

APPENDIX B: Classification of Uses and Buildings

This Schedule is intended to assist in the interpretation of the types of Uses within the Use classes listed in the Use Zone tables in Section 9.

1. Assembly Uses

Division	Use Class	Examples
Assembly Uses for the production and viewing of the performing arts.	Theatre	Arts and Culture Centre Movie Theatre Theatre (Live)
General Assembly Uses	Cultural and Civic	Art Gallery Convention Centre Interpretation Centre Library Museum Public Buildings Tourist Chalet Town Hall
	Educational	College Private School (including personal instruction) Public School University
	General Assembly	Auditorium Bingo Hall Bowling Alley Community Halls Dance Halls Gymnasium Health and Fitness Facility Lodge Halls Paintball Establishment Poolroom Youth Centre
	Place of Worship	Church and similar Place of Worship Church Hall
	Passenger Assembly	Bus Terminal Passenger Terminal
	Clubs and Lodges	Private Club Service Club

	Catering	Lounges (includes night clubs and bars) Restaurant Take-Out Food Service
	Funeral Home	Crematorium Funeral Home
	Child Care	Adult Day Care Family Child Care Daycare Centre Preschool
Arena-type Uses	Indoor Assembly	Arena Auditorium Gymnasium Rink Shooting Range Sports Stadium Swimming Pool
Open-air Assembly Uses	Outdoor Assembly	Amusement Park Bleachers Drive-in Theatre Exhibition Ground Fairground Grandstand Outdoor Rink R.V. Camping Parks Sports Field Swimming Pool

2. Institutional Uses

Division	Use Class	Examples
Penal and Correctional Institutional Uses	Penal and Correctional Detention	Jail Penitentiary Police Station (with detention quarters) Prison Psychiatric Hospital (with detention quarters) Reformatory
Special Care Institutional Uses	Medical Treatment and Special Care	Assisted Living Residential Complex Children's Homes Convalescent and Care Homes Hospitals Infirmarys Orphanages Personal Care Home Psychiatric Hospitals Sanatorium

3. Residential Uses

Division	Use Class	Examples
Residential Dwelling Uses	Single Dwelling	Family and Group Homes Single-detached Dwelling
	Double Dwelling	Duplex Dwelling Semi-detached Dwelling
	Row Dwelling	Row House Town House
	Apartment Building	Apartment Building Multi-Unit Dwellings (3 plus Units)
	Collective Residential	Assisted Living Residential Complex Nurses and Hospital Residences University and College Halls of Residence
General Residential Uses	Boarding House Residential	Bed & Breakfast Home Boarding House Hospitality Home Lodging House Tourist Home
	Seasonal Residential	Summer Home & Cottage Recreational Cabin Hunting and Fishing Cabins
	Hotels	Hotels Hostels Motels
	Mobile Homes	Mobile Home Mini Home Modular Home

4. Business and Personal Service Uses

Division	Use Class	Examples
Business, Professional, and Personal Service Uses	Office	Bank Financial Service Office Office Building
	Medical & Professional	Dental/Denturist Legal Office Medical Office Optometrist Professional Office Travel Agency
	Personal Service	Animal Grooming Arts & Crafts Instruction Barber Beauty Salon Fitness Gym Hairdresser Health Spa Manicurist Tailor

	General Service	Auto Windshield Glass Repair Dry Cleaner General Glass Repair Laundry Rentals/Repair Small Tool and Appliance Upholstery
	Communications	Radio Station TV Station Telecommunication Facility
	Police Station	Police Station
	Taxi Stand	Taxi Stand
	Veterinary	Veterinary Surgeries and Clinics

5. Retail Uses

Division	Use Class	Examples
Retail Sale and Display Uses	Shopping Centre	Mini Mall (5 Units or less) Shopping Mall Strip Mall (5 Units or more)
	Retail Store	Building Supply Store Crafts Store Department Store Gift Store Outlet for retailing a range of Merchandise Pharmacy Showroom Vehicle and Automotive Sales Video Store
	Service Station	Car Washing Establishment Gas Bars Gasoline Service Stations (not including general repair garages)
	Indoor Market	Auction Hall Flea Market Market Hall
	Outdoor Market	Farm Market Flea Market
	Convenience Store	Confectionary Stores Corner Stores Specialty Stores

