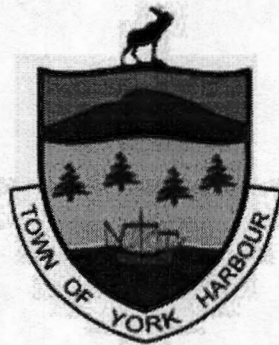


York Harbour Development Regulations 2021  
Approved by Council 1 September 2021

# **TOWN of YORK HARBOUR DEVELOPMENT REGULATIONS 2021**



**Approved by Council 1 September 2021**

York Harbour Development Regulations 2021  
Approved by Council 1 September 2021

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## Council Resolutions to Approve and Adopt; MCIP Certificate

### COUNCIL RESOLUTION TO ADOPT; MCIP CERTIFICATE

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of York Harbour adopts the Development Regulations 2021.

Resolved by the Town Council of York Harbour on the 19<sup>th</sup> day of July, 2021.

Signed and sealed this 14<sup>th</sup> day of September, 2021.

Mayor:



Clerk:

Michelle Sheppard

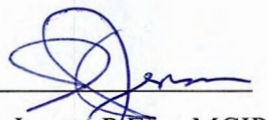
(Council Seal)



### Canadian Institute of Planners Certification

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

Member of the Canadian Institute of Planners

  
Jens Jensen, P.Eng., MCIP

Date: 24 September 2021



York Harbour Development Regulations 2021  
Approved by Council 1 September 2021

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## COUNCIL RESOLUTION TO APPROVE

*[resolution of Council to approve the Development Regulations, following completion of the requirements of Sections 18 to 22 inclusive of the Urban and Rural Planning Act, 2000]*

Whereas the Council of the Town of York Harbour:

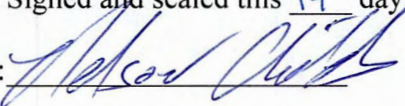
1. gave notice of the adoption of the said Development Regulations 2021, following special instructions of the Department of Environment, Climate Change and Municipalities related to the COVID19 pandemic, by means of a notice published in the West Coast Wire issue of 28 July, 2021, a digital newspaper published by Saltwire and circulating in the municipal planning area, and as well continually posted notices from 20 July, 2021 on the Town of York Harbour Facebook Page and on the Town Hall public bulletin board, and from 21 July, 2021 on the public notice board at Byrne's Store in York Harbour.
2. set the 31<sup>st</sup> day of August, 2021, at 3:00 p.m., to be the deadline time and date for objections and submissions to be received and for the holding of a public hearing to consider objections and submissions.
3. appointed Mr. Kevin Simms to be the commissioner to conduct the public hearing.
4. received no objections or submissions by the deadline time and date, and subsequently received a report dated the 31<sup>st</sup> day of August, 2021 from the commissioner, who recommended Council proceed with approval of the said Development Regulations 2021, as released by the Department of Municipal and Provincial Affairs.

Under the authority of Sections 16, 17, 18 and 23 of the *Urban and Rural Planning Act 2000*, the Town Council of York Harbour approves the Development Regulations 2021.

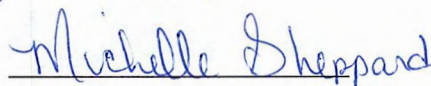
Resolved by the Town Council of York Harbour on the 1<sup>st</sup> day of September, 2021.

Signed and sealed this 14<sup>th</sup> day of September, 2021.

Mayor:



Clerk:



(Council Seal)



Development Regulations/Amendment	
<b>REGISTERED</b>	
Number	<u>5195-2021-000</u>
Date	<u>Nov. 2, 2021</u>
Signature	<u>[Signature]</u>

York Harbour Development Regulations 2021  
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**Land Use Zoning Map 1**

## SECTION A

### NEWFOUNDLAND REGULATION 3/01

*Development Regulations*

under the

*Urban and Rural Planning Act, 2000*

*(Filed January 2, 2001)*

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

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

Joan Marie Aylward

Minister of Municipal and Provincial Affairs

### REGULATIONS

#### *Analysis*

1. Short title

2. Definitions

3. Application

4. Interpretation

5. Notice of right to appeal

6. Appeal requirements

7. Appeal registration

8. Development prohibited

9. Hearing notice and meetings

10. Hearing of evidence

11. Board decision

12. Variances

13. Notice of variance

14. Residential non conformity

15. Notice and hearings on change of use

16. Non-conformance with standards

17. Discontinuance of non-conforming use

18. Delegation of powers

19. Commencement

## **Short title**

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

## **Definitions**

2. In these regulations,

- (a) "Act", unless the context indicate otherwise, means the *Urban and Rural Planning Act, 2000*;
- (b) "applicant" means a person who has applied to an authority for an approval or permit to carry out a development;



(c) "authority" means a council, authorized administrator or regional authority; and

(d) "development regulations" means these regulations and regulations and by-laws respecting development that have been enacted by the relevant authority.

### **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 antennas,

(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 in accordance with Regulation 32.

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

#### **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.

**Commencement**

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

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## **SECTION B**

### **TOWN OF YORK HARBOUR DEVELOPMENT REGULATIONS**

#### **APPLICATION**

##### **1. Short Title**

These Regulations may be cited as the Town of York Harbour Development Regulations.

##### **2. Interpretation**

(1) Words and phrases used in these Regulations shall have the meanings ascribed to them in Schedule A.

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

##### **3. Commencement**

These Regulations come into effect throughout the York Harbour municipal planning area, hereinafter alternatively referred to as the Planning Area, on the date of publication of a notice to that effect in the *Newfoundland and Labrador Gazette*.

##### **4. Municipal Code and Regulations**

The Building Code including the Plumbing Code, the Fire Code, the Electrical Code, and any other ancillary code and any Building Regulations, under these Regulations apply to the entire municipal planning area.

##### **5. Authority**

In these Regulations, "Authority" means the Council of the Town of York Harbour.

## PART I - GENERAL REGULATIONS

### 6. Compliance With Regulations

- (1) No development shall be carried out within the York Harbour municipal planning area except in accordance with these Regulations, unless expressly exempted.
- (2) The Development Regulations is a legal document, binding upon Council and any person or group using or proposing to use land anywhere within the York Harbour municipal planning area.
- (3) The *Water Resources Act* provides for regulation of numerous aspects of management of water resources in the province. Administration of the regulations under the Act is by the Water Resources Management Division of the Department of the Environment and Climate Change. All development applications concerning the following topics may require approval under the *Water Resources Act* in addition to approval by the Authority under these Development Regulations:
  - a) Development within 15 metres of a waterbody or watercourse and in the shore waters thereof;
  - b) Discharge of any effluent off the subject property;
  - c) Work in any body of water;
  - d) Infilling of water bodies or diversion of streams (usually not approvable if for residential development);
  - e) Construction of wharves, breakwaters, slipways and boathouses;
  - f) Infilling or dredging associated with marine structures or other works;
- (4) Constructing a development may require permits and/or approvals in addition to approval pursuant to the *Urban and Rural Planning Act, 2000*, or the *Water Resources Act*. Proponents are advised to consult the appropriate Service NL office to determine requirements.
- (5) A Service NL permit is required for development along provincial Highway 450, including but not limited to fences, trees, vegetation, signs and structures, as well as for installation of a private sewage disposal system, or construction of a private water well. All signs along Highway 450 are subject to the provincial government regulations; see Regulations 39 and 48.

- (6) Permits from the Department of Fisheries, Forestry and Agriculture may be required for any forestry activity including domestic cutting for fuel wood and commercial cutting. This includes the approval of forestry permits.
- (7) New development must not be located upon any easements accruing to NL Hydro. Permission from NL Hydro is required to certify that proposed locations of structures do not encroach on any NL Hydro easements before Council will approve any municipal permit.
- (8) Except as otherwise set out in the Use Zone Tables in Schedule C, temporary use of land is not permitted.

#### **7. Permit Required**

No person shall carry out any development within the municipal planning area except where otherwise provided in these Regulations unless a permit for the development has been issued by the Authority.

#### **8. Permit to be Issued**

Subject to Section B Regulations 9 and 10, a permit shall be issued for development within the municipal planning area that conforms to:

- (a) the development standards set out in Parts I through V inclusive of these Section B Regulations and the standards and conditions prescribed in Schedule C of these Section B Regulations for the use zone in which the proposed development is located;
- (b) further to (a), the standards set out in any regulation or policy of the Authority regulating or controlling development, conservation and use of land and buildings and the supply of municipal services to them, noting that the Authority does not perform reviews of engineering, architectural or other design subjects of buildings as may be found in the Building Code and/or other ancillary codes;

#### **9. Permit Not to be Issued in Certain Cases**

- (a) Neither a permit nor approval in principle shall be issued for development within the municipal planning area when, in the opinion of the Authority, it is premature by reason of the site lacking adequate road access, power, drainage, sewage disposal facilities, or domestic water supply, or not in conformance with the Municipal Plan at the time of application unless the applicant contracts in a development agreement to pay the full cost of construction of the services deemed necessary by the Authority and such cost shall attach to and upon the property in respect of which it is imposed.



(b) Where a Crown Lands grant is required to enable a development, Council shall review the policies of the Municipal Plan and the Development Regulations in the course of considering their comments to make to Crown Lands on any proposed development, and shall not recommend or support the grant where they are not satisfied. Where a variance or discretionary approval or other approval pursuant to these Development Regulations or the *Urban and Rural Planning Act, 2000*, is required, such matters shall be considered and disposed satisfactorily before the grant is recommended.

