



## Town of Carbonear Development Regulations 2025

Town of Carbonear Development Regulations 2025  
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This Report was originally prepared by UPLAND  
Planning + Design Studio for the Town of Carbonear.

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Approved: 2025.09.09

Effective date: yyyy.mm.dd

With amendments to: N/A

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# Urban and Rural Planning Act, 2000

## Resolution to Adopt

### Town of Carbonear Development Regulations 2025

Under the authority of Section 16 of the **Urban and Rural Planning Act, 2000**, the Town Council of Carbonear adopts the Town of Carbonear Development Regulations 2025.

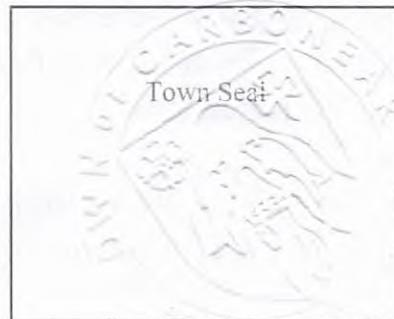
Adopted by the Town Council of Carbonear on the 12th day of August, 2025.

Signed and sealed this 12<sup>th</sup> day of, January, 2025.

Mayor:



Clerk:



### Canadian Institute of Planners Certification

I certify that the attached Town of Carbonear Development Regulations 2025, has been prepared in accordance with the requirements of the **Urban and Rural Planning Act, 2000**.



I. Watson, M.C.I.P.



Development Regulations/Amendment	
<b>REGISTERED</b>	
Number	0950-0045-2026
Date	January 29, 2026
Signature	

# Urban and Rural Planning Act, 2000

## Resolution to Approve

### Town of Carbonear Development Regulations 2025

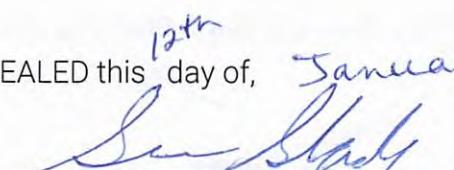
Under the authority of Section 16, Section 17 and Section 18 of the **Urban and Rural Planning Act, 2000**, the Town Council of Carbonear:

- a) adopted the Town of Carbonear Development Regulations 2025 on the 12th day of August, 2025.
- b) Gave notice of the adoption of the Town of Carbonear Development Regulations 2025 by posting notices in two prominent locations (the Town Hall lobby and the Carbonear Pool Bulletin Board), advertisement in the Shoreline News on August 21, 2025 and August 28, 2025, and by advertisement on the Town of Carbonear website starting on August 22, 2025;
- c) Set the day 1st day of September, 2025 at 4:30 pm as the deadline for a signed written statement outlining objections and representations to the draft Town of Carbonear Development Regulations.

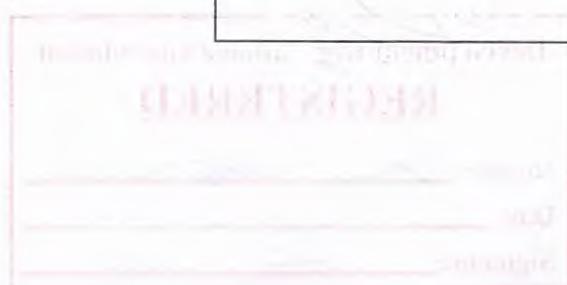
Now under the authority of Section 23 of the **Urban and Rural Planning Act, 2000**, the Town Council of Carbonear approves the Town of Carbonear Development Regulations 2025 as amended below:

- a) Appendix B of the Carbonear Development Regulations be amended to incorporate the revised road classifications as presented by the Chief Administrative Officer at the public hearing.

SIGNED AND SEALED this <sup>12<sup>th</sup></sup> day of, January, 2025

Mayor: 

Clerk: 



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# **PART 1 APPLICATION**

## **1.1 Short Title**

1.1.1 These Regulations may be cited as the Carbonear Development Regulations.

## **1.2 Interpretation**

1.2.1 Words and phrases used in these Regulations shall have the meanings assigned to them in Part 11, Definitions.

1.2.2 Words and phrases not defined in Part 11 shall have the meaning commonly assigned to them in the context in which they are used in the Regulations.

## **1.3 Planning Area**

1.3.1 These Regulations shall apply to those areas of land identified as the "Planning Area" on the maps contained in Schedule 'B', Planning Area.

## **1.4 Municipal Code and Regulations**

1.4.1 Nothing in these Regulations shall exempt any person from complying with other laws or regulations in force in Canada or Newfoundland and Labrador, or from those in force within the Town, or from obtaining any license, permission, permit, authority, or approval required thereunder.

1.4.2 Where the provisions of these Regulations conflict with those of any other municipal regulations or federal or provincial regulations, the more stringent provisions shall apply.

1.4.3 Where a provision within these Regulations conflicts with another provision within these Regulations, the more stringent provision shall apply unless otherwise stated.

1.4.4 The *National Building Code of Canada*, *Fire Code of Canada*, and any other ancillary code, building regulations, and/or any other municipal regulations regulating or controlling the development, conservation, and use of land in force in the Town of Carbonear shall apply to the entire Planning Area.

## 1.5 Authority

- 1.5.1 In these Regulations, "Authority" means the Council of the Town of Carbonear.
- 1.5.2 Where the term "Authority" is referenced in these Regulations, Council may, by resolution, delegate its authority to administer the Regulations or part thereof to an employee of Council or an agent in the employment of Council.

## 1.6 Provincial Development Regulations

- 1.6.1 Some regulations from the *Provincial Development Regulations, 3/01* and provisions of the **Urban and Rural Planning Act, 2000** have been incorporated directly into these Regulations for ease of use and are marked as follows:



Provincial  
Reg. X



Urban and  
Rural Planning  
Reg. X

- 1.6.2 The *Provincial Development Regulations, 3/01* are included in their entirety as Appendix 'A'. Where there is conflict between these Development Regulations and the *Provincial Development Regulations, 3/01*, the *Provincial Development Regulations, 3/01* shall apply.

## 1.7 Commencement

- 1.7.1 These Regulations come into effect throughout the Carbonear Municipal Planning Area, hereinafter referred to as the Planning Area, on the date of publication of a notice to that effect in the *Newfoundland and Labrador Gazette*.

## 1.8 Repeal of Regulations

- 1.8.1 The following Regulations are repealed as of the effective date of these Regulations:
  - (a) Town of Carbonear Development Regulations Gazetted on December 24, 2004, as amended.

## 1.9 Severability

- 1.9.1 If any provision of these Regulations is held to be invalid by a decision of a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of these Regulations.

## **PART 2 ADMINISTRATION**

### **2.1 Compliance With Regulations**

2.1.1 No development shall be carried out within the Planning Area except in accordance with these Regulations.

### **2.2 Permit Required**

2.2.1 Unless otherwise stated in these Regulations, no person shall carry out any development or subdivision of land within the Planning Area unless a permit has been issued by the Authority.

2.2.2 Development within 100 metres of the road centreline of the Conception Bay North Bypass Road (Route 70) – Columbus Drive – requires a permit from the Authority and from the Government Service Centre under the *Protected Road Zoning Regulations, 996/96*.

### **2.3 Units of Measure**

2.3.1 Measurements throughout these Regulations are in metric. Submissions in other measurements shall be converted to metric and rounded to two decimal points. The metric measurement of “metres” shall be displayed as “metres” or using the abbreviation “m”.

### **2.4 Application Requirements**

2.4.1 Every application for a development approval shall be made in writing on an approved form and shall include:

- (a) the signature of the registered landowner or their duly authorized agent;
- (b) application fees in conformance with the fee matrix adopted by the Authority;
- (c) a statement of the proposed use of the land;
- (d) a statement of the estimated commencement and completion date of development;
- (e) a site plan; and,
- (f) any other information required in these Development Regulations.

2.4.2 Site plans prepared for a development approval application or approval in principle shall be drawn to an appropriate scale and showing information as required by the Authority, such as, but not limited to:

- (a) the true shape and dimensions of all lots for which development is proposed;
- (b) identification of all abutting streets;
- (c) identification of rights-of-way and easements within the subject property;
- (d) proposed location, height, and dimensions of any building, structure, or work for which the permit is applied;
- (e) location of every building or structure already erected on or partly on the subject property, and the approximate location of every building within 10.0 metres of the subject property on contiguous lots;
- (f) existing and proposed services;
- (g) existing and proposed drainage ditches or culverts;
- (h) location of existing and proposed solid waste storage areas;
- (i) proposed location and dimensions of parking spaces loading spaces, driveways, and landscaping areas;
- (j) north arrow, scale, date of drawing, and identity of drawing author; and,
- (k) other such information as may be necessary to determine whether every such development conforms with the requirements of these Regulations.

2.4.3 In addition to the requirements of Subsection 2.4.2, an application for development that would alter more than 10.0 square metres of land with a slope greater than 15% shall require a grading plan showing, at a minimum:

- (a) existing and finished grades for each corner of the lot(s);
- (b) flow patterns for surface water on the proposed finished grade clearly illustrating that drainage issues (excessive runoff or ponding) will not be caused by the proposed grading; and
- (c) proposed locations of stormwater infiltration within the subject site and/or locations of discharge outside the subject site;

2.4.4 In addition to the requirements of Subsection 2.4.2, an application for an approval of a subdivision shall provide the following information:

- (a) the proposed land use of the subdivision;
- (b) a site survey stamped by a Newfoundland Land Surveyor;
- (c) a grading plan showing, at a minimum:
  - i) existing and finished grades for each corner of the lot(s);
  - ii) flow patterns for surface water on the proposed finished grade clearly illustrating that drainage issues (excessive runoff or ponding) will not be caused by the proposed grading; and
  - iii) proposed locations of stormwater infiltration within the subject site and/or locations of discharge outside the subject site;
- (d) the proposed method of water and sewer services;
- (e) the proposed street access and layout of internal streets and lots, where applicable;
- (f) the proposed location of community mailboxes, if applicable;
- (g) a streetlight plan, if applicable;
- (h) the proposed public open spaces if applicable; and,
- (i) any other requirements established in these or other municipal, provincial, or federal regulations.

2.4.5 The Authority may, as part of a development application and prior to the issuance of an approval, request additional information, studies, or plans from an applicant, prepared by a qualified professional at the cost of the applicant, for matters pertaining to the proposed development, including, but not limited to:

- (a) real property report, site survey, and/or site plan prepared and stamped by a Newfoundland Land Surveyor;
- (b) topography and soil conditions of the subject site;
- (c) watercourse delineation study;
- (d) stormwater management plan;
- (e) floor plans and elevation drawings of any proposed structures;
- (f) structural drawings;
- (g) geotechnical study;
- (h) site grading plan;
- (i) traffic impact assessment or study; and/or
- (j) groundwater supply study.

## **2.5      Public Notice**

**2.5.1**   The Authority shall provide public notice for a period of not less than:

- (a)   7 days - when considering a variance in accordance with Part 3; and
- (b)   14 days - when considering a change in a non-conforming use in accordance with Regulation 4.21 or development which is listed as a discretionary use in the applicable Use Zone.

**2.5.2**   The Authority may require public notice of any development application where, in the opinion of the Authority, such notice is required for information and public consultation purposes.

**2.5.3**   The Authority shall require the cost of the public notice or portion thereof be paid by the applicant. Notice shall be by public advertisement in a newspaper circulating in the area or by any other means deemed necessary by the Authority. In addition, notice for a proposed variance shall be given in writing 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.

## **2.6      Approval to be Issued**

**2.6.1**   Subject to Regulation 2.7 an approval shall be issued for development within the Planning Area that conforms to all of:

- (a)   the general development standards set out in Part 4, parking requirements set out in Part 6, the use provisions of 8.3, and the zone standards of Part 10 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 5 of these Regulations in the case of signs;
- (d)   the standards set out in Part 7 of these Regulations in the case of subdivision; and
- (e)   the standards of design and appearance established by the Authority.

## **2.7 Approval Not to be Issued in Certain Cases**

2.7.1 In considering an application for an approval or for approval in principle to carry out development, the Authority shall consider the policies expressed in the Municipal Plan and any further scheme, plan, or regulations made under the policies of the Plan.

2.7.2 Notwithstanding the conformity of the application with the requirements of these Regulations, approval shall not be issued for a proposed development where, in the opinion and discretion of the Authority, it is premature by reason of the proposal:

- (a) conflicting with the matters considered under Subsection 2.7.1;
- (b) lacking adequate road access;
- (c) lacking adequate electrical power or access to communications utilities;
- (d) lacking adequate drainage;
- (e) lacking adequate sanitary facilities, domestic water supply, or fire suppression flows;
- (f) being beyond the natural development of the area at the time of application;
- (g) lacking adequate access to open space, schools, or other necessary amenities; or
- (h) where the proposal would be detrimental to public safety and convenience.

## **2.8 Approval in Principle**

2.8.1 The Authority may grant approval in principle for the erection, alteration, or conversion of a building if, after considering an application for approval in principle made under these Regulations, it is satisfied that the proposed development is, subject to the approval of detailed plans, in compliance with these Regulations.

2.8.2 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 a site plan, conforming to Subsection 2.4.2; and,
- (d) any additional information that may be required by the Authority.

2.8.3 An approval in principle shall be valid for two (2) years.

2.8.4 No development shall be carried out under an approval in principle.

2.8.5 The Authority 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 application.

## **2.9 Approval**

2.9.1 Approval for a development shall be granted by the Authority in the form of a development permit for applications approved under these Regulations.

2.9.2 A plan or drawing that has been approved by the Authority and which bears a mark and/or signature indicating such approval together with a permit shall be deemed to be permission to develop. Such permission shall not relieve the applicant from:

- (a) full responsibility of obtaining permits or approvals under any other regulation or statute prior to commencing the development;
- (b) having the work carried out in accordance with these Regulations, the *National Building Code of Canada*, or any other regulations or statutes; or
- (c) compliance with all conditions attached to an approval or a permit.

- 2.9.3 The Authority may attach to a permit or to approval in principle such conditions as it deems fit in order to ensure that the proposed development will be in accordance with the purposes and intent of these Regulations.
- 2.9.4 A permit is valid for such period, not in excess of two years, as may be stated therein, and if the development has not commenced, the permit may be renewed for a further period not in excess of one year, but a permit shall not be renewed more than once, except in the case of a permit for a sign, which may be renewed in accordance with Part 5 of these Regulations.
- 2.9.5 The approval of any application and plans or drawings or the issue of a permit shall not prevent the Authority from thereafter requiring the correction of errors, or from ordering the cessation, removal of, or remedial work on any development being carried out if it is in violation of this or any other regulations or statute.
- 2.9.6 No person shall erase, alter, or modify any drawing or specifications upon which a permit to develop has been issued by the Authority.
- 2.9.7 A copy of the permit and any plans, drawings, or specifications on which the issue of the permit was based shall be kept available on the premises where any development is being done until completion of the development.

## **2.10 Development Permit for Temporary Uses**

- 2.10.1 The Authority may issue a temporary development permit subject to the following requirements:
  - (a) Any such development permit shall be for a temporary period not to exceed 24 months.
  - (b) The temporary development permit shall only be renewed a maximum of one (1) time for an additional 24 months beyond the original date.

**2.11 Revocation of Permit**

2.11.1 The Authority may revoke an approval and any subsequent permits where:

- (a) the applicant fails to comply with these Regulations or any condition attached to the permit;
- (b) the permit was issued in error or was issued contrary to the applicable regulations; or
- (c) the permit was issued on the basis of incorrect information.

**2.12 Deferment of Application**

2.12.1 The Authority may, with the written agreement of the applicant, defer consideration of an application.

**2.13 Deemed Refusal**

2.13.1 Applications properly submitted in accordance with these Regulations shall be deemed to be refused if:

- (a) the Authority has not communicated a decision to the applicant within eight (8) weeks from the time the application is deemed complete; and
- (b) the application has not been deferred in accordance with Regulation 2.12.

**2.14 Reasons for Refusing Permit**

2.14.1 The Authority shall, when refusing to issue a permit or attaching conditions to a permit, state the reasons for so doing.

**2.15 Register of Application**

2.15.1 The Authority shall keep a public register of all applications for development, including a record of the Authority's decision upon each application and the result of any appeal from that decision.

**2.16 Service Levy**

2.16.1 The Authority may require a developer to pay a service levy where development is made possible or where the density of potential development is increased, or where the value of property is enhanced, by the carrying out of public works either on or off the site of the development.

2.16.2 A service levy shall not exceed the cost, or estimated cost, including finance charges to the Authority of constructing or improving the public works referred to in 2.16.1 that are necessary for the real property to be developed in accordance with the standards required by the Authority and for uses that are permitted on that real property.

2.16.3 A service levy shall be assessed on the real property based on:

- (a) the amount of real property benefited by the public works related to all the real property so benefited; and,
- (b) the density of development made capable or increased by the public work.

2.16.4 The Authority may require a service levy to be paid by the owner of the real property:

- (a) at the time the levy is imposed;
- (b) at the time development of the real property commences;
- (c) at the time development of the real property is completed; or,
- (d) at such other time as the Authority may decide.

## **2.17 Financial Guarantees by Developer**

2.17.1 The Authority may require a developer before commencing a development to make such financial provisions and/or enter into such agreements as may be required to guarantee the payment of service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit or license.

2.17.2 The financial provisions pursuant to Subsection 2.17.1 may be made in the form of:

- (a) a cash deposit from the developer, to be held by the Authority;
- (b) a guarantee by a bank, or other institution acceptable to the Minister, for expenditures by the developer;
- (c) a performance bond provided by an insurance company or a bank;
- (d) an annual contribution to a sinking fund held by the Authority; or
- (e) another form of financial guarantee that the Authority may approve.

**2.18 Dedication of Land for Public Use**

2.18.1 In addition to the requirements for dedication of land under Regulation 7.10, the Authority 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 Authority in accordance with the provisions of the Act.

**2.19 Right of Entry**

2.19.1 Consistent with Section 105 of the Act, the Authority or authorized inspector may enter upon any public or private land and may at all reasonable times enter any development or building upon the land for the purpose of making surveys or examinations or obtaining information relative to the carrying out of any development, construction, alteration, repair, or any other works whatsoever which the Authority is empowered to regulate.

**2.20 Record of Violations**

2.20.1 Every inspector shall keep a record of any violation of these Regulations which comes to his knowledge and report that violation to the Authority.

**2.21 Stop Work Order and Prosecution**

2.21.1 Subject to Section 102 of the Act, where a person begins a development contrary or apparently contrary to these Regulations, the Authority may order that person to stop the development or work.

2.21.2 Consistent with Section 109 of the Act, where an employee or delegate of the Authority issues an order made under Subsection 2.21.1, the order shall be confirmed by a majority vote of Council at their next regular meeting, and if the order is not confirmed in this manner it shall be considered to be cancelled.

2.21.3 Council may further order a person to pull down, remove, stop construction, fill in, or destroy that building or development, and restore the site or area to its original state, pending final adjudication in any prosecution arising out of the development.

2.21.4 A person who does not comply with an order made under Subsection 2.21.1 is guilty of an offence under the provisions of the Act.

## **PART 3 VARIANCES & APPEALS**



### **3.1 Variances**

- 3.1.1 Where an approval or permit cannot be given by the Authority because a proposed development does not comply with development standards set out in development regulations, the 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.
- 3.1.2 The 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%.
- 3.1.3 The Authority shall not permit a variance from development standards where the proposed development would increase the non conformity of an existing development.



### **3.2 Notice of Variance**

- 3.2.1 Where the Authority is to consider a proposed variance, the 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, and allow a minimum period of 7 days for response.

