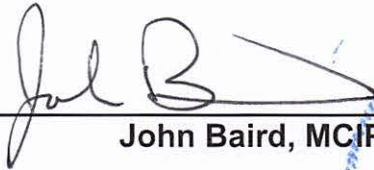


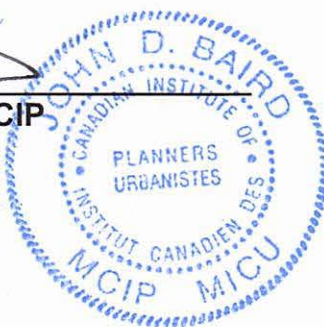
# Town of Heart's Content Development Regulations 2023-2033

Prepared for the Town of Heart's Content

by

Baird Planning Associates

  
\_\_\_\_\_  
John Baird, MCIP



# Urban and Rural Planning Act 2000

## Resolution to Adopt

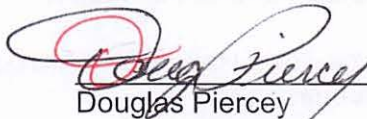
### Town of Heart's Content Development Regulations, 2023 - 2033

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Heart's Content adopts the Heart's Content Development Regulations.

Adopted by the Town Council of Heart's Content on the 19<sup>th</sup> day of December 2023.

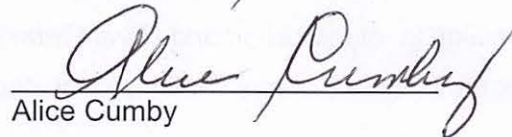
Signed and sealed this 23 day of Feb 2024

Mayor:

  
Douglas Piercey

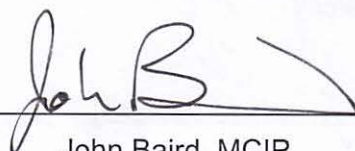
(Council Seal)

Clerk:

  
Alice Cumby

#### Canadian Institute of Planners Certification

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

  
John Baird, MCIP

Development Regulations/Amendment	
<b>REGISTERED</b>	
Number	<u>2240-2024-000</u>
Date	<u>24 MAY 2024</u>
Signature	<u>[Signature]</u>



# Urban and Rural Planning Act 2000 Resolution to Approve

## Town of Heart's Content Development Regulations, 2023 - 2033


Under the authority of Section 16, Section 17, and Section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Heart's Content

- (a) Adopted the Heart's Content Development Regulations on the 19<sup>th</sup> day of December 2023.
- (b) Gave notice of the adoption of the Heart's Content Municipal Plan by advertisement posted:
  - (i) On the Town of Heart's Content Facebook page
  - (ii) On notice boards at the Town Hall, Post Office, and Cable Market
- (c) Set the 18<sup>th</sup> day of January 2024 at 7:00 p.m. at the Town Hall, Heart's Content for the holding of a public hearing to consider objections and submissions.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Heart's Content approves the Heart's Content Development Regulations.

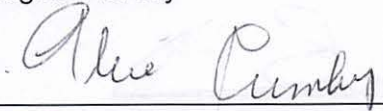
SIGNED AND SEALED this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

Mayor:

  
Douglas Piercey

(Council Seal)

Clerk:

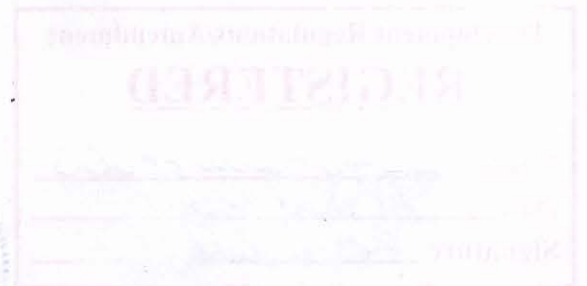
  
Alice Cumby

Municipal Plan  
**REGISTERED**

Number \_\_\_\_\_

Date \_\_\_\_\_

Signature \_\_\_\_\_



# Urban and Rural Planning Act 2000

## Resolution to Approve

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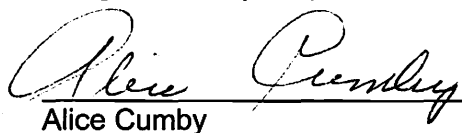
SIGNED AND SEALED this 23 day of Feb 2024.

Mayor:

  
Douglas Piercey

(Council Seal)

Clerk:

  
Alice Cumby

Municipal Plan  
REGISTERED

Number \_\_\_\_\_

Date \_\_\_\_\_

Signature \_\_\_\_\_

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## **PART 1: APPLICATION**

### **1.1 Title**

These Regulations may be cited as the Heart's Content Development Regulations.

### **1.2 Interpretation**

- (1) Words and phrases used in these Regulations shall have the meanings ascribed to them in Part 2.
- (2) Words and phrases not defined in Part 2 shall have the meanings that are commonly assigned to them in the context in which they are used in the Regulations.
- (3) The boundaries of Use Zones in the Land Use Zoning Maps are general only and, except where they coincide with roads, shorelines, or other prominent features, are not intended to define exact limits.

### **1.3 Commencement**

These Regulations came into effect throughout the Heart's Content 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.

### **1.4 Municipal Regulations and Codes**

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

### **1.5 Council**

In these Regulations, "Council" means the Municipal Council of the Town of Heart's Content having jurisdiction over the Heart's Content Development Regulations.

### **1.6 Provincial Development Regulations**

The Provincial Development Regulations, enacted under Section 36 of the Act, shall apply to development within the Planning Area. Where there is conflict between these and the Heart's

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

Content Development Regulations, the Provincial Regulations shall prevail. The Provincial Development Regulations are appended as **Appendix D**.

## PART 2: DEFINITIONS

### GENERAL NOTE:

\*A definition marked with one asterisk is also included in the Provincial Development Regulations.

\*\*A definition marked with two asterisks is also included in the *Urban and Rural Planning Act*.

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

**\*ACCESSORY BUILDING** includes:

- (a) a detached subordinate building not used as a dwelling, located on the same lot as the main building 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,
- (b) 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,
- (c) for commercial uses, workshops or garages, and
- (d) for industrial uses, garages, offices, raised ramps and docks.

**\*ACCESSORY USE** means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use.

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

**ADJUDICATOR** means an adjudicator appointed under section 40 of the *Urban and Rural Planning Act 2000*.

**AGRICULTURE, COMMERCIAL CROP** – See “COMMERCIAL CROP AGRICULTURE”

**AGRICULTURE, COMMERCIAL LIVESTOCK** – See “COMMERCIAL LIVESTOCK AGRICULTURE”

**AMUSEMENT USE** means the use of land or buildings for the playing of electronic, mechanical, or other games and amusements including electronic games, slot machines arcades and pool halls.

**ANIMAL UNIT FOR COMMERCIAL AGRICULTURE** means any one of the following animals or groups of animals as specified by the Agriculture Lands Section (Department of Fisheries, Forestry and Agriculture):

Type of Livestock	Average Weight per Animal (kg)	No. of Livestock per Animal Unit
Dairy Cows	545-640	1
Heifers	300	2

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

Veal	91	5
Bulls	545	1
Beef cows	360	2
Sows (F to F)	454	1
Sows	150	3
Hogs	75	6
Boars	150	3
Sheep (ewe)	54	8
Sheep (lamb)	27	16
Goats	64	7
Foxes	11.35	40
Mink	3	150
Rabbits	2.27	200
Laying Hens	1.8	252
Broilers	.9	500
Pullets	1.3	350
Broiler turkey	6.5	70
Heavy turkey	7.5	60
Heavy toms	12	40

**ANIMAL UNIT FOR PERSONAL USE** means any one of the following animals or group of animals:

- six (6) chickens, ducks, geese, turkeys, or rabbits
- eighteen (18) quail
- three (3) sheep or goats
- one (1) horse or cow

**ANTENNA** means a building, structure, mast, or antenna used to facilitate the receiving or transmitting of radio, television, telephone, cellular, Internet, or satellite communications.

**APARTMENT BUILDING** means a residential building containing three or more dwelling units but does not include a row dwelling as defined in these Regulations.

**\*APPLICANT** means a person who has applied to Council for a permit to carry out a development.

**APPROVAL IN PRINCIPLE** means a preliminary approval of a development conditional upon the submission of additional plans and details before a development approval or building permit is issued.

**ARTS AND CRAFTS STUDIO** means a building or portion thereof used for the production, display, instruction, or sale of arts or crafts, but which does not include any activity that might be offensively dirty or noisy in its operation.

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

**ARTERIAL STREET** means a main traffic artery to and through the Planning Area. Route 80 (corresponds to portions of Main Road and Cove Road) and Route 74 (corresponds to another portion of Main Road) are the arterial streets in Heart's Content.

**\*AUTHORITY** means the Municipal Council of the Town of Heart's Content.

**BED AND BREAKFAST** means an owner-occupied single dwelling, which includes guest rooms for the accommodation of travellers.

**BOARDING HOUSE** means a dwelling in which at least two (2) rooms are regularly rented to persons other than the immediate family of the owner or tenant.

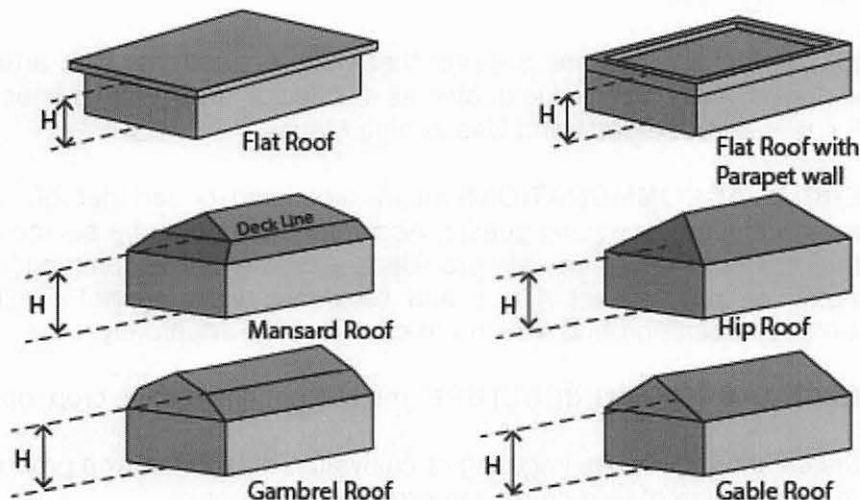
**BOATHOUSE** means a small building in a coastal (i.e., saltwater) location for storage of a boat.

**\*\*BUILDING** means:

- (a) a structure, erection, alteration, or improvement placed on, over or under land or attached, anchored, or moored to land,
- (b) mobile structure, vehicle or marine vessel adapted or constructed for residential, commercial, industrial, and other similar uses,
- (c) a part of and fixture on a building referred to in subparagraphs (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 subparagraphs (a) to (c).

**\*BUILDING HEIGHT** means the vertical distance, measured in metres, from the established grade to:

- (i) the highest point of the roof surface of a flat roof,
- (ii) the deck line of a mansard roof, and
- (iii) the mean height level between eave and 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.



## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

**\*BUILDING LINE** (See also SETBACK, FRONTYARD) means a line established by Council that runs parallel to a street line and is set at the closest point to a street that building may be placed.

**CAMPGROUND** means a contiguous parcel of land, managed as a unit, for the accommodation of any combination of ten (10) or more recreational vehicles, travel trailers, or tents used on a short term or seasonal basis, and where accessory uses may include an administrative office, clubhouse, snack bar, laundry, convenience store, washroom, and recreational area or facility.

**CAR WRECK** means a motor vehicle of any type that is disabled or non-operational, is no longer licensed for road use, and/or has been parked or stored in the outdoors for longer than six months.

**CATERING** means a building or part of a building where food is prepared and served within the premises and includes a restaurant and coffee shop but does not include a take-out food service or drinking establishment, which are defined separately.

**CEMETERY** means a facility or site reserved for the burial of the dead and may include a mortuary and accessory maintenance facility.

**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 period as defined under the Child Care Act, but which does not include a school as defined under the Schools Act.

**CLUB AND LODGE** means land, a building, or part of a building used by a non-profit association or organization for fraternal, social, recreational, or religious purposes.

**COASTAL** refers to land abutting marine or saltwater shorelines and excludes land abutting freshwater shorelines.

**COLLECTOR STREET** means a street that links local streets with arterial streets or other collector streets, and which is designated as a collector street in the Municipal Plan and shown on the Future Land Use and Land Use Zoning Maps.

**COMMERCIAL ACCOMMODATIONS** means a building, or part thereof, used to provide short-term accommodation for paying guests. Accommodation may be self-contained (with kitchen and bathroom) or serviced (meals provided). Commercial accommodations may include a hotel, motel, or inn, but not a bed and breakfast, visitor rental dwelling, tourist cottage establishment, or campground, which are each defined separately.

**COMMERCIAL CROP AGRICULTURE** means a commercial crop operation, which may include:

- (a) the clearing, draining, irrigating or cultivation of land for crop production,
- (b) the production of field crops and greenhouse crops,

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

- (c) the production of fruit and vegetables and other specialty horticultural crops,
- (d) the operation of agricultural machinery and equipment,
- (e) storage, use or disposal of organic wastes for farm purposes,
- (f) the preparation of a non-livestock farm product for distribution from the farm gate, including cleaning, grading, and packaging,
- (g) the operation of pick-your-own farms, roadside stands, farm produce stands, and tourist operations as part of a farm operation, or
- (h) any other non-livestock agricultural activity or process prescribed by Provincial regulation that is carried on for gain or reward or in the hope or expectation of gain or reward.

**COMMERCIAL LIVESTOCK AGRICULTURE** means a commercial livestock operation, which may include:

- (a) the clearing, draining, irrigating or cultivation of land for livestock grazing,
- (b) the raising of livestock, including poultry,
- (c) the raising of fur-bearing animals,
- (d) the raising of bees,
- (e) the production of eggs and dairy,
- (f) the preparation of a livestock, poultry, or dairy product for distribution from the farm gate, including cleaning, grading, and packaging,
- (g) the on-farm processing of farm products for the purpose of preparing livestock, poultry, or dairy products for wholesale or retail consumption,
- (h) any other livestock activity or process prescribed by Provincial regulation that is carried on for gain or reward or in the hope or expectation of gain or reward.

**COMMERCIAL LIVESTOCK FACILITY** means a building and/or outdoor confinement area used or intended to be used to house or confine livestock, and includes a structure or area used or intended to be used to store manure.

**COMMUNICATIONS** means an establishment or facility in the field of communications, including publishing companies, printing businesses, radio stations, television stations, and telephone companies.

**COMMUNITY GARDEN** means a common outdoor space where residents grow and care for vegetables and/or flowers for personal consumption or non-commercial purposes.

**CONSERVATION** means a use of land that serves to protect, maintain, or improve an environmental resource or feature.

**CONSTRUCTION YARD** means an area used for the storage of construction materials, supplies, equipment, tools, stockpiles of construction materials and aggregates, and other items including storage containers, construction trailers, and temporary office trailers.

**CONTRACTOR'S YARD** means a yard of any general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work.



## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

**CONVENIENCE STORE** means a retail store that is compatible with a residential area, does not exceed a floor area of two hundred square metres (200 m<sup>2</sup>) and has at least eighty percent (80%) of the retail floor space devoted to the sale and display of groceries.

**CORNER LOT** -See "LOT, CORNER"

**COUNCIL** means the Council of the Town of Heart's Content having jurisdiction of the Heart's Content Municipal Plan and Development Regulations.

**CREMATORIUM** means a building fitted for the cremation of human remains and includes everything incidental and ancillary thereto.

**CULTURAL AND CIVIC** means land or a building used for a cultural or civic activity such as a museum, art gallery, interpretation centre, cultural centre, outdoor interpretive or educational display, or used for a government activity not otherwise defined in these Regulations.

**DECK** means a structure abutting a dwelling or other building that has no walls and is constructed on piers or a foundation above-grade for use as an outdoor living area.

**\*\*DEVELOPMENT** means the carrying out of any building, engineering, mining or other operations in, on, over, or under land, or the making of any material change in the use, or the intensity of use of any land, buildings, or premises and includes:

- (a) the making of an access onto a highway, road, or way,
- (b) the erection of an advertisement or sign,
- (c) the construction of a building,
- (d) the parking of a trailer, or vehicle of any description used for the sale of refreshments or merchandise, or as an office, or for living accommodation, for any period of time.

and excludes:

- (a) the carrying out of works for the maintenance, improvement or other alteration or any 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,
- (b) the carrying out by a highway authority of any works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation,
- (c) the carrying out by any local authority or statutory undertakers of any works for the purpose of inspecting, repairing, or renewing any sewers, mains, pipes, cables, or other apparatus, including the breaking open of any street or other land for that purpose, and
- (d) the use of any building or land within the courtyard of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as such.

**\*\*DEVELOPMENT REGULATIONS** means these regulations and regulations and by-laws respecting development that have been enacted by Council.

**\*DISCRETIONARY USE** means a use that is listed within the discretionary use classes established in the use zone tables of Council's development regulations.

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

**DISTANCE** means the separation, measured on a horizontal plane, between a lot line, street line, a watercourse, or other point specified in these Regulations and the nearest part of a building, structure, excavation, or other use of land.

**DISTANCE BETWEEN BUILDINGS** means the separation, measured on a horizontal plane, between the nearest walls of two separate buildings.

**DOCK** means a recreational wharf structure extending into a body of water, but does not include a marina, marine facility, or slipway, which are each defined separately in these Regulations.

**DOMESTIC ANIMAL** means any animal normally and customarily kept by domestic households for pleasure and companionship, excluding horses, goats, sheep, pigs, poultry, pheasants, and livestock.

**DOMESTIC SAWMILL** – See SAWMILL, DOMESTIC

**DOUBLE DWELLING** means a building containing two dwelling units, placed one above the other (duplex), or side by side (semi-detached), but does not include a single dwelling containing a subsidiary apartment.

**DRINKING ESTABLISHMENT** means a commercial operation, assembly hall, club, or lounge in which the sale and consumption of liquor is licensed under the *Liquor Control Act*, and in which meals and food may be served for consumption on the premises and entertainment may be provided.

**DRIVEWAY** means a vehicular passageway having at least one end thereof connected to a public street and providing ingress to and/or egress from a lot.

**DWELLING** means a main building or portion thereof, which contains one or more dwelling units.

**DWELLING UNIT** means a self-contained unit consisting of one or more habitable rooms used or designed as the living quarters for one household.

**EDUCATIONAL** means an institution of learning that includes primary, elementary, junior high, and senior high schools, public and colleges, universities, as well as buildings used for temporary training activities.

**EMERGENCY SERVICE** means a fire station, police station, ambulance station, rescue centre, or other facility for the provision of emergency services, including a related training facility.

**ENERGY GENERATION FACILITY** means a small-scale facility for the generation of electricity, however, does not include an emergency back-up generator.

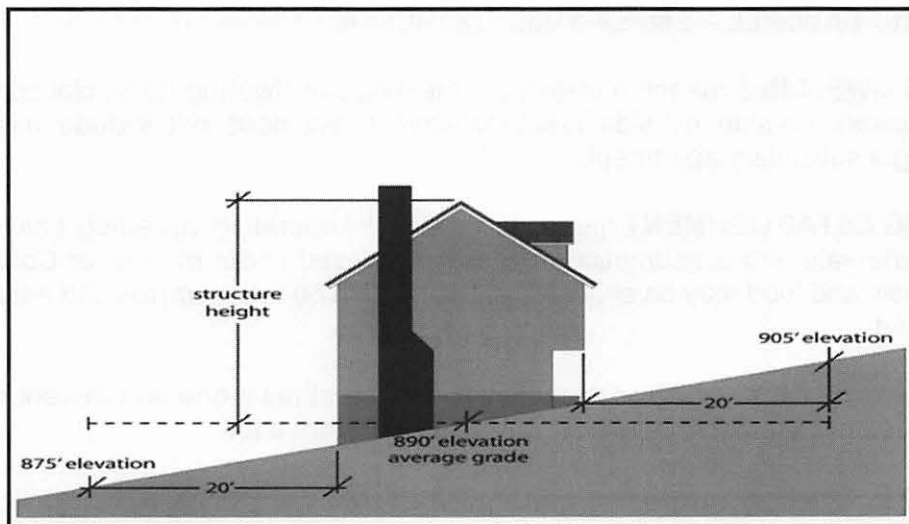
## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

**ENGINEER** means a professionally certified engineer who is employed or retained by Council or is employed or retained by a developer in relation to a development that requires Council approval.

**ENTERTAINMENT** means the use of a building for entertainment activities, and may include a bowling alley, theatre, games arcade, poolroom, youth centre, or similar use.

**\*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 any artificial embankment or entrenchment.



**EXCAVATION OF LAND** means the removal of soil, gravel, or bedrock material to prepare a site for development or to sell for off-site use.

**FENCE** means a barrier, railing or other upright structure to mark a boundary, control access, prevent escape, serve as a landscape feature, or provide some combination of all these functions. The construction of a fence in Heart's Content requires a development permit.

**FISHERIES FACILITY** means a facility near or abutting coastal water for a purpose related to commercial fishing, aquaculture, or fish processing, including a wharf, gear shed, or slipway.

**FISHING ENTERPRISE** means a commercial fish harvesting operation licensed by Fisheries and Oceans Canada.

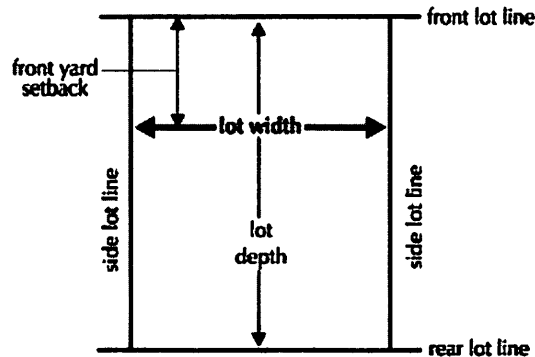
## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

**\*FLOOR AREA** means the total area of all floors in a building measured to the outside face of exterior walls.

**FORESTRY** means the growing and harvesting of trees and, without limiting the generality of the foregoing, shall include cutting of fuelwood, sawlogs, Christmas trees, and other products.

**FRONT LOT LINE** (See LOT LINE, FRONT and STREET LINE)

**\*FRONTAGE** (or LOT WIDTH) means the horizontal distance between side lot lines measured at the building line.



**FRONTYARD SETBACK** – (Also see SETBACK, FRONTYARD) means the distance between the “building line” as defined in these regulations and the street line or front lot line.

**FUNERAL HOME** means the use of a building for the provision of funeral services, which may include a facility to prepare human remains for interment and a chapel for commemorative services but does not include a crematorium, which is defined separately.

**FUTURE STREET** means a portion of land delineated on a development plan as a “Future Street”, which is to be used as a street at some date in the future and which the title of the land will be vested with Council upon the completion of the development.

**GARAGE** means a building erected for the storage of motor vehicles as an ancillary use to a main building on the lot.

**GARDEN CENTRE** means the use of land, buildings, or structures or part thereof for the purpose of growing and selling plants and garden equipment and supplies.

**GENERAL ASSEMBLY** means land or buildings used as gathering places for substantial numbers of people and, without limiting the generality of the foregoing, includes auditoriums, convention centres, public and private halls, bowling alleys, theatres, and similar gathering places.