#### **10. Discretionary Powers of Authority**

- (1) In considering an application for a permit or approval in principle to carry out development, the Authority shall take into account the policies expressed in the Municipal Plan and any further scheme, plan or regulations pursuant thereto, and shall assess the general appearance of the development of the area, the amenity of the surroundings, availability of utilities, public safety and convenience, and any other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of these Regulations, the Authority 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) 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.

#### **11. Variances**

*(Refer to Minister's Development Regulations, Section 12, January 2, 2001)*

- (1) Where an approval or permit cannot be given by the Authority because a proposed development does not comply with numeric development standards set out in a use zone table in the development regulations, the Authority may, in its discretion, vary the applicable numeric 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) The Authority shall not allow a variance from numeric development standards set out in the use zone tables in development regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater

than a 10% variance even though the individual variances are separately no more than 10%.

- (3) The Authority shall not permit a variance from development standards where the proposed development would increase the non-conformity of an existing development.

## **12. Notice of Variance**

*(Refer to Minister's Development Regulations, Section 13., January 2, 2001)*

Where the Authority is to consider a proposed variance, the Authority shall give written notice of the proposed variance in accordance with Regulation 32.

## **13. Service Levy**

- (1) The Authority may require a developer to pay a service levy where development is made possible or where the density of potential development is increased, or where the value of property is enhanced by the carrying out of public works either on or off the site of the development.
- (2) A service levy shall not exceed the cost, or estimated cost, including finance charges to the Authority of constructing or improving the public works referred to in Section B Regulation 13(1) that are necessary for the real property to be developed in accordance with the standards required by the Authority and for uses that are permitted on that real property.
- (3) A service levy shall be assessed on the real property based on:
  - (a) the amount of real property benefited by the public works related to all the real property so benefited; and,
  - (b) the density of development made capable or increased by the public work.
- (4) The Authority may require a service levy to be paid by the owner of the real property;
  - (a) at the time the levy is imposed;
  - (b) at the time development of the real property commences;
  - (c) at the time development of the real property is completed; or,
  - (d) at such other time as the Authority may decide.

#### **14. Financial Guarantees by Developer**

- (1) The Authority may require a developer before commencing a development to make such financial provisions and/or enter into such agreements as may be required to guarantee the payment of service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit.
- (2) The financial provisions pursuant to Section B Regulation 14(1) may be made in the form of:
  - (a) a cash deposit from the developer, to be held by the Authority, or;
  - (b) a guarantee by a bank, or other institution acceptable to the Authority, for expenditures by the developer, or;
  - (c) a performance bond provided by an insurance company or a bank, or;
  - (d) an annual contribution to a sinking fund held by the Authority, or;
  - (f) another form of financial guarantee that the Authority may approve.

#### **15. Dedication of Land for Public Use**

There are no requirements in conjunction with development for dedication of land for public use except for streets, services and public works installed in subdivisions (see Part IV).

#### **16. Reinstatement of Land**

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

#### **17. Form of Application**

- (1) An application for a development permit or approval in principle shall be made only by the owner or by a person authorized by the owner to the Authority on such form as may be prescribed by the Authority, and every application shall include such plans, specifications and drawings as the Authority may require, and be accompanied by the permit fee required by the Authority.

- (2) The Authority shall supply to every applicant a copy of the application forms referred to in Section B Regulation 17(1) and a description of the plans, specifications and drawings required to be provided with the application and any information or requirements applicable to the application.

#### **18. Register of Application**

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

#### **19. Deferment of Application**

- (1) The Authority may, with the written agreement of the applicant, defer consideration of an application.
- (2) Applications properly submitted in accordance with these Regulations which have not been determined by the Authority and on which a decision has not been communicated to the applicant within eight weeks of the receipt thereof by the Authority, and on which consideration has not been deferred in accordance with Section B Regulation 19(1), shall be deemed to be refused.

#### **20. Approval in Principle**

- (1) The Authority may grant approval in principle for the erection, alteration or conversion of a building if, after considering an application for approval in principle made under these Regulations, it is satisfied that the proposed development is, subject to the approval of detailed plans, in compliance with these Regulations.
- (2) Where approval in principle is granted under this Regulation, it shall be subject to the subsequent approval by the Authority of such details as may be listed in the approval in principle, which shall also specify that further application for approval of these details shall be received not later than two years from the grant of approval in principle.

#### **21. Development Permit**

- (1) A plan or drawing which has been approved by the Authority and which bears a mark and/or signature indicating such approval together with a permit shall be deemed to be permission to develop land in accordance with these Regulations but such permission shall not relieve the applicant from full responsibility for obtaining permits or approvals under any other regulation or statute prior to



commencing the development; from having the work carried out in accordance with these Regulations or any other regulations or statutes; and from compliance with all conditions imposed thereunder.

- (2) The Authority may attach to a permit or to approval in principle such conditions as it deems fit in order to ensure that the proposed development will be in accordance with the purposes and intent of these Regulations.
- (3) Where the Authority deems necessary, permits may be issued on a temporary basis for a period not exceeding two years, which may be extended in writing by the Authority for further periods not exceeding two years.
- (4) A permit is valid for such period, not in excess of two years, as may be stated therein, and if the development has not commenced, the permit may be renewed for a further period not in excess of one year, but a permit shall not be renewed more than once, except in the case of a permit for an advertisement.
- (5) The approval of any application and plans or drawings or the issue of a permit shall not prevent the Authority from thereafter requiring the correction of errors, or from ordering the cessation, removal of, or remedial work on any development being carried out in the event that the same is in violation of this or any other regulations or statute.
- (6) The Authority may revoke a permit for failure by the holder of it to comply with these Regulations or any condition attached to the permit or where the permit was issued in error or was issued on the basis of incorrect information.
- (7) No person shall erase, alter or modify any drawing or specifications upon which a permit to develop has been issued by the Authority.
- (8) There shall be kept available on the premises where any work, matter or thing in being done for which a permit has been issued, a copy of the permit and any plans, drawings or specifications on which the issue of the permit was based during the whole progress of the work, or the doing of the matter or thing until completion.

## **22. Reasons for Refusing Permit**

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

### **23. Notice of Right to Appeal**

*(Refer to Minister's Development Regulations, Section 5, January 2, 2001)*

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

- (a) person's right to appeal the decision to 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.

### **24. Appeal Requirements**

*(Refer to Minister's Development Regulations, Section 6, January 2, 2001)*

- (1) The secretary of the Appeal Board at the Department of the Municipal and Provincial Affairs, Confederation Building (West Block), P.O. Box 8700, St. John's, Nfld., A1B 4J6 is the secretary to all Appeal Boards in the province and an appeal filed with that secretary within the time period referred to in subsection 42(4) of the *Act* shall be considered to have been filed with the appropriate Appeal Board.
- (2) The fee required under section 44 of the *Act* shall be paid to the Appeal Board that hears the decision being appealed by filing it with the secretary referred to in subsection (1) or (2) within the 14 days referred to in subsection 42(4) of the *Act*.
- (3) The Appeal Board that hears the decision being appealed shall, subject to subsection 44(3) of the *Act*, retain the fee paid to the Appeal Board.
- (4) Where an appeal of a decision and the required fee is not received by an Appeal Board in accordance with this section and Part VI of the *Act*, the right to appeal that decision shall be considered to have been forfeited.

### **25. Appeal Registration**

*(Refer to Minister's Development Regulations, Section 7, January 2, 2001)*

- (1) Upon receipt of an appeal and fee as required under the *Act* and these regulations, the secretary of the Appeal Board as referred to in subsections 24(1) and (2), shall immediately register the appeal.

- (2) Where an appeal has been registered the secretary of the Appeal Board shall notify the Authority of the appeal and shall provide to the Authority a copy of the appeal and the documentation related to the appeal.
- (3) Where the Authority has been notified of an appeal that Authority shall within one week of notification forward to the appropriate board a copy of the application being appealed, all correspondence, council minutes, plans and other relevant information relating to the appeal including the names and addresses of the applicant and other interested persons of whom the 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.

## **26. Development Prohibited**

*(Refer to Minister's Development Regulations, Section 8, January 2, 2001)*

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

## **27. Appeal Board**

The minister may, by order, establish an Appeal Board and shall assign to the Appeal Board a specific area of the province over which it shall have jurisdiction, as outlined in section 40, of the Act.

## **28. Appeals**

- (1) A person or an association of persons aggrieved of a decision that, under the regulations, may be appealed, may appeal that decision to the appropriate Appeal Board where the decision is with respect to:

- (a) an application to undertake a development;
  - (b) a revocation of an approval or a permit to undertake a development;
  - (c) the issuance of a stop work order; and
  - (d) a decision permitted under the Act or another Act to be appealed to the board.
- (2) A decision of the Authority to adopt, approve or proceed with a municipal plan, a scheme, development regulations and amendments and revisions of them is final and not subject to an appeal.
- (3) An Appeal Board shall not make a decision that does not comply with the municipal plan, a scheme and development regulations that apply to the matter being appealed.
- (4) An appeal shall be filed with the Appeal Board not more than 14 days after the person who made the original application appealed from has received the decision being appealed.
- (5) An appeal shall be made in writing and shall include
  - (a) a summary of the decision appealed from;
  - (b) the grounds for the appeal; and
  - (c) the required fee.
- (6) A person or group of persons affected by the subject of an appeal or their representatives may appear before an Appeal Board and make representations concerning the matter under appeal.
- (7) An Appeal Board may inform itself of the subject matter of the appeal in the manner it considers necessary to reach a decision.
- (8) An Appeal Board shall consider and determine appeals in accordance with the Act and the municipal plan, scheme and regulations that have been registered under section 24, of the *Act*, and having regard to the circumstances and merits of the case.
- (9) A decision of the Appeal Board must comply with the plan, scheme or development regulations that apply to the matter that has been appealed to that board.
- (10) In determining an appeal, an Appeal Board may confirm, reverse or vary the decision appealed from and may impose those conditions that the board considers



appropriate in the circumstances and may direct the Authority to carry out its decision or make the necessary order to have its decision implemented.