6. Industrial Uses

Division	Use Class	Examples
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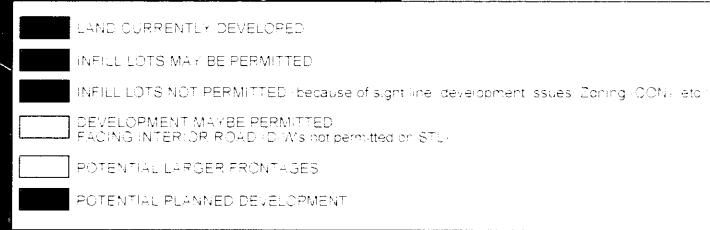
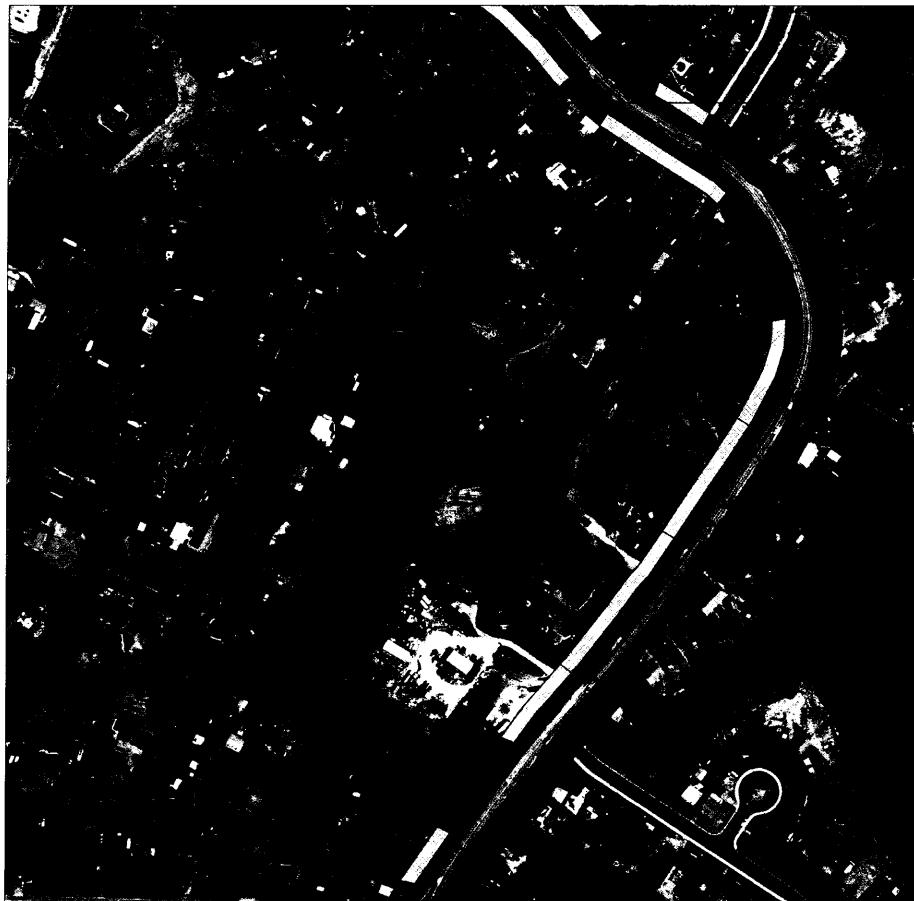
Industrial Uses involving highly combustible and hazardous substances and processes.	Hazardous Industry	Auto Body Shop Bulk Storage of hazardous liquids and substances Chemical Plant Distillery Feed Mill Fibreglass Fabrication Foundry Lacquer, Paint, Varnish, and Rubber Factory Pulp & Paper Mill Recycling Plant (toxic and hazardous materials)
General Industry (Uses involving limited hazardous substances and processes)	General Industry	Cold Storage Plant Factory Fish Processing Plant Freight Depot General Garage Marine Service Centre Recycling Depot (non-toxic materials) Warehouse Welding Shop
	Light, Non-hazardous or Non-intrusive Industrial Uses	Light Industry Parking Garages Warehousing and Distribution Workshops Indoor Storage