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

**GENERAL GARAGE** means land or a building used for the commercial repair, maintenance and storage of motor vehicles and may include the sale of gasoline or diesel oil.

**GENERAL INDUSTRY** means the use of land or a building to store, assemble, alter, repair, manufacture, fabricate, pack, can, prepare, break up, demolish, or treat any article, commodity, or substance. "Industry" shall be construed accordingly.

**GENERAL SERVICE** means an outlet for servicing, repairing, installing, or renting things and equipment, without limiting the generality of the foregoing, includes the following examples:

- (a) radio, television, and computer service and repair shops
- (b) locksmith shops
- (c) small appliance service or repair shops
- (d) household and carpenter tool service or repair shops
- (e) tools and equipment rental shops

**GLAMPING FACILITY** means a visitor accommodation unit for short-term visitor rentals with amenities designed to be more comfortable than traditional camping, for example, camping huts, yurts, platform tents, travel trailers, and recreational vehicles.

**GRADE** – See "ESTABLISHED GRADE".

**GREENHOUSE** means a building whose roof and sides are made largely of transparent or translucent material for the cultivation of plants for subsequent sale, transplanting, or personal use.

**GROUP HOME** means a residential care home to accommodate no fewer than four (4) and no more than six (6) persons, exclusive of support staff, in a home-like setting. Subject to the size limitation, this definition includes, but is not limited to, facilities referred to as "group care homes", "halfway houses", and "foster homes". Any home that provides care to three or less persons is treated in these Regulations the same as any other private dwelling.

**HABITAT** means an area where plants, animals, and other organisms live and find adequate amounts of food, water, shelter, and space needed to sustain their populations. Specific habitats of concern may include areas where species (e.g., geese, ducks, salmon) concentrate at a vulnerable point in their life cycle or annual migration.

**HAZARD LAND** means land that poses a hazard or constraint to development such as wetlands, organic soils, steep slopes, flood plains, contaminated soils, and landslide prone areas.

**HAZARDOUS INDUSTRY** means the use of land or buildings for industrial purposes involving the use of materials or processes, which because of their inherent characteristics constitute a special fire, explosion, radiation, or other hazard.

**HAZARDOUS USE** means the use of land or buildings for any purpose that constitutes a hazard by reason of fire, explosion, radiation, pollution, noxiousness, and risk to human health, or other hazard.

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

**HEIGHT** – See “BUILDING HEIGHT”.

**HERITAGE DISTRICT** refers to “The Heart’s Content Registered Heritage District” which is the geographically defined area in Heart’s Content so designated by the Heritage Foundation of Newfoundland and Labrador in 2013.

**HERITAGE PROPERTY, DESIGNATED** includes: (1) a site, building, or structure that is designated and protected in accordance the *Historic Resources Act* and (2) a site, building, or structure that is designated and protected by the Town of Heart’s Content in accordance with Section 200 of the *Municipalities Act 1999*.

**HERITAGE REGULATIONS** mean the “*Town of Heart’s Content Heritage Regulations*”, which were approved and adopted pursuant to the *Municipalities Act* by the Heart’s Content Town Council on the 14<sup>th</sup> day of October 2019.

**HERITAGE VALUES** (refer to Municipal Plan, Section 4.3) mean the historic, cultural, natural, and aesthetic significance that people attach to a place. Heart’s Content’s heritage values derive from its location as the first successful Transatlantic Cable landing in 1866 and its centuries-long attachment to the fishery. Intrinsic to these values is its cultural landscape, vernacular architecture, and coastal scenery.

**HOME OCCUPATION** means a secondary use of a residential property by a resident of the property to conduct a gainful occupation or business activity.

**HOME OFFICE** means a secondary use of a dwelling by a resident of the dwelling to conduct a gainful occupation or business activity that is limited to office uses and that do not involve regular visitation to the home by clients, customers, or the general public.

**HOTEL** means a commercial establishment that consists of a building with three or more attached sleeping units grouped under one roof designed to accommodate the traveling public, which may or may not have restaurant, retail, and personal services.

**INDOOR ASSEMBLY** means land or a building used as a gathering place for sports-related recreational activities and, without limiting the generality of the foregoing, includes arenas, armories, gymnasiums, and ice rinks.

**INDOOR MARKET** means the use of a building for the display and sale of goods and produce by a number of retail enterprises.

**INFILL DEVELOPMENT** means development or redevelopment occurring on an infill lot.

**INFILL LOT** means vacant land along a built-up street that is suitable for further construction or development.

**INFILLING** means the depositing of soil, gravel, or bedrock material to prepare a site for development.

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

**INSPECTOR** means any person appointed or engaged as an Inspector by Council or by any federal or provincial authority or the agent thereof.

**KENNEL** means any land, building, or structure where five (5) or more dogs, cats or other domestic animals are boarded, bred, trained, and cared for, and may include a pet grooming business, but does not include a veterinary clinic.

**\*\*LAND** includes land covered by water, and buildings and structures on, over, or under the soil and fixtures that form part of these buildings and structures.

**LIGHT INDUSTRY** means the use of any land or buildings for any industrial use that can be carried out without hazard, intrusion, or detriment to the amenity of the surrounding area by reason of noise, vibration, smell, fumes, outdoor storage, waste accumulation, smoke, grit, soot, ash, dust, glare, or appearance.

**LIVESTOCK** means any species of poultry, cattle, sheep, swine, goats, llamas, horses, or other animals that are normally kept and raised on farms for producing food or other animal derived products, riding (e.g., horses), boarding, breeding, or improving animal nutrition, for profit, personal use, or otherwise. Livestock does not include domestic animals as defined in these Regulations.

**LIVESTOCK AGRICULTURE, COMMERCIAL** – See "COMMERCIAL LIVESTOCK AGRICULTURE"

**LIVESTOCK FACILITY, COMMERCIAL** – See "COMMERCIAL LIVESTOCK FACILITY"

**LOCAL STREET** means a street designed primarily to provide access to adjoining land and which is not designated as a collector street or arterial street in the Municipal Plan or on the Zoning Map.

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

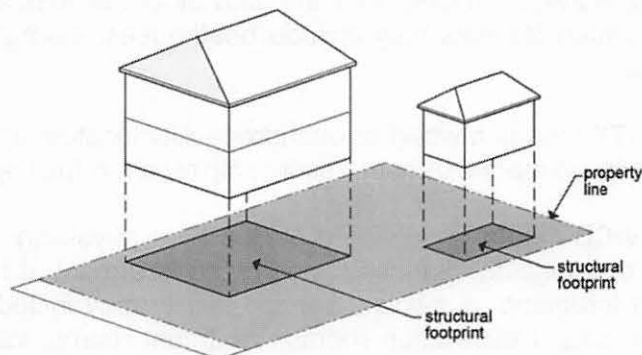
**\*LOT AREA** means the total horizontal area within the boundary lines of the lot.

**LOT, CORNER** means a lot having two or more sides fronting onto two or more adjacent streets.

**\*LOT COVERAGE** means the combined area of all buildings on the 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.



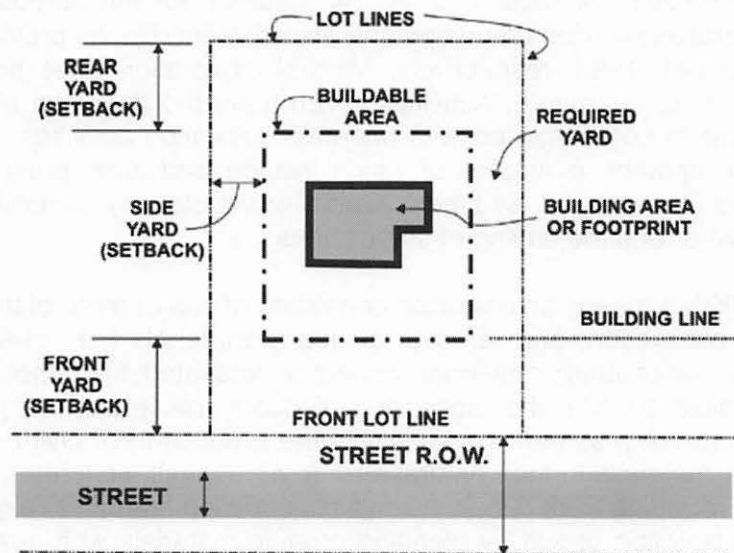
## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS



$$\text{lot coverage (\%)} = \frac{\text{total area of structural footprint(s)}}{\text{total lot area}}$$

**LOT LINE** means a common boundary between a lot and an abutting lot or street.

**LOT LINE, FRONT** (also see **STREET LINE**) means the edge of a street reservation as defined by Council. For individual lots it forms the boundary between the lot and the street.



**LOT WIDTH** (or "FRONTAGE") means the horizontal distance between side lot lines measured at the building line.

**MAIN BUILDING** means the building or buildings within which the primary use(s) of a lot is contained.

**MAIN USE** means the primary use for which a building, structure or lot is designed, arranged, or intended, or for which a lot may be used under this regulation.

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

**MARINA** means a dock or basin together with associated facilities where slips, moorings, supplies, repairs, storage, rentals, refueling, and other services available for boats and other watercraft. Associated facilities may include boathouses, storage facilities, clubhouses, and catering facilities.

**MARINE FACILITY** means a wharf or onshore facility located in the vicinity of coastal waters for a purpose related to marine transportation, ship repair, refuelling, and other marine services.

**MEDICAL SERVICE** means a service provided by a physician, dentist or other health care professional for consultation, diagnosis, and office treatment of humans. Without limiting the generality of the foregoing, a medical service facility may include associated administrative offices, waiting rooms, examination rooms, treatment rooms, laboratories, pharmacies, and dispensaries, but shall not include accommodation for in-patient care or operating rooms.

**MEDICAL TREATMENT** means a building for the medical care, supervision, and skilled nursing care of persons suffering from sickness, disease or injury, or for convalescent or chronically ill persons.

**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. "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.

**MINERAL WORKING** means 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 previously deposited on site, the stockpiling 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 mineral 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.

**MINING** means the use of land or buildings for the extraction of ores and/or salts.

**MINISTER** means the Minister responsible for the Urban and Rural Planning Act 2000.

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

**MINOR WATERCOURSE** means a watercourse that flows for only part of the year, such as during snowmelt, spring runoff, and rainstorms.

**MOBILE VENDING FACILITY** means a transient facility such as a trailer, hotdog stand, ice cream cart, or tent that is used to display, store, or sell food, beverages, articles, or goods.

**MOTEL** means an establishment that serves the travelling public, which consists of one or more buildings containing four or more attached accommodation units, which may or may not have restaurant, retail, and personal services.

**MULTI-USE TRAIL** means a trail where permitted activities include motorized off-road recreational vehicles as well as non-motorized uses such as mountain biking and hiking.

**\*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.

**NOXIOUS USE** means a use of land or a building which, from its nature or operation, creates a nuisance, or is liable to become a nuisance, which is offensive or dangerous by reason of noise, vibration, or emission of gas, fumes, dust, or objectionable odour.

**NURSING HOME** means a residential care home licensed under Provincial legislation, which provides long-term nursing and medical care.

**OFFICE** means a use providing for administrative, governmental, professional services and general office functions, and includes accounting, bookkeeping, advertising, architectural, engineering, planning and design, surveying, legal services, counseling, data processing, telephone services, social services, public relations, consulting, realty offices and similar uses.

**OFF-ROAD RECREATIONAL VEHICLE** means a motorized off-road recreational vehicle such as a snowmobile, ATV, side-by-side, or dirt bike.

**OPEN SPACE** means land set aside to preserve natural areas or to develop passive recreational uses. Open space may include community gardens, woodlands, fields, walking trails, passive recreational uses, and outdoor interpretation facilities. It may include minor structures such as viewing platforms, boardwalks, and outdoor toilets, but shall not include larger buildings or facilities such as tennis courts and parking lots. Neither shall it include a trail that allows off-road recreational vehicles, which is covered in these Regulations under the definition of "multi-use trail."

**OUTDOOR ASSEMBLY** means land or outdoor facilities used as a gathering place for substantial numbers of people and, without limiting the generality of the foregoing, includes bleachers, grandstands, outdoor ice rinks, amusement parks, fair grounds, exhibition grounds, drive-in theatres, and similar gathering places.

**\*OWNER** means a person or an organization of persons owning or having the legal right to use the land under consideration.

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

**PARKING AREA** means a designated area on a lot, other than a driveway, for off-street vehicle parking.

**PARKING SPACE** means a designated space in a parking area or a driveway adequate to park one automobile with room to open doors on both sides, together with related maneuvering room and access to a public street.

**PASSIVE RECREATIONAL USE** means a recreation activity that does not require a developed site. It includes such uses as walking, bicycling, and skiing trails, but does not include sports fields, structures, or facilities to accommodate off-road recreational vehicles.

**\*PERMITTED USE** means a use that is listed within the permitted use classes set out in the use zone tables of Council's development regulations.

**PERSONAL CARE HOME** means a residential care home licensed under Provincial legislation that provides lodging, meals, and a limited degree of personal care.

**PERSONAL LIVESTOCK USE** means the use of land, buildings, or structures for the limited keeping of livestock animals for personal use.

**PERSONAL SERVICE** means a service oriented to the personal needs of persons, and without limiting the generality of the foregoing, includes hairdressing shops, gyms, taxi stands, computer services, hobby shops, and photo studios.

**\*\*PLANNING AREA** means a municipal planning area established under Section 6 and 11 of the Act. For the purpose of these Regulations, the Heart's Content Planning Area takes in the Heart's Content municipal boundaries.

**\*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.

**PUBLIC BUILDING** means a building that is used for a public or non-profit purpose and without limiting the generality of the foregoing, may include such a building such as a school, place of worship, municipal facility, community centre, hospital, town hall, and government office.

**PUBLIC RIGHT-OF-WAY** means a route across privately or publicly owned land that may be followed, but not deviated from, by members of the public.

**\*REARYARD DEPTH** (also see SETBACK, REARYARD) means the distance between the rear lot line and the rear wall of the main building on the lot.

**RECREATIONAL OPEN SPACE** means an outdoor use designed and equipped for the conduct of sports and/or leisure activities and may include a playground, outdoor skating rink, golf course, racing track, playing field, dog park, outdoor theatre, water slide, or similar outdoor facility.

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

**RECREATIONAL VEHICLE** means a self-propelled motor vehicle with facilities for sleeping and eating, which is used for camping and recreational living but not as a full-time residence.

**RECYCLING FACILITY** means land or a building used to deposit, store, separate, clean, or redistribute discarded materials such as drink containers, paper, glass, plastic, and cardboard.

**RESIDENTIAL CARE HOME** means an accommodation facility or home providing for the care of aged, sick, injured, or special needs persons, other than in a public hospital, and may include a personal care home, nursing home, rest home, seniors home, or group home.

**RESTAURANT** means a building or part thereof, used or occupied for the purpose of serving the public with meals or refreshments for consumption on the premises.

**RETIREMENT ESTABLISHMENT** means a building or parcel of land with self-contained dwelling units designed for people who do not require a high level of assisted home care. Provision of services such as snow clearing, grounds maintenance, and activity programs may be provided but each dwelling unit has its own cooking and self-care facilities.

**ROW DWELLING (OR TOWNHOUSE)** means a dwelling containing no less than three dwelling units at ground level in one building, each unit separated vertically from the others and with individual entrances directly from the outside.

**SALVAGE YARD** means land where old non-operational motor vehicles, equipment, and structural components are disassembled or stored and second-hand goods such as automobile tires, building materials, scrap metals and other salvage are collected to be sorted and resold.

**SAWMILL, DOMESTIC** means a sawmill licensed under the *Forestry Act*, which is approved for personal and non-commercial use only.

**SENSITIVE AREA** means an area that is easily disrupted by human activity, and may include steep slopes, cliffs, watercourses, wetlands, riparian areas, springs, coastal features, wet and unstable soils, unstable geology, and vulnerable or threatened flora or fauna.

**SERVICE STATION** means any land or building used for the sale of petroleum products, automotive parts and accessories, and the repairing, washing, and polishing of motor vehicles.

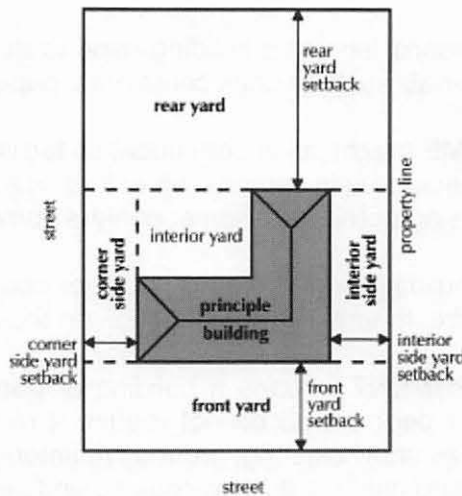
**SETBACK, FRONTYARD** means the distance between the "building line" as defined in these regulations and the street line or front lot line.

**SETBACK, REARYARD** means the distance between the rear lot line and the rear wall of the main building on the lot.

**SETBACK, SIDEYARD** means the distance between the side lot line and the nearest sidewall of a building on the lot.

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

### ILLUSTRATION OF YARDS AND YARD SETBACKS



**SHOP** means a building or part thereof used for retail trade wherein the primary purpose is the selling or offering for sale of goods, wares or merchandise by retail or the selling or offering for sale of retail services but does not include an establishment wherein the primary purpose is the serving of meals or refreshments, an amusement use, a general garage, or a service station.

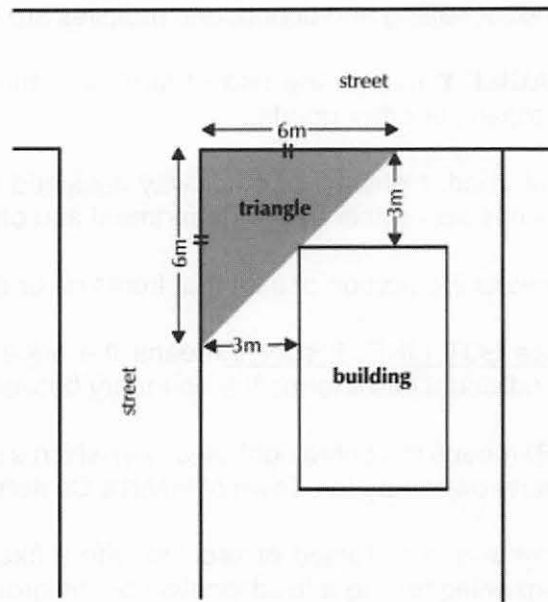
**SHOPPING CENTRE** means a group of shops and complementary uses with integrated parking, which is planned, developed, and designed as a unit.

**\*SIDEYARD DEPTH** (Also see SETBACK, SIDEYARD) means the distance between the side lot line and the nearest sidewall of a building on the lot.

**\*SIGN** means a word, letter, model, placard, board, device, or representation whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement or direction and excludes those things employed wholly as a memorial, advertisements of local government, utilities and boarding or similar structures used for the display of advertisements.

**SIGHT TRIANGLE** means a triangle-shaped portion of land established at a street intersection in which nothing can be erected, placed, planted, or allowed to grow in such a manner as to obstruct the sight distance of 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 on one street line to a point in the other street line.

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

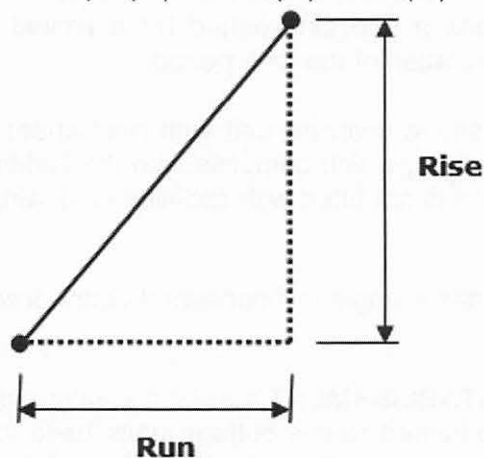


**SINGLE DWELLING** means a free-standing dwelling, which is separate and detached from other main buildings and consists of a constructed, prefabricated, or manufactured dwelling unit, but does not include a mini-home or a mobile home.

**SLIPWAY** means a ramp on the shore where boats are launched and removed from the water.

**SLOPE** means the rate of vertical change of the surface of the ground expressed as a percentage and determined by dividing the change in vertical distance (rise) by the change in horizontal distance (run).

$$\text{Slope (\%)} = \text{Rise (m)} / \text{Run (m)}$$





## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

**STAGE** means an elevated platform on the shore with working tables, sheds, etc., where fish are landed and processed for salting and drying, and supplies are stored.

**STORAGE RENTAL FACILITY** means the use of land or a building for rented storage of vehicles, equipment, materials, or other goods.

**\*STREET** means a street, road, highway, or other way designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles.

**STREET FRONTAGE** means the portion of a lot that fronts on or abuts a public street.

**\*STREET LINE** (also see LOT LINE, FRONT) means the edge of a street reservation as defined by Council. For individual lots it forms the boundary between the lot and the street.

**STREET RESERVATION** means the entire right-of-way in which a street or highway is located, and which is public property owned by the Town of Heart's Content or the Province.

**STRUCTURE** means anything constructed or erected with a fixed location on or below the ground or attached to something having a fixed location on the ground, and includes buildings, walls, fences, signs, billboards, utility poles, and similar items.

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

**SUBSIDIARY APARTMENT** means a separate dwelling unit constructed within and subsidiary to a self-contained dwelling or other building.

**SURFACE WATER** means any flowing or standing water on the surface of the earth.

**TAKE-OUT FOOD SERVICE** means a building or part of a building in which meals and refreshments are prepared and sold for consumption off the premises.

**TEMPORARY USE** means a use established for a limited duration with the intent to be discontinued upon the expiration of the time period.

**TINY HOUSE** means a single dwelling unit with permanent provisions for living, sleeping, eating, cooking and sanitation, which complies with the National Building Code, is built on a permanent foundation, and is not fitted with facilities for towing or to which towing apparatus can be attached.

**TOURIST COTTAGE** means a single self-contained visitor accommodation unit used for short-term visitor rentals.

**TOURIST COTTAGE ESTABLISHMENT** means a contiguous parcel of land, managed as a unit, consisting of self-contained tourist cottage units used for short-term stays, and where accessory uses could include an administrative office, clubhouse, snack bar, convenience store, and recreational facilities.

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

**TRANSPORTATION** means transportation infrastructure such as airfields, streets, bridges, culverts, and sidewalks, along with associated buildings and structures.

**TRAVEL TRAILER** means a trailer, so constructed as to be suitable for being drawn by a motor vehicle, with facilities for sleeping and eating, which is used for camping and recreational living but not as a full-time residence.

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

**\*USE ZONE or ZONE** means an area of land including buildings and water designated on the Zoning Map to which the uses, standards and conditions of a particular use zone table apply.

**UTILITY** means a facility used to provide the public with electricity, heat, steam, communications, water, sewage, waste disposal, recycling, or similar services.

**\*VARIANCE** means a departure, to a maximum of 10 percent from the yard area, lot coverage, setback, size, height, frontage, or any other numeric requirement of the applicable Use Zone Table of these Development Regulations.

**VEHICLE SALES AND RENTAL** means a building or an open area used for storage or display of three (3) or more motor vehicles for sales and/or rental purposes.

**VETERINARY** means an establishment used by veterinarians, or practitioners in related specialties, for practicing veterinary medicine, where animals are admitted for examination or treatment, and where limited laboratory and other diagnostic services may be offered but excludes a kennel.