- (11) Notwithstanding subsection (10), where the Authority may, in its discretion, make a decision, an Appeal Board shall not make another decision that overrules the discretionary decision.
- (12) The decision of a majority of the members of an Appeal Board present at the hearing of an appeal shall be the decision of the Appeal Board.
- (13) An Appeal Board shall, in writing notify the appellant and the appropriate Authority of the decision of the Appeal Board.

## **29. Hearing Notice and Meetings**

*(Refer to Minister's Development Regulations, Section 9, January 2, 2001)*

- (1) An Appeal 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) An Appeal Board may meet as often as is necessary to conduct its work in an expeditious manner.

## **30. Hearing of Evidence**

*(Refer to Minister's Development Regulations, Section 10, January 2, 2001)*

- (1) An Appeal Board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under Section B Regulation 29(1) or their representative may appear before the Appeal Board and make representations with respect to the matter being appealed.
- (2) An Appeal Board shall hear an appeal in accordance with section 43 of the Act and these regulations.
- (3) A written report submitted under subsection 43(2) of the Act respecting a visit to and viewing of a property shall be considered to have been provided in the same manner as evidence directly provided at the hearing of the Appeal Board.
- (4) In the conduct of an appeal hearing, the Appeal Board is not bound by the rules of evidence.

### **31. Return of Appeal Fee**

Where an appeal made by an appellant under section 42 of the Act, is successful, an amount of money equal to the fee paid by that appellant under Section B Regulation 24(2) shall be paid to him or her by the Authority.

### **32. Notice of Application**

- (1) Where considering an application to vary a non conforming building, structure or development under paragraph 108(3)(d) of the *Act*, the Council, at the applicant's expense, shall before making a decision thereon give notice of the application to all persons whose land is in the immediate vicinity of the land at least ten days prior to the date upon which the Council will consider the matter, and the Council shall consider any representations or submissions received in response to that notice.
- (2) When a variance is necessary under Section B Regulation 12 or Regulation 40(2), and the Authority wishes to consider whether to authorize such a variance from development standards the Authority shall give written notice of the proposed variance to all persons whose land is in the immediate vicinity of the land, at least ten days prior to the date upon which Council will consider the matter.
- (3) When a proposed development is of a type indicated in Regulation 40(2) or listed as a discretionary use in Schedule C of the Section B Regulations, and the Authority wishes to consider whether to approve such a discretionary use, then the Authority shall give said written notice of the proposed development to all persons whose land is in the immediate vicinity of the land, at least ten days prior to the date upon which Council will consider the matter.

### **33. Right of Entry**

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

### **34. Record of Violations**

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

### **35. Stop Work Order and Prosecution**

- (1) Where a person begins a development contrary or apparently contrary to these Regulations, the Authority may order that person to stop the development or work connected therewith pending final adjudication in any prosecution arising out of the development.
- (2) A person who does not comply with an order made under Section B Regulation 35(1) is guilty of an offence under the provisions of the Act.

### **36 Delegation of Powers**

*(Refer to Minister's Development Regulations, Section 18, January 2, 2001)*

An Authority shall, where designating employees to whom a power is to be delegated under subsection 109(2) of the Act, make that designation in writing.

## **PART II - GENERAL DEVELOPMENT STANDARDS**

### **37. Accessory Buildings and Uses**

- (1) Accessory buildings shall be clearly incidental and complementary to the use of the main buildings in character, use and size.
- (2) Any requirements for yards, maximum number and height, and other locational and dimensional criteria for accessory buildings and uses, shall be as set out in the Use Zone tables in Schedule C.
- (3) There are no requirements in these Development Regulations concerning fences and retaining walls other than for such development near Highway 450; see Regulations 39 and 48.

### **38. Pets and Agricultural Land Uses**

- (1) Keeping of small animals in reasonable numbers as pets is deemed to be an acceptable accessory use to the main use of any property, for which a permit is not required.
- (2) Agricultural land use, including the keeping of animals for agricultural purposes, is subject to the regulations, policies and guidelines of the Department of Fisheries, Forestry and Agriculture including but not limited to the *Environmental Farm Practices Guidelines for Livestock and Poultry Producers in Newfoundland and Labrador*, and approval of any Council permit for development in the agriculture class is subject to the review and approval of the said Department. Council shall refer applications for development in the agricultural land use class to the said Department for review and their approval shall be a condition for approval of any related Council permit. Further, any agricultural operation including more than five animal units shall be required to have a manure management plan approved by the said Department and a Certificate of Approval from the Department of Digital Government and Service NL. The regulations, policies and guidelines of the provincial government are subject to change and shall prevail where there is conflict with the requirements of the Development Regulations.

### **39. Signs and Development Along Highway 450**

See Regulation 48 concerning regulations of the provincial government concerning signs and other development along provincial Highway 450.



#### **40. Building Height**

- (1) The height of a building shall be in conformance with the standards found in the Use Zone Tables in Schedule C.
- (2) Notwithstanding (1), the heights of flagpoles, water towers, spires, belfries, and chimneys, which may not otherwise be approvable, may be approved at Council's discretion, subject to notice given under the provisions of Section B Regulation 32, provided that the appearance is compatible with the area and the installation does not create a safety hazard for pedestrians or vehicles.

#### **41. Varying a Non-Conforming Use**

Where considering a non-conforming building, structure or development under paragraph 108(3)(d) of the *Act* and before making a decision to vary an existing use of that non-conforming building, structure or development, the Authority, at the applicant's expense, shall give public notice and consideration as specified in Regulation 32.

#### **42. Screening and Landscaping**

- (1) The Authority may, in the case of existing unsightly or unsafe development, including dilapidated building exteriors and unsightly yards, order the owner or occupier to provide plans for approval and to carry out adequate and suitable renovations, remedy of unsafe conditions, removal of unsightly vehicles and materials, landscaping or screening, and may include conditions to that effect in the order.
- (2) The provision of adequate and suitable landscaping or screening may be made a condition of any development permit where, in the opinion of the Authority, the landscaping or screening is desirable to preserve amenity, or protect the environment.

#### **43. Flag Lots**

Development on flag lots and subdivision of land to create flag lots are permitted where its features comply with the following:

- 1) The location of a main or accessory building on a flag lot shall provide for yards in the main body of the lot of at least the dimensional minimum requirements of the building line setback, side yard widths, and rear yard depths ordinarily required in the subject Use Zone, as if the main body of the existing flag lot were an ordinary lot where most or the whole width of the lot fronts on the street. Whereas the ordinary meanings of side, front and rear yards are not relevant to a flag lot, any yard in a flag lot can be deemed the front, side or rear yard for this purpose.

- 2) In a flag lot, the minimum width of the leg or prolongation which provides access to a street shall be 6 metres at every point along its length, including the lot boundary where the flag lot fronts directly on a street. Where the full leg width cannot be provided in the area of the leg of the flag lot, by reason of limited space between lot lines and existing structures or other physical features, all or part of the required leg width may be provided in the form of an irrevocable license or easement for vehicular and pedestrian access and connection to any municipal and utility services in favour of the flag lot, across adjacent lands.
- 3) The said license or easement shall not be deemed for the purpose of the Development Regulations to be an alienation or conveyance having the effect of reducing the lot area of the lot(s) to which the easement or the license pertains.
- 4) The leg width, including any part of it which may be provided in the form of the said license or easement, may be reduced by way of a variance pursuant to the provisions for variances in these Development Regulations.
- 5) The requirement of Section B Regulation 45 shall apply to flag lots, in that the leg or prolongation, including any part of it which may be provided in the form of the said license or easement, shall front directly upon a street.

#### **44. Mineral, Mining and Petroleum Developments**

##### **1) Mineral Exploration**

- a) In addition to other requirements concerning environmental protection and safety, Council will consider best practices in mineral exploration, in consultation with the Department of Industry, Energy and Technology, and include conditions in approving mineral exploration applications.
- b) Conditions may include conditions concerning proximity to existing development, limiting hours of mechanized operations, requirements to restore areas where ground has been disturbed, removal of vehicles, equipment and trash when finished, restoration of roads, trails, vegetation and drainage features, and the like.
- c) The Authority may require a site restoration surety and/or other guarantees of satisfactory compliance. In lieu of that requirement, the Authority shall accept the requirement for the same submitted to the aforesaid Department under provincial quarries legislation.

## 2) Mineral Workings

### a) Separation from Adjacent Uses

<u>Feature</u>	<u>Minimum Distance of Mineral Working</u>
From the nearest dwelling or other sensitive receptor	300 metres*
From abutting private property, and must have written permission of abutting property owner	15 metres*
Any other developed area or area likely to be developed during the life of the pit or quarry working	150 metres
Public highway or street	90 metres
Waterbody, including the sea or watercourse	50 metres (30 metres if wetland or ephemeral watercourse)*
Where a minimum required distance was originally observed when choosing the location of a mineral working, the mineral working shall not be discontinued or impeded where the buffer is reduced to less than the required distance due to encroachment of development towards the mineral working.	
* These criteria are found in the <i>Standard Terms and Conditions</i> for all quarry permits, leases and subordinate quarry permits issued pursuant to the <i>Quarry Materials Regulations</i> under the <i>Quarry Materials Act</i> (O.C. 96/248). Those not marked * are devised by Council.	

### b) Operation of the Mineral Working:

#### i. Water Pollution

No mineral working or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any waterbody or watercourse. Any access road to a pit or quarry working which crosses a brook or stream shall be bridged or culverted at the crossing in accordance with provincial government regulations.