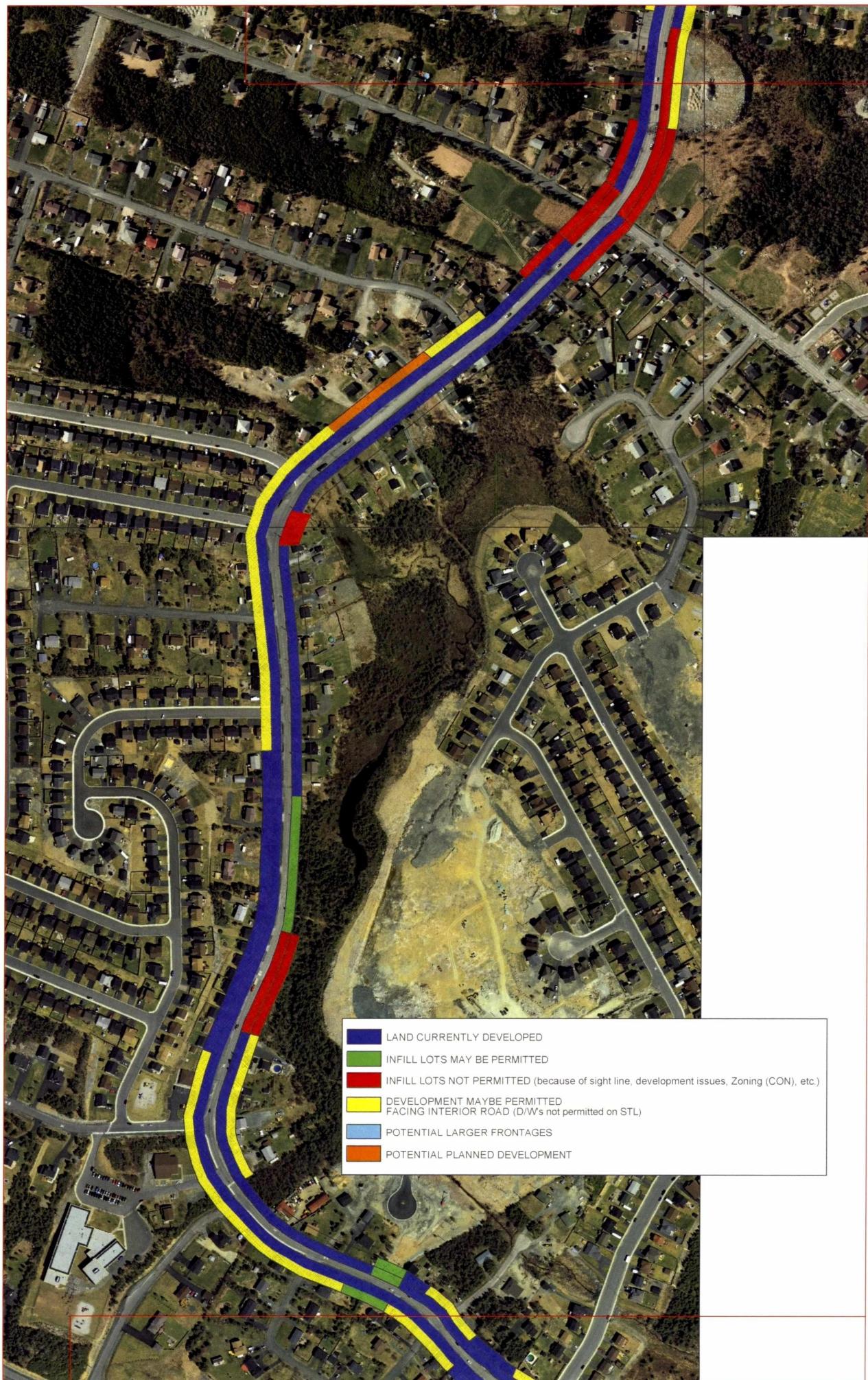
7. Non-Building Uses

Division	Use Class	Examples
Uses not directly related to building	Agriculture	Beekeeping Community Garden Crop Farm Dairy Farm Fruit Farm Fur Farm Green House Hobby Farm Hydroponics Market Garden & Nursery Orchards Poultry Farm Primary Processing Facility
	Forestry	Silviculture Tree Farming Tree Harvesting Tree Nursery
	Mineral Working	Mine Mineral Exploration Pit and Stockpiling Quarry and Stockpiling Topsoil Extraction and Composting