**VISITOR RENTAL DWELLING** means a single dwelling used for temporary rentals to the travelling and vacationing public.

**WATER UTILITY** means any infrastructure or facility used for water supply management and operations such as intake pipes and filters, storage tanks, treatment plants, and pipelines.

**WATERCOURSE** means the full width and length, including the bed, banks, side and shoreline, or other part, of a river, stream, spring, brook, lake, pond, reservoir, canal, estuary, or other natural or artificial freshwater body or channel open to the atmosphere, the primary function of which is the conveyance or containment of water, whether the flow is continuous or not.

**WATERSHED** means the surface area contained within a topographical divide above a specified point on a river, brook, stream, or other flowing body of water.

**WETLAND** means a land whose soil is saturated with moisture either permanently or seasonally. Wetlands include swamps, marshes, bogs, fens, and shallow water, among others. The water found in wetlands can be saltwater, freshwater, or brackish.

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

**ZONE** – See "USE ZONE"

**\*ZONING MAP** means the map or maps attached to and forming part of the Regulations.

## **PART 3: GENERAL REGULATIONS**

### **3.1 Compliance with Regulations**

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

### **3.2. Permit Required**

Unless otherwise stated in these Regulations, no person shall undertake a development except where Council has issued a permit for the development.

### **3.3 Permit to be Issued**

Subject to **Regulation 3.4** and **Regulation 3.5**, a permit shall be issued for a development within the Planning Area that conforms to all requirements of these Regulations, including:

- (a) Part 4 - General Development Standards
- (b) Part 5 – Specific Use Regulations
- (c) Part 6 – Subdivision of Land
- (d) Part 7 - Signs
- (e) Part 8 – Use Zones
- (f) The use classes, standards, and conditions prescribed in Part 9 – Use Zone Tables for the use zone in which the proposed development is located.
- (g) The National Building Code and other ancillary codes, waste disposal regulations, and any other municipal regulation in force in the Planning Area regarding development, conservation, and use of land and buildings.
- (h) Other standards of design and appearance as may be established by Council.

### **3.4 Permit Not to be Issued in Certain Cases**

A development permit or approval in principle will not be issued for a development when, in the opinion of Council, the development would be premature by reason of the site lacking adequate road access, power, drainage, water supply, or sanitary facilities, or being beyond the natural development of the area at the time of application, except where the applicant contracts to pay the full cost of construction of services deemed necessary by Council and such cost shall attach to and upon the property in respect of which it is imposed.

### **3.5 Discretionary Powers of Council**

- (1) In considering an application for a development permit or approval in principle, Council shall consider the policies of the Municipal Plan and any further scheme, plan, or regulations pursuant thereto, and shall assess:
  - (a) the general appearance of the development,
  - (b) the amenity of the surroundings and potential impacts on viewsheds,

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- (c) the availability and capacity of municipal water and sewer infrastructure to service the development,
  - (d) the capacity of the street network to handle the traffic load generated by the development,
  - (e) the availability of utilities,
  - (f) public safety and convenience,
  - (g) other considerations, which in its opinion, are material,
- and notwithstanding the conformity of the application with these Regulations, Council may, in its discretion, and as a result of its consideration of the matters set out in this Regulation, approve with conditions or refuse the application.
- (2) Where Council receives an application for a discretionary use, it will give public notice in accordance with **Regulation 3.21 (4)**.
  - (3) When approving a discretionary use, Council shall state in writing the basis for its approval.

### 3.6 Variances

#### (Refer to Provincial Development Regulations, Section 12)

- (1) Where an approval or a permit cannot be given by Council because a proposed development does not comply with development standards set out in these Regulations, Council may, in its discretion, vary the applicable numeric development standards in the applicable use zone table to a maximum of 10 percent if, in Council's opinion, compliance with the development standards would prejudice the proper development of the land, building or structure in question, or would be contrary to the public interest.
- (2) Council shall not allow a variance from numerical development standards set out in a use zone table 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 percent variance even though the individual variances are separately not greater than 10 percent.
- (3) Council shall not permit a variance from the development standards in a use zone table where the proposed development would increase the non-conformity of an existing development.
- (4) Where Council is to consider a proposed variance from a development standard in a use zone table, in accordance with **Regulation 3.21(2)**, it will give written notice of the proposed variance to all persons whose land, in the opinion of Council, may be affected. At a minimum, this will include all land located within sixty (60) metres of the property that is the subject of the variance. Where it deems necessary, Council may provide the notice to a wider area.

### 3.7 Non-Conforming Uses

(Refer to Section 108(2) of the *Urban and Rural Planning Act 2000* and Sections 14, 15, and 16 of the *Provincial Development Regulations*)

- (1) Notwithstanding the Municipal Plan, a scheme, or regulations made under the *Urban and Rural Planning Act 2000*, Council shall, in accordance with regulations made under this *Act*, allow a development or use of land to continue in a manner that does not conform with a regulation, scheme, or plan that applies to that land provided that the non-conforming use legally existed before the registration under Section 24 of the *Act* of the plan, scheme or regulations made with respect to that kind of development or use.
- (2) Notwithstanding Paragraph (1), a right to resume a discontinued non-conforming use of land shall not exceed one year after the discontinuance occurred. For the purpose of this Regulation, discontinuance of a non-conforming use begins when any one of the following conditions is met:
  - (a) The building or use of land is clearly vacated,
  - (b) The owner or tenant has ceased paying business taxes for that use, and
  - (c) The owner or tenant has stated in writing that the use has ceased.
- (3) A non-conforming building, structure, or development under the *Act*, which is allowed to continue under Paragraph (1):
  - (a) shall not be internally or externally varied, extended, or expanded unless otherwise approved by Council,
  - (b) shall not be structurally modified except as required for the safety of the building, structure, or development,
  - (c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50 percent or more of the value of that building, structure or development has been destroyed, except as provided for in Paragraph (g) below,
  - (d) may have the existing use for that building, structure or development varied by Council to a use that is, in Council's opinion, more compatible with the plan and regulations applicable to it,
  - (e) may have the existing building extended where, in Council's opinion that extension is not more than 50 percent of the existing building,
  - (f) where the non-conformance is with respect to the standards in these Regulations, shall not be expanded if the expansion would increase the non-conformity, and
  - (g) where the building, structure, or development is primarily zoned and used for residential purposes, may, in accordance with the appropriate plan and regulations, be repaired or rebuilt where 50 percent or more of the value of that building or structure is destroyed.
- (4) In accordance with **Regulation 3.21(3)**, when considering an application to vary an existing use of a non-conforming building, structure, or development under Paragraph (3)(d), Council will, at the applicant's expense, provide public notice of the application and shall consider any representations or objections received in response to that advertisement.

### **3.8 Service Levy**

- (1) In accordance with Section 149(2) of the Municipalities Act, 1999, where Council carries out a public work that enables a real property to be developed or developed to a higher density, or enhances the value of a property, Council may charge a service levy on the property.
- (2) The amount of a service levy shall be determined by Council, but shall not exceed the cost, including finance charges, to Council of constructing or improving the public works that are necessary for the real property to be developed in accordance with Council's standards by Council and for uses that are permitted on that real property.
- (3) A service levy shall be assessed on the real property based on:
  - (a) The amount of real property benefitted by the public work related to all the real property so benefitted; and,
  - (b) The density of development made capable or increased by the public work.
- (4) Council may require a service levy to be paid by the owner of the property benefitted and may specify the time for payment.

### **3.9 Financial Guarantees by Developer**

- (1) Council 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 licence.
- (2) The financial provisions pursuant to Paragraph (1) may be made in the form of:
  - (a) A cash deposit from the developer, to be held by Council,
  - (b) A guarantee by a bank, or other institution acceptable to Council, for expenditures by the developer,
  - (c) A performance bond provided by an insurance company or a bank, or
  - (d) An annual contribution to a sinking fund held by Council.
- (3) Mineral Workings
  - (a) The developer of a mineral working use shall provide a financial guarantee in the form of a performance bond or unconditional and irrevocable letter of credit or other form acceptable to Council for an amount to cover the cost of restoring or landscaping the site after the quarry operations have ended or the site is abandoned by the applicant.
  - (b) The financial guarantee shall be returned when the restoration has been carried out or the development has been terminated in accordance with conditions attached to the development permit.



### **3.10 Dedication of Land for Public Use**

Council may require the dedication of a percentage of the land area of any subdivision or other development for public use, and such land will be conveyed to Council in accordance with Section 37 of the Act.

Such land must be high quality land suitable for the intended public use and not land that Council requires to be set aside from development for the purposes of stormwater drainage or environmental protection.

### **3.11 Reinstatement of Land**

Where the use of a site is discontinued, the intensity of its use is decreased, a development permit has been revoked or has expired, or a temporary development permit has expired, Council may order the developer, the occupier of the site, the owner, or all of them to reinstate the site, remove all or any buildings or erections, cover or fill all wells or excavations, and close all or any accesses, or do any or all of these things, as the case may be, and the developer, occupier or owner shall carry out the order of Council and shall put the site in a clean and sanitary condition to Council's satisfaction.

### **3.12 Form of Application**

- (1) An application for a development permit or for approval in principle shall be made to Council only by the owner or by a person authorized by the owner on such form as may be prescribed by Council and every application shall include plans and an application fee if required.
- (2) Council shall supply to each applicant a copy of the application form referred to in Paragraph (1) and any available information relevant to the application.

### **3.13 Register of Applications**

Council shall keep a public register of all development applications and shall enter therein Council's decision upon each application and the result of any appeal from that decision.

### **3.14 Deferment of Application**

- (1) Council may, with the written agreement of the applicant, defer consideration of an application.
- (2) An application that was properly submitted in accordance with these Regulations, which has not been determined by Council and on which a decision has not been communicated to the applicant within sixty (60) days of the application being received by Council, shall be deemed to be refused.

### **3.15 Approval in Principle**

- (1) An application for an approval in principle for a subdivision or other form of development will include a description of the site and the proposed development, including a professionally prepared drawing, which:
  - (a) Delineates the limits of land to be used for the proposed development,
  - (b) Shows contours and significant natural features such as wetlands, watercourses, drainage channels, and slopes that exceed 15 percent,
  - (c) Shows existing streets, buildings, and land uses in the vicinity of the site,
  - (d) Shows a conceptual layout of proposed streets, trails, and other major components of the development, and
  - (e) Provides any additional information that may be requested by Council.
- (2) Council will not consider an application for an approval in principle unless it includes a full description of the site and proposed development in accordance with Paragraph (1).
- (3) Council may grant an approval in principle if it determines that the proposed development complies generally with the intent and purposes of the Municipal Plan and these Regulations. Council will attach to the approval in principle such conditions that it deems necessary to ensure the proposed development will be in accordance with the Plan and these Regulations. It will also outline such details that the applicant will be required to address before a final development permit will be granted.
- (4) An approval in principle will be valid for a period of one (1) year and may be extended for one (1) additional year, up to a maximum of two (2) years.
- (5) Where approval in principle is granted, approval of a final development permit will be subject to the subsequent approval by Council of any details and conditions that were outlined in the approval in principle.
- (6) Approval in principle will not constitute permission to commence development. No form of development will commence until Council has issued a proper development permit.
- (7) Council may revoke approval in principle if it determines that the applicant has changed the proposed development in a way that significantly alters the original intent of the application or has not adequately addressed conditions or details stipulated in the approval in principle.
- (8) A decision by Council on an application for an approval in principle can be appealed in accordance with Section 42 of the Act.

### **3.16 Development Permit**

- (1) A written development permit issued by Council or its designated staff will constitute permission to develop in accordance with these Regulations, but such permission shall not relieve the applicant from full responsibility to obtain all other permits or approvals

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prior to commencement of development and to comply with all other regulations and statutes during development.

- (2) Council may attach conditions to a development permit to ensure compliance with the Municipal Plan and these Regulations, and the permit holder will be responsible for full compliance with these conditions.
- (3) A development permit is valid for a specified period not to exceed one (1) year. If the development has not commenced, the permit may be renewed at the discretion of Council.
- (4) The issuance of a development permit does not prevent Council from thereafter requiring the correction of errors or ordering the termination of and remedial work on any development being carried out that is in violation of the Municipal Plan or these Regulations.
- (5) The approval of an application and associated plans and drawings shall not prevent Council from thereafter requiring the correction of errors or from ordering the cessation, removal of, or remedial work on any development in the event the same is in violation of these Development Regulations or any other regulations or statute.
- (6) Council may revoke a permit:
  - (a) for failure by the holder of the permit to comply with these Regulations or any condition attached to the permit or approval in principle,
  - (b) where Council determines that the permit holder has changed the proposed development in a way that significantly alters the intent of the original application, or
  - (c) where the permit was issued in error or based on incorrect information.
- (7) No person shall change the application for which a development permit was issued unless Council has issued written approval of the change.
- (8) A copy of the development permit, along with plans and specifications, shall be kept on the site until the development is completed.
- (9) A decision by Council on an application for a development permit may be appealed in accordance with Section 42 of the Act.

### **3.17 Temporary Use**

At its discretion, Council may approve a temporary building, structure, or use of land for a maximum to two (2) years subject to such conditions that it deems necessary.

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### 3.18 Permit Fees

Council may charge a fee for a development permit in accordance with a schedule of fees adopted by Council.

### 3.19 Compliance with Government Policies and Regulations

- (1) If Council deems that a proposed development may be affected by a provincial or federal policy or regulation, the applicant may be required to provide confirmation that necessary government approvals have been obtained before Council will issue a development permit.
- (2) If Council deems that a proposed development may trigger the requirements of the Environmental Assessment Act, the proponent will be advised to consult with the Department of Environment and Climate Change before Council will issue a development permit.
- (3) Where these Regulations are more stringent than a provincial or federal act of regulation, these Regulations will apply.

### 3.20 Reasons for Refusing or Setting Conditions on a Permit

Council shall, when refusing to issue a permit or attaching conditions to a permit, state in writing the reasons for so doing.

### 3.21 Notice of Application

(Refer to Provincial Development Regulations, Sections 13 & 15)

- (1) Notice of an application to Council shall, at the applicant's expense, be given when:
  - (a) A variance is to be considered under **Regulation 3.6 - Variances**,
  - (b) A change in a non-conforming use is to be considered under **Regulation 3.7 - Non-Conforming Uses**,
  - (c) A proposed discretionary use is to be considered in accordance with **Regulation 8.5 – Discretionary Uses**.
  - (d) A proposed development is listed as a discretionary use in **Part 9 - Use Zone Tables**, or
  - (e) Council deems that the public should be notified.
- (2) Variance Application  
In accordance with **Regulation 3.6(4)** of these Regulations and Section 13 of the Provincial Development Regulations, notice of a variance application will be given directly to persons who are likely to be affected and a minimum of ten (10) days from the posting of the notice will be provided for persons to respond.
- (3) Application to Change a Non-Conforming Use  
In accordance with **Regulation 3.7(4)** of these Regulations and Section 15 of the Provincial Development Regulations, notice of an application to change a non-

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conforming use will be given directly to persons who are likely to be affected, and in addition will be posted on one or more of the following: Council's newsletter, website or social media page, the Community Channel, local bulletin boards, or by advertisement in a newspaper circulating in the area. A minimum of ten (10) days from the posting of the notice will be provided for persons to respond.

(4) **Discretionary Use Application**

In accordance with **Regulation 8.5** of these Regulations, notice of an application to develop a discretionary use, or which otherwise requires Council's discretionary approval, will be given directly to persons who are likely to be affected, and in addition will be posted on one or more of the following: Council's newsletter, website or social media page, the Community Channel, local bulletin boards, or by advertisement in a newspaper circulating in the area. A minimum of ten (10) days from the posting of the notice will be provided for persons to respond.

(5) **Discretionary Accessory Building Application**

In accordance with **Regulation 5.2(3)**, notice of an application for discretionary approval of an accessory building will be given directly to persons who are likely to be affected, and in addition posted on one or more of the following: Council's newsletter, website or social media page, the Community Channel, local bulletin boards, or by advertisement in a newspaper circulating in the area. A minimum of ten (10) days from the posting of the notice will be provided for persons to respond.

(6) **Other Applications Public Should be Aware Of**

For any other development that Council deems the public should be made aware, notice of application will be given directly to persons who are likely to be affected, and in addition will be posted on one or more of the following: Council's newsletter, website or social media page, local bulletin boards, or by advertisement in a newspaper circulating in the area. A minimum of ten (10) days from the posting of the notice will be provided for persons to respond.

### **3.22 Monitoring and Enforcement**

- (1) Council will monitor land uses and development activities throughout the Planning Area to ensure compliance with the Municipal Plan and Development Regulations.
- (2) Any land use or development that does not comply with the Municipal Plan and these Development Regulations will be subject to a stop-work order or other such action deemed necessary by Council to require compliance.

### **3.23 Delegation of Powers**

**(Refer to Provincial Development Regulations, Section 18)**

In accordance with Section 109(2) of the Act, Council may, by resolution, delegate its authority to administer these Regulations or part thereof to an employee or other agent of Council. When delegating this authority, Council shall make that appointment in writing.

### **3.24 Right of Entry**

Any official authorized by Council may enter upon land and may at all reasonable times enter any development or building for the purpose of making inspections relative to the development.

### **3.25 Record of Violations**

Every inspector shall keep a record of any violation of these Regulations and report that violation to Council.

### **3.26 Stop Work Order and Prosecution**

- (1) Where a person begins a development contrary or apparently contrary to these Regulations, Council may order that person to stop the development pending final adjudication in any prosecution arising out of the development.
- (2) A person who does not comply with an order made under Paragraph (1) is guilty of an offence under the provisions of the Act.

### **3.27 Notice of Right to Appeal**

#### **(Refer to Provincial Development Regulations)**

Where Council makes a decision that may be appealed under Section 41(1) of the Act, Council shall, in writing, at the time of making that decision, notify the person to whom the decision applies of the:

- (a) Person's right to appeal the decision to the appeal board,
- (b) Time by which an appeal is to be made,
- (c) Right of other interested persons to appeal the decision, and
- (d) Manner of making an appeal and the address for the filing of the appeal.

### **3.28 Appeals**

#### **(Refer to Provincial Development Regulations)**

The Provincial Regulations outline the regulations with respect to appeal requirements, appeal registration, prohibition of development that is subject to an appeal, notice of an appeal hearing, the appeal board's hearing of evidence, and its decisions.

### **3.29 Return of Appeal Fee**

In accordance with Section 45(2) of the Act, where an appeal of a Council decision is successful, an amount of money equal to the appeal fee paid by the appellant shall be paid to the appellant by Council.

## **PART 4: GENERAL DEVELOPMENT STANDARDS**

### **4.1 Accesses and Service Streets**

- (1) Every access to a street shall be located to the specification of Council to ensure the safety and efficiency of the street system. Council may require the construction of a service street to reduce the number of accesses to an arterial street.
- (2) No driveway or other access will be located closer than 10 metres from the street line of any street intersection.

### **4.2 Access to Backland Areas**

(Also refer to **Regulation 6.14**)

In order prevent the landlocking of suitable areas for future development, Council may require developers to provide adequate street access via a minimum right-of-way to adjoining backland areas. Depending on the development potential of the area to be accessed, Council may require the right-of-way to be 12.2 metres or 15.0 metres in width.

### **4.3 Archaeological Sites**

- (1) Archaeological sites are protected under the *Historic Resources Act*. No development, excavation, or other disturbance of land will be permitted inside a buffer of 100 metres of the perimeter of a known site without first notifying the Provincial Archaeology Office so that necessary measures can be taken to ensure that the site is not disturbed or destroyed.
- (2) If an archaeological site or artifact is discovered during any type of development or land activity, the development shall stop and Council will consult with the Provincial Archaeology Office. Development shall not proceed until the Provincial Archaeology Office has evaluated the site or authorized the development to proceed.

### **4.4 Residential Area Buffers**

Where a proposed industrial or commercial development abuts a residential area, Council may require the industrial or commercial development to provide buffer strip not less than ten (10) metres wide between any residential property and the industrial/commercial area. Conversely, Council may require a new residential development to provide a buffer strip of not less than ten (10) metres.

The buffer shall include the provision of such natural or structural barrier as may be required by Council and shall be maintained by the owner or occupier to the satisfaction of Council.

#### 4.5 Fire Hydrant Buffers

No building, fence, hedge, or other structure will obstruct access to a fire hydrant from the street, obstruct the visibility of a fire hydrant from the street, or protrude closer than 3.0 metres to a fire hydrant.

#### 4.6 Watercourses and Wetlands

##### (1) Designated Watercourses and Wetlands

Designated watercourses include rivers, streams, lakes and ponds whose shoreline areas are zoned Environmental Protection on the zoning maps. Generally, the zone extends up to 30 metres from the ordinary high-water mark of the watercourse but may extend a shorter or longer distance depending on existing development or where adjoining land is environmentally sensitive, for example, where shoreline embankments are steep or where the riparian area abuts a wetland.

##### (2) Other Watercourses and Wetlands

Other watercourses and wetlands, which are not located within the Environmental Protection zone, are subject to the following:

- (a) No development will be permitted within 15 metres of the ordinary high-water mark of a watercourse or within 15 metres of the edge of a wetland except for:
  - Reconstruction of a building or structure that was in existence on the date that this Municipal Plan came into effect,
  - A building or structure associated with a public work, for example, a water treatment facility, water main, or pump house,
  - An open space use such as a trail, and
  - A transportation use (e.g., road, bridge, culvert), which by necessity must cross a watercourse.
- (b) Notwithstanding paragraph (a), if a watercourse or wetland is deemed to be minor (see definitions below), Council may permit a development subject to conditions.

A **minor watercourse** is defined as a (i) drainage course that carries water only during rain events or snowmelt, (ii) an intermittent stream that does not carry significant spring runoff, or (iii) a stream that is not fish habitat.

A **minor wetland** is defined as a wetland less than one (1) hectare in area that is not associated with a watercourse and is not deemed to be an environmentally sensitive area.

##### (3) Development Within a Body of Water

Council will not approve infilling or other development within a body of water or involving alteration of a body of water unless the development or alteration has been approved or exempted by the Water Resources Management Division of the Department of Environment and Climate Change and any other agency having jurisdiction.



#### **4.7 Building Lines and Setbacks**

- (1) Council, by resolution, may establish building lines on an existing or proposed 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 **Part 9** of these Regulations.
- (2) A frontyard building line setback is measured from the street line.
- (3) Notwithstanding the minimum frontyard requirements set out in the Use Zone Tables in **Part 9**, Council, at its discretion, may allow development to complement existing building setbacks on adjoining properties.
- (4) In addition to required approval from Council, the provincial *Building Near Highways Regulation* requires that proposed developments located within 20 metres of the centre line of Route 80 (corresponds with portions of Main Road and Cove Road) and Route 74 (corresponds with a portion of Main Road) must also acquire permission from the Department of Transportation and Infrastructure.
- (5) A sideyard setback shall be provided on the exposed sides of every building in order to ensure safe separations between buildings on adjoining lots and provide access for building maintenance. An exception may be made for a handicap access ramp as noted in **Regulation 5.1**.

#### **4.8 Multiple Uses on a Lot**

A multiple use occurs when two or more different use classes exist in a single building or on a single lot.