#### ii. Water Ponding

No mineral working shall result in the excavation of areas below the level of the water table nor in any way cause the accumulation of ponding of water in any part of the site. Settling ponds may be permitted with the approval the provincial government.

**iii. Erosion Control**

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

**iv. Site Maintenance**

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

**v. Access Roads**

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

**vi. Stockpiling Cover Material**

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

**c) Associated Processing and Manufacturing**

- i. The Authority may permit processing and manufacturing use associated with mineral workings provided that, in the opinion of the Authority, the use does not create a nuisance nor is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of fumes, dust, dirt, objectionable odour, or by reason of unsightly storage of materials.
- ii. All permanent or temporary buildings, plants and structures associated with processing and manufacturing will be located so as not to interfere with the present or future extraction of aggregate resources.
- iii. The Authority may specify a minimum separation distance between operating plant or associated processing and manufacturing structure or equipment and adjacent developed areas likely to be developed during the life of the mineral working.

**d) Termination and Site Rehabilitation**

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

- i. All buildings, machinery and equipment shall be removed.
- ii. All pit and quarry slopes shall be graded to slopes less than 20 degrees or to the slope conforming to that existing prior to the mineral working.



- iii. Topsoil and any organic materials shall be respread over the entire quarried area.
- iv. The access road to the working shall be ditched or barred to the satisfaction of the Authority.
- v. If the mineral working contains reserves of material sufficient to support further extraction operations, the Authority may require the work described above to be carried out only in areas of the site where extraction has depleted reserves.

**e) Screening and Fencing for Mineral Workings**

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

- i. Where tree screens exist between the use and adjacent public highways and streets or other land uses (excepting forestry and agriculture), the tree screens shall be retained in a 30-metre wide strip of vegetation so that visibility of any part of the use from the surrounding uses or streets will be prevented. The tree screens must be maintained by the owner or occupier of the use to retain 30 metres in a forested appearance. Where vegetation dies or is removed from the 30-metre strip, the Authority may require new trees of a hardy species and of a minimum height of 1 metre be planted to fill in the areas affected to the satisfaction of the Authority.
- ii. Where no tree screens exist of sufficient width and density to constitute a visual screen, earthen berms shall be constructed to a height sufficient to prevent visibility of any part of the use from adjacent uses (excepting forestry and agriculture), or adjacent public highways and streets and public parks. The berms shall be landscaped to the Authority's satisfaction.
- iii. Where natural topography creates a visual screen between a mineral working or scrapyards and adjacent public highways and streets or public parks or other land use (excepting forestry and agriculture), additional screening may not be required.
- iv. The Authority may require the mineral working site or excavated areas of a pit or quarry working to be enclosed by a fence designed and constructed to its specifications and no less than 1.8 metres in height.

**3) Application to Mining, Petroleum Exploration and Petroleum Extraction**

The requirements of Regulation 44(1) and (2) shall also apply to mining, petroleum exploration and petroleum extraction class uses.

### **PART III – MANDATED DEVELOPMENT STANDARDS**

#### **45. Fronting on a Public Street**

Except where provided for in Regulation 46(1) or the Use Zone Tables in Schedule C, no building shall be erected unless the lot on which it is situated fronts onto a street. A flag lot is deemed to front on a street by virtue of its leg providing access to a street (see the Definition of Flag Lot in Schedule B).

#### **46. Street Access and Construction Standards**

- (1) All developments shall have motor vehicle access to a publicly owned and maintained road or highway. The Authority may waive this requirement for access to land uses associated with agriculture, forestry, sawmilling, mineral workings or other resource or similar uses, where the requirement that a use front onto a public street is unnecessary or undesirable, but such accesses and private lanes for that purpose shall not be recognized as public streets. See Regulation 43 for provisions for flag lots, which are deemed to front onto a street.
- (2) Street accesses shall be located to the specification of the Authority so as to ensure the greatest possible convenience and safety of the street system.
- (3) The Authority may prescribe the construction of service streets to reduce the number of accesses to other streets.
- (4) Any access to a provincial highway must be approved by the Province of Newfoundland and Labrador.
- (5) No vehicular access shall be closer than 10 metres to the street line of any street intersection.
- (6) A new public street shall be constructed in accordance with the design and specifications of the *Municipal Water, Sewer and Roads Master Construction Specifications* published by the Department of Municipal and Provincial Affairs, as amended from time to time, whether the street is part of a subdivision or constructed for another purpose.

#### **47. Water Supply and Disposal of Sewage**

- (1) Development to be serviced with private water supply and/or private sewage disposal systems shall not be approved by the Authority or occupied unless the requisite Certificates of Approval have been approved by the provincial government.
- (2) The provincial government requirements concerning groundwater resources related to use of private wells include compliance with the *Groundwater Supply Assessment and*

*Reporting Guidelines* administered by the Water Resources Division of the Department of Environment and Climate Change. At the time of adopting the Municipal Plan and Development Regulations, those Guidelines require such an assessment when five or more new lots are proposed to be created (a groundwater assessment study will not be required for subdivisions of less than five lots, each having a minimum 2,023 square metre area, unless the area has documented drinking-water quality and/or quantity problems). The numbers of lots are cumulative, adding new lots as further subdivision of the original parcel takes place. These requirements are subject to change.

#### **48. Building Near Highway 450**

As required under the following regulations, applications for development (including trees, shrubs, hedges, and new construction of fences, buildings or other structures) within the specified distances of the centreline of Bay of Islands South Highway 450 must be approved by the provincial government in addition to approval by the Authority, and the Authority will require proof of approval in this regard:

- 1) *Building Near Highways Regulations*, under the *Works, Services and Transportation Act*: for any action to erect, repair, alter or structurally improve a fence, building or other structure, or to plant trees, shrubs or hedges, within 15 metres [for this class of highway, Class D in the subject regulations] from the centre line of the highway.
- 2) *Highway Sign Regulations*, under the *Urban and Rural Planning Act*: for any sign within a control line at 100 metres measured horizontally from the centre line of the roadway.

#### **49. Lot Area and Location of Yards and Buildings**

- (1) No lot shall be reduced in area, either by the conveyance or alienation of any portion thereof or otherwise, such that any building or structure on such lot shall have a front yard, rear yard, side yard, frontage or lot area that is less than that permitted by these Section B Regulations for the zone in which such lot is located.
- (2) Where any part of a lot is required by these Section B Regulations to be reserved as a yard or an area under license or easement forming part of the leg or prolongation in a flag lot as permitted by Regulation 43(2), 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.

- (3) Where, at the time of coming into effect of these Section B Regulations, one or more lots already exist in any 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 Section B Regulations, then these Section B Regulations shall not prevent the issuing of a permit by the Authority for the erection of a building, provided that the building height is not greater than, and the yards are not less than, the standards set out in these Section B Regulations.

#### **50. Hazards to Building and Nearby Lands**

- 1) Any proposal for the erection of a structure on a site which is potentially subject to flooding, sea level rise, coastal erosion or any other physical hazard near watercourses or water bodies, must be certified by a professional engineer to ensure that development of the site can take place without danger to health or safety, within a one hundred year time horizon;
- 2) Any proposal for development of a site having a slope in excess of 15% must be certified by a professional engineer as having low risk of landslide, avalanche or rockfall;
- 3) All development must be above the current 2 metre above mean sea level contour, and set back at least 30 metres from the ocean shore to provide a buffer against coastal erosion and sea level rise, except that the following may be approved at Council's discretion:
  - i) structures or land uses requiring direct access to salt water, including wharves, breakwaters, slipways and boathouses, and if approved such are to be constructed and operated in accordance with the Department of Environment and Climate Change *Guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses*;
  - ii) a lesser setback than 30 metres, but in no case less than 15 metres, where the proponent can demonstrate that the subject building(s) would be founded directly on bedrock rather than on surficial soils, loose rock, or severely fractured bedrock.
  - iii) public works and utilities;
  - iv) municipal park;
  - v) mineral exploration.
- 4) The development of a site must include features concerning site grading, drainage and landscaping to mitigate against erosion onto and pollution of adjacent development and lands and bodies of water receiving drained water from the site; Council may require a



report by a professional engineer to certify that suitable measures have been included, which shall be included as a condition of Council approval.

### **51. Building Line and Setback**

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

### **52. Service Stations**

The following requirements shall apply to all proposed service stations:

- (1) All gasoline pumps shall be located on pump islands designed for such purpose, and to which automobiles may gain access from either side.
- (2) Pump islands shall be set back at least 4 metres from the front lot line.
- (3) 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.

### **53. Removal of Quarry Materials**

- (1) Quarry materials produced as a by-product of an approved development may be removed from the development site. Quarry materials include but are not limited to aggregate, fill, rock, stone, gravel, sand, clay, borrow material, topsoil, overburden, subsoil, and peat.
- (2) The Authority will notify the Department of Industry, Energy and Technology where the Authority has issued a permit for a development involving removal of quarry materials.
- (3) Removal of subject materials from a development site is deemed to be an accessory use to the development, but only for the term of the construction activity.
- (4) When the site development has been completed, the area affected shall be suitably landscaped and drained in accordance with a plan approved by the Authority.
- (5) If the site work is expected to be extensive, or found during the course of the work to be extensive, the Authority may require the deposit of a surety in the amount of \$500.00 which shall be returned to the developer upon satisfactory completion of the work.

#### **54. Subsidiary Apartments Lot Areas and Yards**

Subsidiary apartments shall be permitted in single dwellings and mobile homes in accordance with the requirements of the use zone table for the zone in which they are located, and for the purposes of calculating lot area and yard requirements, shall be considered part of the self-contained dwelling.