### **3.3 Right to Appeal**

3.3.1 Consistent with Section 41 of the Act, a person or a group of persons aggrieved by a decision may appeal the decision to an adjudicator where:

- (a) the decision is permitted to be appealed to an adjudicator under the Act or another act; or
- (b) the decision is permitted to be appealed under the regulations and the decision relates to one or more of the following:
  - i) an application to undertake a development;
  - ii) a revocation of an approval or a permit to undertake a development; or
  - iii) the issuance of a stop work order.

### **3.4 Notice of Right to Appeal**

3.4.1 Where the Authority makes a decision that may be appealed under Section 41 of the Act, the 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 an adjudicator;
- (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.

### **3.5 Development Prohibited**

3.5.1 Where an appeal is made under Section 41 of the Act, the development with respect to the appeal, work related to that development or an order that is under appeal shall not proceed or be carried out pending a decision of the adjudicator.

## **PART 4 GENERAL DEVELOPMENT STANDARDS**

### **4.1 Application**

4.1.1 The provisions of Part 4 of these Regulations shall apply to all use zones and shall take priority over use zone requirements, unless otherwise specified.

### **4.2 Accesses and Service Streets**

4.2.1 Access shall be located to the specification of the Authority so as to ensure the greatest possible convenience and safety of the street system.

4.2.2 The Authority may prescribe the construction of service streets to reduce the number of accesses to collector and arterial streets.

4.2.3 No vehicular access shall be closer than 10.0 metres to the street line of any street intersection.

### **4.3 Accessory Buildings**

4.3.1 Unless otherwise prohibited, accessory buildings and structures shall be permitted in all use zones, and shall be subject to the following regulations:

- (a) Accessory buildings shall meet any use-specific requirements outlined elsewhere in these Regulations.
- (b) Accessory buildings shall not be erected or placed upon any easements.
- (c) Accessory buildings shall not be used for human habitation except where a development permit has been acquired for an accessory dwelling.
- (d) With the exception of greenhouses, accessory buildings shall be complimentary with the main building in terms of exterior finish, roofline, and pitch.
- (e) No accessory building or part thereof shall project in front of the front building line.
- (f) Notwithstanding (e), in the case of a legal backlot development the Authority may exercise its discretion and consider an accessory building projecting in front of a building line as established on the backlot.

- (g) An accessory building on a corner lot may be placed in front of the flanking building line, provided the location does not impede visibility on the flanking street and the accessory building is set back from the flanking street a minimum of the greater of the established building line or:
  - i) 8.0 metres in the Residential Low Density Use Zone and Residential Large Lot Use Zone; or
  - ii) 6.0 metres in all other use zones.
- (h) In residential use zones, two-story accessory buildings shall have a maximum ground floor area of 50.0 square metres and a maximum ground floor ceiling height, as measured from the finished floor to the finished ceiling, of 2.64 metres.
- (i) Buildings accessory to a residential use shall:
  - i) unless otherwise approved by the Authority, only be provided with electrical service through the same services as the main residential building;
  - ii) not be used for the purpose of performing repairs to vehicles or heavy equipment; or painting, dismantling, or scrapping vehicles or machinery; aside from minor repair to the occupant's personal vehicle;
  - iii) be located on the same lot as the residential use;
  - iv) not exceed the dwelling in height; and
  - v) not have a floor area that exceeds the floor area of the dwelling to which they are accessory.

4.3.2 The side yard requirements set out in the use zone standards in these Regulations shall be waived for accessory buildings on two (2) adjoining properties that are built to the shared property boundary, provided they shall be of fire-resistant construction and have a common firewall.

#### 4.4 Accessory Livestock Structures

4.4.1 Buildings intended for housing livestock shall be permitted accessory to dwellings in all use zones except the Residential Higher Density Use Zone and Conservation Use Zone, provided:

- (a) the buildings meet the standards of Regulation 4.3;
- (b) the buildings meet the minimum setbacks for main buildings set out in the applicable use zone; and
- (c) the building provides housing for no more than the number of livestock as follows:

	<b>Lots less than 1,400 m<sup>2</sup> in area</b>	<b>Lots 1,400 m<sup>2</sup> in area or greater, but less than 4,000 m<sup>2</sup> in area</b>	<b>Lots 4,000 m<sup>2</sup> in area or greater</b>
<b>Rural Use Zone and Residential Rural Use Zone</b>	40 broiler chickens; 20 small livestock; and 2 medium livestock	40 broiler chickens; 20 small livestock; and 2 medium livestock	40 broiler chickens; 20 small livestock; 2 medium livestock; and 1 large livestock
<b>All Other Permitted Use Zones</b>	10 chickens	20 small livestock; and 2 medium livestock	20 small livestock; 2 medium livestock; and 1 large livestock

4.4.2 All livestock shall comply with the *Town of Carbonear Animal Regulations*. Where the *Animal Regulations* conflict with these Regulations, the stricter provision shall apply.

#### 4.5 Accessory Uses

4.5.1 Where these Regulations provide for any land to be used, or a building to be erected or used for a purpose, the purpose shall include any accessory use. Such uses shall be clearly incidental and complementary to the main use and be contained on the same lot as the main building or an adjoining lot where both lots are under the same ownership.

#### **4.6 Archaeological Assessments and Finds**

- 4.6.1 Where archeological resources are known to exist, or where they are likely to exist based on location or historical evidence, applications for development shall be forwarded to Provincial Archaeology Office, Department of Tourism, Culture, Arts and Recreation for review to determine if an Historic Resources Impact Assessment or other legislated review is required under the **Historic Resources Act**.
- 4.6.2 The Authority or the Provincial Archaeology Office may require an archaeological assessment at the expense of the applicant, and such assessments shall be reviewed by the Provincial Archaeology Office.
- 4.6.3 In the event of an archaeological find occurring during any development, development of the site shall immediately cease, and the developer shall immediately notify the Provincial Archeological Office and the Authority of the find.

#### **4.7 Buffer Strips for Industrial Development**

- 4.7.1 Where any industrial development permitted in any use zone abuts a residential zone, 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.
- 4.7.2 The buffer shall include the provision of such natural or structural visual barrier as may be required by the Authority and shall be maintained by the owner or occupier to the satisfaction of the Authority.

#### **4.8 Building Height**

4.8.1 Use zone requirements for maximum building height shall not apply to church spires; water tanks; elevator enclosures; stairwells; silos; commercial communication towers; ventilators; skylights; chimneys; clock towers; or structures that, in the opinion of the Authority, are similar.

4.8.2 The Authority may permit the erection of buildings of a height greater than that specified in Part 10, but in such cases the building line setback and rear yard setback requirements shall be modified as follows:

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

#### **4.9 Building Line and Setback**

4.9.1 The Authority, by resolution, may establish building lines on an existing or proposed street or service 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 Part 10, Zone Standards, of these Regulations.

#### **4.10 Coastal Elevation**

4.10.1 All development, with the exception of those developments listed in Subsection 4.10.2, shall be prohibited below the 4-metre contour.

4.10.2 Developments permitted below the minimum vertical elevation (subject to zone requirements and other requirements of these Regulations) are:

- (a) Accessory buildings or structures, personal storage buildings, docks, wharves, piers, and slipways.
- (b) Boardwalks, walkways, and trails with a maximum width of 3.0 metres.
- (c) Safety fences that do not exceed a height of 2.0 metres.
- (d) Public streets and public infrastructure.
- (e) Industrial uses.
- (f) Development within the Industrial Ocean Related Use Zone.

#### **4.11 Heritage Properties**

- 4.11.1 Provincially registered heritage properties require permission from the minister responsible for the **Historic Resources Act** prior to moving, demolishing, or altering the heritage resource. Applicants for such alterations are recommended to contact the Heritage Foundation of Newfoundland and Labrador prior to undertaking any work.
- 4.11.2 A building, structure or land designated by the Town as a heritage building, structure, or land shall not be demolished or built upon nor the exterior of the building or structure altered, except under a written permit of the Authority specifically authorizing the alteration and in accordance with the terms and conditions of the permit.
- 4.11.3 When evaluating a proposal for alteration of a municipally registered heritage property, as provided for by Subsection 4.11.2., the Authority shall not authorize the alteration(s) unless the Authority is satisfied the proposal does not harm the character defining elements of the property as outlined in the property's statement of heritage value.
- 4.11.4 A property or building that is Designated under the *Town of Carbonear Heritage Regulations*, Province of Newfoundland and Labrador **Historic Resources Act**, or Government of Canada **Historic Sites and Monuments Act**, or successor regulations or legislation, shall be eligible for relaxations of the requirements of these Regulations as follows:
  - (a) The minimum automobile parking requirements of Regulation 6.1 shall not apply.
  - (b) The number of accommodations guest bedrooms permitted by Regulation 8.7 shall be increased by one (1).

#### **4.12 Commercial Instruction of One or Two Students at a Time**

- 4.12.1 Nothing in these Regulations shall prevent the use of a portion of any dwelling or building accessory to a dwelling for the commercial instruction of one student or two students at a time.
- 4.12.2 No development permit shall be required for the commercial instruction of one student or two students at a time.

#### **4.13 Electrical Vehicle Charging**

- 4.13.1 Nothing in these Regulations shall prevent the installation of a non-commercial electric vehicle charging station where the station is for the exclusive domestic use of a dwelling unit.
- 4.13.2 Non-commercial electric vehicle charging stations that are not for the exclusive use of a dwelling unit shall be permitted as an accessory use in all land use zones.

#### **4.14 Fences**

- 4.14.1 No fence shall be erected in the road reservation.
- 4.14.2 Existing fences within the road reservation shall not be replaced except for minor maintenance and repairs, such as painting or the replacement of individual fence pickets with similar materials. For greater clarity, replacement of structural members (e.g. fence posts) shall not be considered minor maintenance or repair.
- 4.14.3 No fence shall be constructed so as to obstruct the safe view of automobiles at intersections or clear access to fire hydrants.
- 4.14.4 Fences accessory to a dwelling shall not exceed a height of:
  - (a) 1.2 metres in a front or flankage yard; or
  - (b) 2.5 metres in a side or rear yard.
- 4.14.5 Barbed wire fences shall not be permitted except:
  - (a) agricultural fences in the Rural Use Zone; or
  - (b) above a height of 2.1 metres enclosing a lot used for industrial purposes.

#### **4.15 Landscape Extraction**

- 4.15.1 For approved developments where the extraction of quarry materials is occurring or may be expected occur, the Authority shall send a copy of the development permit to the Quarry Materials Section, Mineral Lands Division, Department of Industry, Energy, and Technology, at [quarries@gov.nl.ca](mailto:quarries@gov.nl.ca). Note that quarry materials include but are not limited to aggregate, fill, rock, stone, gravel, sand, clay, borrow material, topsoil, overburden, subsoil, peat.

#### **4.16      Lot Area**

- 4.16.1 No lot shall be reduced in area so as to create a situation where lot coverage exceeds, or yards, frontage, or lot area are less than that permitted by these Regulations for the use zone in which such lot is located.
- 4.16.2 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.

#### **4.17      Lot Area and Size Exceptions**

- 4.17.1 The Authority may approve development of a dwelling on a lot that exists at the time of coming into effect of these Regulations that has insufficient frontage or area to permit the owner or purchaser of the lot to comply with the provisions of these Regulations and is located in a use zone that permits dwellings.
- 4.17.2 Such approvals shall only be issued where the lot coverage is not greater than, and the yards and floor area are not less than, the standards set out in these Regulations.
- 4.17.3 Development of an existing undersized lot shall comply with all applicable wastewater and drinking water regulations.

#### **4.18      Lot Frontage**

- 4.18.1 Except where specifically provided for in Part 10 of these Regulations, no residential or commercial building shall be erected unless the lot on which it is situated fronts directly onto a public street or on a private road existing on the effective date of these Regulations or forms part of a Comprehensive Development Scheme or permitted backlot development.

#### **4.19      Multiple Main Buildings**

- 4.19.1 Unless otherwise prohibited in these Regulations, any number of main buildings may be located on the same lot, subject to applicable zone requirements.

#### **4.20      Multiple Main Uses**

- 4.20.1 Multiple main uses may locate on the same lot or in the same building(s). Where any land or building is used for more than one main use all provisions of these Regulations relating to each use shall be satisfied and if more than one standard applies, the more stringent standard shall prevail.

## **Non-Conforming**

4.21.1 Non-conforming uses shall be administered, and applications involving non-conforming uses shall be processed, in accordance with Section 108 of the **Urban and Rural Planning Act, 2000**.

4.21.2 If a non-conforming use is discontinued for a period of more than 12 months, new uses shall conform to the requirements of the land use zone in which it is located.

4.21.3 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 108(1) of the Act:

- (a) shall not be internally or externally varied, extended or expanded unless otherwise approved by the Authority;
- (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 Authority to a use that is, in the Authority's opinion, more compatible with the plan and regulations applicable to it;
- (e) may have the existing building extended by approval of the Authority where, in the Authority'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;
- (g) 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.
- (h) where the building or structure is primarily zoned and used for residential purposes, may, in accordance with the municipal plan and regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed.

4.21.4 Where considering a non-conforming building, structure or development under 4.21.3(d) and before making a decision to vary an existing use of that non-conforming building, structure or development, the 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.

#### **4.22 Offensive and Dangerous Uses**

4.22.1 Unless its use is authorized by the Authority and any other authority having jurisdiction, no building or land shall be used for any purpose that:

- (a) may be dangerous by causing or promoting fires or other hazards;
- (b) may emit noxious, offensive, or dangerous fumes;
- (c) may emit smoke, gases, radiation, smells, ash, dust or grit, or excessive noise or vibration; or
- (d) may create any nuisance that has an unpleasant effect on the senses.

#### **4.23 Personal Office or Studio**

4.23.1 Nothing in these Regulations shall prevent the use of a portion of any dwelling or building accessory to a dwelling as a personal office or studio for residents of the dwelling if the personal office or studio is not intended to be visited by members of the public.

4.23.2 No development permit shall be required for a personal office or studio for residents of the dwelling if the personal office or studio is not intended to be visited by members of the public.

#### **4.24 Reinstatement of Land**

4.24.1 Where the use of land is discontinued or the intensity of its use is decreased, the Authority may order the developer, the occupier of the site, or the owner or all of them to reinstate the site, to remove all or any buildings or erections, to cover or fill all wells or excavations, and to close all or any accesses, or to do any of these things or all of them, as the case may be, and the developer, occupier or owner shall carry out the order of the Authority and shall put the site in a clean and sanitary condition to the satisfaction of the Authority.

## **4.25 Residential Swimming Pools**

- 4.25.1 Residential swimming pools shall be permitted accessory to a dwelling and shall not be located in the front or flanking yards.
- 4.25.2 Notwithstanding 4.25.1, a residential swimming pool shall not be permitted on a property that is connected to municipal water but has on-site septic service unless the septic service capacity is approved by a registered approver.
- 4.25.3 Small residential swimming pools shall not require a development permit but shall be secured in compliance with 4.25.5 or shall be drained when not in use.
- 4.25.4 Large residential swimming pools shall:
  - (a) be set back a minimum of 2.0 metres from all property lines;
  - (b) not exceed 6% of the area of the lot;
  - (c) not encroach upon any easement;
  - (d) not be placed over any on-site septic system; and,
  - (e) shall be secured in compliance with 4.25.5.
- 4.25.5 For the purposes of this Regulation, secured residential swimming pools shall be enclosed in an enclosure that is:
  - (a) a minimum of 1.2 metres in height;
  - (b) equipped with self-closing, self-latching gate(s); and
  - (c) designed and constructed to prevent climbing.
- 4.25.6 For greater clarity, the sidewalls of an above-ground pool shall not form part of the enclosure required by Regulation 4.25.5.

## **4.26 Screening and Landscaping**

- 4.26.1 The Authority may, in the case of existing unsightly development, order the owner or occupier to provide adequate and suitable landscaping or screening; and for this purpose may require the submission of an application giving details of the landscaping or screening, and these Regulations shall then apply to that application.
- 4.26.2 The provision of adequate and suitable landscaping or screening may be made a condition of any development permit where, in the opinion of the Authority, the landscaping or screening is desirable to preserve amenity or protect the environment.

**4.27 Side Yard Setbacks**

4.27.1 In all use zones, the Authority may reduce the minimum side yard setback to zero where buildings on either side of the side lot line are to share a fire-rated party wall.

**4.28 Services and Public Utilities**

4.28.1 The Authority may within any use zone permit land to be used in conjunction with the provision of public services and public utilities, and provide for the necessary relaxations of the standards of Part 10, 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 Authority, adequate to protect the character and appearance of the area.

**4.29 Servicing**

4.29.1 New plumbed buildings shall be connected to Town sewer and drinking water systems where such services are available. Where service availability is disputed or unclear, the Engineer shall make a determination based on site conditions and available servicing capacity. The Authority may exempt industrial uses from this requirement.

4.29.2 Commercial, industrial, and institutional uses connected to the Town sewer system shall include a solids interceptor to the satisfaction of the Engineer.

4.29.3 Any new residential development or treatment systems connecting to the municipal water and sewer system shall obtain approval under Section 36 and 37 of the **Water Resources Act**.

4.29.4 The development of a well for non-domestic purposes shall obtain approval under Section 58 of the **Water Resources Act**.

**4.30 Solar Collector Systems - Accessory**

4.30.1 Accessory solar collector systems shall be permitted in all use zones and may be mounted as free-standing structures or on buildings.

4.30.2 Accessory solar collector systems mounted on buildings may exceed the maximum building height in the zone by up to 2.0 metres.

4.30.3 Accessory solar collector systems mounted as free-standing structures shall:

(a) not exceed a height of 2.0 metres;

- (b) not be located in any front or flankage yard;
- (c) meet all side and rear yard setback requirements; and
- (d) not exceed a panel area of 10.0 square metres.

4.30.4 For greater clarity, accessory solar collector systems are not exempt from requiring a permit.

#### **4.31 Street Construction Standards**

4.31.1 A new street may not be constructed except in accordance with and to the design and specifications laid down by the Authority.

#### **4.32 Unsubdivided Land**

4.32.1 Development shall not be permitted on unsubdivided land unless sufficient area is reserved to satisfy the yard and other allowances called for in the use zone in which it is located, and the allowances shall be retained when the adjacent land is developed.

#### **4.33 Watercourse and Coastal Buffer**

4.33.1 All development, with the exception of those developments listed in Subsection 4.33.2, shall be prohibited within the following areas:

- (a) Where a lot abuts a watercourse no development shall be permitted within 15.0 horizontal metres of the ordinary high water mark of the watercourse.
- (b) Where a lot abuts a coastal shoreline no development shall be permitted within 30.0 horizontal metres of the ordinary high water mark.

4.33.2 Subject to 4.33.6, development permitted within watercourse and shoreline buffers (subject to zone requirements and other requirements of these Regulations) are:

- (a) Accessory buildings or structures, personal storage buildings, docks, wharves, piers, and slipways.
- (b) Boardwalks, walkways, and trails with a maximum width of 3.0 metres.
- (c) Safety fences that do not exceed a height of 2.0 metres.
- (d) Public streets and public infrastructure.
- (e) Industrial uses.
- (f) Development within the Industrial Ocean Related Use Zone.

4.33.3 Existing buildings located within a watercourse or shoreline buffer may be reconstructed, renovated, repaired, moved, or replaced provided the work does not increase the building's footprint within the buffer or reduce the depth of the buffer and all other applicable requirements of these Regulations are met.

4.33.4 The Authority may require larger buffer areas around watercourses where identified flood plains, steep slopes or unstable soil conditions could result in damage to watercourses, wildlife habitat, or the development.