- (1) Where a single lot contains more than one permitted use, each use shall conform to all requirements in these Regulations that are applicable to that use.
- (2) A proposed new use on a multiple-use lot may not be permitted where Council deems that the use might be incompatible with existing uses on or adjacent to the lot by reason of safety, amenity, appearance, or nuisance.

#### **4.9 Main Buildings on a Lot**

- (1) More than one main building may be permitted on a lot provided that the requirements set out in the Use Zone Tables in **Part 9** are satisfied.
- (2) Notwithstanding Paragraph (1), no more than one single dwelling may be permitted on a lot except at the discretion of Council.
- (3) Where more than one main building is developed on a lot, sufficient area shall be reserved to satisfy the yard requirements and other allowances outlined in **Part 9** for

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the Use Zone in which the lot is located. These allowances shall be maintained when the adjacent land is developed.

### **4.10 Lot Area**

- (1) No lot shall be reduced in area, either by the conveyance or alienation of any portion thereof or otherwise, so that any building or structure on such lot shall have a lot coverage that exceeds, or a frontyard, rearyard, sideyard, frontage, or lot area that is less than, that permitted for the zone where such lot is located.
- (2) Where any part of a lot is required by these Regulations to be reserved as a frontyard, sideyard, or rearyard, 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.

### **4.11 Lot Area and Size Exceptions**

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

### **4.12 Street Frontage**

Other than exceptions that are provided for in **Part 9 - Use Zone Tables**, no building shall be erected on a lot that does not front directly onto a public street.

### **4.13 Offensive and Dangerous Uses**

No building or land shall be used for any purpose that may be dangerous by causing or promoting fires or other hazards or that may emit noxious, offensive, or dangerous fumes, smoke, gases, radiation, smells, ash, dust or grit, excessive noise or vibration, or that may create any nuisance that has an unpleasant effect on the senses, unless its use is authorized by Council.

### **4.14 Screening and Landscaping**

- (1) Council 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.

- (2) The provision of adequate and suitable landscaping or screening may be made a condition of any development permit where, in the opinion of Council, the landscaping or screening is desirable to protect the environment, character, and appearance of the area.

#### **4.15 Public Services and Utilities**

Within any zone, Council may permit land to be used in conjunction with the provision of public services and public utilities if it deems that the use of that land is necessary to the proper operation of the public service or public utility concerned, provided that the design, construction, landscaping, and operation of the service or utility, in the opinion of Council, will be adequate to protect the environment, character, and appearance of the area.

In the Environmental Protection zone, Council will not allow land to be used for public services and utilities if there is a feasible alternative location for these uses outside those zones.

#### **4.16 Land Capability for Development**

The following provisions will apply to all proposed land developments, ranging in scale from individual lots to multi-lot developments.

- (a) When reviewing a development application, Council shall consider:
  - (i) the capacity of municipal water and sewer infrastructure to service the development,
  - (ii) street capacity to handle anticipated traffic load,
  - (iii) the capability of the site in terms of slope, soils, geology, water table, surface and sub-surface drainage, and potential drainage and stormwater impacts on nearby properties and watercourses, and
  - (iii) other factors that Council deems to be relevant.
- (b) Before approving a development, if there are concerns or unanswered questions regarding water and sewer capacity to service the development, the general biophysical capability of the site, or potential for adverse drainage or stormwater impacts, Council may require the development proposal to be reviewed by a certified engineer. The review shall address all questions and potential concerns identified by Council.
- (c) An approval in principle or a permit to develop will not be granted when in Council's opinion existing municipal infrastructure has inadequate capacity to service the development or the clearing, excavation, and infilling of land, or other site developments will result in unacceptable drainage, environmental, or aesthetic impacts.

#### **4.17 Site Drainage**

- (1) All developments must include measures satisfactory to Council to ensure drainage from the site will not adversely affect adjacent and nearby lands, private properties, and watercourses.

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- (2) Connection of site drainage pipes and other infrastructure to the municipal sanitary sewer system is strictly prohibited. Any person who is found to have undertaken such an activity will be responsible for all costs associated with disconnecting from the sanitary sewer, repairing any damage this has caused, and installing a proper site drainage system as approved by Council.

### **4.18 Development on Steep Slopes**

- (1) Slopes Steeper than 20 Percent

No development other than a recreational use or public utility will be permitted on a slope steeper than 20 percent. An application for such a development must include a biophysical assessment to identify potential adverse impacts as well as necessary measures to prevent or mitigate such impacts.

- (2) Slopes of 15 to 20 Percent

On slopes between 15 to 20 percent, development may be permitted at Council's discretion subject to the following:

- (i) Council may require, at the applicant's expense, an assessment of the proposed development by a certified planner, civil engineer, geotechnical engineer, engineering technician, or similar professional.
- (ii) The assessment will evaluate the proposed site grading, landscaping, site drainage, stormwater management, and the potential for the development to cause erosion, siltation, and pollution of adjacent lands and watercourses.
- (iii) The assessment will recommend whether or not the development should be approved.
- (iv) If approval is recommended, the assessment will recommend necessary measures to prevent or mitigate predicted adverse impacts.

### **4.19 Preparing a Site for Development**

- (1) No clearing of vegetation, excavation, or infilling of land to prepare a site for development will be permitted until a development permit for the site has been approved.
- (2) Vegetation clearing and site excavation and infilling will be limited to an extent that is deemed by Council to be necessary to accommodate the development and environmentally and aesthetically acceptable.

### **4.20 Soil and Gravel Removal Incidental to Site Development**

- (1) If as part of site preparation for a development, Council may approve limited mineral working activity including excavation, removal and sale of sand, gravel, or other aggregates. A quarry permit from the Mines Division of the Department of Industry, Energy, and Technology may first be required before Council will issue a development permit for the mineral working activity.

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- (2) A development permit for incidental mineral working will be valid for the period of the development or one year, whichever is less, and may be renewed annually at Council's discretion.
- (3) The permit will specify that site excavation and aggregate removal will be limited to what is necessary to suitably develop the site. If Council deems that a site excavation and aggregate removal exceeds what is necessary, an immediate stop work order will issued.
- (4) When the site work is completed, the area will be landscaped and drained to the satisfaction of Council.
- (5) If the site work is to be extensive, Council may require the deposit of a surety in accordance with **Regulation 3.9(3)**, which will be returned to the developer upon satisfactory completion of the work.

### 4.21 Unserved Development

Before approving a subdivision or building permit application in a location where municipal water and/or sewer services cannot be provided, Council will ensure that the development complies with all applicable Provincial regulations and requirements for unserved development including:

- (a) The "Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Served by Individual Private Wells"  
([www.gov.nl.ca/mae/files/waterres-regulations-appforms-unserved-subdivision-gw-assessment-guidelines-dwh-revisions.pdf](http://www.gov.nl.ca/mae/files/waterres-regulations-appforms-unserved-subdivision-gw-assessment-guidelines-dwh-revisions.pdf))
- (b) The Sanitation Regulations under the Public Health Act  
([www.assembly.nl.ca/legislation/sr/regulations/rc960803.htm](http://www.assembly.nl.ca/legislation/sr/regulations/rc960803.htm))

### 4.22 Streets

- (1) New streets (see definition of Street in Part 2) will be constructed in accordance with the design and construction specifications set by Council.
- (2) Existing and new streets will provide for adequate reservations to accommodate street extensions and connections to backland areas.
- (3) No connecting street, driveway, or other access will be permitted where it might negatively affect vehicle or pedestrian safety or traffic efficiency.
- (4) New municipal streets will be located such that there will be sufficient land to develop lots on both sides of the street in accordance with the development standards.

#### **4.23 Sight Lines at Street and Driveway Intersections**

So as not to create a safety hazard by obstructing the view of motorists and pedestrians,

- (a) Where an arterial or collector street intersects any other street, all land within a 15-metre sight triangle from the point of intersection shall be kept free of shrubs, plants, trees, fences, walls, buildings, or structures exceeding a height of 1.0 metre from the street grade.
- (b) Where a local street intersects another local street, all occupied lands within an 8-metre sight triangle from the point of intersection shall be kept free of shrubs, plants, trees, fences, walls, buildings, or structures exceeding a height of 1.0 metre from the street grade.
- (c) Where a residential driveway or other access intersects with a street, all land within a 6-metre sight triangle from the point of intersection shall be kept free of shrubs, plants, fences, walls, buildings, or structures exceeding a height of 1.0 metres from the street grade.

#### **4.24 Development in the Vicinity of a Public Right-of-Way**

- (1) Land development and the erection of buildings and structures will not be permitted on any site where it might otherwise be permitted under these Regulations, when in the opinion of Council, the development would impede public passage on a public trail or other right-of-way or interfere with any legal right of Council to develop or improve the right-of-way for public access and recreation.
- (2) Council may require a minimum setback or set other terms and conditions to a proposed development in the vicinity of a public right-of-way to ensure the development will not obstruct public passage on the right-of-way.

#### **4.25 Forestry and Trees**

Forestry uses including commercial and domestic timber harvesting are subject to approval of Council and the Department of Fisheries, Forestry and Agriculture.

#### **4.26 Coastal Areas**

- (1) When reviewing development applications in coastal areas, Council will consider the environmental suitability of the site regarding steepness of grades, soils, geology, vegetation, sensitive coastal features, and vulnerability to storm surges and other marine hazards.
- (2) Except for marine related uses, new development will not be permitted below an elevation of four (4.0) metres above mean sea level unless it is demonstrated to

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

Council's satisfaction that the development will not be damaged by a flood, storm surge, or other storm event.

- (3) Council will not approve, or will impose mitigative conditions on, a proposed development that it deems will:
  - (a) Precipitate or cause pollution to coastal or marine resources
  - (b) Cause coastal or marine erosion or sedimentation
  - (c) Cause damage to nearby properties
  - (d) Increase the likelihood of landslides or rockfalls
  - (e) Increase the likelihood of coastal features, infrastructure, or buildings being affected by flood and storm events
- (4) When approving a development, Council may require special measures to protect sensitive and hazardous coastal features including vegetation, soils, steep slopes, rock platforms, and beaches. Excavation and infilling of land to prepare a site for development will be limited to an extent that is deemed by Council to be environmentally and aesthetically acceptable.
- (5) Council may require that a plan for an entire area be approved before considering any subdivision or other development proposal affecting only a portion of the area.

### **4.27 Wildlife Habitat**

- (1) Notwithstanding permitted and discretionary use classes listed in any Use Zone Table, Council may use its discretionary authority to prohibit any type of development or resource use in a Wildlife Sensitive Area designated by the Provincial Wildlife Division.
- (2) In considering development applications, Council may use its discretionary authority to:
  - Restrict or set conditions on multi-use trails, cabins, wood cutting, or other land uses within a 30-metre or wider buffer of important wildlife habitat
  - Restrict or set conditions on multi-use trails, cabins, wood cutting, or other land uses so as to maintain and protect green belts for wildlife migration between forested areas and other habitat patches
  - Restrict vegetation clearing between May 1 and July 31, which is the most sensitive period for breeding and rearing young for many species.

### **4.28 Off-street Loading and Parking Requirements**

Refer to **Appendix C**.

## **PART 5: SPECIFIC USE REGULATIONS**

### **5.1 Access Ramps and Deck**

- (1) At its discretion, after consulting with abutting property owners, Council may permit a handicapped access ramp to be erected within a minimum front, rear, or sideyard setback if there is no alternative means to provide the access ramp and the ramp does not create a safety hazard or block sight lines.
- (2) An open or partially enclosed deck attached to a building shall not extend into the minimum frontyard, sideyard or flanking road setback and shall not be closer to the rear lot line than 1.0 metre.
- (3) An access ramp or open deck shall not be deemed to be part of the building when calculating lot coverage in **Part 9 – Use Zone Tables**.

### **5.2 Accessory Buildings on Residential Lots**

#### **(1) General Requirements**

- (a) An accessory building will be clearly incidental and complementary to, and located on the same lot, as the dwelling.
- (b) Where an accessory building is located in the rearyard of the dwelling, the minimum sideyard and rearyard setback from all property boundaries will be 1.5 metres.
- (c) Where an accessory building is located in the sideyard of the dwelling, the minimum sideyard setback will be the same as that required for the dwelling.
- (d) No accessory building will be located closer than 3.0 metres to any other building, whether the other building is on the same lot or an adjoining lot.
- (e) No accessory building will be erected upon an easement.

#### **(2) Additional Requirements**

In addition to the General Requirements outlined in Paragraph (1), the following requirements will apply to the erection of accessory buildings on residential lots.

##### **(a) Frontyard Location**

- (i) No accessory building will be located closer to the street than the front line of the dwelling, except where approved at Council's discretion in accordance with Paragraph (ii).
- (ii) Notwithstanding Paragraph (i), at its discretion Council may approve an accessory building closer to the street than the dwelling provided that:
  - Council deems that the applicant has a legitimate reason to erect the accessory building closer to the street than the dwelling,
  - Council deems that the placement of the building will not negatively affect neighbouring properties, and
  - The accessory building shall be no closer than 8.0 metres to the street line.



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- (b) **Corner Lots**  
On a corner lot, at its discretion, Council may permit an accessory building closer to the flanking street than the main dwelling provided that the building is set back at least 6.0 metres from the flanking street, will not negatively affect neighbouring properties, and will not impede the required sight line at the street intersection (See **Regulation 4.23** of these Regulations).
- (c) No accessory building will be used for a home occupation except as approved at Council's discretion in conformity with **Regulation 5.9** of these Regulations.
- (d) **Maximum Floor Area and Height**  
Development of one or more accessory buildings on a residential lot will be in accordance with the following table.

Lot Size	Maximum Combined Floor Area of Accessory Buildings	Maximum Height
1500 m <sup>2</sup> or less	7% of the lot area or 70 m <sup>2</sup> , whichever is less	6.0 m
1501-3000 m <sup>2</sup>	7% of the lot area or 100 m <sup>2</sup> , whichever is less	6.0 m
> 3000 m <sup>2</sup>	7% of the lot area or 130 m <sup>2</sup> , whichever is less	6.0 m

- (e) No truck, bus, semi-trailer, freight container, or other vehicle body will be used as an accessory building.
- (f) Except for personal needs, no accessory building will be used for painting, dismantling, or scrapping vehicles or machinery.

### (3) **Applications for Discretionary Approval**

In reviewing an application for discretionary approval with respect paragraphs (a), (b), and (c), Council will:

- (a) Require the applicant to submit a site plan showing the placement of the proposed building relative to the main dwelling and other buildings on the lot as well as on neighbouring lots,
- (b) Provide notice of the application in accordance with **Regulation 3.21(5)** of the Development Regulations.
- (c) Consider the location and size of the accessory building relative to the main dwelling as well as dwellings and buildings on neighbouring lots,
- (d) Consider the effect of the accessory building and/or its use on neighbouring lots and the street,
- (e) Consider site topography and other site factors that Council deems relevant,
- (f) Consider terms and conditions that may be necessary to ensure the location, size, height, appearance, and use of the accessory building will not significantly affect the neighbourhood in terms of character, amenities, or property values, and
- (g) Approve the application as submitted, approve the application subject to terms and conditions, defer the application pending additional information, or refuse the application.

### **5.3 Accessory Uses**

- (1) Subject to these Regulations, Council may permit an accessory use to a main use in any zone. An accessory use will be clearly subsidiary and complementary to the main use, controlled so as to be compatible with the main use and nearby properties, and subject to special conditions set out in these Regulations or specified on a case-by-case basis by Council.
- (2) Examples of accessory uses include but are not limited to:
  - (a) A facility for the serving of food and alcoholic beverages in a place of assembly, museum, or hotel,
  - (b) A gift or souvenir shop in a museum, hotel, or other commercial establishment,
  - (c) An office, small convenience store, or small catering establishment in a campground,
  - (d) A home occupation,
  - (e) A woodworking shop, domestic sawmill, hobby shop, games room, exercise room, or home theatre in a residential accessory building,
  - (f) A domestic sawmill that has been approved at Council's discretion in accordance with **Regulation 5.7**
  - (g) A tennis court, outdoor rink, or similar facility,
  - (h) A personal livestock use that has been approved at Council's discretion in accordance with **Regulation 5.12**
  - (i) A satellite dish or similar device attached to a building,
  - (j) A wind generator, solar panel, radio antenna, or similar device.

### **5.4 Agriculture – Commercial Livestock Facilities**

- (1) Except at Council's discretion, no commercial livestock facility designed to accommodate more than five (5) animal units, will be permitted within:
  - (a) 300 metres of a residential dwelling except for a farm dwelling or a dwelling on the same property,
  - (b) 300 metres of the boundary of land zoned for residential use,
  - (c) 45 metres of the boundary of the property on which it is to be erected, and
  - (d) 80 metres of the centre line of a public street.
- (2) Except for a farm dwelling or a dwelling on the same property, no new residential dwelling shall be developed within 500 metres of an existing livestock facility with capacity to accommodate more than five (5) animal units unless the dwelling is first approved by the Agriculture Lands Section of the Department of Fisheries, Forestry and Agriculture.
- (3) In addition to the above requirements, a new livestock facility will be subject to applicable Provincial acts and regulations.

## **5.5 Bed and Breakfasts (B&Bs) and Visitor Rental Dwellings**

### **(1) Bed and Breakfasts**

Where permitted by Council, a bed and breakfast establishment will be subject to the following conditions:

- (a) It may operate only in a single dwelling unit.
- (b) It will not detract from the residential character of the neighbourhood in terms of scale or exterior design.
- (c) It will not have more than six (6) guest rooms.
- (d) No wholesale sales or storage of goods will be carried out and any retail sales will be incidental to the approved use.
- (e) At the discretion of Council, it may include catered dining on a limited-use basis.
- (f) In addition to the required residential parking spaces, it will provide on the same property a minimum of 1.0 to a maximum of 1.5 off-street parking spaces per guest room in a driveway and/or developed parking area.
- (g) It must comply with applicable Provincial regulations.
- (h) All grounds and buildings shall be kept in a safe and well-maintained condition.

### **(2) Visitor Rental Dwellings**

Where permitted by Council, a visitor rental dwelling will be subject to the following conditions:

- (a) It will not detract from the residential character of the neighbourhood in terms of scale or exterior design.
- (b) It will be rented as a single unit only, and not with different guest rooms rented to different customers.
- (c) No wholesale or retail sales will be carried out in association with visitor rentals.
- (d) It must comply with applicable Provincial regulations.
- (e) All grounds and buildings shall be kept in a safe and well-maintained condition.

## **5.6 Childcare Services**

Where permitted by Council, a childcare service will conform to the requirements of the *Child Care Services Act* and Regulations. If required a license to operate shall be obtained from the responsible Provincial department. Council will not approve a childcare use that has not obtained the necessary licenses and approvals from the Province.

## **5.7 Domestic Sawmill**

- (1) Where listed as a discretionary use class, Council may permit a domestic sawmill as an accessory use on a residential lot after giving public notice and considering comments received.
- (2) Approval of a domestic sawmill will be subject to the following conditions:
  - (a) It must have, and operate in accordance with, a domestic mill license issued under the Mill Regulations under the *Forestry Act*.

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- (b) It will not be permitted on any lot less than 1500 m<sup>2</sup> in area.
  - (c) It must be in the rear yard of the lot, set back at least 5 metres from all lot lines, and no closer than 20 metres from any neighbouring residential dwelling.
  - (d) The operating site will be kept in a continually clean condition, with no significant outdoor accumulation of logs, wood residues, or equipment.
  - (e) The maximum noise level during operation will not exceed 55 decibels at all property lines. Should noise complaints arise, Council may require sound mitigation measures as it deems appropriate including moving the mill indoors, equipment silencers, buffering along lot lines, etc.
  - (f) Other requirements deemed necessary by Council.
- (3) If the owner fails at any time to comply with the conditions of approval, a stop work order will be issued by Council.

### 5.8 Energy Generation Facilities

Small-scale wind, solar, and hydro generating facilities and associated facilities and services may be subject to the approval of relevant provincial and federal departments, agencies, and public utilities. The design and location of such utilities shall take into consideration their impact on nearby land uses and persons, the environment, and other matters that Council may deem to be significant.

### 5.9 Home Occupations

Where permitted by Council, a home occupation will comply with the following conditions:

- (a) It will be clearly secondary to the residential use of the property
- (b) It will be located inside the dwelling unit or, at Council's discretion, may be in an accessory building on the same lot as the dwelling
- (c) Unless otherwise authorized at Council's discretion, it will not include outdoor storage of equipment or materials
- (d) Notwithstanding paragraphs (b) and (c), at Council's discretion, a home-based fishing enterprise may be located in an outdoor area of the lot if it is adequately screened or fenced-off to Council's satisfaction
- (e) It will employ no less than one person who is a resident of the dwelling and may employ up to two persons who are not residents of the dwelling
- (f) It will occupy no more than thirty percent (30%) of the floor area of the dwelling
- (g) It will not use or keep in storage any hazardous materials
- (h) It will not use water or generate sewage more than what can be accommodated by the existing water supply and sewage disposal system
- (i) It will not cause noise, odours, fumes, electrical interference, or other nuisances that unreasonably affect neighbouring properties
- (j) Unless otherwise authorized by Council, sufficient off-street parking space shall be available on the lot for the parking needs of residents, employees, and clients

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- (k) Council may require fencing, screening, and/or a minimum space separation to protect the amenity of adjacent uses
- (l) It will not create traffic safety, traffic congestion, or parking concerns
- (m) It will adhere to all other conditions that Council deems necessary to protect the amenity of adjacent residential uses and the neighbourhood,
- (n) In reviewing an application for a home occupation, Council will provide notice of the application in accordance with **Regulation 3.21(4)**, and
- (o) No change in the type or extent of a home occupation shall take place except with the approval of Council.

### 5.10 Mineral Exploration

- (1) Where it is permitted, a mineral exploration use that constitutes a development (in accordance with the definitions in Part 2) will make provision for buffering and other mitigations of impacts on residential, commercial, industrial, institutional, recreational, and environmentally sensitive areas.
- (2) Council will not issue a permit for mineral exploration until all necessary permits and approvals have been obtained from the Departments of Industry, Energy and Technology and Environment and Climate Change, or other responsible government agencies.
- (3) Mineral exploration may be subject to conditions to control noise, appearance, road construction, ground disturbance, and other impacts, as well as the duration of exploration activity. The precise nature of these controls will depend upon the location of the exploration in relation to built-up and environmentally sensitive areas such as, watercourses and wetlands.
- (4) Mineral exploration that is not classed as a development by virtue of ground disturbance, access roads, or use of equipment other than hand tools may be permitted anywhere in the Planning Area with adequate notification to Council.

### 5.11 Mineral Working

- (1) No new mineral working use will be developed without a development permit issued by Council. The development, operation, termination, and rehabilitation of a mineral working site will be carried out only in accordance with terms and conditions specified in the development permit. The development permit will be revoked if the operator does not comply with these terms and conditions.
- (2) No development permit will be issued by Council unless the applicant has obtained a quarry license or lease issued by the Mineral Lands Division of the Department of Industry, Energy and Technology.