#### **55. Unsubdivided Land**

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

#### **56. Non-Conforming Use**

(Refer to Minister's Development Regulations, Section 14, 15, 16, 17, January 2, 2001)

- (1) Notwithstanding the Municipal Plan, scheme or regulations made under the Urban and Rural Planning Act, 2000, the Authority shall, in accordance with regulations made under this Act, allow a development or use of land to continue in a manner that does not conform with a regulation, scheme, or plan that applies to that land provided that the non-conforming use legally existed before the registration under section 24 of the Act, scheme or regulations made with respect to that kind of development or use.
- (2) Notwithstanding subsection (1), a right to resume a discontinued non-conforming use of land shall not exceed ten years after the discontinuance of that use.
- (3) A building, structure or development that does not conform to a scheme, plan or regulations made under the Act that is allowed to continue under subsection (1)
  - (a) shall not be internally or externally varied, extended or expanded unless otherwise approved by the Authority;
  - (b) shall not be structurally modified except as required for the safety of the building, structure or development;
  - (c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50% or more of the value of that building, structure or development has been destroyed;

- (d) may have the existing use for that building, structure or development varied by the Authority to a use that is, in the Authority's opinion, more compatible with the plan and regulations applicable to it;
  - (e) may have the existing building extended by approval of the Authority where, in the Authority's opinion, the extension is not more than 50% of the existing building;
  - (f) where the non-conformance is with respect to the standards included in these development regulations, shall not be expanded if the expansion would increase the non-conformity and an expansion must comply with the development standards applicable to that building, structure or development;
  - (g) where the building or structure is primarily zoned and used for residential purposes, it may, in accordance with the municipal plan and regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed but the residential building or structure, where being repaired or rebuilt, must be repaired or rebuilt in accordance with the plan and development regulations applicable to that building or structure.
- (4) Before making a decision to vary an existing use of a non-conforming building, structure or development, the Authority shall give notice as specified in Section B Regulation 32, 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.

#### **57. Offensive and Dangerous Uses**

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

#### **58. Public Services and Public Utilities**

The Authority may within any zone permit land to be used in conjunction with the provision of public services and public utilities if the use of that land is necessary to the proper operation of the public service or public utility concerned provided that the design

and landscaping of any development of any land so used is, in the opinion of the Authority, adequate to protect the character and appearance of the area.

**59. Archaeological Resources and Heritage Sites**

- 1) Council shall direct development proponents to consult with the Provincial Archaeology Office during the early planning stages of any major development that involves land use or ground disturbance within the municipality, and to submit satisfactory reports and information to support their applications. Where deemed appropriate, Council may require archaeological surveys be undertaken in areas of high potential prior to development to safeguard any sites yet to be discovered.
- 2) Any proposal or application for a development that requires ground disturbance shall be reviewed by the Authority to determine whether the site may be a site protected under the *Historic Resources Act* and if so to be referred to the Provincial Archaeology Office for assessment and clearance before any permit is issued or work commences.
- 3) Should any artifacts be discovered during work on any site, work is to stop and the site is to be secured until such an assessment has been conducted and the Authority and the Provincial Archaeology Office have determined what, if any, work may resume and under what conditions.



## **PART IV - SUBDIVISION OF LAND**

### **60. Permit Required**

No land in the municipal planning area shall be subdivided unless a permit for the development of the subdivision is first obtained from the Authority.

### **61. Services to be Provided**

- 1) No permit shall be issued for the development of a subdivision unless provisions satisfactory to the Authority have been made in the application for a private supply of drinking water, a properly designed private sewage disposal system, and a properly designed storm drainage system.
- 2) Private water supplies and private sewage disposal systems shall not be recognized by the Authority unless the requisite Certificate(s) of Approval, or a letter of intent to grant, has been granted by the provincial government authorities.
- 3) All works intended to be conveyed to the Authority shall be constructed in accordance with the design and specifications of the *Municipal Water, Sewer and Roads Master Construction Specifications* published by the Department of Municipal and Provincial Affairs, as amended from time to time.

### **62. Payment of Service Levies and Other Charges**

No permit shall be issued for the development of a subdivision until agreement has been reached for the payment of all fees levied by the Authority for connection to or provision of any services, utilities and streets deemed necessary for the proper development of the subdivision, and all service levies and other charges imposed under Section B Regulations 13 and 14.

### **63. Issue of Permit Subject to Considerations**

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

- (a) the location of the land;
- (b) the availability of and the demand created for schools, services, and utilities;
- (c) the provisions of the Municipal Plan and Section B Regulations affecting the site;
- (d) the land use, physical form and size of buildings anticipated to be developed on the new lots and the character of adjacent developments related the same factors;

- (e) the capacity of streets to serve the volumes and characteristics of the vehicle and pedestrian traffic expected, including the physical strength and longevity of the existing streets to bear the loads and numbers of vehicles, and, the integration of the proposed streets into the future street network;
- (f) the relationship of the project to existing or potential sources of nuisance;
- (g) topography, soil and subsoil characteristics of each lot, and the related difficulty or cost of landscaping and access;
- (h) adequacy of features of site grading, drainage and landscaping to mitigate against erosion onto and pollution of adjacent development and lands and bodies of water receiving drained water from the site;
- (i) natural features such as lakes, streams, topsoil, trees and shrubs;
- (j) prevailing winds;
- (k) visual quality;
- (l) community facilities;
- (m) energy conservation;
- (n) such other matters as may affect the proposed development.

#### **64. Building Permits Required**

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

#### **65. Form of Application**

Application for a permit to develop a subdivision shall be made to the Authority in accordance with Section B Regulation 17.

#### **66. Subdivision Subject to Zoning**

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

#### **67. Building Lines**

The Authority may establish building lines for any subdivision street and require any new building to be located on such building lines. In the case of flag lots which would be

created in the subdivision, the building lines will not necessarily be parallel to the street line but will reflect the appropriate orientation of buildings and yards in the main body of the flag lot.

#### **68. Land for Parkland or Other Public Use**

The Authority has no requirement for land for parkland or public use.

#### **69. Structure in Street Reservation**

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

#### **70. Subdivision Design Standards**

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

- (a) The finished grade of streets shall not exceed 10 percent.
- (b) Every cul de sac, including a temporary cul de sac, shall be provided with a turning circle of a diameter of not less than 30 m, measured from the centre of the travelled surface of the finished street to the front lot lines of the lots fronting upon the cul de sac, and include a street reservation to enable eventual extension of the street into adjacent lands.
- (c) The maximum length of a permanent cul de sac shall be 1.5 km.
- (d) Emergency vehicle access to a permanent cul de sac shall be not less than 3 m wide and shall connect the head of the cul de sac with another street.
- (e) A cul de sac may be a temporary cul de sac, ie: a temporary street ending which is constructed and used until an extension of the street into adjacent lands is achieved in accordance with the street network described in the Municipal Plan or as directed by the Authority.
- (f) Streets in subdivisions shall intersect with or prolong an existing street or streets. Street reserves shall be provided to enable future extension of streets into adjacent lands as directed by the Authority.
- (g) All street intersections shall be constructed within 5 degrees of a right angle and this alignment shall be maintained for 30 m from the intersection.

- (h) No street intersection shall be closer than 60 m to any other street intersection.
- (i) No more than four streets shall join at any street intersection.
- (j) No street block shall be longer than 500 m between street intersections.
- (k) Streets in subdivisions shall conform to the following minimum standards:

Type of Street	Street Reservation	Pavement Width	Sidewalk Width	Sidewalk Number
All Streets:	15 m	9 m	1.5 m	1

- (l) No lot intended for residential purposes shall have a depth exceeding four times the frontage except for flag lots or where topography or unusual dimensions of the lot being subdivided make this impractical.
- (m) Residential lots shall not be permitted which abut a local street at both front and rear lot lines unless the circumstance is beyond the control of the proponent.
- (n) The Authority may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed.
- (o) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land, and each lot shall be laid out so as to maximize the usefulness of the land to the eventual occupant, with regard to positioning of buildings, driveways, and outdoor storage and activity areas.

#### **71. Engineer to Design Works and Certify Construction Layout**

- (1) Plans and specifications for all storm sewers and all appurtenances thereto, if any, and all streets, paving, curbs, gutters and catch basins and all other utilities deemed necessary by the Authority to service the area proposed to be developed or subdivided shall be designed and prepared by or approved by the Engineer. Such designs and specifications shall, upon approval by the Authority, be incorporated in the plan of subdivision.
- (2) Upon approval by the Authority of the proposed subdivision, the Engineer shall certify all work of construction layout preliminary to the construction of the works and thereupon the developer shall proceed to the construction and installation, at his own cost and in accordance with the approved designs and specifications and the construction layout certified by the Engineer, of all such



water mains, hydrants, sanitary sewers and all appurtenances and of all such streets and other works deemed necessary by the Authority to service the said area.

#### **72. Developer to Pay Engineer's Fees and Charges**

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

#### **73. Street Works May Be Deferred**

- 1) The construction and installation of all curbs and gutters, catch basins, sidewalks and paving specified by the Authority as being necessary, may, at the Authority's discretion, be deferred until a later stage of the work on the development of the subdivision but the developer shall deposit with the Authority before approval of his application, an amount estimated by the Engineer as reasonably sufficient to cover the cost of construction and installation of the works. In the later stage of the work of development, the Authority shall call for tenders for the work of construction and installation of the works, and the amount so deposited by the developer shall be applied towards payment of the contract cost.
- 2) If the contract cost exceeds the deposit, the developer shall pay to the Authority the amount of the excess. If the contract price is less than the deposit, the Authority shall refund the amount by which the deposit exceeds the contract price. Any amount so deposited with the Authority by the developer shall be placed in a separate savings account in a bank and all interest earned thereon shall be credited to the developer.