4.33.5 Notwithstanding Subsection 4.33.1 and 4.33.2, but subject to 4.33.6, the Authority may issue a Development Permit for a development within a watercourse or shoreline buffer provided a detailed study, including a plot plan, prepared by a qualified person at the applicant's cost, clearly demonstrates:

- (a) the proposed development is located above the 4.0 metre contour;
- (b) the proposed development is set back a minimum of 4.0 horizontal metres from the ordinary high watermark;
- (c) the proposed development complies with Provincial permitting and regulations as applicable; and
- (d) the proposed buffer distance divided by the expected annual erosion rate of the shoreline or bank at that location is greater than the expected lifespan of the proposed development.

4.33.6 Prior to the issuance of a development approval, any application for development within 15.0 metres of any body of water, including wetlands, shall apply for and obtain a permit from the Province's Water Resource Management Division under Section 48 of the **Water Resources Act**.

## **PART 5 SIGNAGE**

### **5.1 Permit Required**

- 5.1.1 Except for signs exempted by Regulation 5.8, no signage shall be erected or displayed in the Planning Area unless a permit for the sign is first obtained from the Authority.
- 5.1.2 The erection or placement of any sign within the following distance of the centreline of all roads constructed and maintained by the Province requires a permit from the Authority and from the Government Service Centre under the *Highway Sign Regulations, 1999*:
  - (a) 100 metres for areas within the Town of Carbonear; and
  - (b) 400 metres for areas within the Planning Area but not within the Town of Carbonear.
- 5.1.3 Subject to Ministerial approval, the 50km per hour zone along Columbus Drive between London Road and Clarkes Road is exempt from provincial *Highway Sign Regulations, 1999* and signs to be erected in this area only require a permit from the Authority.

### **5.2 Form of Application**

- 5.2.1 Application for a permit to erect or display a sign shall be made in accordance with Part 2 of these Regulations.

### **5.3 Signage Prohibited in Street Reservation**

- 5.3.1 No signage shall be permitted to be erected or displayed within, on, or over any highway or street reservation.
- 5.3.2 Notwithstanding 5.3.1, banner signs, canopy signs, and projecting signs may be suspended over a highway or street reservation at the discretion of the Authority.

### **5.4 Permit Valid for Limited Period**

- 5.4.1 A permit granted under these Regulations for the erection or display of a sign shall be for a limited period, not exceeding two years, but may be renewed at the discretion of the Authority for similar periods.

### **5.5 Removal of Signs**

- 5.5.1 Notwithstanding the provisions of these Regulations, the Authority may require the removal of any sign which, in its opinion, is:

- (a) hazardous to road traffic by reason of its siting, colour, illumination, or structural condition, or;
- (b) detrimental to the amenities of the surrounding area.

## **5.6 Sign Maintenance & Abandoned Signs**

- 5.6.1 Every sign shall be kept in good repair and working order, and not present a safety hazard.
- 5.6.2 Every sign and all parts thereof, including framework, supports, background, anchors, and wiring systems shall be constructed and maintained in compliance with any applicable building, electrical, and fire prevention regulations.
- 5.6.3 Signs shall be removed, at the cost of the sign's owner, within 30 days if the use for which they advertise is discontinued.

## **5.7 Signage on Easements**

- 5.7.1 Except for portable signs, signs shall not be permitted to locate upon or project within the limits of utility or municipal service easements. Any sign located adjacent to a utility or municipal service easement shall be located in accordance with the requirements of the easement owner.

## **5.8 Exempt Signage**

- 5.8.1 Unless prohibited by Regulation 5.9, the following signs may be erected or displayed in the Planning Area without application to the Authority:
  - (a) on a dwelling or within the courtyard of a dwelling, a single nameplate not exceeding 0.2 square metres in area;
  - (b) on a lot with a home occupation, a single ground or wall sign not exceeding 1.0 square metre in area;
  - (c) on an agricultural holding or farm, a single notice board not exceeding 1.0 square metre in area and relating to the operations being conducted on the land;
  - (d) on land used for forestry purposes, a single sign or notice not exceeding 1.0 square metre in area and relating to forestry operations or the location of logging operations conducted on the land;
  - (e) on land used for mining or quarrying operation, a single notice board not exceeding 1.0 square metre in area relating to the operation conducted on the land;

- (f) on any site occupied by a place of worship, school, library, art gallery, museum, institution or cemetery, a single notice board not exceeding 1.0 square metre in area;
- (g) real estate sales, leasing, or open house signs up to a maximum of 0.5 square metres and meeting the requirements of Regulation 5.14;
- (h) signs located on the interior side of windows;
- (i) signs placed by candidates for federal, provincial, municipal, or school board elections and meeting the requirements of Regulation 5.13;
- (j) sandwich board signs meeting the requirements of Regulation 5.15;
- (k) civic addressing signs;
- (l) signs posted by municipal, provincial, or federal government agencies;
- (m) signage posted by utility companies to indicate a hazard or danger;
- (n) on any parking lot directional signs and one sign not exceeding 1.0 square metre in size, identifying the parking lot;
- (o) one sign on the principal façade of any commercial, industrial, or public building, indicating the name of the building or the name of the occupants of the building, in letters not exceeding one-tenth of the height of the façade or 3.0 metres, whichever is less;
- (p) signs associated with municipally-operated parks and trails;
- (q) wayfinding and interpretive signs for conservation uses; and,
- (r) temporary signs on construction sites warning of danger and or outlining the nature of the development up to a maximum combined total area of 7.5 square metres.

## **5.9 Prohibited Signs**

**5.9.1** Notwithstanding any other sections of these Regulations, the following signs are not permitted in the Planning Area:

- (a) Signs not erected by a public authority that make use of words such as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD" or other similar words, phrases, symbols, lights, or characters displayed in such manner as to interfere with, mislead, or confuse traffic along a public road.
- (b) Vehicle signs.
- (c) Signs that obstruct the vision of drivers or the effectiveness of any traffic control device.
- (d) Signs painted on, attached to, or supported by trees, natural stone formations, cliffs, or other natural features.
- (e) Signs painted on, attached to, or supported by utility poles.
- (f) Roof signs.
- (g) Flashing signs.
- (h) Billboard signs.

## **5.10 Off-site Directional Signs**

**5.10.1** Off-site directional signs, intended to direct traffic to a commercial or industrial site or use, shall not be permitted unless they are part of an off-site directional sign that has been approved under the *Provincial Highway Sign Regulations, 1999*.

**5.10.2** Off-site directional signs related to a non-profit or municipally sponsored event, which direct traffic to a community facility, may be permitted provided:

- (a) only one sign is erected per street frontage;
- (b) the sign is only erected for the duration of the event; and
- (c) the sign area of each sign does not exceed 1.0 square metres.

## **5.11 Signs for Non-conforming Uses**

**5.11.1** Notwithstanding the provisions of Regulation 5.1, a permit may be issued for the erection or display of a sign for a non-conforming use, provided the sign does not exceed the size and type of sign that 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 Authority.

## **5.12 Non-conforming Signs**

5.12.1 A sign in legal existence at the date of coming into effect of these Regulations that is not in accordance with the standards of these Regulations may continue to exist provided the sign is maintained and in good repair and does not pose a safety hazard or obstruction. It may be modified or replaced provided such modification or replacement is in accordance with these Regulations.

## **5.13 Election Signs**

5.13.1 Election signs shall be subject to the following conditions:

- (a) Permission of the property owner is required for placement on private property.
- (b) The sign shall not cause an obstruction to neighbouring properties.
- (c) Election signs may be permitted on vacant land owned by the Town, provided they do not cause an obstruction to the travelling public or the work of the Town and are not located within the far limits of the street at any street intersection.
- (d) Election signs shall not be affixed or attached to Town buildings, structures, or signs.
- (e) Candidates shall remove their election signs within 36 hours after the close of polls on Election Day and shall ensure the site is cleaned up.
- (f) The Authority may remove and dispose of election signs that are still present after 36 hours following the close of polls on Election Day and the candidate shall be responsible for the costs and removal of such signs.

## **5.14 Real Estate Signs**

### **5.14.1 Real estate signs shall be subject to the following conditions:**

- (a) No real estate sign shall be affixed to any utility pole or municipal building, structure, or sign.
- (b) No real estate sign shall be erected or placed on publicly owned land without the permission of the property owner.
- (c) There shall be a limit of one double-faced sign per property for every 30 metres of lot frontage.
- (d) A corner lot may carry two double-faced signs, one sign for each street.
- (e) Portable real estate open house signs shall also be permitted provided their placement does not obstruct vehicular or pedestrian movement, and the duration of such placement is limited to the time of the actual open house.
- (f) A real estate sign marking that the property is "sold" may appear for a limit of two weeks from the date of the closing of the transaction.

## **5.15 Sandwich Board Sign**

### **5.15.1 Sandwich board signs shall meet the following conditions:**

- (a) The sign shall have a maximum of two sign faces, no greater than 0.55 square metres in area each.
- (b) The sign shall not exceed a height of 1.0 metre.
- (c) The sign shall be located a minimum of 3.0 metres from any driveway access.
- (d) Signs placed on a sidewalk shall maintain an unobstructed sidewalk width of at least 1.5 metres.
- (e) Signs shall only be placed outside during business hours and taken inside at other times.

## 5.16 Signs Permitted in Use Zones

5.16.1 Except signs exempt under Regulation 5.8 and signs prohibited under Regulation 5.9, the signs permitted in each use zone shall be in conformance with the following table and the sign-specific requirements of Regulations 5.17 through 5.23, where 'P' denotes a permitted sign type and signs identified with '-' or not listed are not permitted:

Use Zone	Canopy Signs	Change. Message Sign	Ground Signs	Menu Board Sign	Porta. Signs	Project. Signs	Wall Signs
Residential Zones							
• Home Occupation	-	-	P	-	-	-	-
• Multi-unit Dwelling	P	-	P	-	-	-	P
• Commercial Use	P	-	P	-	-	-	P
• Other Uses	-	-	-	-	-	-	-
Commercial General	P	P	P	P	P	P	P
Commercial Highway	P	P	P	P	P	P	P
Heritage Area	P	-	P	-	-	P	P
Industrial Light	P	P	P	-	P	P	P
Industrial General	P	P	P	-	P	P	P
Industrial Ocean Related	P	P	P	-	P	P	P
Public Buildings	P	P	P	-	P	P	P
Recreation Open Space	P	-	P	-	P	-	P
Conservation	-	-	-	-	-	-	-
Rural	P	-	P	-	P	P	P
Mineral Workings	-	-	P	-	P	-	P

## 5.17 Canopy Sign

5.17.1 Canopy signs, where permitted, shall meet the following conditions:

- The sign width shall not exceed the width of the wall to which it is attached.
- The lowest portion of the sign shall have a minimum vertical clearance of 2.2 metres above the ground surface below the sign.
- The canopy sign shall not be located on a wall that faces a side or rear lot line that abuts a residential zone.
- The sign shall be anchored and seemed in accordance with the requirements of the Town's Engineer.

## 5.18 Changeable Message Sign

5.18.1 A changeable message sign that is placed within a ground sign or within a wall sign shall meet the following conditions:

- (a) The changeable message sign face shall:
  - i) have a maximum illumination level of 1,000 lumens;
  - ii) have an instantaneous transition from one image or format to the next, without transitions that include scrolling, sliding, or rolling;
  - iii) have a minimum image display time of 8 seconds;
  - iv) be shielded to reduce glare in a manner acceptable to the Authority;
  - v) have a positive contrast orientation;
  - vi) not have animation, flashing, strobe, intermittent, or moving lights;
  - vii) not have lights in a colour or combination of colours which, in the opinion of the Authority, may be misinterpreted as an emergency/warning device or vehicle or other traffic control device;
  - viii) be turned off between midnight and 6:00am;
  - ix) display a black screen in the event of an error;
  - x) be automatically adjustable so that it does not increase the light levels (illuminance) adjacent to the changeable message sign by more than 3.0 lux above the ambient light level; and
  - xi) shall be located in such a manner that it is within the background of an existing or proposed traffic control signal when viewed from the approaching driving lane.
- (b) A changeable message sign that is part of a ground sign or a wall sign shall:
  - i) be located on a lot that has a minimum frontage of 30 metres;
  - ii) have no more than two faces, each of which shall not exceed an area of 7.0 square metres;
  - iii) have a maximum height from the established grade to the top of the sign of 8.0 metres;

- iv) be set back from traffic decision points a distance equal to the stopping sight distance based on the roadway posted speed as defined in the Transportation Association of Canada's Geometric Design for Canadian Roads;
- v) not be located closer than 2 metres to the front, side, or flanking street lot line;
- vi) Not be located within the limits of a utility or municipal service easement;
- vii) not interfere or obstruct access to or from a lot or create a visual obstruction to the travelling public;
- viii) not be located within 60 metres of a residential zone and shall not be oriented such that it faces an abutting residential zone;
- ix) shall be anchored and secured in accordance with the requirements of the Town's Engineer; and
- x) shall be constructed in accordance with engineered drawings prepared, signed, and sealed by a professional engineer of the Association of Professional Engineers and Geoscientists of Newfoundland and Labrador.

(c) Any proposed changeable message sign will be assessed for its impacts of traffic and surrounding properties in accordance with the "Digital and Projected Advertising Displays: Regulatory and Road Safety Assessment Guidelines" published by the Transportation Association of Canada, March 2015.

## 5.19 Ground Signs

### 5.19.1 Ground signs, where permitted shall be subject to the following standards:

Standard	
Sign Face Area (maximum)	0.5 m <sup>2</sup> for a home occupation 48 m <sup>2</sup> otherwise, with a maximum width of 6.0 m
Height (maximum)	8.0 m
Number permitted on a lot	1 Greater than one may be permitted at the discretion of the Authority
Setbacks (minimum)	0.5 x sign height from front lot line 1.0 metres from side lot lines
Separation distances (minimum)	3.0 m from dwellings on abutting lots, schools, or churches 15 m from ground signs on abutting lots

## 5.20 Menu Board Signs

5.20.1 Menu board signs, where permitted, shall be subject to the following standards:

Standard	
Sign Face Area (maximum)	4.1 m <sup>2</sup> for menu board 2.0 m <sup>2</sup> for pre-menu board
Height (maximum)	3.0 m
Number permitted	1 pre-menu board and 1 menu board per drive-through aisle

## 5.21 Portable Signs

5.21.1 Portable signs, where permitted, shall be subject to the following conditions:

(a) The portable sign shall meet the following standards:

Standard	
Sign Face Area (maximum)	2 sign faces each not more than 9.0 m <sup>2</sup>
Height (maximum)	3.0 m
Setback (minimum)	1.5 m from any lot line, outside of the sight triangle on corner lots.
Number permitted	1 per 50 metres of frontage or part thereof, to a maximum of 3 portable signs per lot.

- (b) The sign must be located on the property on which the business is located and shall only display advertising for that business.
- (c) A home-based business is not permitted to have a portable sign.
- (d) Portable signs are not permitted on vacant property or on a road allowance.
- (e) The sign shall not interfere or obstruct access to or from a lot.
- (f) The sign shall not be placed on a portion of a lot that abuts a residential zone or existing residential lot.
- (g) The portable sign permit shall be valid for a period of 365 days (1 year) from the date of issue by the Authority. Upon expiration of the sign permit, the sign is to be removed or a new sign application submitted to the Authority and such permit may be renewed for further periods of 180 day upon application and approval.
- (h) Every portable sign or advertisement shall display, the name and phone number of the owner of the portable sign.

## **5.22 Projecting Signs**

**5.22.1** Projecting signs, where permitted, shall be subject to the following conditions:

- (a) The projecting sign shall be rigid in its design and construction so it is not permitted to swing in the wind.
- (b) The projecting sign shall not extend over streets, parking surfaces, or public lands except where approved by the Authority.
- (c) The lowest point on the projecting sign shall have a minimum vertical clearance of 3.0 metres from the ground surface.
- (d) The sign shall not project more than 3.0 metres from the building to which it is attached.

## **5.23 Wall Signs**

**5.23.1** Wall signs, where permitted, shall be subject to the following conditions:

- (a) The wall sign shall meet the following standards:

Standard	
Sign Face Area (maximum)	20% of the building face area
Width (maximum)	The width of the wall to which it is attached
Vertical clearance (minimum)	3.0 m above ground surface
Projection from wall (maximum)	0.3 m

- (b) Wall signs shall not face abutting residential lots.
- (c) The sign shall be anchored and secured in accordance with the requirements of the Town's Engineer.
- (d) A permit for a wall sign on the primary façade is not required for a new building for which development approval has been granted by the Authority.

## PART 6 PARKING

### 6.1 Off Street Automobile Parking Requirements

6.1.1 The minimum number of automobile parking spaces provided—and the minimum of those spaces for which a Level 2 EV charger is required—for any building, structure, use, or occupancy that is erected, enlarged, or established, shall conform to provisions of Table 6-1. Where a use class is not listed no minimum automobile parking is required by the Authority:

**Table 6-1: Minimum Automobile Parking Space Requirements**

Use Class	Minimum Number of Required Automobile Parking Spaces (FA = floor area)	Minimum Parking Spaces Served by Level 2 EV Charging
<b>Residential Use Classes</b>		
Boarding House Residential	1.0 space per sleeping unit	-
Double Dwelling	1.0 space per dwelling unit	-
Multi-unit Dwelling	1.25 spaces per dwelling unit	10%
Seasonal Residential	1.0 space	-
Single Dwelling	1.0 space	-
<b>Non-residential Use Classes</b>		
Accommodations	1.0 space per guest room	25%
Amusement	1.0 space per 10.0 m <sup>2</sup> FA	-
Animal Care	1.0 space per 28.0 m <sup>2</sup> FA	-
Catering	1.0 space per 3 customers that can be accommodated at one time	-
Childcare	1.0 space per 20.0 m <sup>2</sup> FA	-
Club and Lodge	1.0 space per 20.0 m <sup>2</sup> FA	-
Convenience Store	1.0 space per 28.0 m <sup>2</sup> FA	-
Cultural and Civic	1.0 space per 50.0 m <sup>2</sup> FA	2.0 spaces
Educational	Schools: 2.0 spaces per classroom Further education: 1.0 spaces per 5 users (student, faculty, and staff)	2.0 spaces
Funeral Home	1.0 space per 10.0 m <sup>2</sup> FA, not including floor area dedicated to crematoria	-
General Assembly	1.0 space per 10.0 m <sup>2</sup> FA	-
General Services	1.0 space per 28.0 m <sup>2</sup> FA	-
Indoor Assembly	1.0 space per 10 spectators that can be accommodated at one time	2.0 spaces
Kennel	3.0 spaces	-
Medical Clinics	1.0 space per 28.0 m <sup>2</sup> FA	-
Office and Professional	1.0 space per 28.0 m <sup>2</sup> FA	-
Personal Services	1.0 space per 28.0 m <sup>2</sup> FA	-
Place of Worship	1.0 space for every 5 seats	-
Service Station	1.0 space per 20.0 m <sup>2</sup> FA	-
Shop	1.0 space per 28.0 m <sup>2</sup> FA	5%
Shopping Centre	1.0 space per 20.0 m <sup>2</sup> FA	5%
Take-out Food Service	1.0 space per 20.0 m <sup>2</sup> FA	-
Theatre	1.0 space for every 5 seats	-

- 6.1.2 Notwithstanding Subsection 6.1.1, properties that are in the Heritage Area Use Zone and front on Water Street shall not be required to provide automobile parking.
- 6.1.3 Where floor area is used to determine the number of required automobile parking spaces, as specified in Subsection 6.1.1, and the number of required parking spaces results in a fraction, the number is rounded down to the nearest whole number, but there may not be fewer than one (1) parking space.
- 6.1.4 Where a percentage is used to determine the number of required parking spaces served by Level 2 EV charging, as specified in Subsection 6.1.1, and the number of required spaces results in a fraction, the number is rounded to the nearest whole number. Precisely half spaces (i.e. 0.5) are rounded to the nearest even number, with zero considered an even number.
- 6.1.5 On lots containing more than one use, the number of required automobile parking spaces shall be the sum of the spaces required for each use in Subsection 6.1.1. Rounding shall only occur after the spaces have been summed.
- 6.1.6 Where, in the opinion of the Authority, strict application of the above parking requirements is impractical or undesirable, the Authority 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 Authority for the provision and upkeep of alternative parking facilities within the general vicinity of the development.