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- (3) An application to Council for the development of a mineral working use will include a site development plan with the following information:
  - (a) The site's biophysical features
  - (b) Delineation of the proposed extraction area
  - (c) The type and location of proposed aggregate processing equipment
  - (d) A site rehabilitation plan (**see Paragraph 17 below**)
- (4) Council may permit a mineral working processing plant (e.g., washing and screening plant, crusher) provided that the use will not significantly affect surrounding land uses by reason of noise, vibration, fumes, dust, odour, water drainage, unsightly storage of materials, or general appearance.
- (5) The permit fee for a mineral working use will be determined by Council in an amount sufficient to cover Council's costs associated with:
  - (a) If necessary, a review of the development plan by a professional planner or engineer,
  - (b) Regular inspections of the site to determine compliance with the permit, and
  - (c) Inspections to determine acceptable site rehabilitation in accordance with a rehabilitation plan.
- (6) Except where Council may require a higher buffer, no mineral working extraction or processing plant will be permitted within:
  - (a) 300 metres of a residential dwelling or the boundary of a zone that permits residential development,
  - (b) 200 metres of a commercial or public building or recreational open space use,
  - (c) 30 metres of a watercourse or wetland, and
  - (d) 50 metres of a public street or highway.
- (7) Except where Council may require a higher buffer,
  - (a) No dwellings will be permitted within 300 metres of the boundaries of a licensed mineral working extraction site or processing plant, and
  - (b) No commercial or public building or recreational open space use will be permitted within 200 metres of the boundaries of a licensed mineral working extraction site or processing plant.
- (8) No blasting or quarrying of hard rock will be permitted within 800 metres of a residential, commercial, or public building, a recreational open space use, or a zone that permits residential development.
- (9) An undisturbed buffer strip of at least 30 metres will be maintained between the final perimeter of a pit or quarry and the boundary of the lot on which it is located.
- (10) Where a proposed mineral working site is located in the vicinity of a public street or highway, Council may require the owner to provide for natural or artificial screening to obstruct visibility of the site.

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- (11) Council may require the mineral working site or excavated area to be fully or partially enclosed by a fence designed and constructed to Council's specifications.
- (12) All topsoil and organic material will be securely stockpiled for future rehabilitation of the site. The operator will ensure that the topsoil is not mixed with aggregate materials.
- (13) No mineral working shall create excessive drainage or erosion onto adjacent properties or into nearby watercourses.
- (14) No mineral working shall cause the accumulation or ponding of water in any part of the site. Settling ponds will be permitted only with approval from the Department of Environment and Climate Change.
- (15) The mineral working site shall be kept clean of refuse, abandoned vehicles, abandoned equipment and derelict buildings.
- (16) During seasonal or extended shutdowns, the slope of any sand or gravel embankment shall not have a gradient steeper than 60 percent for the full depth thereof.
- (17) Site Rehabilitation
  - (a) A development application for a new mineral working site will not be approved if it does not include a plan for site rehabilitation acceptable to Council.
  - (b) Council may require the extraction site to be rehabilitated at progressive stages of extraction.
  - (c) Upon abandonment of a mineral working site, the owner will:
    - (i) Remove all buildings, machinery, and equipment,
    - (ii) Grade all pit and quarry slopes to a slope of less than 60 percent,
    - (iii) Rehabilitate the entire excavated area in accordance with the rehabilitation plan, and
    - (iv) If required, close and decommission the access road to the site in accordance with Council's wishes.
- (18) Financial Guarantee

In accordance with **Regulation 3.9(3)**, Council will require the developer of a mineral working site to provide a financial guarantee to cover the cost of restoring the site as specified in **Paragraph (17)**.
- (19) Other such conditions that Council deems as necessary.

### 5.12 Personal Livestock Use on Residential Lots

#### (1) Permitted Only as an Accessory Use

Personal livestock use is listed as a Discretionary Use in the Residential, Heritage District, and Mixed Development zones. An application for a personal livestock use will be considered only as an accessory use on a residential property and will be subject to public notice and Council's consideration of comments received.

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### (2) Species

Applications for small livestock will be considered only for chickens, ducks, geese, quail, rabbits, and turkeys. Applications for large livestock will be considered only for cows, goats, horses, and sheep.

### (3) Permit Required

No livestock will be kept on a residential property except with a permit issued by Council. The permit shall be visibly displayed on the livestock facility. Every permit will expire on December 31<sup>st</sup> and must be renewed for the following year.

### (4) Avoidance of Negative Impacts

Every permit holder must ensure that the personal livestock use will not adversely affect neighbouring properties with regard to noise, unpleasant smells, attraction of vermin, and unsightly upkeep of premises.

### (5) Minimum Lot Size

The minimum lot size is 600 m<sup>2</sup> for the keeping of small livestock animals and 3,000 m<sup>2</sup> for the keeping of large livestock animals.

### (6) Maximum Animals Permitted

If permitted at Council's discretion, the maximum number of animals on a residential property will be in accordance with the following table (see definition, of "Animal Unit for Personal Use" in Part 2)

Lot Size	Maximum Number of Animal Units (including offspring until weaning)
<600 m <sup>2</sup>	None
600 - 1,000 m <sup>2</sup>	0.67 AU (small animals only)
>1,000 - 2,000 m <sup>2</sup>	1.0 AU (small animals only)
>2,000 - 3,000 m <sup>2</sup>	1.5 AU (small animals only)
>3,000 - 6,000 m <sup>2</sup>	2.0 AU (small or large animals)
>6,000 m <sup>2</sup>	2 AU plus 1 AU per 2,000 m <sup>2</sup> of additional lot area (small or large animals)

### (7) Mixing of Species

Any mix of species is permitted provided that the total number of animals does not exceed the maximum permitted Animal Units.

### (8) Small Livestock Facilities

- (a) A facility for the keeping of small livestock will include an indoor shelter and an enclosed outdoor run.
- (b) No portion of the facility will be located within five (5) metres of the rear wall of the main dwelling, two (2) metres of the side and rear boundaries of the lot, twenty (20) metres of the nearest wall of a dwelling on an adjoining lot, ten (10) metres of a well, and fifteen (15) metres of a surface water body.



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- (c) No portion of the facility will be located on any easement or right-of-way.
- (d) The combined area of the facility will be no smaller than four (4) square metres and no larger than ten (10) square metres
- (d) The facility will be enclosed with a 1.8-metre high fence
- (e) If keeping chickens, ducks, geese, quail, or turkeys, the facility will be covered with fish netting to prevent access by wild birds so as to minimize potential spread of bird flu or other bird diseases
- (f) The indoor shelter will be constructed of modern materials and built to be watertight, resistant to high winds and snow load, vermin resistant and able to be heated in winter months.

### **(9) Large Livestock Facilities**

- (a) A facility for the keeping of large livestock will include a barn or other indoor shelter and an enclosed outdoor containment area.
- (b) No portion of the barn will be located within twenty (20) metres of the rear wall of the dwelling, eight (8) metres from the side and rear boundaries of the lot, thirty (30) metres of the nearest wall of a residential dwelling on an adjoining lot, and fifteen (15) metres of a well or surface water body.
- (c) No portion of the outdoor run will be located within twenty (20) metres of the rear wall of the dwelling, four (4) metres of the side and rear boundaries of the lot, and twenty (20) metres of the nearest wall of a residential dwelling on an adjoining lot.
- (d) No portion of the facility will be located on any easement or right-of-way.
- (d) The combined area of the barn and outdoor run will be no smaller than 150 square metres.
- (d) The facility will be enclosed with a 1.8-metre high fence
- (f) The indoor shelter will be constructed of modern materials and built to be watertight, resistant to high winds and snow load, vermin resistant and able to be heated in winter months.

### **(10) Facility Maintenance and Animal Care**

- (a) All livestock facilities will be maintained continually in a clean condition, free of noxious odours, substances, and vermin.
- (b) Animals will be provided with clean drinking water and an adequate quantity and quality of food to allow for healthy growth and maintenance of a healthy body weight.
- (c) Food and water will be kept in receptacles that avoid contamination from excreta.
- (d) Animal excreta will be removed on a weekly basis, and properly contained and disposed of in an environmentally acceptable manner.
- (e) Animals will not be slaughtered on any property that is not zoned for agriculture use.

### **(11) Removal Order**

If the permit holder fails at any time to comply with any of the above conditions, a removal order will be issued by Council and the annual permit will not be renewed.

### 5.13 Residential Care Homes

- (1) A residential care home may be permitted in a residential facility that is of adequate size to accommodate all persons living in the home including staff.
- (2) The use and appearance of the building shall not adversely affect the amenities of adjacent residences or the neighbourhood. Council may set conditions aimed at ensuring the use is compatible with the neighbourhood.
- (3) Council will not approve a residential care home that has not first received necessary approvals from Digital Government and Service NL and other Provincial agencies having jurisdiction.

### 5.14 Retirement Establishments

- (1) An application for a retirement establishment will include a development plan with the following information:
  - (a) Location and full limits of the development
  - (b) Layout of accesses and internal roadways
  - (c) Number and location of dwelling units
  - (d) Recreation facilities, walkways, common gardens, etc.
  - (e) Landscaping
  - (g) Buffers and screening between the site and nearby land uses
  - (h) Delineation of the property on a legal survey
- (2) A retirement establishment will front onto a public street. All dwelling units will be directly accessible from a public street or an internal roadway on the development site.
- (3) A retirement establishment will be connected to municipal water and sewer.
- (4) If there is future potential that the development may be subdivided into individual residential lots, each lot will have to front onto a public street as per **Regulation 4.12**. In this case, the development's internal roadways should meet the minimum road reservation for a local street as specified in **Regulation 6.15 (d)**.
- (5) Council will require suitable buffers and screening where the development abuts other land uses that are potentially incompatible. A 50-metre buffer will be required between a retirement establishment and a campground.
- (6) All grounds will be landscaped and kept in a safe and well-maintained condition.
- (7) The development must comply with all applicable Provincial regulations.
- (9) No expansion or alteration, other than repairs and maintenance, will take place without the approval of Council.

### **5.15 Salvage Yards**

- (1) No salvage yard will be developed or expanded in scale without a development permit issued by Council. The development, operation, termination, and rehabilitation of a salvage yard site will be carried out only in accordance with terms and conditions specified in the development permit. The development permit will be revoked if the operator does not comply with the terms and conditions of the development permit.
- (2) Except where Council requires a higher buffer, no salvage yard will be permitted within:
  - (a) 300 metres of a residential or public building or recreational open space use,
  - (b) 300 metres of the boundary of an area zoned for residential use,
  - (c) 40 metres of the centerline of a public street, and
  - (d) 60 metres of a watercourse or wetland.
- (3) No salvage yard will be permitted near an area where there may be a concern for stormwater or groundwater contamination or other potential pollution.
- (4) Council may require a salvage yard to provide for natural or artificial screening to obstruct visibility from a public street or other public place.

### **5.16 Service Stations and General Garages**

The following requirements shall apply to all proposed service stations and general garages:

- (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 street line.
- (c) Accesses shall not be less than 7 metres wide and shall be clearly marked, and 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.

### **5.17 Storage and Scrapping of Car Wrecks and Other Salvage Materials**

The use of land for the storage or scrapping of car wrecks, old machinery and equipment, tires, scrap metals, used building materials and other recyclables will not be permitted except in an approved salvage yard.

### **5.18 Tiny Houses**

A tiny house will not be approved unless it:

- (a) Includes permanent provision for living, sleeping, eating, cooking and sanitation.
- (b) Is constructed on a permanent foundation.
- (c) Conforms fully with the National Building Code.
- (d) Is not fitted with facilities for towing or to which towing apparatus can be attached.

## **5.19 Tourist Cottage Establishments and Campgrounds**

### **5.19.1 General Requirements**

- (1) An application for a campground or tourist cottage establishment will include a development plan with the following information:
  - (a) Location and full limits of the development
  - (b) Layout of accesses and internal roads
  - (c) Number and location of cottage units and/or campsites
  - (d) Accessory uses such as comfort stations, laundry and storage facilities, washrooms, convenience store, employee accommodations, and outdoor and indoor recreation facilities
  - (e) Water supply and wastewater disposal
  - (f) Landscaping
  - (g) Buffers and screening between the site and other land uses
  - (h) Delineation of the property on a legal survey
- (2) All campsites, cottages, and on-site facilities, which form part of the development, will be accessible only via the internal road network of the development.
- (3) Council may require the development to include suitable buffers and screening where the development abuts a residential area.
- (4) The development permit will specify the maximum number of cottage units and/or campsites to be permitted on the site.
- (5) All grounds and buildings shall be kept in a safe and well-maintained condition.
- (6) No expansion or alteration, other than repairs and maintenance, will take place without the approval of Council.
- (7) The operation will comply with all bylaws and regulations of Council pertaining to noise and unruly behaviour.
- (8) The development must comply with applicable Provincial regulations.

### **5.19.2 Tourist Cottage Establishments**

- (13) A tourist cottage establishment shall:
  - (a) Front onto public street.
  - (b) Have an adequately lighted main entrance from sunset to sunrise.
  - (c) Have an emergency exit.
- (14) Internal roadways in the tourist cottage establishment shall:
  - (a) Provide 24-hour vehicle access to every cottage.
  - (b) Be no less than 6.0 metres wide.
  - (c) Be designed such that vehicles and trailers will not become mired.

- (15) A tourist cottage establishment shall comply with the following:
- (a) The minimum ground floor area for a cottage unit shall be 46 m<sup>2</sup>.
  - (b) No cottage will be more than one storey in height.
  - (c) The minimum distance between individual cottages or buildings containing more than one cottage unit shall be 6.0 metres.
  - (d) The minimum rearyard will be 5.0 metres.
  - (e) Each cottage will be clearly numbered.

### **5.19.3 Campgrounds**

- (10) A campground site shall:
- (a) Front onto public street or highway.
  - (b) Have a minimum contiguous area of no less than 4000 m<sup>2</sup> (0.4 hectares).
  - (c) Have an adequately lighted main entrance from sunset to sunrise.
  - (d) Have an emergency exit.
  - (e) Have a maximum density of 75 campsites per gross hectare.
- (11) Internal roadways in the campground shall:
- (a) Provide 24-hour vehicle access to every campsite.
  - (b) Be no less than 6.0 metres wide.
  - (c) Be designed and constructed such that vehicles and trailers will not become mired.
- (12) Every campsite shall:
- (a) If a tent site, have a minimum area of 120 m<sup>2</sup> in area and a minimum width of 6.0 metres.
  - (b) If a trailer or RV site, have a minimum area of 220 m<sup>2</sup> and a minimum width of 12.0 metres.
  - (c) Have the corners clearly defined with visible markers.
  - (d) Be clearly numbered.
  - (e) Have at least one and no more than two vehicle parking spaces.
  - (f) Be no less than 50.0 metres from an on-site source of drinking water.

## **5.20 Tourist Cottages and Glamping Facilities on Residential Lots**

Where permitted at Council's discretion, a tourist cottage or glamping facility on a residential lot, will be subject to the zoning provisions and the following:

- (a) It will be permitted only as a secondary use to an existing residential dwelling
- (b) It will be approved for temporary visitor accommodation only and not for full-time rental
- (d) The lot must be serviced by both municipal water and sewer with adequate provisions to the satisfaction of Council for water supply and wastewater disposal for each facility
- (e) It will not detract from the residential character of the neighbourhood in terms of scale or exterior design and may require buffering and/or screening to Council's satisfaction from neighbouring dwellings
- (f) In addition to the required residential parking spaces, it will provide on the same property a minimum of 1.0 to a maximum of 1.5 off-street parking spaces per facility

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- (g) Total lot coverage of all buildings must not exceed 30% of the lot area
- (h) All other conditions deemed necessary by Council.

### 5.21 Trails

- (1) Council may designate certain trails for protection from conflicting development or activities that might impede public passage, undermine the amenities or aesthetics of the trail environment, or interfere with any legal right of Council to develop or improve the trails for public access and recreation.
- (2) No building or structure will be permitted on a site where it would otherwise be permitted under these Regulations, when in the opinion of Council, the development would impede passage on a designated public trail.
- (3) Generally, Council will protect a corridor no less than 15 metres wide for all designated trails, although this may be reduced for short distances at Council's discretion.
- (4) A proposal to develop an alternative use within a trail corridor will not be considered except where the applicant provides for the relocation of the trail in a way that results in minimal disruption to the trail's continuity and amenities.
- (5) Wherever space and terrain conditions allow, trails will be protected by natural vegetation buffers that separate the trail from other forms of development, hazard areas and areas subject to erosion such as sensitive coastal features, riverbanks, and steep slopes.

### 5.22 Travel Trailers and Recreational Vehicles

#### (1) Where Permitted

A travel trailer or recreational vehicle will not be permitted except:

- (a) In a designated campground.
- (b) As an accessory use on a residential lot.
- (c) At Council's discretion, as a main use on an otherwise vacant lot in the Residential and Mixed Development zones.
- (d) At Council's discretion, as a glamping facility approved in accordance with **Regulation 5.20**

#### (2) Conditions for Approval as a Main Use

Discretionary approval of a travel trailer or recreational vehicle as a main use on an otherwise vacant lot in the Residential zone or Mixed Development zone will be subject to the following:

- (a) It will be connected to municipal water and sewer or to on-site water and sewer services that comply with Provincial requirements for unserved development (Refer to Regulation 4.17),

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- (b) It will be connected to electricity,
- (c) The lot will be landscaped to Council's satisfaction,
- (d) Except for Minimum Floor Area, it will be subject to the same development standards as required in the applicable zone for a tiny house, and
- (e) Other such conditions that Council deems necessary.

## **PART 6: SUBDIVISION OF LAND**

### **6.1 Application**

Part 6 of these Regulations applies to each of the following:

- (a) The subdivision of a parcel of land under single ownership into two or more lots, including the residual lot,
- (b) Construction, upgrading, or extension of a public street, and
- (c) Extension or upgrading of the municipal water and sewer system.

### **6.2 Subdivision Permit Required**

- (1) No land in the Planning Area shall be subdivided into two or more lots unless a permit for the subdivision is first obtained from Council.
- (2) For a subdivision involving street construction and/or installation of municipal water and sewer services, Council may require the deposit of a surety in a form satisfactory to Council to ensure completion of the work in accordance with the permit.

### **6.3 Services to be Provided**

No permit shall be issued for a subdivision of land unless provisions satisfactory to Council have been made for water supply, sewage disposal, and stormwater drainage.

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

No permit will be issued for a subdivision of land until agreement has been reached for the payment of all fees levied by Council for connection to services, utilities, and streets deemed necessary for the proper development of the subdivision and all service levies and other charges imposed under these Regulations.

### **6.5 Permit Subject to Considerations**

For every proposed subdivision of land, an application and development plan shall be submitted to Council.

A subdivision permit shall not be issued when, in the opinion of Council, the subdivision will not contribute to the orderly growth of the municipality or demonstrate sound design principles.

In considering a subdivision application, Council shall, without limiting the generality of the foregoing, consider:

- (a) Proposed land uses within the development.



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- (b) The location and natural characteristics of the site, including topography, drainage, soils and geology, vegetation, wetlands, watercourses, sensitive areas, prevailing winds, and solar orientation.
- (c) Municipal Plan policies, Development Regulations, and Use Zone affecting the site.
- (d) The capacity of municipal water and sanitary sewer infrastructure, stormwater infrastructure, and utilities to adequately service the development.
- (e) Provision for access to adjacent undeveloped areas.
- (f) The land use, physical form, and character of adjacent developments.
- (g) The relationship of the project to existing or potential sources of nuisance.
- (h) Visual quality and effect on viewsheds.
- (i) Energy conservation.
- (j) Environmental effects with respect to watercourses, wetlands, steep slopes, drainage patterns, stormwater generation and discharge, and loss of habitat.
- (k) Municipal financial costs related to the provision and maintenance of streets, water and sewer systems, other infrastructure, and municipal services.
- (l) Such other matters that Council deems to be important.

### 6.6 Unserved Development

Before approving a subdivision in a location where municipal water and/or sewer services cannot be provided, Council will ensure that the development complies with all applicable Provincial regulations and requirements for unserved development including:

- (a) The "Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Served by Individual Private Wells"  
([www.gov.nl.ca/mae/files/waterres-regulations-appforms-unserved-subdivision-gw-assessment-guidelines-dwh-revisions.pdf](http://www.gov.nl.ca/mae/files/waterres-regulations-appforms-unserved-subdivision-gw-assessment-guidelines-dwh-revisions.pdf))
- (b) The Sanitation Regulations under the Public Health Act  
([www.assembly.nl.ca/legislation/sr/regulations/rc960803.htm](http://www.assembly.nl.ca/legislation/sr/regulations/rc960803.htm))

### 6.7 Building Permits Required

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

### 6.8 Form of Application

Application for a permit to develop a subdivision shall be made to Council in accordance with **Regulation 3.12 - Form of Application**.

## **6.9 Subdivision Subject to Zoning**

The subdivision of land must comply with all provisions of the Use Zone in which the land is located.

## **6.10 Building Lines**

Council may establish building lines for any subdivision street and require any new building to be located on such building lines.

## **6.11 Dedication of Land for Public Use**

In accordance with Section 37 of the *Act*, Council may require land developers to provide land to the Town land for open space or other public use equal to ten per cent of the gross area to be developed. In lieu of land dedication, Council may accept a sum of money that is equivalent to the value of the land that would have been conveyed to be used for the good of the community.

Land to be provided for public use must be high quality land suitable for the purpose and will not include land that Council requires to be set aside from development for the purposes of environmental protection or stormwater control.

## **6.12 Structure in Street Reservation**

The placing of a structure (e.g., hydro pole, fire hydrant, mailbox, bus shelter, signpost) within any street reservation shall not be approved unless Council is satisfied on the question of safety regarding the structure's relationship to other buildings or structures within the street reservation and regarding the safe movement of vehicles and pedestrians.

## **6.13 Subdivision Requirements**

Where a subdivision involves construction of a new street or street extension, all work must be completed in compliance with the following requirements.

- (1) Street construction must meet the standards set out by Council with respect to:
  - (a) street design and cul de sac length
  - (b) intersection alignments and locations
  - (c) sub-base and base
  - (d) asphalt
- (2) Water system construction must meet the standards set out by Council with respect to:
  - (a) minimum burial beneath finished grades
  - (b) water main and service line materials
  - (c) fire hydrants
  - (d) placement of main line valves

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- (3) Sanitary sewer construction must meet the standards set out by Council with respect to:
  - (a) gravity sewers
  - (b) force mains
  - (c) lift stations
- (4) Manholes and catch basins must meet the standards set out by Council with respect to location, materials, sizing, spacing, frames, grates, and covers.
- (5) All services and roadwork must be connected to existing services and roads in accordance with Council requirements. This may include work outside the limits of the subdivision boundary and onto existing road reservations and roadways.
- (6) The developer is responsible for the reinstatement of all property damaged during the connection process back to the original condition. This may include, but is not limited to, curb, sidewalk, asphalt, and seeded areas.

### **6.14 Access to Backland Areas**

(Also refer to **Regulation 4.2**)

- (1) In order to prevent the landlocking of land that is suitable for future development, Council will require developers to provide adequate rights-of-way for street access to adjoining backland areas.
- (2) Depending on the development potential of the area to be accessed, Council may require the right-of-way width to be a minimum of 12.2 or 15.0 metres. In areas where there are no significant spatial limitations for access to a backland area or where there is potential for more than a small number of lots, a 15-metre right-of-way will be required. In areas of spatial constraint and limited development potential, a 12.2-metre right-of-way may be permitted.

### **6.15 Subdivision Design Standards**

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, or up to 12 percent at the discretion of Council where it would otherwise be impossible to develop the site or compliance with 10 percent would entail excessive cutting and filling of slopes.
- (b) A cul de sac will be subject to the following:
  - (i) It will not be permitted unless Council is satisfied that there is no reasonable alternative to developing the land.
  - (ii) It will not be longer than 500 metres.
  - (iii) It will not be located so as to appear to terminate a collector street.