#### **74. Transfer of Streets and Utilities to Authority**

- (1) The developer shall, following the approval of the subdivision of land and upon request of the Authority, transfer to the Authority, at no cost to the Authority, and clear of all liens and encumbrances:
  - (a) all lands in the area proposed to be developed or subdivided which are approved and designated by the Authority for public uses as streets, street reserves, or other rights-of-way, or for other public use;

- (b) all services or public works including streets and storm drainage systems installed in the subdivision that are normally owned and operated by the Authority.
- (2) Before the Authority shall accept the transfer of lands, services or public works of any subdivision, the Engineer shall, at the expense of the developer, test the streets, services and public works installed in the subdivision and certify his satisfaction with their installation.
- (3) The Authority shall not provide maintenance for any street, service or public work in any subdivision until such time as such street, service or public work has been accepted by and transferred to the Authority.

#### **75. Restriction on Sale of Lots**

The developer shall not develop or dispose of any lot within a subdivision for the purposes of development and no building permit shall be issued until the Authority is satisfied that:

- (a) the lot can be served with satisfactory private water supply and private sewage disposal system, and;
- (b) satisfactory access to a street is provided for the lots.

#### **76. Grouping of Buildings and Landscaping**

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

## **PART V - USE ZONES**

### **77. Use Zones**

- (1) For the purpose of these Section B Regulations, the municipal planning area comprises a single Use Zone which is shown on the Land Use Zoning Map 1 attached to and forming part of these Section B Regulations.
- (2) Subject to (3), the permitted use classes, discretionary use classes, standards, requirements and conditions applicable to the said Use Zone are set out in its Use Zone Table in Schedule C of these Section B Regulations.
- (3) Where standards, requirements and conditions applicable in the said Use Zone are not set out in the Use Zone Table in Schedule C, the Authority may at its discretion, determine the standards, requirements and conditions which shall apply.

### **78. Use Groups, Divisions and Classes**

The specific uses to be included in each Use Group, Division and Class set out in the Use Zone Table in Schedule C shall be determined by the Authority in accordance with the classification and examples set out in Schedule B. The examples do not constitute the whole range of possibilities which may be found in their respective classes.

### **79. Permitted Uses**

- 1) Subject to these Section B Regulations, the uses that fall within the Permitted Use Groups, Divisions, and Classes set out in the Use Zone Table in Schedule C shall be permitted by the Authority in that Use Zone.
- 2) Where the permitted use is expressed by the title of a "Group" shown in Schedule B, all of the uses in the divisions and classes of uses subordinate to that title shall be permitted, and likewise where the permitted use is expressed by the title of a "Division" shown in Schedule B, all of the uses in the classes of uses subordinate to that title shall be permitted.

### **80. Discretionary Uses**

- 1) Subject to these Section B Regulations, the uses that fall within the Discretionary Use Classes set out in the Use Zone Table in Schedule C may be permitted in that Use Zone if the Authority is satisfied that the development would not be contrary to the general intent and purpose of these Section B Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if the

Authority has given notice of the application in accordance with Section B Regulation 32 and has considered any objections or representations which may have been received on the matter.

- 2) Where the discretionary use is expressed by the title of a "Group" shown in Schedule B, all of the uses in the divisions and classes of uses subordinate to that title shall be permitted, and likewise where the discretionary use is expressed by the title of a "Division" shown in Schedule B, all of the uses in the classes of uses subordinate to that title shall be permitted, subject to the provisions of subsection (1).

#### **81. Uses Not Permitted**

Uses that do not fall within the Permitted Use Classes or Discretionary Use Classes set out in the Use Zone Table in Schedule C, shall not be permitted in that Use Zone.



## **SCHEDULE A**

### **DEFINITIONS**

**ACCESS:** 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. *(Refer to Minister's Development Regulations, January 2, 2001)*

**ACCESSORY BUILDING:**

- (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 animals kept as domestic pets, or radio and television antennas,
- (iii) for commercial uses, workshops or garages, and
- (iv) for industrial uses, garages, offices, raised ramps and docks.

*(Refer to Minister's Development Regulations, January 2, 2001)*

**ACCESSORY USE:** A use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use. *(Refer to Minister's Development Regulations, January 2, 2001)*

**ACT:** The *Urban and Rural Planning Act, 2000*.

**ADVERTISEMENT:** Any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction; excluding such things employed wholly as a memorial, or functional advertisement of Councils, or other local authorities, public utilities and public transport undertakers, and including any boarding or similar structure used or adapted for use for the display of advertisements.

**AGRICULTURE:** Horticulture, fruit growing, grain growing, crop growing, seed growing, dairy farming, the breeding or rearing of livestock, including an animal kept for the production of food, wool, skins, or fur, or for the purpose of its use in the farming of land, the use of land as grazing land, meadow land, market gardens and nursery grounds and the use of lands for woodlands where that use is ancillary to the farming of land for another purpose. "Agricultural" shall be construed accordingly.

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

**ANIMAL UNIT:** Any one of the following animals or groups of animals:

- 1 bull;
- 1 dairy cow;
- 2 heifers;
- 2 beef cattle;
- 5 calves, veal or otherwise;
- 1 sow in farrow to finish operation (3 sows in other than farrow to finish operations);
- 6 hogs;
- 3 boars;
- 150 female mink (including associated males and kits);
- 200 rabbits;
- 40 foxes;
- 7 goats;
- 1 horse (including foals);
- sheep—8 ewes or 16 lambs;
- 252 laying hens;
- 350 pullets;
- 70 broiler turkeys;
- 60 heavy turkeys;
- 40 heavy tom turkeys;
- 500 broiler chickens or roosters.

**ANTENNA:** an electrical device that converts electric currents into propagating electric and magnetic fields in the form of waves (i.e. radio waves or electromagnetic waves) and vice versa (Reference: *Safety Code 6: Health Canada's Radiofrequency Exposure Guidelines*). For the purpose of this Development Regulation, “antenna” has the same meaning as “antenna system”, which is a structure located outside of the walls and roofs of building structures or attached to them, supporting equipment for the said purpose, comprising a mast or tower which is either self supporting, attached to a building or another structure, or stayed with anchored guy wires, or some combination thereof, wherein antennas which are shorter than 15 metres in height are classed as “short”, those taller as “tall”.

**APARTMENT BUILDING:** A building containing three or more dwelling units, but does not include a row dwelling.

**APPLICANT:** A person who has applied to an Authority for an approval or permit to carry out a development.

**APPEAL BOARD:** The appropriate Appeal Board established under the Act.

**ARTERIAL STREET:** The streets, if any, in the municipal planning area constituting the main traffic arteries of the area and defined as arterial streets or highways in the Municipal Plan or on the Zoning Map.

**AUTHORITY:** The Town Council of York Harbour.

**BOARDING HOUSE:** A dwelling in which at least 2 rooms are regularly rented to persons other than the immediate family of the owner or tenant.

**BOAT SHED or BOAT HOUSE or STAGE or WHARF:** a building or structure located on land or in the water, at the edge of a water body, and used to house or berth boats and to store related gear and equipment.

**BOAT HOUSE:** see Boat Shed

**BUILDING:** As defined in the *Urban and Rural Planning Act 2000*, means:

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

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

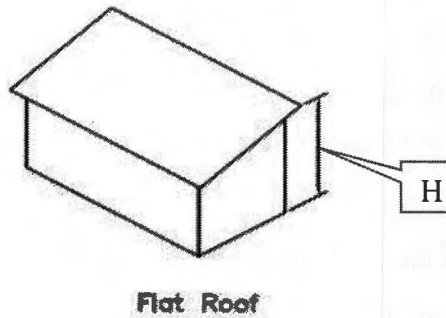
- (i) highest point of the roof surface of a flat roof,
  - (ii) deck line of a mansard roof, and
  - (iii) mean height level between the eave and the ridge of a gable, hip or gambrel roof,
- and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof;

*(Refer to Minister's Development Regulations, January 2, 2001)*

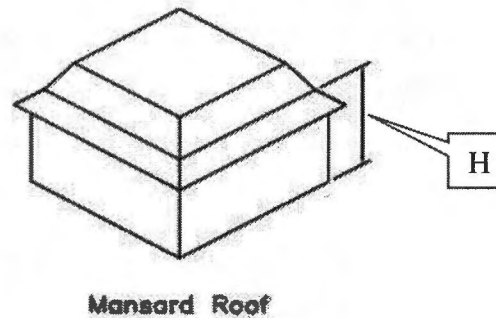
The definitions are illustrated on the next page:



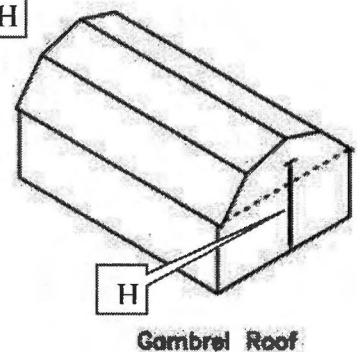
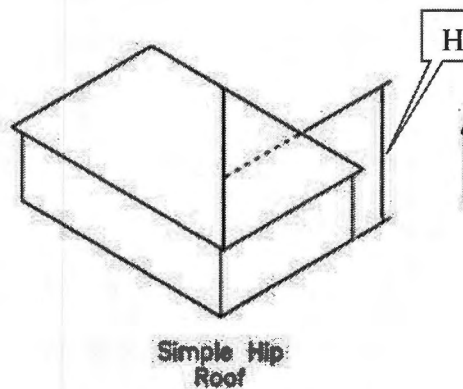
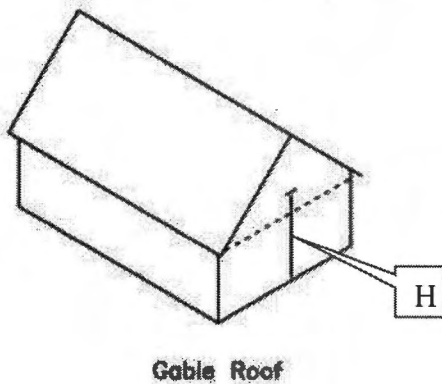
(i) The highest point of the roof surface of a flat roof



(ii) The deck line of a mansard roof



(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

**BUILDING LINE:** 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. (*Refer to Minister's Development Regulations, January 2, 2001*)

**BUILDING LINE SETBACK:** see Front Yard Depth.

**COLLECTOR STREET:** A street, if any, that is designed to link local streets with arterial streets and which is designated as a collector street in the Municipal Plan, or on the Zoning Map.