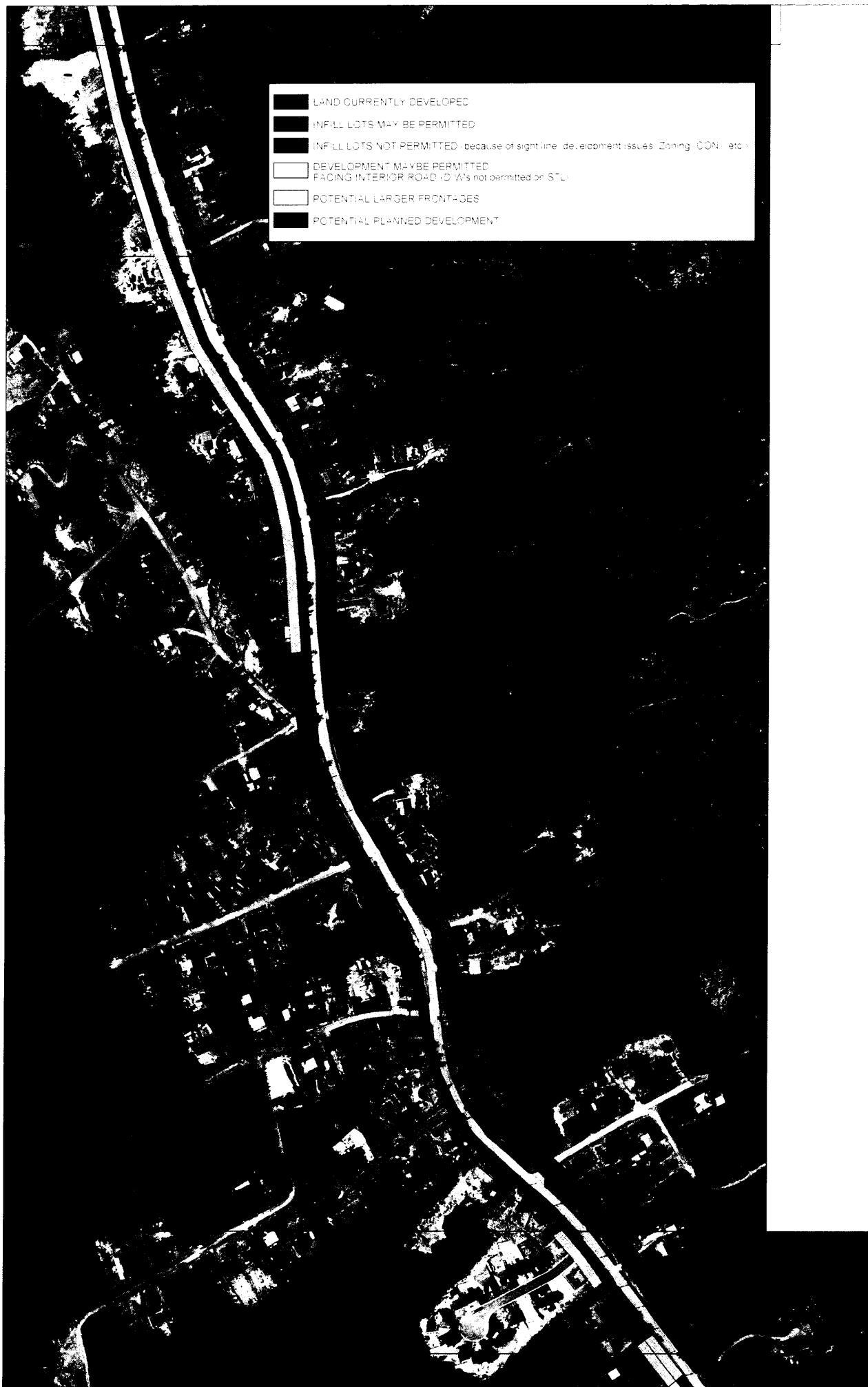
	Recreational Open Space	Amusement Park/ Theme Park Bumper Boats Day Park Go-Cart Track Golf Course/Mini Golf Park Paint Ball Range/Shooting Range Playground Playing Field Recreational Trailer Park/ Camping Walkways and Trails Waterslide
	Conservation	Architectural, Historical and Scenic Sites Floodplain Nature Park/Sanctuary Protected Watershed Walking and Hiking Trails
	Cemetery	Cemetery Crematorium
	Scrap Yard	Automotive Recycle Car Wrecking Yard Junk Yard Scrap Yard
	Solid Waste	Sewage Treatment Plant Solid Waste Transfer Station Solid Waste Recycling Centre
	Animal	Animal Pound Kennel Riding/ Boarding Stable Veterinary Clinic
	Antenna	TV, Radio & Communications Transmitting, Receiving Masts. Dishes & Antennae Telecommunications Towers
	Transportation	Airfield Car Park Docks and Wharves Helipad Slipway