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- (iv) The turning circle will have a driving surface diameter of not less than 30 metres.
- (v) Emergency access/ egress to a cul de sac will not be less than 3 metres wide.
- (c) Land will not be subdivided in such a manner as to prejudice the development of adjoining land (also refer to **Regulation 6.14**)
- (d) Streets will be designed in accordance with the following minimum standards.

Type of Street	Street Reservation	Pavement Width
Arterial	30.0 m	15.0 m
Collector	15.0 m	7.3 m
Local 1	15.0 m	5.2 m
Local 2	12.2 m	5.2 m

- (e) No street intersection will be closer than 60 metres from another street intersection.
- (f) No street intersection will be constructed at more than 5 degrees of a right angle.
- (g) No more than four streets will join at any one intersection.
- (h) No residential street block will be longer than 490 metres between street intersections unless permitted at Council's discretion and provided adequate access is provided to adjoining backlands to the subdivision.
- (i) No residential lot will be more than four times deeper than the lot frontage.
- (j) Water and sewer mains will be designed as loops to avoid dead-ending.
- (k) Council may require existing natural, historic, and architectural features to be retained when a subdivision is developed.

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

- (1) Plans and specifications for all streets, paving, sidewalks, and all other utilities deemed necessary by Council 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 Council, be incorporated in the plan of subdivision.
- (2) Upon approval by Council of the proposed subdivision, the Engineer shall certify all work of construction layout preliminary to the construction of the works and thereupon

the developer shall proceed to the construction and installation, at his own cost and in accordance with the approved designs and specifications and the construction layout certified by the Engineer, of all such streets and other works deemed necessary by Council to service the said area.

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

The developer shall pay to Council all the Engineer's fees and charges for the preparation of designs and specifications and for the layout and supervision of construction; such fees and charges being percentages of the total cost of materials and labour for the construction and installation of all works calculated in accordance with the Schedule of Fees recommended by the Association of Professional Engineers and Geoscientists of Newfoundland and Labrador and in effect at the time the work is carried out.

#### **6.18 Street Works May Be Deferred**

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

#### **6.19 Transfer of Streets and Utilities to Council**

- (1) The developer shall, following approval of the subdivision and upon request of Council, transfer to Council, at no cost to Council, and clear of all liens and encumbrances:
  - (a) All lands in the area proposed for development or subdividing, which are approved and designated by Council for public use as streets, or other rights-of-way, or for other public use.
  - (b) All services and public works including streets, water supply and distribution system, sanitary sewer system, storm drainage system, street lighting, and other infrastructure installed in the subdivision that are normally owned and operated by Council.
- (2) Before Council shall accept the transfer of lands, services or public works of any subdivision, the Engineer shall, at cost to the developer, test the streets, services and public works installed in the subdivision and certify his/her satisfaction with their installation.

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- (9) Council will not provide maintenance for any street or public work in any subdivision until such time as the street, service or public work has been transferred to Council.

### **6.20 Restriction on Sale of Lots**

The developer shall not develop or dispose of any lot within a subdivision for the purposes of development and no building permit shall be issued until Council is satisfied that the lot has satisfactory access to a street.

### **6.21 Grouping of Buildings and Landscaping**

- (1) Each plan of subdivision shall make provision for the grouping of building types and for landscaping in order to enhance the visual aspects of the completed development and to make the most use of existing topography and vegetation.
- (2) Building groupings, once approved by Council, shall not be changed without written application to and subsequent approval of Council.

## **PART 7: SIGNS**

### **7.1 Intent**

The intent of this section is to authorize signs that:

- (a) Are appropriate in size, number, and location to the type of activity or use to which they pertain.
- (b) Provide reasonable and appropriate means for the public to locate and identify facilities, businesses, and services without difficulty or confusion.
- (c) Are compatible with their surroundings.
- (d) Protect and enhance the aesthetic qualities of the area.
- (e) Do not create a distraction or safety hazard for pedestrians or motorists.
- (f) Comply with the *Heart's Content Heritage Regulations*.

### **7.2 Permit Required**

Except in accordance with **Regulation 7.8**, no sign shall be erected or displayed in the Planning Area unless a permit for the sign is first obtained from the Council.

### **7.3 Provincial Highway**

In addition to a permit from Council, the erection or display of a sign on Provincial Routes 80 and 80 shall require a permit from Digital Government and Service NL. Within the Heart's Content built-up area, Routes 80 and 74 correspond to Main Road and Cove Road.

### **7.4 Form of Application**

Application for a permit to erect or display a sign shall be made to the Council in accordance with **Regulation 3.12**.

### **7.5 Approval Subject to Conditions**

A permit will only be issued for the erection or display of signs that comply with the appropriate conditions and standards set out in these Regulations.

### **7.6 Signs Prohibited in Street Reservation**

No sign will be permitted within, on, or over any highway or street reservation.

### **7.7 Sign Removal**

Council may require the removal of any sign, which, in its opinion:

- (a) is hazardous to pedestrian or vehicle traffic by reason of its siting, colour, illumination, or structural condition, or
- (b) is unsightly or not maintained to the satisfaction of the Council.

## **7.8 Signs Exempt from Control**

Notwithstanding **Regulation 7.2**, the following signs may be erected or displayed without application to Council:

- (a) on a residential dwelling or within the yard of a dwelling, one nameplate not exceeding 0.2 m<sup>2</sup> in area.
- (b) on an agricultural, forestry, or quarrying operation, one notice board not exceeding 0.5 m<sup>2</sup> in area relating to the operations being conducted on the land.
- (c) on a site occupied by an institutional, civic, service, or public use (e.g., church, school, museum, cemetery), one notice board not exceeding 1.0 m<sup>2</sup> in area.
- (d) on a commercial or industrial building, a notice board not exceeding 1.0 m<sup>2</sup> in area.
- (e) on any parking lot, directional signs plus one sign only not exceeding 1.0 m<sup>2</sup> in size to identify the parking lot.
- (f) real estate sales, leasing, and open house signs not exceeding 1 m<sup>2</sup>.
- (g) signs placed by candidates at municipal, provincial, or federal elections.
- (h) signs for temporary local events such as festivals, from one month before the event to no later than one week after its conclusion.
- (i) temporary signs on construction sites warning of danger and or outlining the nature of the development up to a maximum area of 7.5m<sup>2</sup>.

## **7.9 General Sign Standards**

The following standards shall apply to signs erected for a commercial, industrial, or public use. In accordance with **Regulation 7.5**, Council may set additional standards or conditions to its approval of a sign.

- (a) Window Sign – maximum of 1 m<sup>2</sup>
- (b) Awning/Canopy Sign – maximum of 3 m wide by 0.75 m high
- (c) Wall Sign – maximum of 3 m wide by 0.75 m high
- (d) Hanging and Projecting Sign – maximum of 1 m<sup>2</sup>
- (e) Murals - At the discretion of Council.
- (f) Free Standing Sign – one per use, maximum of 5.0 m<sup>2</sup>



## **PART 8: USE ZONES**

### **8.1 Use Zones**

- (1) For the purpose of these Regulations, the Planning Area is divided into Use Zones, which are shown on the Zoning Map attached to and forming part of these Regulations.
- (2) Subject to Paragraph (3), the permitted use classes, discretionary use classes, standards, requirements, and conditions applicable to each Use Zone are set out in the Use Zone Tables in **Part 9** of these Regulations.
- (3) Where standards, requirements, and conditions applicable in a Use Zone are not set out in the Use Zone Tables in **Part 9**, Council may in its discretion, determine the standards, requirements and conditions that shall apply.

### **8.2 Map Interpretation**

The boundaries of Use Zones on the Land Use Zoning Maps are general only and, except where they coincide with roads, shorelines, or other prominent physical features, are not intended to define exact limits. No zoning amendment will be required for minor adjustments of the Use Zone boundaries. Other than such minor boundary adjustments, no development shall be permitted that does not conform to the Use Zone delineated on the Land Use Zoning Maps.

### **8.3 Use Classes**

The specific uses to be included in each Use Class set out in the Use Zone Tables in **Part 9** shall be determined by Council in accordance with the classifications and examples set out in **Appendix B**.

### **8.4 Permitted Uses**

Subject to these Regulations, the uses that fall within the Permitted Use Classes set out in the appropriate Use Zone Table in **Part 9** shall be permitted by Council in that Use Zone.

### **8.5 Discretionary Uses**

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone Table in **Part 9** may be permitted in that Use Zone if Council is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, any further scheme or plan or regulation pursuant thereto, or to the public interest, and only if Council has given notice of the application in accordance with

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

**Regulation 3.21(4)** and has considered any objections or representations that may be received on the matter.

### **8.6 Prohibited Uses**

Uses that do not fall within the Permitted Use Classes or Discretionary Use Classes set out in the appropriate Use Zone Tables shall not be permitted in that Use Zone.

## PART 9: USE ZONE TABLES

Before issuing a permit for development or an approval in principle, Council shall review the application to ensure that it complies with the Use Zone Table for which it is proposed as well as each of the following:

- Part 2: Definitions
- Part 3: General Regulations
- Part 4: General Development Standards
- Part 5: Specific Use Regulations
- Part 6: Subdivision of Land
- Part 8: Use Zones
- Appendix A: Land Use Zoning Maps
- Appendix B: Classification of Uses of Land and Buildings
- Appendix C: Off-Street Parking Requirements
- Appendix D: Provincial Development Regulations

Part 9 contains tables for the following Use Zones:

USE ZONE		ABBREVIATION
9.1	Environmental Protection	EP
9.2	Protected Water Supply	PWS
9.3	Residential	RES
9.4	Mixed Development	MD
9.5	Heritage District	HD
9.6	Commercial-Light Industrial	CLI
9.7	Coastal and Marine	CM
9.8	Parks and Open Space	POS
9.9	Rural	RU

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

### 9.1 Environmental Protection (EP) Zone

#### Intent

The purpose of the Environmental Protection zone is to protect and conserve environmentally sensitive areas such as watercourses, riparian areas, and wetlands.

ENVIRONMENTAL PROTECTION (EP) ZONE	
PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.21 and 8.5)
Conservation Open Space (See Condition 3)	Mineral exploration (See Regulation 5.10) Multi-use trail (See Condition 4) Transportation (See Condition 5) Utility (See Condition 6)

#### CONDITIONS

##### 1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development is compatible with the Permitted Use Classes and not contrary to the general intent of the Municipal Plan and Development Regulations. Approval of a discretionary use will be subject to terms and conditions to ensure it will not detract from the environmental protection purpose of this zone.

##### 2. Environmental Control

- (1) Any approved development must be designed and developed to a high environmental standard as specified in terms and conditions set by Council.
- (2) Where it deems necessary, Council may require a proposed discretionary use to undergo an appropriate assessment to ensure that the development will be undertaken in a way that minimizes environmental effects.

##### 3. Open Space Uses

A structure associated with an open space use, for example, a viewing platform, gazebo, or picnic shelter, may be permitted at Council's discretion.

##### 4. Multi-use Trail

A multi-use trail that allows for the use of off-road recreational vehicles may be permitted at Council's discretion only if:

- (a) Alternative locations for access are not reasonably available
- (b) The trail route extends the minimum reasonable distance for necessary access through the EP zone
- (c) The trail is not located any Sensitive Wild Area identified by the Provincial Wildlife Division

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

- (d) Potential environmental effects can be minimized or mitigated to the satisfaction of Council
- (e) The trail meets all other terms and conditions set by Council.

### **5. Transportation**

- (1) Transportation uses that may be permitted at Council's discretion will be limited to public streets and associated infrastructure, for example, a culvert or bridge across a stream.
- (2) A transportation use will be permitted only if:
  - (a) Alternative locations for access are not reasonably available,
  - (b) Potential environmental effects can be minimized or mitigated to the satisfaction of Council,
  - (c) The development can meet reasonable terms and conditions that may be set by Council, and
  - (d) The development has received any necessary Provincial approvals.

### **6. Utilities**

A building or structure associated with a public utility, for example, a water or sewage treatment plant, sewage outfall, transmission line, or electrical sub-station, may be permitted at Council's discretion.

### **7. Important Wildlife Habitat**

Mineral exploration, multi-use trails, transportation uses, and utility uses will not be permitted to encroach on a designated Sensitive Wildlife Area or other important wildlife habitat area or migration corridor that Council deems needs to be protected from development.

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

### 9.2 Protected Water Supply (PWS) Zone

#### Intent

The Protected Water Supply zone corresponds to portions of three Provincially protected water supply areas located within the Heart's Content Planning Area.

- The Southern Cove Pond water supply area, which is the source water for Heart's Content
- The New Perlican River water supply area, which is the source water for New Perlican
- The Terrence Pond water supply area, which is the source water for Heart's Desire

The Southern Cove Water Supply Area (Regulation 113/96 under the Water Resources Act) is by far the largest protected watershed within the Planning Area. Taking in the lion's share of lands in the Planning Area, it also extends outside the Planning Area. This includes a large area inside the Victoria Municipal Planning Area, a small area inside the Heart's Desire municipal boundary, and significant areas outside any municipal control.

A portion of the New Perlican River water supply area (Regulation 659/96 under the Water Resources Act) is located in the northeast corner of the Heart's Content Planning Area.

A small corner of the Terrence Pond Water Supply Area (Regulation 714/96 under the Water Resources Act) overlaps the Heart's Content's Planning Area boundary with Heart's Desire.

PROTECTED WATER SUPPLY (PWS) ZONE	
PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.21 and 8.5)
Community gardens Conservation Open space	Antenna (See Condition 4) Commercial crop agriculture (See Condition 6) Energy generation facility Forestry Mineral exploration (See Regulation 5.10) Mineral working (See Regulation 5.11) Multi-use trail (See Condition 5) Transportation (See Condition 4) Utility (See Condition 4)

#### CONDITIONS

##### 1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be compatible with the Permitted Use Classes and not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will not negatively affect source water in the Southern Cove Pond, New Perlican River, and Terrence Pond Water Supply Areas.

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

### 2. Environmental Control

- (1) Any approved development must be designed and developed to a high environmental standard as specified in terms and conditions set by Council.
- (2) Where it deems necessary, Council may require a proposed discretionary use to undergo an appropriate assessment to ensure that the development will be undertaken in a way that minimizes environmental effects.

### 3. Development within Protected Water Supply Area

#### (1) Referral to Water Resources Management Division

All proposals for development within the Southern Cove Pond, New Perlican River, and Terrence Pond Water Supply Areas will be referred to the Water Resources Management Division of the Department of Environment and Climate Change. No development will be permitted until the required approvals have been issued by the Division.

#### (2) Buffer Zones within the Protected Water Supply Areas

Other than a development related to conservation or water supply management and protection, no development, forest harvesting, agriculture, or other resource use activity will be permitted in the vicinity of a watercourse except in accordance with the following minimum buffers from the top of the bank of a watercourse.

Watercourse	Minimum Buffer Width
Intake pond or lake	150 m
Intake river	150 m for 1,000 m upstream and 100 downstream of intake
Main river channel	75 m
Major tributaries, lakes, and ponds	50 m
Other watercourses	30 m

### 4. Transportation, Utilities and Antennas

Provincial Highways 74 and 80, which pass through portions of the Southern Cove Pond and Terrence Pond Water Supply Areas, are permitted to continue. Any forest access or other resource access roads are also permitted to continue.

Existing antennas, water facilities, and other utilities within the PWS zone are permitted to continue.

New transportation, utility, and antenna uses may be permitted at Council's discretion, subject to required permit(s) from the Water Resources Management Division.

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

### **5. Multi-use Trail**

A multi-use trail that allows off-road recreational vehicles such as ATVs and snowmobiles may be permitted at Council's discretion only if:

- (a) Alternative locations for access are not reasonably available
- (b) It meets the approval and conditions of the Water Resources Management Division
- (c) The trail is not located in or near any Sensitive Wild Area identified by the Provincial Wildlife Division
- (d) Potential environmental effects can be minimized or mitigated to the satisfaction of Council
- (e) It meets all other terms and conditions set by Council.

### **6. Commercial Crop Agriculture**

A commercial crop agriculture use may be permitted at Council's discretion subject to approval by the Water Resources Management Division as well as any terms and conditions set by Council.



### 9.3 Residential (RES) Zone

#### Intent

The Residential zone is located on lands fronting onto Cove Road, Main Road, Northern Point Road and connecting local streets. The intent of the zone primarily is to preserve the amenity of residential neighbourhoods and accommodate new housing needs. While single dwellings will continue to predominate, it is Council's objective to ensure housing remains affordable for all income groups and to take advantage of possible market opportunities for higher density housing such as row housing. Commercial uses such as arts and crafts studios, home occupations, bed and breakfasts, visitor rental dwellings, tourist cottages, and glamping facilities, may be permitted if Council deems that they are compatible with existing residential uses.

<b>RESIDENTIAL (RES) ZONE</b>	
<b>PERMITTED USE CLASSES</b> (See Regulation 8.4)	<b>DISCRETIONARY USE CLASSES</b> (See Regulations 8.5 and 3.21)
Accessory building (See Regulation 5.2) Boarding house Community garden Conservation Double dwelling (See Condition 2) Home office Open space Single dwelling Subsidiary apartment (See Condition 5) Transportation Utility	Antenna Apartment building (See Condition 2) Arts and craft studio (See Condition 3) Bed and breakfast (See Regulation 5.5 and Condition 3) Catering (See Condition 3) Cemetery Childcare (See Regulation 5.6 and Conditions 2 & 3) Cultural and civic (See Condition 3) Domestic sawmill (See Regulation 5.7) Emergency service (See Condition 3) Energy generation facility (See Regulation 5.8) Glamping facility on a residential lot (See Regulation 5.20) Home occupation (See Regulation 5.9) Kennel (See Conditions 3 & 6) Mineral exploration (See Regulation 5.10) Mobile vending facility Multi-use trail (See Condition 8) Personal livestock use (See Regulation 5.12) Personal service (See Condition 3) Recreational open space Recreational vehicle (See Regulation 5.22) Residential care home (See Regulation 5.13 and Conditions 2 & 3) Retirement establishment (See Regulation 5.14 and Conditions 2 & 3) Row dwelling (See Condition 2) Shop (See Condition 3) Storage rental facility

# TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

	Take-out food service (See Condition 3) Tiny house (See Regulation 5.18) Tourist cottage on a residential lot (See Regulation 5.20) Tourist cottage establishment (See Regulation 5.19) Travel trailer (See Regulation 5.22) Visitor rental dwelling (See Regulation 5.5 & Condition 3)
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DEVELOPMENT STANDARDS					
STANDARD		Single Dwelling	Double Dwelling (per unit)	Row Dwelling (per unit)	Tiny House, Travel Trailer, & Recreational Vehicle
<b>Fully Serviced Areas (municipal water and municipal sewer)</b>					
Minimum lot area		350 m <sup>2</sup>	200 m <sup>2</sup>	150 m <sup>2</sup>	150 m <sup>2</sup>
Minimum lot width (frontage)		14.0 m	8.0 m	6.0 m	6.0 m
<b>Semi Serviced Areas (one of municipal water or municipal sewer)</b>					
Minimum lot area		1400 m <sup>2</sup>	Not Permitted	Not Permitted	1400 m <sup>2</sup>
Minimum lot width (frontage)		23.0 m	Permitted	Permitted	23.0 m
<b>Unserviced Areas (no municipal water and no municipal sewer)</b>					
Minimum lot area		1860 m <sup>2</sup>	Not Permitted	Not Permitted	1860 m <sup>2</sup>
Minimum lot width (frontage)		30.0 m	Permitted	Permitted	30.0 m
<b>All Areas</b>					
Minimum floor area (excl. basement)		56.0 m <sup>2</sup>	56.0 m <sup>2</sup>	56.0 m <sup>2</sup>	25 m <sup>2</sup>
Minimum frontyard setback		7.0 m	7.0 m	7.0 m	7.0 m
		1. Notwithstanding the above, at its discretion, Council may permit a frontyard setback to complement existing setbacks on adjacent lots.  2. A frontyard setback on Main Road and Cove Road also requires approval from the Department of Transportation and Infrastructure. Where there is a conflict, the more restrictive standard will apply.			
Minimum sideyard setback	Major sideyard	2.5 m	2.5 m	2.5 m	2.5 m
	Minor sideyard	1.0 m	NA*	NA*	1.0 m
Minimum sideyard setback - flanking street		6.0 m	6.0 m	6.0 m	6.0 m
Minimum rearyard		7.0 m	7.0 m	7.0 m	6.0 m
Minimum distance between buildings		3.0 m	3.0 m	3.0 m	3.0 m
Maximum lot coverage – all buildings					
If lot is larger than 600 m <sup>2</sup>		35%	35%	35%	40%
If lot is 600 m <sup>2</sup> or less		50%	50%	50%	50%

\* NA – Not applicable

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

<b>DEVELOPMENT STANDARDS (continued)</b>			
<b>STANDARD</b>	<b>Apartment Building (fully serviced areas only)</b>		
	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3 Bedroom</b>
Minimum lot area	500 m <sup>2</sup> or 100 m <sup>2</sup> per unit, whichever is larger		
Minimum lot width (frontage)	6.0 m per groundfloor unit		
Minimum floor area	40 m <sup>2</sup> per unit	48 m <sup>2</sup> per unit	56 m <sup>2</sup> per unit
Minimum frontyard setback	8.0 m  A frontyard setback on Main Road and Cove Road also requires approval from the Department of Transportation and Infrastructure. Where there is a conflict, the more restrictive standard will apply.		
Minimum sideyard – both sides	2.5 m		
Minimum sideyard setback – flanking street	6.0 m		
Minimum rearyard	8.0 m		
Minimum distance between buildings	3.0 m		
Maximum lot coverage – all buildings	40%		

### **CONDITIONS**

#### **1. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development is compatible with the uses within the Permitted Use Classes and not contrary to the general intent of the Municipal Plan and Development Regulations.

Development that is permitted at Council's discretion will be subject to terms and conditions to ensure it will not detract from the residential quality and amenities of the area.

#### **2. Developments that Must be Connected to Municipal Water and Sewer**

Apartment buildings, childcare, double dwellings, residential care homes, retirement establishments, and row dwellings will not be permitted in any area where municipal water and sewer services are not available.

#### **3. Standards for Residential Care Homes, Retirement Establishments, and Non-Residential Uses**

Where a residential care home, retirement establishment, or non-residential development is permitted:

- (a) It will meet the minimum development standards required by Council.
- (b) It will be designed and maintained to a high standard regarding safety, appearance, and compatibility with surrounding land uses.

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

- (c) It will meet such other conditions as deemed necessary by Council.
- (d) No change in the Use Class or scale of the development will be permitted except in accordance with a development permit and conditions set by Council.

### **4. Onsite Services**

In accordance with **Regulations 4.17 and 6.6**, no building permit or subdivision application will be approved for a lot that is not connected to municipal water and/or sewer unless it meets Provincial requirements for groundwater assessment and sanitary sewage treatment and disposal.

### **5. Subsidiary Apartments**

- (1) One subsidiary apartment only may be permitted in a single dwelling. Subsidiary apartments will not be permitted in double dwellings, row dwellings, or accessory buildings.
- (2) Approval of a subsidiary apartment will be subject to the following conditions:
  - (a) The apartment will be completely self-contained, with cooking, sleeping, and sanitary facilities.
  - (b) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional eight (8) square metres for each additional bedroom.

