and gravel pits on any scale of operation.
- ii) Dust, smoke, noise, truck and heavy equipment traffic, long and short term blemishes on the landscape and potential spills of oil, gas and other chemicals stored onsite are among the negative aspects of mineral working uses. Council intends to ensure that no mineral workings or related activity at any scale will negatively affect the environment, cause an inconvenience, nuisance or danger to residents, detract from scenery or negatively affect or prevent the surrounding area's eventual use for residential or other development. Mineral workings will be subject to any requirements of the Town, the Department of Mines and Energy, the Department of Environment and Conservation or any other