## **6.2 Automobile Parking Space and Lot Standards**

- 6.2.1 Each parking space, except in the case of one or two-unit dwellings, shall be made accessible by means of a hard surfaced right-of-way at least 3.0 metres in width.
- 6.2.2 Parking required in any residential use zone shall be provided on the same lot as the dwelling or dwellings.
- 6.2.3 Parking spaces for multi-unit dwellings shall be provided in the rear yard where possible.
- 6.2.4 In any non-residential use zone, required parking spaces shall be provided within the limits of the zone in which the use is situated and not more than 200 metres distant from the use concerned.

6.2.5 The parking facilities required by this Regulation shall, except in the case of single or double dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.

6.2.6 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 15.0 square metres 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 Authority;
- (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 3.0 metres in height and more than 5.0 square metres 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 metres 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; and
- (h) where a parking area in a non-residential zone abuts a residential zone, a natural or structural visual barrier at least 1.0 metres in height shall be erected and maintained along the border of the parking area abutting the residential zone.

### **6.3 Bicycle Parking Instead of Automobile Parking Spaces**

6.3.1 The minimum number of automobile parking spaces required for a use, as outlined in Regulation 6.1, may be reduced by one (1) for every four (4) bicycle parking spaces provided meeting the requirements of Subsection 6.3.3. This substitution shall not apply to any residential dwelling with fewer than 10 dwelling units.

6.3.2 The maximum reduction of automobile parking spaces provided by Subsection 6.3.1 shall be limited to four (4) automobile parking spaces.

6.3.3 Bicycle parking spaces provided for the purposes of Subsection 6.3.1 shall:

- (a) be located between the main building and the front lot line unless, in the opinion of the Authority, this location is not possible due to the main building being located on or near the front lot line;
- (b) be accessible to the public;
- (c) have a minimum width of 0.6 metres and a minimum length of 2.0 metres;
- (d) be free of obstructions to a height of 3.0 metres;
- (e) be surfaced with asphalt, concrete, or interlocking paving stones;
- (f) not obstruct automobile or pedestrian circulation;
- (g) be accessed by an access lane with a minimum unobstructed width of 1.2 metres; and
- (h) include an “inverted U” or “post-and-ring” bicycle rack that:
  - i) is located on one side of the parking space and oriented parallel to the length of the parking space;
  - ii) is permanently mounted into or onto the surface with the midline of the rack at the midline of the length of the parking space; and
  - iii) is made of metal.

## 6.4 Off-Street Loading Requirements

- 6.4.1 Except in the Heritage Area Use Zone, 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, 15.0 metres long, 4.0 metres wide, and having a vertical clearance of at least 4.0 metres with direct access to a street or with access by a driveway of a minimum width of 6.0 metres to a street.
- 6.4.2 The number of loading spaces to be provided shall be determined by the Authority.
- 6.4.3 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.

## **PART 7 SUBDIVISION OF LAND**

### **7.1 Permit Required**

7.1.1 No land in the Planning Area shall be subdivided unless a permit for the development of the subdivision is first obtained from the Authority.

### **7.2 Development Agreement**

7.2.1 As a condition of approval for new developments that involve the construction of streets, sewers, or water lines, the Authority shall require a developer to enter into an agreement with the Town. Such agreements shall be negotiated between the developer and the Town for financing and development of services provided to the site. The agreement shall include specifications for water and sewer infrastructure; storm drainage; streets; sidewalks; open space; as well as school bus stops and neighbourhood mailboxes, where required.

### **7.3 Services to be Provided**

7.3.1 No permit shall be issued for the development of a subdivision unless provisions satisfactory to the Authority have been made in the application for a supply of drinking water, a properly designed sewage disposal system, and a properly designed storm drainage system.

### **7.4 Payment of Service Levies and Other Charges**

7.4.1 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 Authority 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 2.16 and 2.17.

### **7.5 Issue of Permit Subject to Considerations**

7.5.1 A permit shall not be issued when, in the opinion of the Authority, the development of a subdivision does not contribute to the orderly growth of the Town and does not demonstrate sound design principles. In considering an application, the Authority shall, without limiting the generality of the foregoing, consider:

- (a) the location of the land;
- (b) the availability of and the demand created for schools, services, and utilities;
- (c) the provisions of the Plan and Regulations affecting the site;

- (d) the land use, physical form, and character of adjacent developments;
- (e) the transportation network and traffic densities affecting the site;
- (f) the relationship of the project to existing or potential sources of nuisance;
- (g) soil and subsoil characteristics;
- (h) the topography of the site and its drainage;
- (i) natural features such as lakes, streams, topsoil, trees, and shrubs;
- (j) prevailing winds;
- (k) visual quality;
- (l) community facilities;
- (m) energy conservation;
- (n) such other matters as may affect the proposed development.

## **7.6 Building Permits Required**

- 7.6.1 Notwithstanding the approval of a subdivision by the Authority, a separate building permit shall be obtained for each building proposed to be erected in the area of the subdivision, and no building permit for any building in the area shall be issued until the developer has complied with all the provisions of these Regulations with respect to the development of the subdivision.

## **7.7 Form of Application**

- 7.7.1 Application for a permit to develop a subdivision shall be made to the Authority in accordance with Regulation 2.4.

## **7.8 Subdivision Subject to Zoning**

- 7.8.1 The subdivision of land shall be permitted only in conformity with the Use Zones delineated on the Zoning Maps.

## **7.9 Building Lines**

- 7.9.1 The Authority may establish building lines for any subdivision street and require any new building to be located on such building lines.

## **7.10 Public Open Space Dedication**

7.10.1 Consistent with Section 37 of the Act, before a development commences, the developer shall dedicate to the Authority, at no cost to the Authority, an area of useable land equivalent to 10% of the gross area of the subdivision for public open space.

7.10.2 For the purpose of Subsection 7.10.1, “useable land” means land that:

- (a) has at least 6.0 metres of frontage on a public street, or, where no frontage exists, connects to existing public lands;
- (b) is not subject to any easement for electrical power transmission lines;
- (c) is certified, in a form acceptable to the Authority, as being free of all encumbrances; and
- (d) contains characteristics that provide public amenity, including, but not limited to:
  - i) lands suitable for walking or hiking;
  - ii) lands suitable for public parks and playgrounds;
  - iii) traditional coastal access points;
  - iv) beaches suitable for public swimming;
  - v) vehicular access to navigable waters, suitable for boat launching and retrieval; or,
  - vi) land containing structures or building of significant historical value to the community and usable for public purposes.

7.10.3 Notwithstanding Subsection 7.10.1, a public open space dedication shall not be required for:

- (a) Lot consolidations.
- (b) Boundary adjustments between two lots where the total area of the two lots does not change.
- (c) Subdivision of lands owned by a public body.

7.10.4 Consistent with Section 37 of the Act, the Authority may accept payment of a sum of money in lieu of such area of areas of land, equal to the value of the land which would otherwise be required to be dedicated. For greater clarity, the value of land shall be calculated according to the following formula:

value of money in lieu required by the Authority = (a) x (b)

where,

a = estimated assessed pre-development value of subdivided land per square metre in Canadian dollars

b = number of square metres required based on these Regulations, calculated to the nearest whole number

- 7.10.5 Money received by the Authority in accordance with Subsection 7.10.3, shall be reserved by the Authority for the purpose of the acquisition or development of land for public open space or other public purpose.
- 7.10.6 Land dedicated for public use in accordance with this Regulation shall be conveyed to the Authority and may be sold or leased by the Authority for the purposes of any development that conforms with the requirements of these Regulations, and the proceeds of any sale or other disposition of land shall be applied against the cost of acquisition or development of any other land for the purposes of public open space or other public purposes.
- 7.10.7 The Authority may require a strip of land to be reserved and remain undeveloped along the banks of any river, brook or pond, and this land may, at the discretion of the Authority, constitute the requirement of land for public use under Subsection 7.10.1

## **7.11 Structure in Street Reservation**

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

## 7.12 Subdivision Design Standards

7.12.1 No permit shall be issued for the development of a subdivision under these Regulations unless the design of the subdivision conforms to the following standards:

- (a) The finished grade of streets shall not exceed 10 percent.
- (b) No cul-de-sac shall be located so as to appear to terminate a collector street.
- (c) New subdivisions shall have street connections with an existing street or streets.
- (d) All street intersections shall be constructed within 5° of a right angle and this alignment shall be maintained for 30 metres from the intersection.
- (e) No street intersection shall be closer than 60 metres to any other street intersection.
- (f) No more than four streets shall join at any street intersection.
- (g) No residential street block shall be longer than 490 metres between street intersections.
- (h) Streets in residential subdivisions shall be designed in accordance with the approved standards of the Authority, but in the absence of such standards, shall conform to the following minimum standards:

Type of Street	Street Reservation	Pavement Width	Sidewalk Width	Sidewalk Number
Major Arterial Streets	45 m	15 m	2.0 m	2
Minor Arterial Streets	30 m	15 m	2.0 m	2
Major Collector Streets	20 m	15 m	2.0 m	2
Minor Collector Streets	15 m	9 m	2.0 m	2
Local Residential Streets	15 m	9 m	1.5 m	2
Service Streets	15 m	9 m	1.5 m	discretion of Council

- (i) No lot intended for residential purposes shall have a depth exceeding four times the frontage.
- (j) Residential lots shall not be permitted which abut a local street at both front and rear lot lines.
- (k) The Authority may require any existing natural, historical, or architectural feature or part thereof to be retained when a subdivision is developed.

- (I) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land.

#### **7.13 Dead-end Streets**

- 7.13.1 Dead-end streets shall be limited to areas where through street connections are not possible as determined by a qualified professional.
- 7.13.2 Every dead-end street shall be terminated with:
  - (a) a turning circle of not less than 30.0 metres in diameter; or
  - (b) a turning tee with arms extending at least 18.0 metres from the centre line of the street.
- 7.13.3 The maximum length of any dead-end street shall be:
  - (a) 300.0 metres in the Mineral Working Zone, Watershed Zone, Recreational Open Space Zone, Residential Rural Zone, and Residential Seasonal Zone; and
  - (b) 200.0 metres in all other use zones.

#### **7.14 Engineer to Design Works and Certify Construction Layout**

- 7.14.1 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 Authority to service the area proposed to be developed or subdivided shall be designed and prepared by or approved by the Engineer. Such designs and specifications shall, upon approval by the Authority, be incorporated in the plan of subdivision.
- 7.14.2 Upon approval of the proposed subdivision by the Authority, 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 their 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 Authority to service the said area.

## **7.15 Developer to Pay Engineer's Fees and Charges**

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

## **7.16 Street Works May Be Deferred**

7.16.1 The construction and installation of all curbs and gutters, catch basins, sidewalks and paving specified by the Authority as being necessary, may, at the Authority's discretion, be deferred until a later stage of the work on the development of the subdivision but the developer shall deposit with the Authority 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.

7.16.2 In the later stage of the work of development, the Authority 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 Authority the amount of the excess. If the contract price is less than the deposit, the Authority shall refund the amount by which the deposit exceeds the contract price.

7.16.3 Any amount so deposited with the Authority by the developer shall be placed in a separate savings account in a bank and all interest earned thereon shall be credited to the developer.

## **7.17 Transfer of Streets and Utilities to Authority**

7.17.1 The developer shall, following the approval of the subdivision of land and upon request of the Authority, transfer to the Authority, at no cost to the Authority, 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 Authority 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 Authority.

- 7.17.2 Before the Authority 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 their satisfaction with the installation.
- 7.17.3 The Authority 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 Authority.

**7.18      Restriction on Development of Lots**

- 7.18.1 No development approval shall be issued on a lot within a subdivision until the Authority 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.

**7.19      Grouping of Buildings and Landscaping**

- 7.19.1 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.
- 7.19.2 Building groupings, once approved by the Authority, shall not be changed without written application to and subsequent approval of the Authority.

## **PART 8 USE ZONES & PERMITTED USES**

### **8.1 Use Zones**

8.1.1 For the purpose of these Regulations, the Planning Area is divided into the following use zones, the boundaries of which are shown on Schedule 'C', the Zoning Map, attached to and forming part of these Regulations. Such use zones may be referred to by the appropriate symbols:

**Table 8-1: Use Zone Names and Symbols**

Residential Use Zone Name	Zone Symbol
Residential Low Density	RLD
Residential Medium Density	RMD
Residential Higher Density	RHD
Residential Rural	RR
Residential Large Lot	RLL
Residential Seasonal	RS
Non-Residential Use Zone Name	Zone Symbol
Commercial General	CG
Commercial Highway	CH
Heritage Area	HA
Industrial Light	IL
Industrial General	IG
Industrial Ocean Related	IOR
Public Buildings	PB
Recreation Open Space	ROS
Conservation	CON
Rural	RUR
Mineral Workings	MW
Watershed	W

8.1.2 In addition to 8.1.1, these Regulations contains the following overlay zones, shown on the attached Schedule 'D', which implement additional requirements beyond those created by the underlying zoning:

**Table 8-2: Overlay Zones**

Overlay Zone Name
Floodway Overlay Zone
Floodway Fringe Overlay Zone

## **8.2 Delineation of Use Zone Boundaries**

### **8.2.1 Boundaries between use zones shall be determined as follows:**

- (a) where a zone boundary is indicated as following a survey line, the boundary shall follow that line;
- (b) where a zone boundary is indicated as following a street or controlled access highway, the centreline of the street or controlled access highway shall be the boundary unless otherwise indicated;
- (c) where a zone boundary is indicated as following a railway or utility right-of-way, the centreline of the right-of-way shall be the boundary unless otherwise indicated;
- (d) where the zone boundary is indicated as approximately following lot lines, the boundary shall follow the lot lines;
- (e) where the zone boundary is indicated as following the shoreline of a river, watercourse, lake or saltwater body, the mean high water mark shall be the boundary and the zone boundary shall follow any changes to the mean high water mark of the watercourse; and
- (f) where none of the above provisions apply, the Authority shall scale the zone boundary from the zoning map.

## **8.3 Use Classes**

### **8.3.1 The specific uses to be included in each use class in these Regulations shall be determined by the Authority in accordance with the classification and examples set out in Schedule 'A'.**

## 8.4 Permitted and Discretionary Uses

8.4.1 Permission for use classes in each use zone shall be as outlined in Table 8-3 and Table 8-4, subject to the following scheme:

- (a) Use classes denoted with a "P" shall be permitted in that use zone subject to all requirements of these Regulations.
- (b) Use classes denoted with a "PC" shall be permitted in that use zone subject to all requirements of these Regulations, including any use-specific provisions of Regulations 8.5 through 8.15.
- (c) Use classes denoted with a "D" are discretionary use classes and may be permitted in that use zone if the Authority is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, specific provisions outlined in Part 9 or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if the Authority has given notice of the application in accordance with Regulation 2.5 and has considered any objections or representations which may have been received on the matter.
- (d) Uses classes denoted with a "-" or not listed in the table shall not be permitted in that use zone.

**Table 8-3: Use Classes in Residential Zones**

Residential Use Classes	RLD	RMD	RHD	RR	RLL	RS
Accessory Dwelling						
▷ 81.0 m <sup>2</sup> or less floor area	PC	PC	PC	PC	PC	-
▷ More than 81.0 m <sup>2</sup> floor area	D	D	D	D	D	-
Boarding House Residential	D	D	D	D	D	-
Collective Residential	-	D	P	-	-	-
Double Dwelling	P	P	P	P	D	-
Multi-unit Dwelling						
▷ 3 dwelling units on a lot	-	P	P	-	-	-
▷ 4-20 dwelling units on a lot	-	D	P	-	-	-
▷ 20+ dwelling units on a lot	-	D	D	-	-	-
Row Dwelling	-	P	P	-	-	-
Seasonal Residential	-	-	-	-	-	P
Single Dwelling	P	P	P	P	P	-
Non-residential Use Classes	RLD	RMD	RHD	RR	RLL	RS
Accommodations	-	D	-	-	-	-
Animal Care	-	-	-	P	-	-
Agriculture Related	-	-	-	P	-	-
Antenna	D	D	D	D	D	D
Childcare	D	D	P	-	D	-
Community Garden	P	P	P	P	P	P
Conservation	P	P	P	P	P	P
Educational – Limited to Elementary Schools	-	D	D	-	-	-
Home Occupation						
▷ Level 1	PC	PC	PC	PC	PC	-
▷ Level 2	D	D	D	D	D	-
Personal Services	-	-	P	-	-	-
Place of Worship	-	D	D	-	-	-
Recreational Open Space	P	P	P	P	P	P
Special Care Institutions	-	P	P	-	-	-