### **6. Kennels**

A kennel, if permitted at Council's discretion, will be subject to such terms and conditions deemed necessary to restrict the number of dogs, cats, or other animals on the premises and to minimize potential noise, odour, and other impacts on neighbouring land uses.

### **7. Protection of Cemeteries**

No development in the Residential zone will be permitted to encroach closer than 8.0 metres from an existing gravesite or individual grave.

### **8. Multi-use Trail**

A multi-use trail that allows off-road recreational vehicles may be permitted at Council's discretion subject to conditions to protect the amenity of nearby residential and other areas and minimize adverse impacts such as noise and environmental degradation.

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

### 9.4 Mixed Development (MD) Zone

#### Intent

The Mixed Development zone extends southward along Main Road from its boundary with the Heritage District zone to approximately about 250 metres south of the intersection of Main Road with Cove Road. It includes a mix of public, commercial, and residential land uses. Existing public uses include the municipal works depot, fire hall, Town Hall, and a cemetery. Commercial uses include a grocery store, convenience store, gas bar, motel, and restaurant. Residential development in the form of single dwellings is scattered throughout the zone.

This area has a significant amount of vacant street frontage to accommodate future development especially around the Main Road-Cove Road intersection.

The intent of the zone is to continue the functional mix of residential and compatible non-residential uses and facilitate economic opportunities related to tourism, recreational boating, retail services, visitor accommodations, and food services.

<b>MIXED DEVELOPMENT (MD) ZONE</b>	
<b>PERMITTED USE CLASSES</b> (See Regulation 8.4)	<b>DISCRETIONARY USE CLASSES</b> (See Regulations 8.5 and 3.21)
Accessory building (See Regulation 5.2) Arts and crafts studio Bed and breakfast (See Regulation 5.5) Boarding house Childcare (See Regulation 5.6 and Condition 3) Community garden Conservation Double dwelling Home occupation (See Regulation 5.9) Home office Office Open space Personal service Row dwelling (See Condition 3) Single dwelling Subsidiary apartment (See Condition 6) Transportation Utility Visitor rental dwelling (See Regulation 5.5)	Amusement use Antenna Apartment building (See Condition 3) Campground (See Regulation 5.19 and Condition 3) Catering (See Condition 5) Club and lodge (See Conditions 5) Commercial accommodations (See Conditions 3 & 5) Communications Contractor's yard (See Conditions 5) Cultural and civic (See Conditions 5) Domestic sawmill (See Regulation 5.7) Drinking establishment (See Conditions 5) Educational Emergency service Energy generation facility (See Regulation 5.8) Entertainment Funeral home (See Conditions 3 & 5) Garden centre Gas bar General assembly General garage (See Regulation 5.16) General service

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

	<p>Glamping facility on a residential lot (See Regulation 5.20)</p> <p>Indoor assembly</p> <p>Indoor market</p> <p>Kennel (See Condition 8)</p> <p>Light industry</p> <p>Medical service (See Conditions 3)</p> <p>Medical treatment (See Conditions 3)</p> <p>Mineral exploration (See Regulation 5.10)</p> <p>Mobile vending facility</p> <p>Multi-use trail (See Condition 9)</p> <p>Outdoor assembly</p> <p>Outdoor market</p> <p>Personal livestock use</p> <p>Place of worship</p> <p>Recreational open space</p> <p>Recreational vehicle (See Regulation 5.22)</p> <p>Recycling facility</p> <p>Residential care home (See Regulation 5.13 and Conditions 3 &amp; 5)</p> <p>Retirement establishment (See Regulation 5.14 and Conditions 3 &amp; 5)</p> <p>Service station (See Regulation 5.16 and Condition 5)</p> <p>Shop (See Condition 5)</p> <p>Shopping centre (See Conditions 3 &amp; 5)</p> <p>Storage rental facility (See Condition 5)</p> <p>Take-out food service (See Condition 5)</p> <p>Tiny house (See Regulation 5.18)</p> <p>Tourist cottage on a residential lot (See Regulation 5.20)</p> <p>Tourist cottage establishment (See Regulation 5.19)</p> <p>Travel trailer (See Regulation 5.22)</p> <p>Vehicle sales and rental</p> <p>Veterinary (See Condition 5)</p>
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**TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS**

<b>DEVELOPMENT STANDARDS</b>					
<b>STANDARD</b>		<b>Single Dwelling</b>	<b>Double Dwelling (per unit)</b>	<b>Row Dwelling (per unit)</b>	<b>Tiny House</b>
<b>Fully Serviced Areas (municipal water and municipal sewer)</b>					
Minimum lot area		350 m <sup>2</sup>	200 m <sup>2</sup>	150 m <sup>2</sup>	150 m <sup>2</sup>
Minimum lot width (frontage)		14.0 m	8.0 m	6.0 m	6.0 m
<b>Semi Serviced Areas (one of municipal water or municipal sewer)</b>					
Minimum lot area		1400 m <sup>2</sup>	Not	Not	1400 m <sup>2</sup>
Minimum lot width (frontage)		23.0 m	Permitted	Permitted	23.0 m
<b>Unserviced Areas (no municipal water and no municipal sewer)</b>					
Minimum lot area		1860 m <sup>2</sup>	Not	Not	1860 m <sup>2</sup>
Minimum lot width (frontage)		30.0 m	Permitted	Permitted	30.0 m
<b>All Areas</b>					
Minimum floor area (excl. basement)		56.0 m <sup>2</sup>	56.0 m <sup>2</sup>	56.0 m <sup>2</sup>	25 m <sup>2</sup>
Minimum frontyard setback		7.0 m	7.0 m	7.0 m	7.0 m
		1. Notwithstanding the above, at its discretion, Council may permit a frontyard setback to complement existing setbacks on adjacent lots.  2. A frontyard setback on Main Road and Cove Road also requires approval from the Department of Transportation and Infrastructure. Where there is a conflict, the more restrictive standard will apply.			
Minimum sideyard setback	Major sideyard Minor sideyard	2.5 m 1.0 m	2.5 m NA*	2.5 m NA*	2.5 m 1.0 m
Minimum sideyard setback - flanking street		6.0 m	6.0 m	6.0 m	6.0 m
Minimum rearyard		7.0 m	7.0 m	7.0 m	6.0 m
Minimum distance between buildings		3.0 m	3.0 m	3.0 m	3.0 m
Maximum lot coverage – all buildings					
If lot is larger than 600 m <sup>2</sup>		35%	35%	35%	40%
If lot is 600 m <sup>2</sup> or less		50%	50%	50%	50%

\* NA – Not applicable

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

<b>DEVELOPMENT STANDARDS (continued)</b>			
<b>STANDARD</b>	<b>Apartment Building (fully serviced areas only)</b>		
	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3 Bedroom</b>
Minimum lot area	500 m <sup>2</sup> or 100 m <sup>2</sup> per unit, whichever is larger		
Minimum lot width (frontage)	6.0 m per groundfloor unit		
Minimum floor area	40 m <sup>2</sup> per unit	48 m <sup>2</sup> per unit	56 m <sup>2</sup> per unit
Minimum frontyard setback	8.0 m  A frontyard setback on Main Road also requires approval from the Department of Transportation and Infrastructure. Where there is a conflict, the more restrictive standard will apply.		
Minimum sideyard – both sides	2.5 m		
Minimum sideyard setback – flanking street	7.0 m		
Minimum rearyard	8.0 m		
Minimum distance between buildings	3.0 m		
Maximum lot coverage – all buildings	40%		

### **CONDITIONS**

#### **1. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development is compatible with the uses within the Permitted Use Classes and not contrary to the general intent of the Municipal Plan and Development Regulations.

Development that is permitted at Council's discretion may be subject to terms and conditions to ensure it will not detract from the general quality and amenities of the area.

#### **2. Mixing of Residential and Non-Residential Land Uses**

##### **(1) Non-Residential Development**

A proposed non-residential development in the HD zone may be subject to conditions set by Council to ensure it is compatible with neighbouring residential uses.

##### **(2) Residential Development in Non-Residential Areas**

A proposed residential development in the HD may be subject to conditions set by Council to ensure it is compatible with neighbouring non-residential uses.



## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

### **3. Developments that Require Municipal Water and Sewer Services**

Apartment buildings, campgrounds, childcare, residential care homes, retirement establishments, row dwellings, commercial accommodations, funeral homes, medical services, medical treatment centres, and shopping centres will not be permitted in any area where municipal water and sewer services are not available.

### **4. Onsite Services**

In accordance with **Regulations 4.17 and 6.6**, no building permit or subdivision application will be approved for a lot without municipal water and/or sewer services unless it meets Provincial requirements for groundwater assessment and sanitary sewage treatment and disposal and has been approved by the Water Resources Management Division.

### **5. Standards for Residential Care Homes, Retirement Establishments, and Non-Residential Uses**

Where a residential care home, retirement establishment, or non-residential development is permitted in the Mixed Development zone:

- (a) It will meet the minimum development standards required by Council.
- (b) It will be designed and maintained to a high standard regarding safety, appearance, and compatibility with surrounding land uses.
- (c) It will meet such other conditions that are deemed necessary by Council.
- (d) No change in the Use Class or scale the development will be permitted except in accordance with a development permit and conditions set by Council.

### **6. Subsidiary Apartments**

- (1) One subsidiary apartment only may be permitted in a single dwelling or a commercial building. A subsidiary apartment will not be permitted in a double dwelling or row dwelling.
- (2) Approval of a subsidiary apartment will be subject to the following conditions:
  - (a) The apartment will be completely self-contained, with cooking, sleeping, and bathroom facilities.
  - (b) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

### **7. Protection of Cemeteries**

No development in the Mixed Development zone will be permitted to encroach closer than 8.0 metres from an existing gravesite or individual grave.

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

### **8. Kennels**

A kennel, if permitted at Council's discretion, will be subject to such terms and conditions deemed necessary to restrict the number of dogs, cats, or other animals on the premises and to minimize potential noise, odour, and other impacts on neighbouring land uses.

### **9. Multi-use Trail**

A multi-use trail that allows off-road recreational use may be permitted at Council's discretion subject to conditions to protect the amenity of nearby residential and other areas and minimize adverse impacts such as noise and environmental degradation.

## 9.5 Heritage District (HD) Zone

### Intent

Located centrally in the town the Heritage District zone borders Heart's Content Harbour for approximately 860 metres, extends landward about 300 metres, and takes in about 13 hectares of land. Its landward boundaries include Station Road to the north, School Road to the east, and Long Lane to the south. It was designated as the Heart's Content Registered Heritage District in 2013 by the Heritage Foundation of Newfoundland and Labrador and is subject to the *"Town of Heart's Content Heritage Regulations"* which were adopted by Council in 2019 pursuant to the Municipalities Act.

Land uses in the zone include a mix of public, commercial, and residential buildings, two cemeteries, and open space uses. The zone includes a variety of historically significant properties included in a recent architectural inventory of the area (Katherine Harvey, Editor, *"Architectural Inventory: The Heart's Content Heritage District"*, 2017).

The centrepiece of the Heritage District is the Heart's Content Cable Station, constructed in 1876, which is a Provincial Historic Site. Provincially registered heritage structures include the Society of United Fishmen Hall (1869), Heyfield Memorial United Church (1878), Cable Staff Houses No. 1 and No 2 (1882), and the Western Union Operator's House (1921). Other historic buildings include the Orangeman's Hall (1880), the Anglo-American House (1881), Old Jack's Shop (1900), Western Union staff houses (1918), the Methodist School (now the Mizzen Museum) (1920s) and up to a dozen more historic homes dating back to the early 1900's.

The intent of the Heritage District zone is to maintain and enhance the compatible functional mix of land uses that has evolved over time, facilitate economic opportunities related to the area's historic landscape, and preserve the character and amenity of the area's residential housing. The intent of the zone is also to complement the Heart's Content Heritage Regulations, which state the following objective:

*"To conserve and protect those buildings, structures, features, and areas of Heart's Content identified for their historic and aesthetic value and for their potential to improve our community, instill civic pride, and improve the local economy through tourism-related businesses while protecting their main use."*

Council will carefully manage new development in this zone to preserve and enhance its historic character, encourage economic development, facilitate compatible redevelopment and reuse of vacant and underused buildings, and maintain a pleasing and affordable residential environment.

# TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

<b>HERITAGE DISTRICT (HD) ZONE</b>	
<b>PERMITTED USE CLASSES</b> (See Regulation 8.4)	<b>DISCRETIONARY USE CLASSES</b> (See Regulations 8.5 and 3.21)
Accessory building (See Regulation 5.2) Arts and crafts studio Bed and breakfast (See Regulation 5.5) Boarding house Childcare (See Regulation 5.6) Community garden Conservation Double dwelling Home office Home occupation (See Regulation 5.9) Office Open space Personal service Single dwelling Subsidiary apartment (See Condition 6) Transportation Utility Visitor rental dwelling (See Regulation 5.5)	Amusement use Antenna Apartment building Boathouse (See Condition 9) Catering (See Condition 5) Cemetery Club and lodge (See Condition 5) Commercial accommodations (See Condition 5) Communications Cultural and civic (See Condition 5) Dock (See Condition 9) Domestic sawmill (See Regulation 5.7) Drinking establishment (See Condition 5) Educational (See Condition 5) Emergency service (See Condition 5) Energy generation facility (See Regulation 5.8) Entertainment (See Condition 5) General assembly (See Condition 5) General service (See Condition 5) Glamping facility on residential lot (See Regulation 5.20) Indoor assembly (See Condition 5) Indoor market (See Condition 5) Kennel (See Condition 7) Light industry (See Condition 5) Marina (See Condition 10) Medical service (See Condition 5) Mobile vending facility Outdoor assembly Outdoor market Personal livestock use (See Regulation 5.12) Place of worship (See Condition 5) Recreational open space Residential care home (See Regulation 5.13 & Condition 5) Retirement establishment (See Regulation 5.14 and Condition 5) Row dwelling Shop (See Condition 5) Slipway (See Condition 9) Stage (See Condition 9) Take-out food service (See Condition 5) Tiny house (See Regulation 5.18) Tourist cottage on residential lot (See Regulation 5.20)

**TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS**

<b>DEVELOPMENT STANDARDS</b>					
<b>STANDARD</b>		<b>Single Dwelling</b>	<b>Double Dwelling (per unit)</b>	<b>Row Dwelling (per unit)</b>	<b>Tiny House, Travel Trailer, &amp; Recreational Vehicle</b>
Minimum lot area		350 m <sup>2</sup>	200 m <sup>2</sup>	150 m <sup>2</sup>	150 m <sup>2</sup>
Minimum lot width (frontage)		14.0 m	8.0 m	6.0 m	6.0 m
Minimum floor area (excl. basement)		56.0 m <sup>2</sup>	56.0 m <sup>2</sup>	56.0 m <sup>2</sup>	25 m <sup>2</sup>
Minimum frontyard setback		7.0 m	7.0 m	7.0 m	7.0 m
		1. Notwithstanding the above, at its discretion, Council may permit a frontyard setback to complement existing setbacks on adjacent lots. 2. A frontyard setback on Main Road also requires approval from the Department of Transportation and Infrastructure. Where there is a conflict, the more restrictive standard will apply.			
Minimum sideyard setback	Major sideyard	2.5 m	2.5 m	2.5 m	2.5 m
	Minor sideyard	1.0 m	NA*	NA*	1.0 m
Minimum sideyard setback - flanking street		6.0 m	6.0 m	6.0 m	6.0 m
Minimum rearyard		7.0 m	7.0 m	7.0 m	6.0 m
Minimum distance between buildings		3.0 m	3.0 m	3.0 m	3.0 m
Maximum lot coverage – all buildings					
If lot is larger than 600 m <sup>2</sup>		35%	35%	35%	40%
If lot is 600 m <sup>2</sup> or less		50%	50%	50%	50%
<b>DEVELOPMENT STANDARDS (continued)</b>					
<b>STANDARD</b>		<b>Apartment Building</b>			
		<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3 Bedroom</b>	
Minimum lot area		500 m <sup>2</sup> or 100 m <sup>2</sup> per unit, whichever is larger			
Minimum lot width (frontage)		6.0 m per groundfloor unit			
Minimum floor area		40 m <sup>2</sup> per unit	48 m <sup>2</sup> per unit	56 m <sup>2</sup> per unit	
Minimum frontyard setback		8.0 m			
		A frontyard setback on Main Road also requires approval from the Department of Transportation and Infrastructure. Where there is a conflict, the more restrictive standard will apply.			
Minimum sideyard – both sides		2.5 m			
Minimum sideyard setback – flanking street		7.0 m			
Minimum rearyard		8.0 m			
Minimum distance between buildings		3.0 m			
Maximum lot coverage – all buildings		40%			

**CONDITIONS**

**1. Permitted Use Classes**

Approval of a permitted use in the Heritage District zone may be subject to conditions to ensure it will contribute to and not undermine Council's goals for maintaining and enhancing heritage assets, a pleasing residential environment, and tourism opportunities.

**2. Discretionary Use Classes**

A Discretionary Use Class listed in this table may be permitted at Council's discretion provided the development would be compatible with uses with the Permitted Use Classes and not contrary to the general intent of the Municipal Plan and these Regulations. Development that is permitted at Council's discretion will be subject to terms and conditions to ensure it will not detract from the general quality, amenities, and heritage values of the Heritage District zone.

**3. Heritage Protection and Enhancement**

- (1) No existing building or structure the Heritage District zone will be demolished or altered in exterior appearance except with a permit issued by Council.
- (2) Except for a minor alterations and interior changes, Council will refer all development and demolition applications in the Heritage District zone to the Heart's Content Heritage Advisory Committee for recommendations before taking a decision. The Committee must respond within ten (10) calendar days if it wishes its recommendations to be considered.
- (3) In considering a development or demolition application in the zone, Council will be guided by the *Heart's Content Heritage Regulations* and the recommendations of the Heritage Advisory Committee.
- (4) No new building, building extension, structure, or site development will be permitted that, in Council's opinion, does not comply with the *Heart's Content Heritage Regulations* or more generally might detract from the Town's heritage values.

**4. Mixing of Residential and Non-Residential Uses**

**(1) Non-Residential Development**

A proposed non-residential development in a predominately residential area may be subject to conditions set by Council to ensure it is compatible with neighbouring residential uses.

**(2) Residential Development in Non-Residential Areas**

A proposed residential development in a predominately non-residential area the Heritage District may be subject to conditions set by Council to ensure it is compatible with neighbouring non-residential uses.

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

### **5. Standards for Residential Care Homes, Retirement Establishments, and Non-Residential Uses**

Where a residential care home, retirement establishment, or non-residential development is permitted in the Heritage District zone:

- (a) It will meet the minimum development standards required by Council.
- (b) It will be designed and maintained to a high standard regarding safety, appearance, and compatibility with surrounding land uses.
- (c) It will meet such other conditions that are deemed necessary by Council.
- (d) No change in the Use Class or scale of the development will be permitted except in accordance with a development permit and conditions set by Council.

### **6. Subsidiary Apartments**

- (1) One subsidiary apartment only may be permitted in a single dwelling or a commercial building. A subsidiary apartment will not be permitted in a double or row dwelling.
- (2) Approval of a subsidiary apartment will be subject to the following conditions:
  - (a) The apartment will be completely self-contained, with cooking, sleeping, and bathroom facilities.
  - (b) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional eight (8) square metres for each additional bedroom.

### **7. Kennels**

A kennel, if permitted at Council's discretion, will be subject to such terms and conditions deemed necessary to restrict the number of dogs, cats, or other animals on the premises and to minimize potential noise, odour, and other impacts on neighbouring land uses.

### **8. Protection of Cemeteries**

No development in the Heritage District zone will be permitted to encroach closer than 8.0 metres from an existing gravesite or individual grave.

### **9. Boathouses, Docks, Slipways, and Stages**

Discretionary approval of a boathouse, dock, slipway, or stage may be subject to conditions set by Council related to location, size, and appearance in order to ensure a proposed development is environmentally and aesthetically acceptable and compatible with heritage values.

A proposed development may require approval from the Departments of Environment and Climate Change and Fisheries and Oceans Canada before Council can issue a development permit.

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

### **10. Marinas**

At Council's discretion, a marina may be permitted if it is for commercial or public use and is deemed by Council to be environmentally and aesthetically acceptable, compatible with heritage values, and not contrary to the public interest.

Approval of a proposed development will be subject to terms and conditions set by Council.

A proposed development may require approval from the Departments of Environment and Climate Change and Fisheries and Oceans Canada before Council can issue a development permit.



## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

### 9.6 Commercial-Light Industrial (CLI) Zone

#### Intent

The Commercial-Light Industrial zone is located on the east side of Main Road opposite its intersection with Cove Road as well as a much smaller area on the east side of Main Street near the Heart's Content Fire Hall. Existing uses in this zone include two vehicle repair garages and the Provincial highways depot.

The intent of the CLI zone is to protect the amenity of existing uses and allow for more land-extensive commercial and industrial development that cannot be accommodated or might not be compatible in other areas of the town.

<b>COMMERCIAL-LIGHT INDUSTRIAL (CLI) ZONE</b>	
<b>PERMITTED USE CLASSES</b> (See Regulation 8.4)	<b>DISCRETIONARY USE CLASSES</b> (See Regulations 8.5 and 3.21)
Conservation Contractor's yard Emergency service Garden centre General garage (See Regulation 5.16) General service Light industry Office Open space Recycling facility Service station (See Regulation 5.16) Shop Storage rental facility Transportation Utility Vehicle sales and rental	Antenna Autobody shop Construction yard Energy generation facility General industry Mineral exploration (See Regulation 5.10) Salvage yard (See Regulation 5.15)

#### **CONDITIONS**

##### **1. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development is compatible with the uses within the Permitted Use Classes and not contrary to the general intent of the Municipal Plan and Development Regulations.

Development that is permitted at Council's discretion may be subject to terms and conditions to ensure it will not detract from the general quality and amenities of the area.

**2. Development Standards**

Where a development is permitted in the CLI zone:

- (a) It will meet the minimum development standards required by Council.
- (b) The frontyard setback on Main Road and Cove Road must be approved by both Council and the Department of Transportation and Infrastructure. Where there is a conflict, the more restrictive standard will apply.
- (c) It will be designed and maintained to a high standard regarding safety, appearance, and compatibility with surrounding land uses.
- (c) It will meet such other conditions that are deemed necessary by Council.
- (d) No change in the Use Class or scale of the development will be permitted except in accordance with a development permit and conditions set by Council.

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

### 9.7 Coastal and Marine (CM) Zone

#### Intent

The Coastal and Marine zone abuts most of the saltwater shoreline between Southern Cove to the Heart's Content Lighthouse at Northern Point. Exceptions include the shoreline at mouth of Mizzen Pond Brook, which is zoned Environmental Protection, the shoreline in the Heritage District zone, and shoreline at the Lighthouse site, which is zoned Parks and Open Space.

Existing land uses in the Coastal and Marine zone include scattered wharves and slipways, some accessory buildings and stages located to the rear of residential properties, and the fishery marine centre in the northeast corner of the harbour.

The intent of this zone is to protect sensitive coastal features and scenery and accommodate commercial fishing, marine, and recreational, uses that have bona fide need for shoreline access. Permitted uses include conservation, open space, and small-scale marine uses such as recreational docks and stages. More substantial marine and fisheries facilities will be considered on a discretionary basis.