**CONVENIENCE STORE:** A small retail store that carries limited lines of goods, such as a partial line of groceries, housewares, and clothing; gifts; speciality items; and, other goods, and which has a floor area dedicated to retail sales (including storage area) not exceeding 100 square metres.

**DAYCARE CENTRE or DAY NURSERY:** 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 Day Nurseries Act, but does not include a school as defined by the Schools Act.

**DEVELOPMENT:** as defined in the *Urban and Rural Planning Act 2000*, 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 premise and without limiting the generality of the foregoing, shall specifically include:

- (a) the making of an access onto a highway, road or way;
- (b) the erection of an advertisement or sign;
- (c) 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 shall exclude:
- (d) 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;
- (e) 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;

- (f) 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;
- (g) 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:** Regulations respecting development that have been enacted by the relevant Authority.

**DISCRETIONARY USE:** A use that is listed within the discretionary use classes established in the use zone tables of an Authority's development regulations. (*Refer to Minister's Development Regulations, January 2, 2001*)

**DIRECTOR:** The Director of Urban and Rural Planning or successor official.

**DOUBLE DWELLING:** A building containing two dwelling units, placed one above the other, or side by side, but does not include a self-contained dwelling containing a subsidiary apartment.

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

**ENGINEER:** A professional engineer employed or retained by the Authority.

**ESTABLISHED GRADE:**

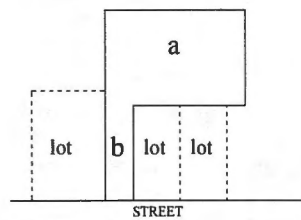
- (i) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or
- (ii) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment. (*Refer to Minister's Development Regulations, January 2, 2001*)

**FAMILY AND GROUP CARE HOME:** A dwelling accommodating up to but no more than six (6) persons exclusive of staff in a home-like setting. Subject to the size limitation, this definition includes, but is not limited to, facilities called “Family and Group Care Centres”, “Group Homes”, “Halfway Houses”, and “Foster Homes” and is classified in the Classification Table in Schedule B as “Family & Group Homes”.

**FLAG LOT:** A lot characterized by a shape in which the lot’s main body of land is located some distance from a street, typically lying behind other lots located along the street line, and in which the main body of the lot is joined to the street by a narrower leg or prolongation which is part of the flag lot; a substandard easement or right of way across another lot so as to gain access to a street does not create a flag lot.

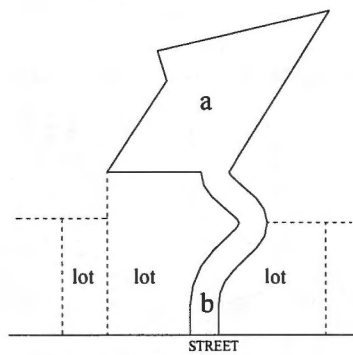
A flag lot is so named because its shape in a simple rectangular configuration resembles a flag on a pole, where the main body of the lot is separated from the street and access to the street is along the part of the lot having the narrow pole shape (the street lies at the foot of the pole). The “pole” or narrow leg or prolongation lying between the main body of the lot and the street may be of any configuration, not necessarily of uniform width; the minimum width thereof is stated in Regulation 61. The concept is illustrated below:

RECTANGULAR SHAPE



a: main body of the flag lot

IRREGULAR SHAPE



b: leg or prolongation of the flag lot to provide access to a street



**FLOOR AREA:** The total area of all floors in a building measured to the outside face of exterior walls. *(Refer to Minister's Development Regulations, January 2, 2001)*

**FRONTAGE:** The horizontal distance between side lot lines measured at the building line.

*(Refer to Minister's Development Regulations, January 2, 2001)*

**FRONT YARD DEPTH:** The distance between the front lot line of a lot and the front wall of the main building on the lot. This has the same meaning as "building line setback" as used in the use zone tables.

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

**GENERAL INDUSTRY:** The use of land or buildings for the purpose of storing, assembling, altering, repairing, manufacturing, fabricating, packing, canning, preparing, breaking up, demolishing, or treating any article, commodity or substance. "Industry" shall be construed accordingly.

**GENERAL GARAGE:** Land or buildings used exclusively for repair, maintenance and storage of motor vehicles and may include the sale of gasoline or diesel oil.

**HAZARDOUS INDUSTRY:** 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.

**INSPECTOR:** Any person appointed and engaged as an Inspector by the Authority or by any federal or provincial Authority or the agent thereof.

**INSTITUTION:** A building or part thereof occupied or used by persons who:

- (a) are involuntarily detained, or detained for penal or correctional purposes, or whose liberty is restricted, or;
- (b) require special care or treatment because of age, mental or physical limitations or medical conditions.

**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:** Use of any land or buildings for any general industrial use that can be carried out without hazard or intrusion and without detriment to the amenity of the surrounding area by reason of noise, vibration, smell, fumes, smoke, grit, soot, ash, dust, glare or appearance.

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

**LODGING HOUSE:** A dwelling in which at least 2 rooms are regularly rented to persons other than the immediate family of the owner or tenant.

**LOT:** Any plot, tract or parcel of land which can be considered as a unit of land for a particular use or building. *(Refer to Minister's Development Regulations, January 2, 2001)*

**LOT AREA:** The total horizontal area within the lot lines of the lot. *(Refer to Minister's Development Regulations, January 2, 2001)*

**LOT COVERAGE:** The combined area of all buildings on the lot measured at the level of the lowest floor above the established grade expressed as a percentage of the total area of the lot. *(Refer to Minister's Development Regulations, January 2, 2001)*

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

**MOBILE HOME:** A transportable factory-built single family dwelling unit:

- a) which complies with space standards substantially equal to those laid down in the Canadian Code for Residential Construction and is in accordance with the construction standards laid down and all other applicable Provincial and Municipal Codes and;

- (b) which is designed to be:
  - (i) transported on its own wheels and chassis to a mobile home lot, and subsequently supported on its own wheels, jacks, posts or piers, or on a permanent foundation, with or without the wheels left attached, and;
  - (ii) connected to exterior public utilities approved by the Authority, namely, piped water, piped sewer, electricity and telephone, in order for such mobile home unit to be suitable for year round term occupancy.

**MOBILE HOME PARK:** A mobile home development under single or joint ownership, cared for and controlled by a mobile home park owner where individual mobile home lots are rented or leased with or without mobile home units placed on them and where ownership and responsibility for the maintenance and development of site facilities including underground services, access roads, communal areas, snow clearing and garbage collection, or any of them, are the responsibility of the mobile home park owner, and where the mobile home development is classified as a mobile home park by the Authority.

**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. *(Refer to Minister's Development Regulations, January 2, 2001)*

**OWNER:** means a person or an organization of persons owning or having the legal right to use the land under consideration. *(Refer to Minister's Development Regulations, January 2, 2001)*

**PARKING AREA:** means an open area containing parking spaces and any interior aisles and lanes necessary for parking and movement of motor vehicles.

**PARKING SPACE:** means a space exclusive of any driveways or interior aisles or lanes, upon which one motor vehicle may be parked .

**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. *( Refer to Minister's Development Regulations, January 2, 2001)*



**PETROLEUM EXPLORATION AND EXTRACTION:** separate land uses involving the exploration and extraction, respectively, of petroleum resources and for which the requisite permits have been issued by the Department of Industry, Energy and Technology.

**PIT AND QUARRY WORKING:** Carries the same meaning as Mineral Working.

**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. (*Refer to Minister's Development Regulations, January 2, 2001*)

**REAR YARD DEPTH:** means the distance between the rear lot line and the rear wall of the main building on the lot. (*Refer to Minister's Development Regulations, January 2, 2001*)

**RESTAURANT:** A building or part thereof, designed or intended to be used or occupied for the purpose of serving the general public with meals or refreshments for consumption on the premises.

**ROW DWELLING:** Three or more dwelling units at ground level in one building, each unit separated vertically from the others.

**SEASONAL RESIDENCE:** A dwelling which is designed or intended for seasonal or recreational use, and is not intended for use as permanent living quarters.

**SERVICE STATION:** Any land or building used exclusively for the sale of petroleum products, automotive parts and accessories, minor repairs, washing and polishing of motor vehicles.

**SERVICE STREET:** A street constructed parallel to or close to another street for the purpose of limiting direct access to that street.

**SHOP:** 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:** A group of shops and complementary uses with integrated parking and which is planned, developed and designed as a unit containing a minimum of 5 retail establishments.

**SHOWROOM:** A building or part of a building in which samples or patterns are displayed and in which orders may be taken for goods, wares or merchandise, including vehicles and equipment, for later delivery.