APPENDIX C: Infill Limits Map





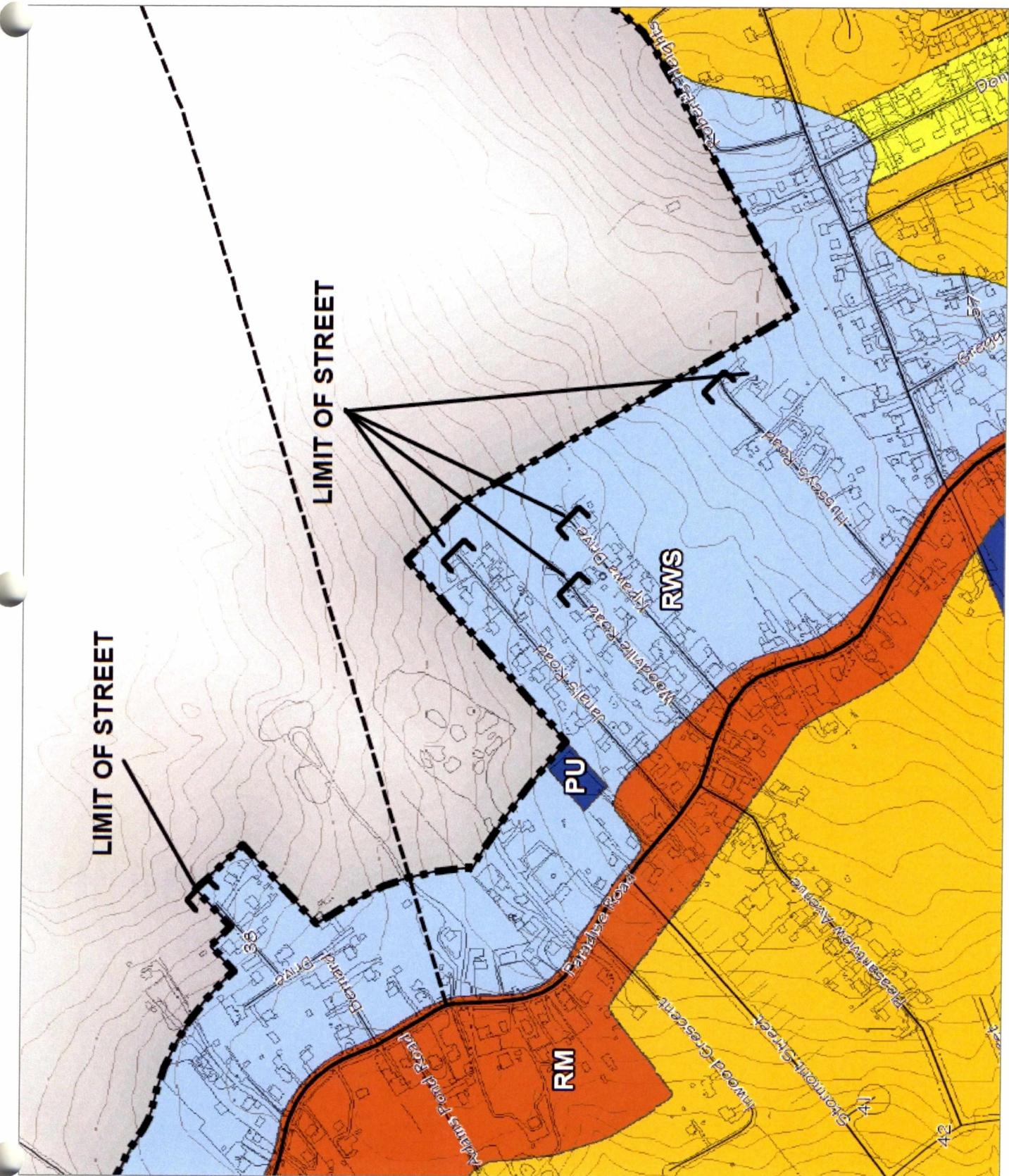






APPENDIX D: Development Limits, Existing Streets

Venton Place
Janals Road
Woodville Road
Kipawa Drive
Husseys Road



APPENDIX E: Provincial Development Regulations

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Important Information

(Includes details about the availability of printed and electronic versions of the Statutes.)

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**NEWFOUNDLAND AND LABRADOR
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

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Short title

1. These regulations may be cited as the *Development Regulations*.

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Definitions

2. 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.

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Application

3. (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.

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Interpretation

4. (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.

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Notice of right to appeal

5. 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

- (a) 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.

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Appeal requirements

6. (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.

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Appeal registration

7. (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.

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Development prohibited

8. (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.

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Hearing notice and meetings

9. (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.

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Hearing of evidence

10. (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.

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Board decision

11. 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.

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Variances

12. (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.

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Notice of variance

13. 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.

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Residential non conformity

14. 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.

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Notice and hearings on change of use

15. 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.

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Non-conformance with standards

16. 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.

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Discontinuance of non-conforming use

17. 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.

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Delegation of powers

18. 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.

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Commencement

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

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APPENDIX F: Street Classification Map