**Table 8-4: Use Classes in Non-residential Zones**

<b>Residential Use Classes</b>	<b>CG</b>	<b>CH</b>	<b>HA</b>	<b>IL</b>	<b>IG</b>	<b>IOR</b>	<b>PB</b>	<b>ROS</b>	<b>CON</b>	<b>RUR</b>	<b>MW</b>	<b>W</b>
Boarding House Residential	-	-	PC	-	-	-	-	-	-	-	-	-
Collective Residential	-	-	-	-	-	-	P	-	-	-	-	-
Double Dwelling	-	-	PC	-	-	-	-	-	-	-	-	-
Multi-unit Dwelling	PC	-	PC	-	-	-	-	-	-	-	-	-
Seasonal Residential	-	-	-	-	-	-	-	-	-	-	-	D
Single Dwelling	-	-	PC	-	-	-	-	-	-	PC	-	-
<b>Non-residential Use Classes</b>	<b>CG</b>	<b>CH</b>	<b>HA</b>	<b>IL</b>	<b>IG</b>	<b>IOR</b>	<b>PB</b>	<b>ROS</b>	<b>CON</b>	<b>RUR</b>	<b>MW</b>	<b>W</b>
Accommodations	P	P	P	-	-	-	-	-	-	-	-	-
Agriculture Related	-	-	-	-	-	-	-	-	-	PC	-	D
Amusement	P	-	P	-	-	-	-	-	-	-	-	-
Animal Care	P	-	P	P	D	-	-	-	-	P	-	-
Antenna	D	D	-	D	D	D	D	D	-	D	D	D
Catering	P	P	P	-	-	D	PC	-	-	-	-	-
Cemetery	-	-	-	-	-	-	-	-	-	D	-	-
Childcare	P	-	P	D	-	-	PC	D	-	-	-	-
Club and Lodge	P	-	P	-	-	-	P	-	-	-	-	-
Communications	P	-	P	P	-	-	D	-	-	-	-	-
Community Garden	P	P	P	P	-	-	P	P	-	P	-	-
Conservation	P	P	P	P	P	P	P	P	P	P	P	P
Convenience Store	P	P	P	-	-	-	PC	-	-	-	-	-
Craft Beverage Production	P	P	P	P	P	-	-	-	-	-	-	-
Cultural and Civic	P	-	P	-	-	-	P	D	-	-	-	-
Educational	P	-	D	D	-	-	P	-	-	-	-	-
Forestry	-	-	-	-	-	-	-	-	-	P	-	D
Funeral Home	P	-	-	P	P	-	D	-	-	-	-	-
General Assembly	P	-	P	-	-	-	P	-	-	-	-	-
General Industry	D	-	-	D	P	-	-	-	-	PC	PC	-
General Services	P	D	P	D	-	-	PC	-	-	-	-	-
Hazardous Industry	-	-	-	D	D	-	-	-	-	-	-	D
Indoor Assembly	D	-	-	-	-	-	P	D	-	-	-	-
Indoor Market	P	-	P	-	D	D	-	-	-	-	-	-
Kennel	D	-	-	P	D	-	-	-	-	P	-	-
Light Industry	D	-	-	P	P	-	-	-	-	-	-	-
Marine Industry	-	-	D	-	P	P	-	-	-	-	-	-
Medical Treatment Institutions	-	-	-	-	-	-	P	-	-	-	-	-
Medical Clinics	P	-	P	D	-	-	PC	-	-	-	-	-
Mineral Exploration	P	P	-	P	P	P	P	-	D	P	P	-
Mineral Working	-	-	-	-	-	-	-	-	-	D	PC	-
Mining	-	-	-	-	-	-	-	-	-	D	PC	-
Office and Professional	P	D	P	D	-	-	PC	-	-	-	-	-
Outdoor Assembly	D	D	-	-	-	-	-	D	-	D	-	-
Outdoor Market	P	D	P	-	-	D	-	-	-	D	-	-
Passenger Assembly	P	P	-	D	D	P	-	-	-	-	-	-
Penal and Correctional	-	-	-	-	-	-	D	-	-	-	-	-
Personal Services	P	P	P	D	-	-	PC	-	-	-	-	-
Place of Worship	P	-	P	-	-	-	P	-	-	-	-	-
Police Station	P	P	-	D	-	-	-	-	-	-	-	-
Recreational Open Space	P	P	D	P	P	-	P	P	D	P	-	D
Scrap Yard	-	-	-	-	D	-	-	-	-	D	-	-
Service Station	PC	PC	-	PC	PC	-	-	-	-	-	-	-
Shop	P	P	P	D	D	-	-	-	-	-	-	-
Shopping Centre	P	-	-	-	-	-	-	-	-	-	-	-
Solar Collector, Large-scale	P	-	-	-	-	-	-	-	-	P	P	-
Solid Waste	-	-	-	-	D	-	-	-	-	D	D	-
Special Care Institutions	-	-	-	-	-	-	-	P	-	-	-	-
Take-out Food Service	P	P	P	P	-	-	-	D	-	-	-	-
Taxi Stand	P	P	-	P	-	-	-	-	-	-	-	-
Theatre	P	-	-	-	-	-	D	-	-	-	-	-
Transportation	-	-	D	-	P	P	-	-	-	P	-	-
Wind Turbine	-	-	-	-	-	-	-	-	-	PC	PC	-

## **8.5 Accessory Dwelling Conditions**

**8.5.1 Accessory dwellings, where permitted, shall meet the following requirements:**

- (a) Only one (1) accessory dwelling shall be permitted on a lot.
- (b) If the accessory dwelling is in a separate building from the main dwelling:
  - i) the accessory dwelling shall be subject to the use zone height requirements for accessory buildings and all other use zone requirements for main buildings;
  - ii) the accessory dwelling shall be located in the side yard or rear yard; and
  - iii) windows and other perforations shall not be located on any elevations closer than 1.2 metres from any adjacent lot.
- (c) The floor area of the accessory dwelling shall not exceed 81.0 square metres or the floor area of the main dwelling, whichever is less. This shall not apply for accessory dwellings considered as discretionary uses.
- (d) Accessory dwellings shall not be used as accommodations uses.

## **8.6 Agriculture Related Use Conditions**

**8.6.1 Agriculture related uses, where permitted, involving structures designed to house more livestock than permitted by Regulation 4.4 shall meet the following requirements:**

- (a) The animal housing structure(s) shall be at least 600 metres from residential zones and from existing dwellings except for dwellings located on properties with an agricultural use or for dwellings that are a non-conforming use in the use zone in which the animal housing structure is proposed.
- (b) The animal housing structure(s) shall be set back a minimum of 60 metres from all property lines.
- (c) The animal housing structure(s) shall be set back a minimum of 90 metres from the centre line of all streets.
- (d) The erection of the structure shall be approved by the Department of Fisheries, Forestry and Agriculture and the Department of Environment and Climate Change.

## 8.7 Level 1 Home Occupation Conditions

8.7.1 Level 1 home occupations, where permitted, shall be accessory to a dwelling and shall be subject to the following requirements:

Permitted Use Classes	<ul style="list-style-type: none"><li>» Accommodations</li><li>» Childcare – 7 or fewer dependents</li><li>» Household item service repair</li><li>» Medical clinics</li><li>» Office and professional</li><li>» Personal service</li></ul>
Maximum Number of On-site, Non-resident Employees	2
Maximum Floor Area of Home Occupation	If located within the dwelling, 25 percent of the floor area of the dwelling unit or 45 square metres, whichever is less. If located within an accessory building, 45 square metres. The maximum floor area shall not apply to childcare facilities.  Accommodations uses shall not be limited in floor area but shall be operated within the main dwelling and shall be limited to a maximum of six (6) guest bedrooms.
Outdoor Storage and Display	Outdoor storage and displays are not permitted.
Retail Sales	Retail sales shall be permitted if they are related to and incidental to the primary service being provided by the home occupation.

8.7.2 Notwithstanding 8.7.1, the home occupation use shall clearly be subsidiary to the residential use, shall not alter the residential character of the property, and shall not detract from the residential character of the neighbourhood. The external appearance of the dwelling shall not be changed by the home occupation.

8.7.3 The principal operator of a home occupation shall reside in the dwelling where the use is located.

## **8.8 Conditional Uses in the Public Buildings Zone**

- 8.8.1 Within the Public Buildings Zone, standalone buildings containing the office and professional use class shall be restricted to office buildings intended to accommodate governmental, public utility, banking, or similar regionally significant services.
- 8.8.2 Within the Public Buildings Zone, the following use classes shall only be permitted when located within the building of a non-conditional permitted use class:
  - (a) Catering
  - (b) Childcare
  - (c) Convenience store
  - (d) General service
  - (e) Medical clinics
  - (f) Office and professional (not otherwise permitted by 8.8.1)
  - (g) Personal service

## **8.9 General Industry Conditions**

- 8.9.1 General industry uses in the Rural Use Zone shall be restricted to maintenance and repair of equipment; processing and storage related to agriculture, forestry, or mineral working uses; or other such uses as the Authority may determine to be compatible with the rural environment.
- 8.9.2 General industry uses in the Mineral Working Zone shall be restricted to maintenance and repair of equipment, or the development of such other resource based industry as the Authority may determine to be compatible with mineral working or exploration.

## 8.10 Mineral Working and Mines Conditions

8.10.1 Mineral workings and mines, where permitted, shall be subject to the conditions of this Regulation, in addition to all other applicable Regulations.

### Separation from Adjacent Uses

8.10.2 Unless the Authority is satisfied that the working will not create a nuisance and will not adversely affect the amenity of the specified development or natural feature, no mineral working or mine shall be located closer than the minimum distances set out below to the specified development or natural feature:

Feature from which separation is required	Minimum separation distance
Existing or proposed residential development	300 metres
Public highway or street	50 metres
Protected Road	90 metres
Water body or watercourse	50 metres
Any other developer area or area likely to be developed during the life of the mineral working	150 metres

8.10.3 Where a mineral working or mine originally observes the separation distances outlined in 8.10.2 and is later encroached upon, such encroachment shall not cause the mineral working or mine to be discontinued or impeded.

### Screening

8.10.4 A mineral working or mine shall be screened in the following manner where it is visible from a public street or highway, developed area, or area likely to be developed during the life of the use:

(a) where tree screens exist between the mineral working or mine and adjacent public highways and streets or other land uses (excepting forestry and agriculture), the tree screens shall be retained in a 30-metres-wide strip of vegetation so that visibility of any part of the use from the surrounding uses or streets will be prevented. The tree screens must be maintained by the owner or occupier of the use to retain 30 metres in a forested appearance. Where vegetation dies or is removed from the 30-metre strip, the Authority may require new trees of a minimum height of 1.0 metre be planted to fill in the areas affected to the satisfaction of the Authority or, at the discretion of the Authority, condition 8.10.4(b) must be undertaken;

- (b) where no tree screens exist of sufficient width and density to constitute a visual screen, earthen berms shall be constructed to a height sufficient to prevent visibility of any part of the mineral working or mine from adjacent uses (excepting forestry and agriculture), or adjacent public highways and streets. The berms shall be landscaped to the Authority's satisfaction;
- (c) where natural topography creates a visual screen between mineral workings or mines and adjacent public highways and streets or other land uses (excepting forestry and agriculture), additional screening may, at the Authority's discretion, not be required; and
- (d) where effective screening for any mineral working or mine or associated processing or manufacturing use cannot be installed or located as required in (a) - (c) above, the Authority may refuse to permit the use or associated activity.

#### **Fencing**

8.10.5 The Authority may require the mineral working site or mine or excavated areas of a pit or quarry working to be enclosed by a fence designed and constructed to its specifications and no less than 1.8 metres in height.

#### **Water Pollution**

8.10.6 Mineral workings or mines or associated storm or sanitary drainage shall not unacceptably reduce the quality of water in any water body or watercourse. Any access road to a pit or quarry working which crosses a brook or stream shall have bridges or culverts at the crossing in accordance with the regulations of the Department of Environment and Climate Change.

#### **Erosion Control**

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

#### **Site Maintenance**

8.10.8 The mineral working or mine shall be kept clean of refuse, abandoned vehicles and equipment, and any derelict buildings.

#### **Access Roads**

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

### **Stockpiling Cover Material**

8.10.10 All stumps, organic material, and topsoil, including the rusty coloured and iron-stained layer, shall be stripped and stockpiled at least 5 metres from active quarry or stockpile areas. The owner or operator shall ensure that the quality of the topsoil is not affected by dilution with other materials.

### **Operating Plant and Associated Processing and Manufacturing**

8.10.11 The Authority may permit processing and manufacturing use associated with mineral workings or mines provided that, in the opinion of the Authority, the use does not create a nuisance nor is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of fumes, dust, dirt, objectionable odour, or by reason of unsightly storage of materials.

### **Termination and Site Rehabilitation**

8.10.12 Upon completion of the mineral working or mine, the following work shall be carried out by the operation:

- (a) all buildings, machinery and equipment shall be removed;
- (b) all pit and quarry slopes shall be graded to slopes less than 20 degrees or to the slope conforming to that existing prior to the mineral working;
- (c) topsoil and any organic materials shall be re-spread over the entire quarried area; and
- (d) the access road to the working shall be ditched or barred to the satisfaction of the Authority.

8.10.13 If the mineral working or mine contains reserves of material sufficient to support further extraction operations, the Authority may require the work described above to be carried out only in areas of the site where extraction has depleted aggregate reserves.

## **8.11 Multi-unit Dwelling Conditions**

8.11.1 Within the Commercial General Zone, multi-unit dwelling uses shall not be located on the ground floor.

8.11.2 Notwithstanding 8.11.1, entrances, lobbies, amenity spaces (such as gyms), and mail rooms for multi-unit dwellings shall be permitted on the ground floor.

## **8.12 Residential Uses in the Heritage Area Use Zone Conditions**

- 8.12.1 New residential uses within the Heritage Area Use Zone on properties fronting on Water Street west of Bond Street shall not be located on the ground floor.
- 8.12.2 Notwithstanding 8.12.1, entrances, lobbies, amenity spaces (such as gyms), and mail rooms for residential use shall be permitted on the ground floor.
- 8.12.3 Notwithstanding 8.12.1, existing residential uses on the ground floor shall be considered conforming uses and shall be permitted to expand, subject to all applicable Regulations.

## **8.13 Service Station Conditions**

- 8.13.1 Service stations, where permitted, shall be subject to the following conditions:

- (a) All gasoline pumps shall be located on pump islands designed for such purpose, and to which automobiles may gain access from either side.
- (b) Pump islands shall be set back at least 4 metres from the front lot line.
- (c) Accesses shall not be less than 7 metres wide and shall be clearly marked.
- (d) Where a service station is located on a corner lot, the minimum distance between an access and the intersection of street lines at the junction shall be 10 metres and the lot line between entrances shall be clearly indicated.

## **8.14 Single Dwelling Conditions**

- 8.14.1 Single dwellings in the Rural Use Zone shall only be permitted as an accessory use required in support of a commercial agricultural operation which has been in existence for a minimum of two (2) years and where the owner derives a minimum of 50% of their annual gross income from the agricultural operation.

## 8.15 Wind Turbine Conditions

### 8.15.1 Wind turbines, where permitted shall be subject to the following conditions:

- (a) The total combined nameplate capacity for all wind turbines on a lot shall not exceed 2.0 megawatts.
- (b) Wind turbines shall have minimum separation distances as follows:

Feature from which separation is required	Minimum separation distance
Habitable buildings external to the wind energy project	50 metres for wind turbines with a nameplate capacity of 5.0 kilowatts or smaller 600 metres for wind turbines with a nameplate capacity greater than 5.0 kilowatts
Habitable buildings internal to the wind energy project	1.25 times the height of the turbine
Property lines	1.25 times the height of the turbine
Streets and railway rights-of-way	1.25 times the height of the turbine

- (c) Wind turbines shall not exceed 80 metres in height.
- (d) Wind turbines shall not contain exterior lighting, except those recommended by the manufacturer or required by regulatory agencies for safety purposes.
- (e) No sign shall appear on a wind turbine, except those identifying the owner or manufacturer.
- (f) Rotor blade clearance shall be at least 8.0 metres above grade.

## **PART 9 DISCRETIONARY CONSIDERATIONS**

9.1.1 In addition to general considerations for all discretionary uses, the Authority shall consider the use-specific provisions of this Regulation where applicable.

### **9.2 Accessory Dwellings**

9.2.1 In considering accessory dwellings as a discretionary use, the Authority shall ensure the use meets of conditions of Regulation 8.5 except as they relate to floor area.

### **9.3 Accommodations**

9.3.1 Accommodations in the Residential Medium Density Zone shall be limited to Crockers Cove Point. In considering an accommodations use in this location, the Authority shall ensure:

- (a) buildings are designed and placed on the site to blend into the natural surroundings, considering the landscape, topography, visibility of the site from the Town and from Conception Bay, and with a minimum building line setback from the front lot line of 15 metres;
- (b) building height is limited to 10 metres unless the proponent provides visual impact assessment, prepared at their expense, showing how the proposed building will appear on the site and from surrounding vantage points;
- (c) the site is designed to minimize hard surface areas such as parking lots;
- (d) site features such as parking, lighting, dumpster and waste disposal facilities, loading areas, decks, and related outdoor amenity areas shall be designed, placed, and screened as appropriate to minimize impact on the surrounding residential areas with respect to noise, light, and visual amenity;
- (e) buildings are set back from the top of the cliff a minimum of 30 metres; and
- (f) an archaeological assessment is conducted in accordance with the requirements of the **Historic Resources Act** and the Provincial Archaeology Office.

## **9.4 Childcare**

**9.4.1** In considering childcare as a discretionary use, the Authority shall ensure:

- (a) surrounding industrial uses do not pose safety hazards for the childcare use;
- (b) sufficient space is available on the lot to achieve adequate separation distances from adjoining industrial uses to reduce any impacts from noise, dust, or odours on the childcare use;
- (c) adequate space for access, drop off, and parking are available to ensure the safety of children; and
- (d) fencing and screening will be required for any outdoor play areas that are part of the childcare use.

## **9.5 Hazardous Industrial Uses**

**9.5.1** In considering uses involving hazardous substances as a discretionary use, the Authority shall include the following conditions:

- (a) where a lot proposed for hazardous use abuts a residential property, such uses shall be limited to Class II liquids as defined by the National Fire Code;
- (b) a separation distance no less than 91 metres, determined by the Authority, shall be maintained between any adjacent residential development and the industrial use;
- (c) the use shall not cause or promote fires or other hazards and shall not emit noxious, offensive, or dangerous fumes, smoke, gases, radiation, smells, ash, dust, grit, excessive noise, or vibration;
- (d) the site shall be fenced and landscaped to the satisfaction of the Authority; and
- (e) the use shall be subject to the approval of the relevant federal and provincial authorities having jurisdiction over such uses from an environmental and occupational health and safety point of view.

## **9.6 Home Occupation, Level 2**

9.6.1 In considering Level 2 Home Occupations as a discretionary use, the Authority shall ensure:

- (a) the activities operated as the home occupation are limited to:
  - i) Convenience Store;
  - ii) Light Industry, limited to Workshops;
  - iii) Animal Care
- (b) the overall residential nature of the property and the residential amenity of the surrounding area are maintained through conditions such as, but not limited to, standards for:
  - i) floor area of the home occupation;
  - ii) screening;
  - iii) location and size of parking area;
  - iv) location and size of solid waste storage; and
  - v) landscaping.

## **9.7 Marine Industrial Uses in the Heritage Area Use Zone**

9.7.1 Marine industrial uses shall only be considered as a discretionary use in the area between Water Street and the waterfront and will be restricted to the conversion or extension of existing buildings for ocean-related use, subject to safe vehicular access to the waterfront and adequate off-street parking.

## **9.8 Mineral Workings in the Rural Use Zone**

9.8.1 Mineral workings may be considered as a discretionary use in the Rural Use Zone. Where such a use has been approved by the Authority, the conditions of Regulation 8.10 shall apply.

## **9.9 Seasonal Residential in the Watershed Use Zone**

9.9.1 Seasonal residential uses may be considered as a discretionary use in the Watershed Use Zone, where:

- (a) the land was granted for recreational use prior to the site being zoned as Watershed; and
- (b) the site is approved by the Department of Environment and Climate Change.

## PART 10 USE ZONE STANDARDS

### 10.1 Residential Low Density (RLD) Use Zone Development Standards

10.1.1 Development in the Residential Low Density (RLD) Use Zone shall conform with the following standards:

Standard	Double Dwelling	All Other Permitted and Discretionary Uses
Lot area (m <sup>2</sup> ) min.	375.0 / unit	750.0
Lot frontage (m) min.	7.5 / unit	15.0
Building line setback (m) min.	8.0	8.0
Side yard setback (m) min.	3.0	3.0
Rear yard setback (m) min.		
» Main buildings	10.0	10.0
» Accessory buildings	3.0	3.0
Lot coverage (%) max.		
» Accessory buildings	10	10
» Total (main + accessory)	33	33
Height (m) max.		
» Main buildings	9.0	9.0
» 1-story accessory buildings	4.5	4.5
» 2-story accessory buildings	6.1	6.1
Minimum floor area (m <sup>2</sup> ) per dwelling unit	110.0	110.0
Maximum floor area (m <sup>2</sup> ) per accessory building	81.0	81.0

#### Municipal Service Requirement

10.1.2 Development within the Residential Low Density (RLD) Use Zone is conditional upon municipal water, sewer, and street services being directly available to sites proposed for development.