COASTAL AND MARINE (CM) ZONE	
PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.21 and 8.5)
Conservation Open space Utility	Boathouse (See Condition 3) Dock (See Condition 3) Fisheries facility (See Condition 4) Marina (See Condition 4) Marine facility (See Condition 4) Mineral exploration (See Regulation 5.10) Slipway (See Condition 3) Stage (See Condition 3)

### CONDITIONS

#### 1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be compatible with the Permitted Use Classes and not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will not detract from the general quality, amenities, scenery, and heritage values of the area.

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

### **2. Protection of Aesthetic and Heritage Values**

- (1) Council may impose special conditions or restrictions on proposed developments to ensure that aesthetic and heritage values will not be compromised.
- (3) In accordance with **Regulation 3.21(1)(e)** and **Regulation 3.21(6)**, Council may give public notice and invite comments on any proposed development or demolition that it deems may potentially negatively affect aesthetic or heritage values.
- (4) Council may refuse to approve a proposed demolition, new building, building extension, structure, or site development that in its opinion would negatively affect the coastal scenery and heritage values of the area.

### **3. Boathouses, Docks, Slipways, and Stages**

Discretionary approval of a boathouse, dock, slipway, or stage may be subject to conditions set by Council related to location, size, and appearance in order to ensure a proposed development is environmentally and aesthetically acceptable and compatible with heritage values.

A proposed development may require approval from the Departments of Environment and Climate Change and Fisheries and Oceans Canada before Council can issue a development permit.

### **4. Fisheries, Marine, and Marina Developments**

At Council's discretion, a fishery, marine, or marina facility may be permitted if it is for commercial or public use and is deemed by Council to be environmentally and aesthetically acceptable, compatible with heritage values, and not contrary to the public interest.

Approval of a proposed development will be subject to terms and conditions set by Council.

A proposed development may require approval from the Departments of Environment and Climate Change and Fisheries and Oceans Canada before Council can issue a development permit.

### **5. Excavation and Infilling in Shoreline Areas**

In shorefront areas, no excavation or infilling will be permitted above or below the water line except where it relates to an approved dock, slipway, public work, fisheries, or marine use that has been approved by Council and received necessary approvals from the Departments of Environment and Climate Change and Fisheries and Oceans Canada.

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

### 9.8 Parks and Open Space (POS) Zone

#### Intent

The Parks and Open Space zone includes lands set aside for parks, protected open space, recreation and assembly uses, campgrounds, cultural and civic uses, cemeteries, and community events and activities.

Existing land uses in areas zoned POS include Heart's Content Lighthouse and surrounding area, Uncle Bill Piercey's Store, a registered heritage property on Northern Point Road, the community park at Mizzen Pond, Mizzen Trail, and the cemetery near the Main Road-Cove Road intersection.

PARKS AND OPEN SPACE (POS) ZONE	
PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 8.5 and 3.21)
Community garden Conservation Open space (See Condition 2)	Campground (See Regulation 5.19) Catering Cemetery Cultural and civic Energy generation facility General assembly Indoor assembly Indoor market Mineral exploration (See Regulation 5.10) Mobile vending facility Outdoor assembly Outdoor market Recreational open space Retirement establishment (See Regulation 5.14) Shop Transportation Utility

#### CONDITIONS

##### 1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be compatible with the Permitted Use Classes and not contrary to the general intent of the Municipal Plan and Development Regulations. Approval of a discretionary use may be subject to terms and conditions to ensure it will not detract from the general intent of this zone.

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

### **2. Buildings and Structures Associated with Open Space**

Buildings and structures customarily associated with open space uses (e.g., viewing platforms, gazebos, public toilets, picnic shelters) will be permitted.

### **3. Protection of Cemeteries**

No development in the POS zone will be permitted to encroach closer than 8.0 metres from an existing gravesite or individual grave.

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

### 9.9 Rural (RU) Zone

<b>RURAL (RU) ZONE</b>	
<b>PERMITTED USE CLASSES</b> (See Regulation 8.4)	<b>DISCRETIONARY USE CLASSES</b> (See Regulations 8.5 and 3.21)
Antenna Community garden Conservation Commercial crop agriculture Energy generation facility (See Regulation 5.8) Forestry Mineral exploration (See Regulation 5.10) Open space Transportation Utility	Campground (See Regulation 5.19) Catering (See Condition 5) Cemetery Commercial livestock agriculture (See Regulation 5.4) Construction yard (See Condition 3) General industrial (See Condition 3) Indoor market (See Condition 5) Light industrial (See Condition 3) Mineral working (See Regulation 5.11) Mining Mobile vending facility Multi-use trail Outdoor market (See Condition 5) Recreational open space Salvage yard (See Regulation 5.15) Shop (See Condition 5) Single dwelling (See Condition 2)

### CONDITIONS

#### 1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be compatible with the uses within the Permitted Use Classes and is not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will be reasonably compatible with surrounding land uses and will not detract from the general quality and amenities of the area.

#### 2. Single Dwelling

At its discretion, Council may permit a single dwelling that is accessory to a commercial agricultural use, subject to the following:

- (a) It is demonstrated to Council's satisfaction that the agriculture use is a bona fide commercial operation from which the owner derives a major portion of his or her income, and
- (b) It is demonstrated to Council's satisfaction that full-time habitation on the site is necessary for the feasible operation of the agricultural use.

## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

- (c) The dwelling will be subject to such terms and conditions as deemed appropriate by Council.

### **3. Construction Yards and Industrial Uses**

At its discretion, Council may permit a construction yard or general or light industrial use that is accessory to an agricultural, forestry, or mineral working use, or meets the following criteria:

- (a) The use is unsuitable for a built-up area by reason of appearance, noise, vibration, smell, fumes, smoke, grit, soot, ash, dust, or glare.
- (b) The use requires large outdoor areas for open storage and handling of materials, goods, and equipment.
- (c) The use is capable of being serviced by on-site water and sewage services if such services are needed.
- (d) The use can be screened from public streets and lands designated for urban uses.
- (e) The use generates low volumes of traffic.
- (f) The use will have no deleterious effects on the environment.
- (g) The use does not include warehousing, wholesale, or retail activities.
- (h) The use will be subject to such other terms and conditions as deemed appropriate by Council.

### **4. Hazardous and Noxious Uses**

Council may restrict the development or location of any use or activity that might release or emit a hazardous or noxious substance that would affect neighbouring properties.

### **5. Catering, Indoor and Outdoor Markets, and Shops**

At its discretion, Council may permit a catering use, indoor market, outdoor market or shop as an accessory use to a bonafide farm, campground, or recreational open space use, provided that Council deems that the proposed use will be integral and complementary to the main use.

### **6. Protection of Existing Cemeteries**

No development in the Residential zone will be permitted to encroach closer than 8.0 metres from an existing gravesite or individual grave.

### **7. Multi-use Trail**

A multi-use trail that allows off-road recreational vehicles such as ATVs and snowmobiles may be permitted at Council's discretion only if:

- (a) The trail is not located any Sensitive Wild Area identified by the Provincial Wildlife Division
- (b) Potential environmental effects can be minimized or mitigated to the satisfaction of Council
- (c) It meets all other terms and conditions set by Council.



## TOWN OF HEART'S CONTENT DEVELOPMENT REGULATIONS

### **8. Exemption from Street Frontage Requirement**

At Council's discretion, approved buildings in this zone may be exempted from **Regulation 4.12** of these Regulations except where land is located within the building control lines of a Provincial protected road or other public street,

## **APPENDICES**

**APPENDIX A – LAND USE ZONING MAPS**  
**(SEE MAP INSERTS)**

**APPENDIX B**

**CLASSIFICATION OF USES OF LAND AND BUILDINGS**

## APPENDIX B - CLASSIFICATION OF USES OF LAND AND BUILDINGS

This Classification is intended to assist in the interpretation of types of uses within the use classes listed in the Use Zone Tables in **Part 9** of these Regulations. Examples included in the following tables are not exhaustive. They are used to illustrate typical types of developments within a use class.

GROUP	CLASS	EXAMPLES
RESIDENTIAL USES	Single Dwelling	Single detached dwellings
	Double Dwelling	Semi-detached dwellings, duplex dwellings
	Row Dwelling	Townhouses, row dwellings
	Apartment Building	Apartment buildings
	Tiny House	Tiny houses
	Collective Residential	Educational residences, nurse residences, worker accommodations
	Subsidiary Apartment	Basement apartments, in-law suites
	Boarding House	Boarding houses
	Bed and Breakfast	Bed and breakfast
	Visitor Rental Dwelling	Vacation rental dwellings, Airbnb's, vbos
	Residential Care Home	Seniors housing, personal care homes, nursing homes, group homes
	Retirement Establishment	Seniors apartment buildings and townhouses, retirement cottages
	Seasonal Dwelling	Cabins, cottages
	Home Occupation	Home occupations
	Home Office	Home offices
	Accessory Building	Sheds, garages, greenhouses, root cellars, personal livestock shelters, portable shelters
	Domestic Sawmill	Domestic (non-commercial) sawmills

GROUP	CLASS	EXAMPLES
COMMERCIAL USES	Arts and Crafts Studio	Arts and crafts studios, arts, and craft shops
	Campground	Campgrounds, trailer parks, RV parks
	Catering	Restaurants, coffee shops, bake shops
	Commercial Accommodations	Hotels, motels, inns.
	Communications	Radio stations, television stations
	Convenience Store	Convenience stores
	Drinking Establishment	Bars, pubs, nightclubs, lounges
	Entertainment	Games arcades, poolrooms, bowling alleys, youth centres, movie theatres, theatres
	Funeral Home	Funeral homes and chapels
	Garden Centre	Greenhouses, nurseries
	Gas Bar	Gas bars
	General Garage	Repairs and services for vehicles and equipment
	General Service	Car washes, laundromats, tools, and appliances.
	Indoor Market	Farmer markets, exhibition halls, flea markets
	Kennel	Kennels
	Medical Service	Clinics, medical offices, dental offices, physiotherapy offices, chiropractor offices, optometrist offices
	Mobile Vending Facility	Chip trucks, hotdog stand, ice cream carts, craft tables
	Office	Professional offices, law offices, business offices, banks, government offices
	Outdoor Market	Fish markets, market grounds, flea markets, produce stands, outdoor farmer markets
	Personal Service	Beauty parlours, pet grooming, gyms, computer services, hobby shops, photo studios, taxi stands.
	Recycling Facility	Bottle recycling centres
	Service Station	Gas stations, general garages, tire sales and repairs, auto parts sales, car washes.

	Shop	Retail shops, showrooms, supermarkets, convenience stores, gift shops, specialty shops
	Shopping Centre	Shopping centres, strip malls
	Take-out Food Service	Take-out restaurant, food stand, mobile canteen
	Taxi Stand	Taxi stands
	Tourist Cottage Establishment	Tourist cottages establishments
	Vehicle Sales and Services	Automobile dealerships, recreational vehicle dealerships, heavy equipment dealerships, car rental agencies
	Veterinary	Veterinary clinics

<b>GROUP</b>	<b>CLASS</b>	<b>EXAMPLES</b>
<b>INSTITUTIONAL, ASSEMBLY AND PUBLIC USES</b>	Cemetery	Cemeteries
	Childcare	Daycare centres, home childcare services, early childhood education services
	Club and lodge	Service club, private club, lodge (non-residential)
	Cultural and Civic	Art galleries, municipal offices, libraries, museums, interpretive centres, studios
	Educational	Schools, colleges, training centres
	Emergency Service	Police stations, fire stations, ambulance service
	General Assembly	Community halls, lodge halls, dance halls, exhibition halls, convention centres, auditoriums, bowling alleys
	Indoor Assembly	Recreation centres, arenas, gymnasiums, armouries, fitness clubs
	Medical Treatment	Hospitals, medical care centres, medical clinics
	Outdoor Assembly	Bleachers, grandstands, outdoor ice rinks, amusement parks, fairgrounds, exhibition grounds, drive-in theatres
	Passenger Assembly	Airport terminals, bus stations
	Penal and Correctional Detention	Jails, prisons, reformatories, group homes
	Place of Worship	Churches and similar places of worship, church halls
	Residential Care Home	Seniors housing, personal care homes, nursing homes, group homes



GROUP	CLASS	EXAMPLES
CONSERVATION AND OPEN SPACE USES	Conservation	Buffer strips, watersheds, protected sensitive areas (e.g., steep slopes, wetlands, wildlife habitat)
	Open Space	Parks, trails, boardwalks, protected green areas, picnic areas
	Recreational Open Space	Sports fields, running tracks, playgrounds, outdoor skating rinks, golf courses, dog parks
	Target Shooting Range	Target shooting ranges
	Community Garden	Community gardens

GROUP	CLASS	EXAMPLES
NATURAL RESOURCE USES	Crop Agriculture	Vegetable and hay farms, hobby farms, market gardens, community gardens, nurseries, greenhouses
	Forestry	Forest harvesting, silviculture, forest access roads
	Livestock Agriculture	Livestock barn, dairy farm, grazing land
	Mineral Exploration	Mineral exploration and associated activities (e.g., access roads, rock drilling)
	Mineral Working	Pits, quarries, washing plants, screening plants, crushers
	Mining	Mineral extraction, ore stockpiles, mineral processing plants

GROUP	CLASS	EXAMPLES
INDUSTRIAL USES	Fisheries Facility	Wharves, stages, slipways, fishplants, aquaculture facilities, ice-making facilities
	General Industry	Factories, cold storage plants, bulk storage facility, freight depots, planing mills, construction yards
	Hazardous Industry	Bulk storage of hazardous liquids and substances, chemical plants, distilleries feed mills, spray painting shops
	Light Industry	Workshops, light industry, indoor storage centres, warehouses, greenhouses, recycling depots, workshops, general garages
	Marine Facility	Wharves, loading docks, shipyards, slipways, refuelling services, marine repair services
	Salvage Yard	Car wrecking yards, junk yards, salvage yards, scrap dealers
	Construction Yard	Construction yards, equipment storage, aggregate storage, building materials storage

GROUP	CLASS	EXAMPLES
TRANSPORTATION AND UTILITY USES	Transportation	Roads, bridges, marine structures, airfields
	Marina	Marinas, boathouses, docks, moorings, slips, boat refuelling and repair services
	Antenna	Communications towers, transmitting and receiving masts and antenna
	Dock	Recreational docks, slipways, and stages
	Boathouse	Boathouses
	Stage	Stages
	Energy Generation Facility	Wind generators, solar generators, small hydro generators, heating plants
	Utility	Hydro plants, electrical transmission lines, electrical power substations, telephone exchanges, sewage treatment plants, sewer outfalls, pipelines
	Water Utility	Water intakes, treatment facilities, pipelines
	Solid Waste Utility	Landfill sites, recycling facilities

## **APPENDIX C**

### **OFFSTREET LOADING AND PARKING REQUIREMENTS**

## APPENDIX C - OFFSTREET LOADING AND PARKING REQUIREMENTS

### 1. Off-Street Loading Requirements

- (1) Where Council deems necessary, for every building, structure or use requiring the shipping, loading, or unloading of animals, goods, wares or merchandise, one or more loading spaces will be provided and maintained on the lot measuring at least 15 metres long and 4 metres wide with a vertical clearance of at least 4 metres. The space will have direct access to a public street or to a driveway of a minimum width of 6 metres that connects to a public street.
- (2) The number of loading spaces to be provided will be determined by Council.
- (3) The loading spaces required by this Regulation will be designed so that vehicles can manoeuvre clear of any street and so that it would not be necessary for any vehicle to reverse onto or from a street.

### 2. Parking Area Standards

- (1) For the purposes of this Regulation,

**Parking Area** means a designated area of land on a lot for off-street parking.

**Parking Space** means a designated space in a parking area or driveway adequate to park one automobile with room to open doors on both sides, together with related manoeuvring room and access to a public street.

- (2) For every building, structure or use to be erected or enlarged, there shall be provided and maintained a quantity of off-street parking spaces sufficient to ensure that the flow of traffic on adjacent streets is not impeded by on-street parking of vehicles associated with that building, structure, or use.
- (3) The number of parking spaces to be provided for any building, structure, use of occupancy shall conform to the standards set out in **Appendix C**, except as otherwise modified by **PART 9** of these Regulations.
- (4) Each parking space, except in the case of a single or attached dwelling, will be made accessible by means of a right-of-way at least 3 metres wide.
- (5) Residential parking spaces shall be provided on the same lot as the dwelling or dwellings. Parking space for apartment buildings will be provided in the rear yard where possible.
- (6) Non-residential parking spaces shall be provided not more than 200 metres distance from the use for which the parking is required.

- (7) The parking facilities required by this Regulation will, except in the case of single or attached dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.
- (8) Where Council permits parking perpendicular to the curb, the minimum dimensions of each parking space will be as follows:

Parking space width	2.5 metres
Parking space length or depth	7.5 metres
Aisle width separating opposite parking spaces	7.0 metres
Aisle width separating a space from another obstruction	7.0 metres

Where Council permits parking parallel to the curb, the minimum length of the space will be 7.0 metres and the aisle width will be at least 4 metres, or more if deemed necessary by Council.

For any other parking lot configuration, the requirements shall as be as specified by Council, but in no instance shall the requirements be less than that specified for perpendicular parking spaces.

- (9) Other requirements for parking areas are as follows:
- (a) The parking area will be constructed and maintained to the specifications of Council,
  - (b) Lights for illumination of the parking area will be arranged so as to divert the light away from adjacent development,
  - (c) Except on a service station or industrial lot, no gasoline pump or other service station equipment will be located or maintained in a parking area,
  - (e) No part of any off-street parking area will be closer than 1.5 metres from the street line in any zone,
  - (f) Where Council deems that strict application of the parking requirements is impractical or undesirable, it may as a condition of a permit require the developer to pay a service levy in lieu of the provision of a parking area, and use the full amount of the levy for the provision and upkeep of alternative parking facilities within the vicinity of the development.

### 3. Off-Street Parking Requirements

- (1) The off-street parking requirements for the various use classes set out in **Appendix B** will be as set out in the following table, except as otherwise set out in **PART 9**. In the case of developments that include more than one use class, these standards shall be regarded as cumulative.
- (2) Adequate off-street provision for the drop-off and pick-up of persons will be provided on the same lot as the development unless otherwise stipulated by Council.
- (3) The number of spaces to be provided for off-street parking will be in accordance with the following table.

<b>OFF-STREET PARKING SPACE REQUIREMENTS</b>		
<b>CLASS</b>	<b>MINIMUM SPACES</b>	<b>MAXIMUM SPACES</b>
Theatre	1.0 per 6 seats.	N/A
Cultural and Civic	1.0 per 60 m <sup>2</sup> of gross floor areas.	N/A
General Assembly	1.0 per 15 m <sup>2</sup> of gross floor area.	N/A
Educational	Schools – 2.0 per classroom. Other educational – 1.0 per 5 students, faculty and staff.	N/A
Place of Worship	1.0 per 6 seats.	N/A
Passenger Assembly	As specified by Council.	N/A
Club and Lodge	1.0 per 3 persons of permitted occupancy	N/A
Catering	1.0 per 3 persons of permitted occupancy	N/A
Funeral Home	1.0 per 12 m <sup>2</sup> of gross floor area.	N/A
Child Care	1.0 per 30 m <sup>2</sup> of gross floor area	N/A
Amusement	1.0 per 15 m <sup>2</sup> of gross floor area.	N/A
Outdoor Assembly	As specified by Council.	N/A
Campground	As specified by Council.	N/A
Single Dwelling	2.0 per dwelling unit	4.0 per dwelling unit
Double Dwelling	2.0 per dwelling unit	3.0 per dwelling unit
Row Dwelling	2.0 per dwelling unit	3.0 per dwelling unit
Apartment Building	1.5 per dwelling unit	2.5 per dwelling unit
Residential Care Home	1.0 per 2 residents	As specified by Council.
Bed and Breakfast	As required for the dwelling plus 1.0 per guest room	As required for dwelling plus 1.5 per guest room
Boarding House	As required for the dwelling plus 0.8 per guest room	As required for dwelling plus 1.5 per guest room
Commercial Residential	1.0 per guest room.	2.0 per guest room
Office	1.0 per 25 m <sup>2</sup> of gross floor area.	N/A
Medical and Professional	1.0 per 25 m <sup>2</sup> of gross floor area.	N/A
Outdoor Market	As specified by Council.	N/A
Convenience Store	1.0 per 20 m <sup>2</sup> of gross floor area.	N/A
General and hazardous industry	As specified by Council, but not less than 1.0 per 100 m <sup>2</sup> of gross floor area.	N/A
Service Station	1.0 per 20 m <sup>2</sup> of gross floor area.	N/A
Light Industry	As specified by Council but not less than 1.0 per 50 m <sup>2</sup> of gross floor area.	N/A

**APPENDIX D**

**PROVINCIAL DEVELOPMENT REGULATIONS**

## APPENDIX D – PROVINCIAL DEVELOPMENT REGULATIONS

### NEWFOUNDLAND AND LABRADOR REGULATION 3/01

*Development Regulations under the  
Urban and Rural Planning Act, 2000*

(Filed January 2, 2001)

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

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

Joan Marie Aylward  
Minister of Municipal and Provincial Affairs

### REGULATIONS

#### Analysis

1. Short title
2. Definitions
3. Application
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6. Appeal requirements
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17. Discontinuance of non-conforming use
18. Delegation of powers
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### **Short title**

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

### **Definitions**

2. In these regulations,
  - (a) "Act", unless the context indicates 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.

### **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.

### **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.

### **Notice of right to appeal**

5. Where an authority makes a decision that may be appealed under section 42 of the Act, that authority shall, in writing, at the time of making that decision, notify the person to whom the decision applies of the

- (a) person's right to appeal the decision to the board;
- (b) time by which an appeal is to be made;
- (c) right of other interested persons to appeal the decision; and
- (d) manner of making an appeal and the address for the filing of the appeal.

### **Appeal requirements**

6. (1) The secretary of the board at the Department of Municipal and Provincial Affairs, Main Floor, Confederation Building (West Block), P.O. Box 8700, St. John's, Nfld., A1B 4J6 is the secretary to all boards in the province and an appeal filed with that secretary within the time period referred to in subsection 42(4) of the Act shall be considered to have been filed with the appropriate board.

(2) Notwithstanding subsection (1), where the City of Corner Brook, City of Mount Pearl or City of St. John's appoints an appeal board under subsection 40(2) of the Act, an appeal shall be filed with the secretary of that appointed board.

(3) The fee required under section 44 of the Act shall be paid to the board that hears the decision being appealed by filing it with the secretary referred to in subsection (1) or (2) within the 14 days referred to in subsection 42(4) of the Act.

(4) The board that hears the decision being appealed shall, subject to subsection 44(3) of the Act, retain the fee paid to the board.

(5) Where an appeal of a decision and the required fee is not received by a board in accordance with this section and Part VI of the Act, the right to appeal that decision shall be considered to have been forfeited.

### **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.

### **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.

### **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.

### **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.

### **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.

### **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.

### **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.

### **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.

### **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 nonconforming building, structure or development, an authority, at the applicant's expense, shall publish a notice in a newspaper circulating in the area or by other means give public notice of an application to vary the existing use of a non-conforming building, structure or development and shall consider any representations or submissions received in response to that advertisement.

### **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.

### **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.

### **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.