## 10.2 Residential Medium Density (RMD) Use Zone Development Standards

10.2.1 Development in the Residential Medium Density (RMD) Use Zone shall conform with the following standards:

Standard	Double Dwelling and Row Dwelling	Multi-unit Dwelling	All Other Permitted and Discretionary Uses
Lot area (m <sup>2</sup> ) min.	225.0 / unit	450.0	450.0
Lot frontage (m) min.	6.0 / unit	12.0	12.0
Building line setback (m) min.	6.0	6.0	6.0
Side yard setback (m) min.	1.5	1.5	1.5
Rear yard setback (m) min.			
> Main buildings	8.0	8.0	8.0
> Accessory buildings	1.5	1.5	1.5
Lot coverage (%) max.			
> Accessory buildings	10	10	10
> Total (main + accessory)	40	40	40
Height (m) max.			
> Main buildings	10.0	10.0	10.0
> 1-story accessory buildings	4.5	4.5	4.5
> 2-story accessory buildings	6.1	6.1	6.1
Minimum floor area (m <sup>2</sup> ) per dwelling unit	65.0	40.0	65.0
Maximum floor area (m <sup>2</sup> ) per accessory building	81.0	81.0	81.0

### Minimum Floor Area

10.2.2 Notwithstanding the minimum floor area per dwelling unit established in 10.2.1, the Authority may consider smaller floor areas per dwelling unit as a discretionary use.

### Municipal Service Requirement

10.2.3 Development within the Residential Medium Density (RMD) Use Zone is conditional upon municipal water, sewer, and street services being directly available to sites proposed for development.

### Backlot Development

10.2.4 Where vacant parcels in the Residential Medium Density (RMD) Use Zone existing on December 24, 2004 have access to a public street and meet the lot area requirements of 10.2.1, but do not have the required frontage on a publicly maintained street, they may be developed provided the following conditions are met:

- (a) only single dwellings shall be permitted;

- (b) the lot must have access to, and street line frontage on, a publicly maintained street;
- (c) the development of the lot must not prevent the use of adjoining lands for future development. Where there is potential for additional development in the area, the lot and access shall be developed in a manner which will accommodate future development;
- (d) where there is no potential for future development, the access to the public street shall be a minimum of 6 metres in width and shall be treated as a private driveway;
- (e) the site shall be serviced - at the owner's expense - with municipal water and sewer, constructed to standards set by the Authority;
- (f) access to the public street shall ditched on both sides to provide drainage connecting to the public storm drainage system;
- (g) the minimum building setback shall be 30 metres and the maximum setback shall be 90 metres, measured from the streetline;
- (h) the Authority shall refer all applications for the development of backlots to the Municipal Fire Department for confirmation that adequate fire flows can be delivered to the site before a development permit is approved;
- (i) the dwelling shall be separated from, and oriented, in a manner that does not adversely affect the privacy and enjoyment of adjoining properties.

## 10.3 Residential Higher Density (RHD) Use Zone Development Standards

10.3.1 Development in the Residential Higher Density (RHD) Use Zone shall conform with the following standards:

Standard	Double Dwelling and Row Dwelling	Multi-unit Dwelling with > 3 units on a lot	All Other Permitted and Discretionary Uses
Lot area (m <sup>2</sup> ) min.	225.0 / unit	900.0	450.0
Lot frontage (m) min.	6.0 / unit	12.0	12.0
Building line setback (m) min.	6.0	6.0	6.0
Side yard setback (m) min.	1.5	3.0	1.5
Rear yard setback (m) min.			
» Main buildings	8.0	10.0	8.0
» Accessory buildings	1.5	1.5	1.5
Lot coverage (%) max.			
» Accessory buildings	10	10	10
» Total (main + accessory)	40	40	40
Height (m) max.			
» Main buildings	10.0	12.5	10.0
» 1-story accessory buildings	4.5	4.5	4.5
» 2-story accessory buildings	6.1	6.1	6.1
Minimum floor area (m <sup>2</sup> ) per dwelling unit	40.0	40.0	40.0
Maximum floor area (m <sup>2</sup> ) per accessory building	81.0	81.0	81.0

### Fox Farm Residential Area

10.3.2 Within the Residential High Density (RHD) Use Zone area identified as "Fox Farm Residential Area" on Schedule 'B', development shall only be undertaken in conformance with a development agreement or development agreements negotiated in compliance with Regulation 7.2 and specifically requiring:

- (a) the upgrading of Fox Farm Road, at the developer's expense, to a collector street standard as far as the western extent of the Fox Farm Residential Area;
- (b) the installation of sidewalks on Merchant Drive, at the developer's expense;
- (c) the extension of Merchant Drive, at the developer's expense, into the Fox Farm Residential Area;
- (d) a new connector street, built to the local residential street standard at the developer's expense, with full curb and gutter and sidewalks on both sides to connect Fox Farm Road with the extension of Merchant Drive;

- (e) street reservations, a minimum of 15.0 metres in width, spaced no less frequently than one every 150.0 metres along the new connector street, so as to provide for future street access to the lands southwest of the Fox Farm Residential Area;
- (f) the installation, at the developer's expense, of sewer and water service to specifications of the Town;
- (g) provision for a future multi-use trail connecting Fox Farm Road to Remembrance Loop, in the form a reservation at least 5.0 metres in width between Fox Farm Road and the northern extent of the Fox Farm Residential Area; and
- (h) establishment of residential unit counts for each phase of development such that at full build-out there are a minimum of 500 dwelling units within the Fox Farm Residential Area.

## 10.4 Residential Rural (RR) Use Zone Development Standards

10.4.1 Development in the Residential Rural (RR) Use Zone shall conform with the following standards:

Standard	All Permitted and Discretionary Uses on Lots Fronting on Valley Road	All Permitted and Discretionary Uses on Lots <u>Not</u> Fronting on Valley Road
Lot area (m <sup>2</sup> ) min.	See 10.4.2	See 10.4.2
Lot frontage (m) min.	30.0	30.0
Building line setback (m) min.	6.0	6.0
Building line setback (m) max.	N/A	32.0
Side yard setback (m) min.	1.5	1.5
Rear yard setback (m) min.		
» Main buildings	9.0	9.0
» Accessory buildings	1.5	1.5
Lot coverage (%) max.		
» Accessory buildings	10	10
» Total (main + accessory)	33	33
Height (m) max.		
» Main buildings	9.0	9.0
» Accessory buildings	6.1	6.1

10.4.2 Subject to the requirements of the Government Service Centre, minimum lot sizes in the Rural Residential (RR) Use Zone shall be determined in accordance with the water and sewer services available, as follows:

Municipal piped water supply and connection to a municipal sewer or to a private sewer discharging directly to the sea	1,400 m <sup>2</sup>
Municipal piped water supply and sewage disposal by septic tank and tile field	1,400 m <sup>2</sup>
Private well water supply and connection to a municipal sewer or to a private sewer discharging directly to the sea	1,400 m <sup>2</sup>
Private well water supply and sewage disposal by septic tank and tile field	1,860 m <sup>2</sup>

### Groundwater Assessment

10.4.3 Within the Rural Residential (RR) Use Zone, an assessment of the quality and quantity of groundwater shall be required in accordance with the Provincial Policy on Groundwater Supply Assessment and Reporting Guidelines for subdivisions serviced by individual private wells.

## 10.5 Residential Large Lot (RLL) Use Zone Development Standards

10.5.1 Development in the Residential Large Lot (RLL) Use Zone shall conform with the following standards:

Standard	All Permitted and Discretionary Uses
Lot area (m <sup>2</sup> ) min.	3,035.0
Lot frontage (m) min.	38.0
Building line setback (m) min.	8.0
Building line setback (m) max.	32.0
Side yard setback (m) min.	3.0
Rear yard setback (m) min.	
» Main buildings	10.0
» Accessory buildings	3.0
Lot coverage (%) max.	
» Accessory buildings	10
» Total (main + accessory)	33
Height (m) max.	
» Main buildings	9.0
» 1-story accessory buildings	4.5
» 2-story accessory buildings	6.1
Minimum floor area (m <sup>2</sup> ) per dwelling unit	110.0
Maximum floor area (m <sup>2</sup> ) per accessory building	81.0

### Approved Plan of Subdivision

10.5.2 Lots in the Residential Large Lot (RLL) Use Zone shall be in conformity with an approved plan of subdivision, and no person shall subdivide land unless written approval to subdivide the land has been given by the Authority.

### Location of Building on Lot

10.5.3 Within the Residential Large Lot (RLL) Use Zone, the main building shall be located to enable the lot to be divided for additional residential development when full municipal services are eventually extended to the site.

### On-Site Service Installation

10.5.4 Individual or joint wells in the Residential Large Lot (RLL) Use Zone shall have the approval of the Government Service Centre and, where more than five lots are involved in the subdivision or more than five lots are adjacent or divided by a road, each lot shall have an on-site septic design approved by the Government Service Centre.

#### **Groundwater Assessment**

10.5.5 Within the Residential Large Lot (RLL) Use Zone, an assessment of the quality and quantity of groundwater shall be required in accordance with the Provincial Policy on Groundwater Supply Assessment and Reporting Guidelines for subdivisions serviced by individual private wells.

#### **10.6 Residential Seasonal (RS) Use Zone Development Standards**

10.6.1 Development in the Residential Seasonal (RS) Use Zone shall conform with the following standards:

<b>Standard</b>	<b>All Permitted and Discretionary Uses</b>
Lot area (m <sup>2</sup> ) min.	3,035.0
Lot frontage (m) min.	38.0
Building line setback (m) min.	8.0
Side yard setback (m) min.	3.0
Rear yard setback (m) min.	
» Main buildings	10.0
» Accessory buildings	3.0
Lot coverage (%) max.	
» Accessory buildings	10
» Total (main + accessory)	25
Height (m) max.	
» Main buildings	9.0
» Accessory buildings	6.1
Maximum floor area (m <sup>2</sup> ) per accessory building	81.0

#### **Subdivision**

10.6.2 Development in the Residential Seasonal (RS) Use Zone shall only be permitted in accordance with a plan of subdivision approved by the Government Service Centre and the Water Resources Management Division, Department of Environment and Climate Change.

10.6.3 Within the Residential Seasonal (RS) Use Zone, an assessment of the quality and quantity of groundwater shall be required in accordance with the Provincial Policy on Groundwater Supply Assessment and Reporting Guidelines for subdivisions serviced by individual private wells.

## 10.7 Commercial General (CG) Use Zone Development Standards

10.7.1 Development in the Commercial General (CG) Use Zone shall conform with the following standards:

Standard	All Permitted and Discretionary Uses
Lot area (m <sup>2</sup> ) min.	450.0
Lot frontage (m) min.	10.0
Building line setback (m) min.	10.0
Side yard setback (m) min.	5.0
Rear yard setback (m) min.	
» Main buildings	10.0
» Accessory buildings	5.0
Lot coverage (%) max.	100
Height (m) max.	
» Main buildings	15.0
» Accessory buildings	10.0

### Municipal Service Requirement

10.7.2 Development within the Commercial General (CG) Use Zone is conditional upon municipal water and sewer services being directly available to sites proposed for development.

### Highway Access

10.7.3 The Department of Transportation and Infrastructure will not approve any new individual access onto Route 70/75 south of Powell Drive. Any new development in the Commercial General (CG) Use Zone in this area shall only be approved where access shall be via a service road connecting to an existing access. Any new development requiring a service road shall require the approval of the Department of Transportation and Infrastructure.

## 10.8 Commercial Highway (CH) Use Zone Development Standards

10.8.1 Development in the Commercial Highway (CH) Use Zone shall conform with the following standards:

Standard	All Permitted and Discretionary Uses
Lot area (m <sup>2</sup> ) min.	450.0
Lot frontage (m) min.	10.0
Building line setback (m) min.	15.0
Side yard setback (m) min.	5.0
Rear yard setback (m) min.	
» Main buildings	10.0
» Accessory buildings	5.0
Lot coverage (%) max.	100
Height (m) max.	
» Main buildings	10.0
» Accessory buildings	10.0

### Highway Access

10.8.2 The Department of Transportation and Infrastructure will not approve any new individual access onto Route 70/75 south of Powell Drive. Any new development in the Commercial Highway (CH) Use Zone in this area shall only be approved where access shall be via a service road connecting to an existing access. Any new development requiring a service road shall require the approval of the Department of Transportation and Infrastructure.

## 10.9 Heritage Area (HA) Use Zone Development Standards

### 10.9.1 Development in the Heritage Area (HA) Use Zone shall conform with the following standards:

Standard	All Permitted and Discretionary Uses on Lots Fronting on Water Street	All Permitted and Discretionary Uses on Lots <u>Not</u> Fronting on Water Street
Lot area (m <sup>2</sup> ) min.	100.0	100.0
Lot frontage (m) min.	5.5	5.5
Building line setback (m) min.	0.5	6.0
Side yard setback (m) min.	0.0	1.5
Rear yard setback (m) min.		
» Main buildings	5.0	5.0
» Accessory buildings	1.5	1.5
Lot coverage (%) max.	100	50
Height (m) max.		
» Main buildings	10.0	10.0
» Accessory buildings	6.1	6.1

## 10.10 Design Standards for New Main Buildings in the Heritage Area Use Zone

### 10.10.1 Except for marine industry uses, new main buildings in the Heritage Area (HA) Use Zone shall meet all the design requirements of this Regulation.

#### Windows

10.10.2 Glazing shall not exceed 25% of the area of any wall.

10.10.3 Windows on main buildings shall meet the following requirements:

- (a) Windows must be rectangular and vertically oriented with a minimum width to height ratio of 1:1.5 and a maximum width to height ratio of 1:2.
- (b) Wider window opening may be achieved by combining vertically proportioned windows in a mullioned frame.
- (c) Horizontally proportioned slider windows, picture windows, and curved windows shall not be permitted.
- (d) All the windows on a storey shall be consistently aligned at either the top of the casing or the top of the glazing.

### **Form**

10.10.4 The proportions of any new building shall be rectangular in plan for the principal component.

10.10.5 Additive forms shall be permitted in the form of wings, ells, porches, verandas, dormers, and projecting bays.

### **Finish and Materials**

10.10.6 Except for chimneys and foundations, exterior cladding shall be:

- (a) wooden clapboard or cement board laid horizontally in narrow courses of 8.5 centimetres to 11.5 centimetres;
- (b) stone; or
- (c) brick.

### **Foundations**

10.10.7 New buildings shall not have large areas of exposed foundations.

Cladding shall be brought as close to grade as possible with a minimum clearance of 15.24 centimetres above soil level. On sloping sites, a foundation shall be stepped or sloped to enable cladding to be brought as close as possible to grade with a minimum clearance of 15.24 centimetres above the soil level.

## **10.11 Additions and Renovations in the Heritage Area Use Zone**

10.11.1 Additions or renovations to existing main buildings in the Heritage Area (HA) Use Zone shall either meet the requirements of Regulation 10.10 or be consistent with the existing building in terms of:

- (a) window shape and orientation; and
- (b) exterior cladding.

## 10.12 Industrial Light (IL) Use Zone Development Standards

10.12.1 Development in the Industrial Light (IL) Use Zone shall conform with the following standards:

Standard	All Permitted and Discretionary Uses
Lot area ( $m^2$ ) min.	450.0
Lot frontage (m) min.	10.0
Building line setback (m) min.	15.0
Side yard setback (m) min.	5.0
Rear yard setback (m) min.	
» Main buildings	10.0
» Accessory buildings	5.0
Lot coverage (%) max.	40
Height (m) max.	
» Main buildings	15.0
» Accessory buildings	15.0

### Services

10.12.2 Industrial development shall not be permitted in the Industrial Light (IL) Use Zone unless adequate services and firefighting capability designed to meet the needs of the proposed industrial use are available.

## 10.13 Industrial General (IG) Use Zone Development Standards

10.13.1 Development in the Industrial General (IG) Use Zone shall conform with the following standards:

Standard	All Permitted and Discretionary Uses
Lot area ( $m^2$ ) min.	450.0
Lot frontage (m) min.	10.0
Building line setback (m) min.	10.0
Side yard setback (m) min.	5.0
Rear yard setback (m) min.	
» Main buildings	15.0
» Accessory buildings	5.0
Lot coverage (%) max.	40
Height (m) max.	
» Main buildings	15.0
» Accessory buildings	15.0

### Services

10.13.2 Industrial development shall not be permitted in the Industrial General (IG) Use Zone unless adequate services and firefighting capability designed to meet the needs of the proposed industrial use are available.

## **10.14 Industrial Ocean Related (IOR) Use Zone Development Standards**

**10.14.1 Development in the Industrial Ocean Related (IOR) Use Zone shall conform with the following standards:**

Standard	All Permitted and Discretionary Uses
Lot area (m <sup>2</sup> ) min.	450.0
Lot frontage (m) min.	10.0
Building line setback (m) min.	As determined by the Authority
Side yard setback (m) min.	5.0
Rear yard setback (m) min.	
> Main buildings	10.0
> Accessory buildings	10.0
Lot coverage (%) max.	50
Height (m) max.	
> Main buildings	20.0
> Accessory buildings	15.0

### **Services**

**10.14.2 Industrial development shall not be permitted in the Industrial Ocean Related (IOR) Use Zone unless adequate services and firefighting capability designed to meet the needs of the proposed industrial use are available.**

### **Rear Yard Setback**

**10.14.3 The Authority may reduce the rear yard setback in the Industrial Ocean Related (IOR) Use Zone to zero for portions of any development that functionally depend on access to the coast, such as, but not limited to, marine railroads, wharves, and jetties.**

## **10.15 Public Buildings (PB) Use Zone Development Standards**

10.15.1 Development in the Public Buildings (PB) Use Zone shall conform with the following standards:

Standard	All Permitted and Discretionary Uses
Lot area (m <sup>2</sup> ) min.	450.0
Lot frontage (m) min.	8.0
Building line setback (m) min.	15.0
Side yard setback (m) min.	5.0
Rear yard setback (m) min.	
» Main buildings	15.0
» Accessory buildings	5.0
Lot coverage (%) max.	50
Height (m) max.	
» Main buildings	15.0
» Accessory buildings	15.0

## **10.16 Recreation Open Space (ROS) Use Zone Development Standards**

10.16.1 Development in the Recreation Open Space (ROS) Use Zone shall conform with the following standards:

Standard	All Permitted and Discretionary Uses
Lot area (m <sup>2</sup> ) min.	0.0
Lot frontage (m) min.	0.0
Building line setback (m) min.	3.0
Side yard setback (m) min.	1.5
Rear yard setback (m) min.	
» Main buildings	3.0
» Accessory buildings	1.5
Lot coverage (%) max.	10
Height (m) max.	
» Main buildings	10.0
» Accessory buildings	6.1

## **10.17 Conservation (CON) Use Zone Development Standards**

**10.17.1** Development in the Conservation (CON) Use Zone shall conform with the following standards:

Standard	All Permitted and Discretionary Uses
Lot area (m <sup>2</sup> ) min.	0.0
Lot frontage (m) min.	0.0
Building line setback (m) min.	3.0
Side yard setback (m) min.	1.5
Rear yard setback (m) min.	
> Main buildings	3.0
> Accessory buildings	1.5
Lot coverage (%) max.	10
Height (m) max.	
> Main buildings	10.0
> Accessory buildings	10.0

## **10.18 Rural (RUR) Use Zone Development Standards**

**10.18.1** Development in the Rural (RUR) Use Zone shall conform with the following standards:

Standard	All Permitted and Discretionary Uses
Lot area (m <sup>2</sup> ) min.	As required by the Government Service Centre
Lot frontage (m) min.	20.0
Building line setback (m) min.	3.0
Side yard setback (m) min.	1.5
Rear yard setback (m) min.	
> Main buildings	3.0
> Accessory buildings	1.5
Lot coverage (%) max.	25
Height (m) max.	
> Main buildings	15.0
> Accessory buildings	15.0

## **10.19 Mineral Workings (MW) Use Zone Development Standards**

**10.19.1 Development in the Mineral Workings (MW) Use Zone shall conform with the following standards:**

Standard	All Permitted and Discretionary Uses
Lot area (m <sup>2</sup> ) min.	0.0
Lot frontage (m) min.	0.0
Building line setback (m) min.	10.0
Side yard setback (m) min.	10.0
Rear yard setback (m) min.	
» Main buildings	10.0
» Accessory buildings	10.0
Lot coverage (%) max.	25
Height (m) max.	
» Main buildings	15.0
» Accessory buildings	15.0

## **10.20 Watershed (W) Use Zone Development Standards**

**10.20.1 Development in the Watershed (W) Use Zone shall conform with the following standards:**

Standard	All Permitted and Discretionary Uses
Lot area (m <sup>2</sup> ) min.	0.0
Lot frontage (m) min.	0.0
Building line setback (m) min.	3.0
Side yard setback (m) min.	1.5
Rear yard setback (m) min.	
» Main buildings	3.0
» Accessory buildings	1.5
Lot coverage (%) max.	10
Height (m) max.	
» Main buildings	10.0
» Accessory buildings	10.0

## **10.21 Floodway Overlay Zone Development Standards**

10.21.1 Notwithstanding underlying zoning, development within the Floodway (1:20 year flood levels) overlay, as identified on Schedule 'D' shall be restricted to:

- (a) Temporary alterations in a buffer zone, a designated floodway, or the body of water itself.
- (b) Non-structural uses such as open space recreation, pasture, and wildlife habitat enhancement.
- (c) Structures related to use of water resources such as wharves, slipways, boathouses, pumping stations, storm or sewerage discharges.

10.21.2 Development in the Floodway shall require the approval of the Water Resources Division, Department of Environment and Climate Change.

## **10.22 Floodway Fringe Overlay Zone Development Standards**

10.22.1 Development in the Floodway Fringe (1:100 year flood zone) overlay, as identified on Schedule 'D', where enabled by the underlying zoning, shall be limited to public utilities, roads, bridges, marine related uses, industrial uses, commercial uses, and residential uses.

10.22.2 Development within the Floodway Fringe designation shall meet the following conditions:

- (a) the ground floor elevation of the structure must be higher than the 1:100 year flood level;
- (b) the structure must not interfere with the flow of water or displace water such that it creates a worse flooding situation for other properties;
- (c) the structure and associated utilities must be designed and constructed in accordance with approved flood proofing guidelines of the Department of Environment and Conservation, and entrances and exits from the building must be able to be safely used without hindrance in the event of a flood; and
- (d) the proposed use of the facility and site must not involve any storage of pollutants such as fuels, chemicals, pesticides, etc.

10.22.3 Development in the Floodway Fringe shall require the approval of the Water Resources Division, Department of Environment and Climate Change.

## PART 11 DEFINITIONS



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



2. **ACCESSORY BUILDING** means

- (a) detached subordinate building not used as a dwelling, located on the same lot, or on a lot adjacent to the main building to which it is an accessory, and which has a use that is customarily incidental and complementary 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, or garages; and
- (d) for industrial uses, garages, offices, raised ramps and docks.



3. **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.

4. **ACCOMMODATIONS** means the use of a building to provide overnight accommodations to the travelling public and includes, but is not limited to, inns, motels, hotels, guest houses, bed-and-breakfasts, tourist cabins, yurts, geodesic domes, tourist cottages, and the rental of a dwelling for a period of 28 days or less.



5. **ACT** means, unless the context indicates otherwise, the **Urban and Rural Planning Act, 2000**

6. **AGRICULTURE RELATED USE** means the use of land, buildings, or structures for processing, packing, storing or treating agricultural crops; livestock housing; fertilizer production from organic matter; veterinary care for livestock; on-farm brewing, wine-making, and similar uses; the sale of farm produce to the general public; and tourism activities related to on-site agricultural activities, such as u-picks or hay rides.

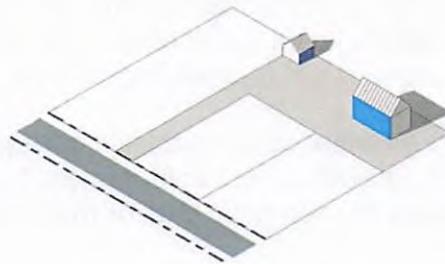
7. **AMUSEMENT** means the use of land or buildings equipped for the playing of electronic, mechanical, or other games and amusements including electronic games, pinball games and slot machine arcades, and billiard and pool halls.

8. **ANIMAL CARE** means the use of land, buildings, or part thereof for the care of domestic animals and may include pet grooming, pet daycares, and veterinarians but shall not include overnight boarding, which is captured by the definition of "kennel".

9. **ADJUDICATOR** means an adjudicator appointed under Section 40 of the Act.

10. **APPLICANT** means a person who has applied to an authority for an approval or permit to carry out a development.

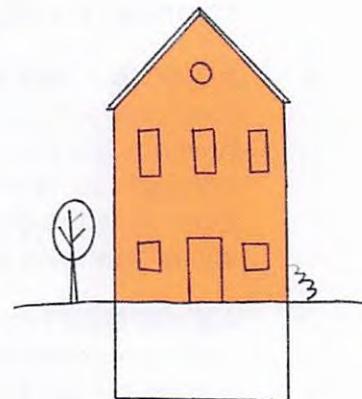
11. **BACKLOT DEVELOPMENT**, sometimes known as “flag lot development”, means development on lots that do not meet the minimum lot frontage in the use zone in which they are located and where the main body of the lot is connected to the street by a narrow prolongation or “flagpole”.



12. **BUILDING** means

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

13. **BUILDING FACE** means the total wall area between the finished surface of the ground and the eaves of building.



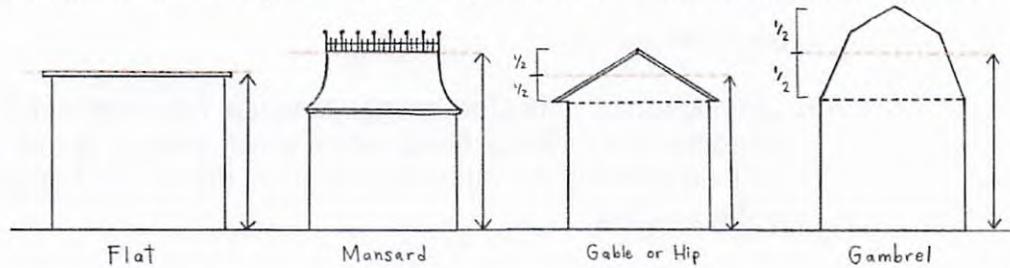
14. **BUILDING HEIGHT** means the vertical distance, measured in metres from the established grade to the;

(a) highest point of the roof surface of a flat roof;

(b) deck line of a mansard roof;

(c) 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 the roof.



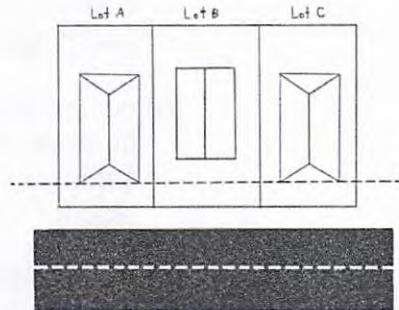
15. **BUILDING LINE** means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed.

16. **CHILDCARE** means a building or part of a building in which services and activities are regularly provided to children of pre-school age during the full daytime, but does not include a school.

17. **COLLECTOR STREET** means a street that is intended to provide circulation between neighbourhoods or from a neighbourhood to the wider transportation network.

18. **CONVENIENCE STORE** means the use of a building to serve the primary needs of the adjacent neighbourhood and includes the sale of magazine, confectionary and grocery items, rental of video movies, and a delicatessen or snack bar provided that any eating facility is within a wholly enclosed building.

19. **DEVELOPER** means the person or organization responsible for undertaking a development.



20. **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; and
- (d) parking of a trailer, or vehicle used for the sale of refreshments or merchandise, or as an office, or for living accommodation;

but excludes the

- (e) 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) 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) carrying out by a local authority or statutory undertakers of works for the purpose of inspecting, repairing or renewing sewers, mains, pipes, cables, or other apparatus, including the breaking open of street or other land for that purpose; and
- (h) use of a building or land within the courtyard of a dwelling house for a purpose incidental to the enjoyment of the dwelling house as a dwelling.

21. **DWELLING** means a building or a part of a building occupied or capable of being occupied as a home or residence by one or more persons, containing one or more dwelling units, and shall include a modular home, mobile home, or mini home but shall not include an accommodations use or recreational vehicle.

- a. **ACCESSORY DWELLING** means a subservient dwelling either located within a single dwelling or a double dwelling or in a building on a lot with a single dwelling or double dwelling, and for the purposes of the definition of other dwellings shall not be counted towards the total number of dwellings in a building or on a lot.
- b. **DOUBLE DWELLING** means a dwelling divided horizontally or vertically into two dwelling units.
- c. **GROUPED DWELLING** means two or more dwellings, each containing one or more dwelling unit, located on a lot.

d. **MULTI-UNIT DWELLING** means a dwelling containing three or more dwelling units but does not include a row dwelling.

e. **ROW DWELLING** means three or more dwelling units connected in a horizontal row and with each unit separated vertically from the others.

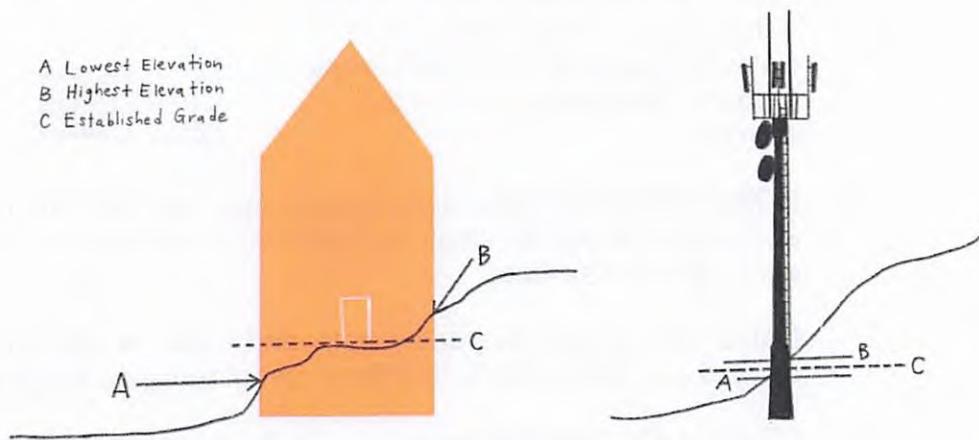
f. **SINGLE DWELLING** means a dwelling containing one dwelling unit.

22. **DWELLING UNIT ("DU")** means one or more habitable rooms within a dwelling designed, occupied, or intended for use by one or more individuals as an independent and separate housekeeping establishment in which cooking, sleeping, and sanitary facilities are provided for the exclusive use of such individual or individuals.

23. **ENGINEER** means a Professional Engineer employed or retained by the Authority.

24. **ESTABLISHED GRADE** means

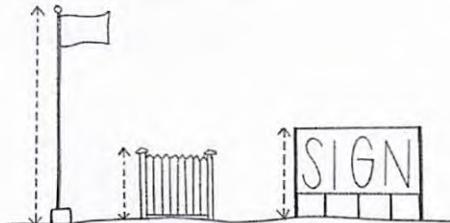
- (a) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building, exclusive of any artificial embankment or entrenchment; or
- (b) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of an artificial embankment or entrenchment.



25. **EXISTING** means legally existing as of the effective date of these Regulations, unless otherwise noted.

26. **FENCE** means a linear structure composed of rails, pickets, bricks, stones, wire, panels, boards, or other similar materials and used to separate or delineate any parcel of land or part thereof from any other parcel of land or part thereof.

27. **FLOOR AREA** means the total area of all floors in a building measured to the outside face of exterior walls.
28. **FORESTRY** means commercial silviculture and the production of timber or pulp and uses associated with a forestry use, including sawmills, vehicle and equipment storage, and maintenance buildings and yards.
29. **GARAGE** means building erected for the storage of motor vehicles as an ancillary use to a main building on the lot.
30. **GENERAL ASSEMBLY** means the use of land or buildings for private gathering spaces intended for entertainment or recreational purposes. This includes auditoriums, bowling alleys, halls, and gymnasiums, but does not include cultural and civic uses.
31. **GENERAL INDUSTRY** means the use of land or buildings for the purpose of storing, assembling, altering, repairing, manufacturing, fabricating, packing, canning, preparing, breaking up, demolishing, or treating any article, commodity, or substance. "Industry" shall be construed accordingly.
32. **HAZARDOUS INDUSTRY** means 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.
33. **HEIGHT** means building height or, where the structure is not a building or has no roof, means the vertical distance measured from established grade to the highest point on the structure.
34. **HOME OCCUPATION** means an accessory use of a dwelling and/or accessory building for gainful employment involving the provision or sale of goods and/or services.
35. **LAND** means land covered by water and buildings and structures on, over, or under the soil and fixtures that form part of those buildings and structures.
36. **LEVEL 2 EV CHARGER** means a device that supplies electricity from mains to electrical vehicles and is capable of a continuous power output of at least 5.0 kilowatts for each potential vehicle connection to the device.
37. **LIGHT INDUSTRY** means the use of any land or buildings for any general 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.



## 38. LIVESTOCK

- a. **LARGE LIVESTOCK** means cows, horses, ponies, ostriches, emus, pigs, llamas, donkeys, and other animals that, in the opinion of the Authority, are similar in size and waste production.
- b. **MEDIUM LIVESTOCK** means goats, sheep, turkeys, geese, and other animals that, in the opinion of the Authority, are similar in size and waste production.
- c. **SMALL LIVESTOCK** means meat rabbits, chickens, ducks, and other animals that, in the opinion of the Authority, are similar in size and waste production.

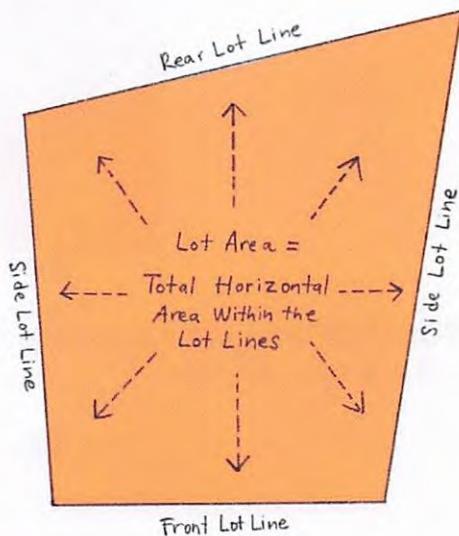
39. **LOCAL STREET** means a street designed primarily to provide access to adjoining land and which is not designated as a collector street or arterial street.



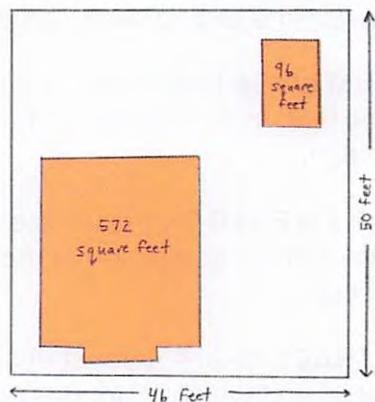
40. **LOT** means a plot, tract or parcel of land which can be considered as a unit of land for a particular use or building.

- a. **CORNER LOT** means a lot located at the intersection of two or more streets.

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

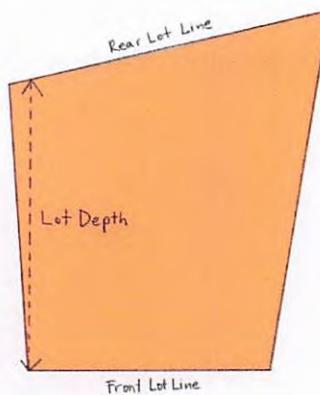


42. **LOT COVERAGE** means the combined area of all building on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot.

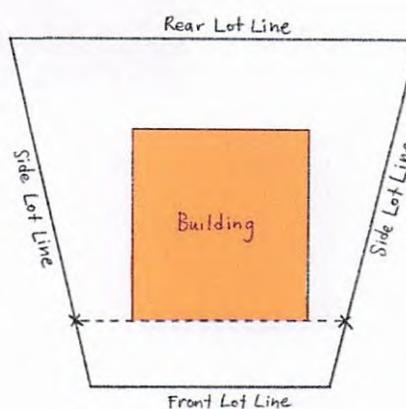


Lot Area = 2,300 square feet  
Building Area = 668 square feet  
Lot Coverage = 29%

43. **LOT DEPTH** means the shortest horizontal distance measured from the front lot line to the rear lot line.

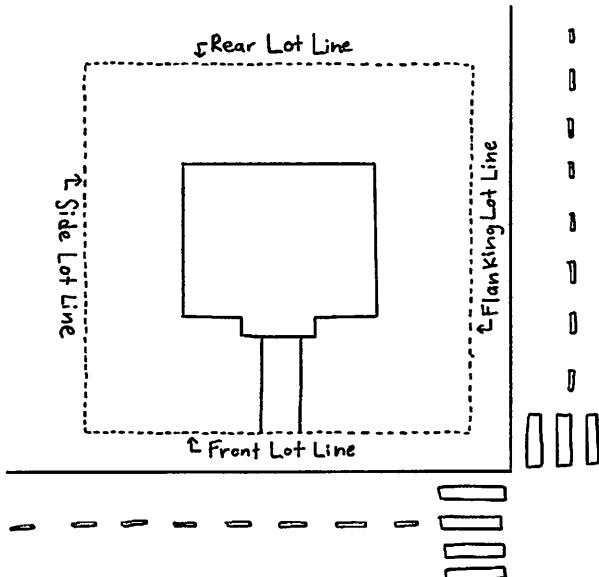


44. **LOT FRONTRAGE** means the horizontal distance between side lot lines measured at the building line.



45. **LOT LINE** means an outer boundary for a specific lot.

a. **FRONT LOT LINE** means the line dividing a lot from the street. For a lot with multiple lot lines abutting a street, the shorter lot line adjacent to the street shall be deemed the front lot line and the longer lot line(s) abutting the street shall be deemed the flanking lot line(s). If all lot lines abutting streets are of equal length then any one may be the front lot line.



b. **REAR LOT LINE** means the lot line farthest from and closest to parallel with the front lot line. If a lot's rear lot line also meets the definition of a flanking lot line, it shall be considered a flanking lot line and the lot shall have no rear lot line.

c. **SIDE LOT LINE** means any lot line that is not a front, rear, or flanking lot line.

d. **FLANKING LOT LINE** means a lot line which is not the front lot line and abuts a street.

46. **MAIN BUILDING** means any building or buildings in which is carried on the principal purpose for which the lot is used.

47. **MAIN USE** means the use or uses for which the lot is principally used.

48. **MINERAL EXPLORATION** means the search for and sampling of minerals or quarry materials where the activity or activities involved meet the definition of "development" under the **Urban and Rural Planning Act, 2000**. "Mineral" and "quarry material" for the purpose of interpreting the definition of mineral exploration (development) are as defined in the provincial **Mineral Act** and **Quarry Materials Act, 1998**, respectively. Mineral exploration does not include mining or mineral working (e.g., quarrying). Activities which meet the definition of mineral exploration (development) are to be contrasted with mineral exploration activities that do not meet the definition of development, examples of which include traditional prospecting, geochemical sampling surveys (of rock, soil, sediment, water, or vegetation), ground-based and airborne geophysical surveys, and the cutting of survey lines.

49. **MINERAL WORKING** means land or buildings used for the working or extraction of any naturally occurring substance, including a pit or quarry. An operation consisting of one or more of the following activities: the digging for, excavation, and removal of quarry materials (i.e., quarrying)(may involve blasting), the removal of quarry materials previously excavated, the removal of quarry materials, the processing of quarry materials (e.g., crushing, screening, washing), the production of civil construction materials which use quarry materials in their natural form (e.g., asphalt, concrete), the re-processing of quarry materials including from reclaimed civil construction materials (e.g., reclaimed asphalt, concrete), the production of soil by blending organic materials with quarry materials, or the treatment or remediation of soil. "Quarry material" for the purpose of interpreting the definition of mineral working is as defined in the provincial **Quarry Materials Act, 1998**. Mineral working does not include mining but may include exploration (development) as a secondary activity. Mineral working does not include the excavation and removal of quarry materials as a by-product of an approved development.

50. **MINING** means an operation involving the extraction of mineral for sale and for which a mining lease is required under the provincial **Mineral Act** administered by the Department of Industry, Energy and Technology. "Mineral" for the purpose of interpreting the definition of mining is as defined under the **Mineral Act**. Mining may include, as secondary activities, mineral exploration (development) and mineral working. Note that under the **Mineral Act** dimension stone (i.e., stone used for building facades, gravestones, etc.) is considered a mineral in Newfoundland but a quarry material in Labrador.

51. **MINISTER** means the minister appointed under the Executive Council Act to administer the Act.

52. **MUNICIPAL PLAN** means the Town of Carbonneau Municipal Plan, 2025.

53. **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.

54. **OFFICE AND PROFESSIONAL** means the use of a building or part thereof for the purpose of regularly conducting business, performing a service, or offering consultation, but shall not include manufacturing or the selling of retail goods.

55. **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.

56. **PERSONAL SERVICES** means the use of land, a building, or part thereof for the provision of services intended to attend to the care and needs of the person and may include, but is not limited to, salons, barbers, tattoo shops, tailors, cobblers, laundromats, and dry cleaning drop-off counters.

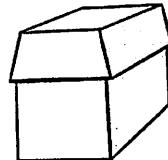
57. **PLANNING AREA** means the area of land identified as the Town of Carbonneau Planning Area on Schedule 'B'.



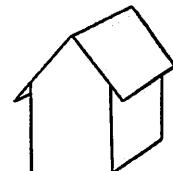
58. **PRIVATE ROAD** means a street that is not owned by the Town or the Government of Newfoundland and Labrador.
59. **RESIDENTIAL SWIMMING POOL** means an artificial body of water, excluding ponds, accessory to a dwelling, and with a diameter greater than 0.8 metres.
  - A. **LARGE RESIDENTIAL SWIMMING POOL** means a residential swimming pool capable of holding water to a depth greater than 0.6 metres, and with a surface area greater than 9.3 square metres or a diameter greater than 3.0 metres.
  - B. **SMALL RESIDENTIAL SWIMMING POOL** means a residential swimming pool not capable of holding water to a depth greater than 0.6 metres, or with a surface area less than 9.3 square metres and a diameter less than 3.0 metres.

60. **ROOF**

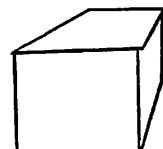
- a. **MANSARD ROOF** means a two or four-sided, double sloped roof with a very steep lower slope and a flat (or near flat) upper slope.



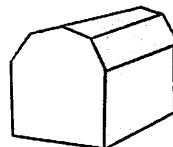
- b. **GABLE ROOF** means a two-sided, sloping roof with a single ridge and gables at either end.



- c. **FLAT ROOF** means a roof with little or no slope.



- d. **GAMBREL ROOF** means a two-sided, double sloping roof.

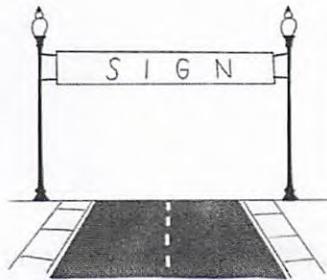


61. **SEASONAL RESIDENTIAL** means a dwelling designed or intended for seasonal or recreational use and is not intended for use as permanent living quarters.
62. **SERVICE STATION** means the use of land or buildings for the sale of petroleum fuel and lubricants, automotive parts and accessories, minor automotive repairs, and washing and polishing of motor vehicles.
63. **SETBACK** means the horizontal distance between the specified property line or feature and the nearest main wall of a building.
64. **SERVICE STREET** means street constructed parallel to or close to another street for the purpose of limiting direct access to that street.
65. **SHOP** means 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.
66. **SHOPPING CENTRE** means group of shops and complementary uses with integrated parking, and which is planned, developed, and designed as a unit containing a minimum of five (5) retail establishments.
67. **SHOWROOM** means 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.
68. **SIGHT TRIANGLE** means a triangle-shaped portion of land established at street intersections to ensure a safe sight distance for motorists entering or leaving the intersection. The triangular-shaped portion of land is formed by the street lines and a line drawn from a point in one street line to a point in the other street line.



69. **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.

a. **BANNER SIGN** means a sign composed of lightweight, non-rigid material such as cloth, canvas or similar material that is attached to a building or stretched between two poles, but does not include a canopy sign.



b. **BILLBOARD SIGN** means an off-premises ground or wall sign erected and maintained by a person or business engaged in the sale or rental of the space on the sign to a client for the purpose of advertising a business, goods, or services not necessarily sold, offered, or conducted on the premises where the sign is located.

c. **CANOPY SIGN** means a sign that has a structure of rigid or non-rigid material on a framework sheltering an area or forming a sheltered walk.



d. **CHANGEABLE COPY SIGN** means any sign that has a sign face that includes an internal light source capable of displaying words or symbols that can be electronically changed by remote or automatic means. For the purposes of these regulations, a changeable message sign includes Digital and Projected Advertising Displays (DPADS).



e. **ELECTION SIGN** means any sign used to promote a candidate or party during an election for public office.

f. **GROUND SIGN** means a sign permanently affixed to the ground by one or more self-supporting poles or supported by a free-standing structure.



g. **ILLUMINATED** with reference to a sign means the sign is lit up by means of an artificial light source located within or external to the sign.

h. **MENU BOARD** means a sign erected as part of a drive-through facility and used to display and order products and services available in association with a drive-through business.

i. **OFF-SITE DIRECTIONAL SIGN** means a sign indicating direction to a property, business, service, or event that is located elsewhere but does not include a billboard.

j. **PORTABLE SIGN** means a temporary sign that is not permanently affixed to the ground or to any structure, typically designed for the rearrangement of copy on the sign's display surface, and which is capable of being readily moved from place to place.



k. **PROJECTING SIGN** means any sign that is wholly or partly dependent upon a building for support and projects from the wall or face of a building or structure.

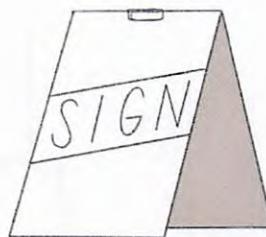


l. **REAL ESTATE SIGN** means a sign located on a property for the purpose of announcing the sale, lease, or rental of such property or building or part of a building located thereon.

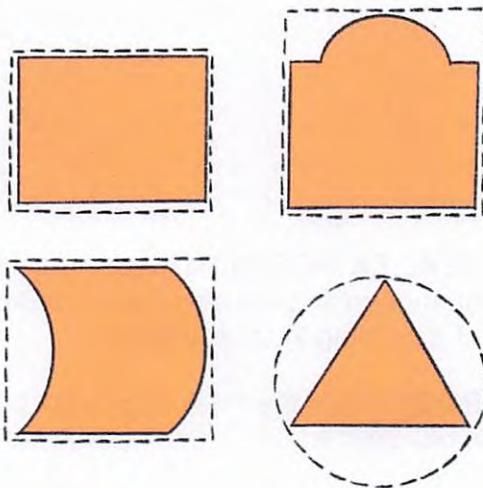
m. **ROOF SIGN** means a sign fixed, placed, upon or supported by the roof of a building.



n. **SANDWICH BOARD SIGN** means a freestanding temporary sign with no more than two faces joined at the top of the sign and is intended for temporary use during the hours of the business to which it applies and is constructed in a manner and of materials such that it can be placed and moved manually by a person without mechanical aid.



o. **SIGN FACE AREA** means the total area in height and width of the entire advertising device, excluding posts and includes any framing or border around the actual lettering or graphics. Irregular shaped signs shall have their area determined by the smallest rectangle or circle that can wholly enclose the sign face (whichever is smaller). Where a sign has two faces or more, the maximum area is permitted for each of the two faces.



p. **TEMPORARY SIGN** means a sign, not permanently installed or in a fixed position, that advertises a business, site, event, or activity for a limited period of time.

q. **VEHICLE SIGN** means a sign which is painted on or affixed to a motor vehicle or trailer which is parked and visible from a public right-of-way and its intended use is as a sign or sign structure.



r. **WALL SIGN** means a sign which is painted on or permanently affixed to a single wall of a building.



 Provincial  
Reg. 4(t)

70. **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.

71. **STREET LINE** means the edge of a street reservation as defined by the Authority having jurisdiction.

72. **STRUCTURE** means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure, including buildings, walls, signs, and fences.

73. **SUBDIVISION** means the dividing of land, whether in single or joint ownership, into two or more pieces for the purpose of development.

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

75. **TOWN** means, where the context dictates, either the geographical area incorporated as the Town of Carbonear, or the body corporate known as the Town of Carbonear.

 Urban and  
Rural Planning  
Act s2(q)



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



77. **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.

78. **WATERCOURSE** means a surface source of fresh or salt water within the jurisdiction of the province, whether that source usually contains liquid or frozen water or not, and includes water above the bed of the sea that is within the jurisdiction of the province, a river, stream, brook, creek, lake, pond, spring, lagoon, ravine, gully, canal, wetland and other flowing or standing water and the land occupied by that body of water.

79. **WORKSHOP** means the use of a building or part thereof for the creation of products assembled or made by hand or by small custom production processes including (but not limited to) potters, pewterers, goldsmiths, silversmiths, jewelers, toymakers, leather workers, upholsterers, woodworkers, furniture makers, musical instrument makers, clothing designers, clothesmakers, shoemakers, antique refinishers, glass workers, stained glass workers and sailmakers. This definition shall also include "maker spaces" but excludes the repair of vehicles and heavy equipment.

80. **YARD** means an open uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in these Regulations.



a. **REAR YARD** means the distance between the rear lot line and the rear wall of the main building on a lot.

b. **FRONT YARD** means the distance between the front lot line of a lot and the front wall of the main building on the lot.

c. **FLANKING YARD** means the side yard of a corner lot bounded by the street.

d. **SIDE YARD** means the distance between the side lot line and the nearest side wall of a building on the lot.



## **PART 12 SCHEDULES & APPENDICES**

### **12.1 Schedules Part of Regulations**

12.1.1 Schedules form part of these Regulations and require an amendment to these Regulations if they are to be changed. Appendices are for information purposes and may be replaced or updated without amending these Regulations.

### **12.2 Schedule 'A' – Classification of Uses**

### **12.3 Schedule 'B' – Planning Area Map**

### **12.4 Schedule 'C' – Zoning Map**

### **12.5 Schedule 'D' – Overlay Zones Map**

### **12.6 Appendix 'A' – Provincial Development Regulations**

### **12.7 Appendix 'B' – Road Classifications**

## **SCHEDULE 'A' – CLASSIFICATION OF USES**

GROUP	DIVISION	CLASS	EXAMPLES	
A. ASSEMBLY USES	1. Assembly Uses for the production and viewing of the performing arts.	(a) Theatre	Motion Picture Theatres T.V. Studios admitting an audience.	
	2. General Assembly Uses	(a) Cultural and Civic	Art Galleries Council Chambers Court Rooms Libraries Meeting Rooms Museums	
		(b) General Assembly	Auditoria Bowling Alleys Community Halls Dance Halls Gymnasia Lodge Halls	
		(c) Educational	Colleges Commercial and Trade Schools Elementary Schools High Schools Universities	
		(d) Place of Worship	Church Church Halls Mosque Synagogue Temple	
		(e) Passenger Assembly	Passenger Terminals	
		(f) Club and Lodge	Private Clubs and Lodges (non-residential)	
		(g) Catering	Restaurants Bars Lounges	
		(h) Funeral Home	Funeral Homes and Chapels	
		(i) Childcare	Day Care Centres	
		(j) Amusement	Electronic Games Arcades Pinball Parlours Pool and Billiard Halls	
		3. Arena-type Uses	(a) Indoor Assembly	Arenas Armouries Ice Rinks Indoor Swimming Pools

GROUP	DIVISION	CLASS	EXAMPLES
A. ASSEMBLY USES (con'd)	4. Open-air Assembly Uses	(a) Outdoor Assembly	Amusement Parks Bleachers Drive-in Theatres Exhibition Grounds Fair Grounds Grandstands Outdoor Ice Rinks Outdoor Swimming Pools
B. INSTITUTIONAL USES	1. Penal and Correctional Institutional Uses	(a) Penal and Correctional Detention	Jails Penitentiaries Police Stations (with detention quarters) Prisons Psychiatric Hospitals (with detention quarters) Reformatories
	2. Special Care Institutional Uses	(a) Special Care Institutional	Personal Care Home Nursing Home Assisted Living Complexes Long Term Care Facilities
	3. Medical Treatment Institutional Uses	(a) Medical Treatment Institutions	Hospitals Infirmarys Psychiatric Hospitals (without detention quarters)

GROUP	DIVISION	CLASS	EXAMPLES
C. RESIDENTIAL USES	1. Residential Dwelling Uses	(a) Single Dwelling	Single Detached Dwellings
		(b) Double Dwelling	Semi-detached Dwelling Duplex Dwellings
		(c) Accessory Dwelling	Subsidiary Apartments Carriage Houses Backyard Suites
		(d) Multi-unit Dwelling	Multi-unit Dwellings Grouped Dwellings
		(e) Row Dwelling	Row Houses Town Houses
	2. General Residential Uses	(a) Collective Residential	University & College Halls of Residence Convents & Monasteries Hospital Residences
		(b) Boarding House Residential	Boarding Houses Lodging Houses
		(c) Accommodations	Cottage Rental Guest Houses Hostels Hotels & Motels Inns Rental of a dwelling for a period of 28 days or less Residential Clubs Tourist Cabins
		(d) Seasonal Residential	Summer Homes & Cabins Hunting & Fishing Cabins
		(e) Mobile Homes	Mobile Homes
		(f) Home Occupation	Level 1 Home Occupation Level 2 Home Occupation

<b>D. BUSINESS &amp; PERSONAL SERVICE USES</b>	<b>1. Business, Professional, and Personal Service Uses</b>	<b>(a) Office and Professional</b>	Accountants, lawyers, engineers, surveyors, and similar professional offices Banks Government Offices) Offices (including
		<b>(b) Medical Clinics</b>	Dental Offices & Surgeries Doctors' Offices and Consulting Rooms Massage Therapists Medical Specialists Optometry Clinics Physiotherapists Psychologists
		<b>(c) Personal Services</b>	Barbers Cobblers Dry cleaning drop-off counters Laundromats, Salons Tailors Tattoo shops
		<b>(d) General Services</b>	Dry Cleaners (not using flammable or explosive substances) Small Tool and Appliance Rentals and Repair Travel Agents
		<b>(e) Communications</b>	Radio Stations Telephone Exchanges
		<b>(f) Police Station</b>	Police Stations without detention quarters
		<b>(g) Taxi Stand</b>	Taxi Stands
		<b>(h) Take-out Food Service</b>	Take-out Food Service
		<b>(i) Animal Care</b>	Pet Daycares Pet Grooming Veterinary Surgeries
<b>E. MERCANTILE USES</b>	<b>1. Retail Sale and Display Uses</b>	<b>(a) Shopping Centre</b>	Shopping Centres
		<b>(b) Shop</b>	Retail Shops, Stores, and Showrooms Department Stores
		<b>(c) Indoor Market</b>	Auction Halls Market Halls
		<b>(d) Outdoor Market</b>	Animal Markets Fish Stands Market Grounds Produce and Fruit Stands
		<b>(e) Convenience Store</b>	Confectionary Stores Corner Stores Gift Shops Specialty Shops

GROUP	DIVISION	CLASS	EXAMPLES
F. INDUSTRIAL USES	1. Industrial uses involving highly combustible and hazardous substances and processes.	(a) Hazardous Industry	Bulk Storage of hazardous liquids and substances Chemical Plants Distilleries Feed Mills Lacquer, Mattress, Paint, Varnish, and Rubber Factories Spray Painting
	2. General industrial uses involving limited hazardous substances and processes.	(a) General Industry	Cold Storage Plants Contractors' Yards Factories Freight Depots General Garages Laboratories Laundries Planing Mills Printing Plants Warehouses Workshops
		(b) Service Station	Gasoline Service Stations Gas Bars Level 3 Electrical Vehicle Charger
		(c) Marine Industry	Boat Building and Repair Fish Processing Marine Storage
	3. Light, non-hazardous or non-intrusive industrial uses.	(a) Light Industry	Light Industry Parking Garages Indoor Storage Warehouses Workshops
		(b) Craft Beverage Production	Breweries Distilleries Wineries

<b>G. NON-BUILDING USES</b>	1. Uses not directly related to building.	(a) Agriculture Related	Agritourism Commercial Farms Hobby Farms Market Gardens & Nurseries U-picks
		(b) Community Garden	Community Garden Community Greenhouse
		(c) Forestry	Tree Nurseries Silviculture
		(d) Mineral Exploration	Mineral Exploration Prospecting
		(e) Mineral Working	Quarries Pits
		(f) Mining	Mines
		(g) Recreational Open Space	Parks Playgrounds Playing Fields Sports Grounds Trails
		(h) Conservation	Architectural, Historical and Scenic Sites Buffer Strips Flood Plains Steep Slopes Watersheds Wildlife Sanctuaries
		(i) Cemetery	Cemeteries Graveyards
		(j) Scrap Yard	Car Wrecking Yards Junk Yards Scrap Dealers
		(k) Solid Waste	Incinerators Sanitary Land Fill Solid Waste Disposal
		(l) Kennel	Animal Pounds Kennels Zoos
		(m) Antenna	TV, Radio, and Communications Transmitting, Receiving Masts and Antennae
		(n) Transportation	Airfields Breakwaters Docks and Harbours Railway Yards
		(o) Wind Turbine	Wind Turbines
		(p) Large Scale Solar Collector	Solar collectors as a main use

## **APPENDIX 'A' – 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. Johns , January 2, 2001 .

Joan Marie Aylward  
Minister of Municipal and Provincial Affairs

**REGULATIONS**

*Analysis*

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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) persons 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. Johns, 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. Johns 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 applicants 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 'B' – ROAD CLASSIFICATIONS

Type	Reservation Width   Applicable Streets
Major Arterial	45.0 metres   Columbus Drive/Route 70
Minor Arterial	30.0 metres   Powell Drive Highroad South-CHVO Drive to Route 70 Bond Street to Highroad North to Route 70
Major Collector	20.0 metres   Chapel Street Fox Farm Road Goff Avenue London Road Valley Road
Minor Collector	15.0 metres   Adelaide Street Crowdy Street Forest Road Hoyles Road Lemarchant Street Lemarchant Street Ext O'Driscoll's Lane Southside Lower Road Tyre's Drung Water Street East (Chruch Street to Freshwater Road)
Local	15.0 metres   All other streets, excepting local streets that were approved for 12 metres with curb, gutter, and sidewalk and existing streets determined by resolution of council to be minor streets
Local	12.0 metres   Coral Heights D'Iberville Street Easton Place Remembrance Loop
Minor Streets	10.0 metres   Masonic Ave (Gravel Portion from Lemarchant St to the turn in the road) (Resolution May 5, 2008) Churchill Circle (Resolution May 2, 2005) Whitley Drive (Resolution Oct 2005) Forward's Lane (Resolution Nov 7, 2005) Butt's Lane (Resolution Nov 23, 2021)