**SIDE YARD DEPTH:** means the distance between a side lot line and the nearest side wall of any building on the lot. *(Refer to Minister's Development Regulations, January 2, 2001)*

**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. *(Refer to Minister's Development Regulations, January 2, 2001)*

**STAGE:** see Boat Shed

**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. *(Refer to Minister's Development Regulations, January 2, 2001)*

**STREET LINE:** means the the edge of a street reservation as defined by the Authority having jurisdiction. *(Refer to Minister's Development Regulations, January 2, 2001)*

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

**SUBSIDIARY APARTMENT:** A separate dwelling unit constructed within and subsidiary to a self-contained dwelling.

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

**TAVERN:** Includes a nightclub and means a building licensed or licensable under the Liquor Control Act wherein meals and food may be served for consumption on the premises and in which entertainment may be provided.

**USE:** means a building or activity situated on a lot or a development permitted on a lot. *(Refer to Minister's Development Regulations, January 2, 2001)*

**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. *(Refer to Minister's Development Regulations, January 2, 2001)*

**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. *(Refer to Minister's Development Regulations, January 2, 2001)*

**WHARF:** see Boat Shed

**WIND ENERGY SYSTEM or WIND TURBINE:** means a mechanical system for the conversion of wind energy to useful electrical or mechanical energy; a typical wind energy system consists of a tower or mast supporting a rotating apparatus including a rotor, generator and mechanical drives, and ancillary devices related to the control and maintenance of the system. A tower supported wind turbine is self-supporting whereas a mast is stayed with guy wires; for the purpose of these Regulations, the words "tower" and "mast" are used interchangeably.

**ZONING MAP:** The map or maps attached to and forming part of the Authority's regulations. *(Refer to Minister's Development Regulations, January 2, 2001)*

## SCHEDULE B

### CLASSIFICATION OF USES OF LAND AND BUILDINGS

The classification of uses set out in the following table is based on the Classification of Typical Occupancies included as Table 3.1.2.A of the **National Building Code of Canada, 1980**. This classification is referred to in Regulation 78.

GROUP	DIVISION	CLASS	EXAMPLES
A. ASSEMBLY USES	1. Assembly Uses for the production and viewing of the performing arts.	(a) Theatre	Motion Picture Theatres T.V. Studios admitting an audience.
	2. General Assembly Uses	(a) Cultural and Civic	Libraries Museums Art Galleries Court Rooms Meeting Rooms Council Chambers
		(b) General Assembly-halls and active exercise uses	Community Halls Lodge Halls Dance Halls Gymnasias Auditoria Bowling Alleys
		(c) Educational	Schools Colleges (non-residential)
		(d) Place of Worship	Churches and similar places of worship. Church Halls
		(e) Passenger Assembly	Passenger Terminals
		(f) Club and Lodge	Private Clubs and Lodges (non-residential)
		(g) Catering	Restaurants Bars Taverns
		(h) Funeral Home	Funeral Homes and Chapels
		(i) Child Care	Day Care Centres
		(j) Amusement	Electronic Games Arcades Pinball Parlours Poolrooms



### CLASSIFICATION OF USES OF LAND AND BUILDINGS

GROUP	DIVISION	CLASS	EXAMPLES
A. ASSEMBLY USES (continued)	3. Arena-type Uses	(a) Indoor Assembly	Arenas Armouries Ice Rinks Indoor Swimming Pools
	4. Open-air Assembly Uses	(a) Outdoor Assembly	Bleachers Grandstands Outdoor Ice Rinks and Swimming Pools Amusement Parks and Fair- grounds Exhibition Grounds Drive-in Theatres
B. INSTITU- TIONAL USES	1. Penal and Correctional Institutional Uses	(a) Penal and Correctional Detention	Jails Penitentiaries Police Stations (with detention quarters) Prisons Psychiatric Hospitals (with detention quarters) Reformatories
	2. Special Care Institutional Uses	(a) Medical Treatment and Special Care	Children's Homes Convalescent Homes Homes for Aged Hospitals Infirmaries Orphanages Psychiatric Hospitals Sanatoria
C. RESIDENTIAL USES	1. Residential Dwelling Uses	(a) Single Dwelling	Single Detached Dwellings
		(b) Double Dwelling	Semi-detached Dwelling Duplex Dwellings

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Approved by Council 1 September 2021

GROUP	DIVISION	CLASS	EXAMPLES
C. RESIDENTIAL USES (continued)	1. Residential Dwelling Uses (continued)	(c) Row Dwelling	Row Houses Town Houses
		(d) Apartment Building	Apartments
		Family and group care home	See Definition in Schedule A
	2. General Residential Uses	(a) Collective Residential	Residential Colleges & Schools University & College Halls of Residence Convents & Monasteries Nurses and Hospital Residences
		(b) Boarding House Residential	Boarding Houses Lodging Houses
		(c) Commercial Residential	Hotels & Motels Hostels Residential Clubs Campgrounds Recreational Vehicle Parks
		(d) Seasonal Residential	Summer Homes & Cabins Hunting & Fishing Cabins
		(e) Mobile Home and mobile home park	Mobile Home and mobile home park as separate land use classes
D. BUSINESS & PERSONAL SERVICE USES	1. Business, Professional, and Personal Service Uses	(a) Office	Offices (including Government Offices) Banks
		(b) Medical & Professional	Medical Offices and Consulting Rooms Dental Offices & Surgeries Legal Offices Similar Professional Offices
		(c) Personal Service	Barbers Hairdressers Beauty Parlours Small Appliance Repairs

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GROUP	DIVISION	CLASS	EXAMPLES
D. BUSINESS & PERSONAL SERVICE USES (continued)	1. Business, Professional & Personal Service Uses (continued)	(d) General Service	Self-service Laundries Dry Cleaners (not using flammable or explosive substances) Small Tool and Appliance Rentals Travel Agents
		(e) Communications	Radio Stations Telephone Exchanges
		(f) Police Station	Police Stations without detention quarters
		(g) Taxi Stand	Taxi Stands
		(h) Take-out Food Service	Take-out Food Service
		(i) Veterinary	Veterinary Surgeries
E. MERCANTILE USES	1. Retail Sale and Display Uses	(a) Shopping Centre	Shopping Centres
		(b) Shop	Retail Shops and Stores and Showrooms Department Stores
		(c) Indoor Market	Market Halls Auction Halls
		(d) Outdoor Market	Market Grounds Animal Markets Produce and Fruit Stalls Fish Stalls
		(e) Convenience Store	Confectionary Stores Corner Stores Gift Shops Specialty Shops

GROUP	DIVISION	CLASS	EXAMPLES
F. INDUSTRIAL USES	1. Industrial uses involving highly combustible and hazardous substances and processes.	(a) Hazardous Industry	Bulk Storage of hazardous liquids and substances. Chemical Plants Distilleries Feed Mills Lacquer, Mattress, Paint, Varnish, and Rubber Factories Spray Painting
	2. General Industrial Uses involving Limited Hazardous Substances and Processes.	(a) General Industry	Factories Cold Storage Plants Freight Depots General Garages Warehouses Workshops Laboratories Laundries Planing Mills Printing Plants Contractors' Yards
		(b) Service Station	Gasoline Service Stations Gas Bars
	3. Light, Non-hazardous or Non-intrusive Industrial Uses.	(a) Light Industry	Light Industry Parking Garages Indoor Storage Warehouses Workshops
G. NON-BUILDING USES	1. Uses not directly related to building	(a) Agriculture	Commercial Farms Hobby Farms Market Gardens & Nurseries
		(b) Forestry	Tree Nurseries Silviculture
		(c) Mineral Exploration Mineral Working Mining Petroleum exploration Petroleum extraction	Separate classes of land use. See Definitions



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GROUP	DIVISION	CLASS	EXAMPLES
G. NON-BUILDING USES (continued)	1. Uses not directly related to building. (continued)	(d) Recreational Open Space	Playing Fields Sports Grounds Parks Playgrounds
		(e) Conservation	Watersheds Buffer Strips Flood Plains Architectural, Historical and Scenic Sites Steep Slopes Wildlife Sanctuaries
		(f) Cemetery	Cemeteries Graveyards
		(g) Scrap Yard	Car Wrecking Yards Junk Yards Scrap Dealers
		(h) Solid Waste	Solid Waste Disposal Sanitary Land Fill Incinerators
		(i) Animal	Animal Pounds Kennels Zoos
		(j) Antenna or Wind Turbine	TV, Radio and Communications Transmitting and Receiving Masts and Antennas Wind Turbine
		(k) Transportation	Airfields Railway Yards Boat shed Boat house Stage Wharf

**SCHEDULE "C"**

**USE ZONES**

This schedule contains a table showing the use classes which may be permitted or which may be treated as discretionary use classes for the purpose of these Regulations. The table also indicates the required standards of development and may also include conditions affecting some or all of the use classes.

**ZONES (there is only one zone, which comprises the entire municipal planning area)**

Mixed Development..... MD

### USE ZONE TABLE

ZONE TITLE	MIXED DEVELOPMENT (MD)	(YORK HARBOUR)
<b>PERMITTED USES</b>		
1) Single dwelling class (including subsidiary apartments) 2) Seasonal dwelling class 3) Mobile home class (not including mobile home park class) 4) Existing mineral workings and mines 5) Agriculture class 6) Forestry class 7) Wharves, boat sheds, stages and docks in the transportation class where such are accessory to the main use on the lot 8) Cemetery class (see Condition 10 for waiver of certain requirements)		
<b>DISCRETIONARY USES</b>		
All other uses, including mobile home parks, and, wharves, boat sheds, stages and docks in the transportation class where such are the main use on the lot, and, new development in the mineral exploration, mineral workings, mines, petroleum exploration and extraction classes.		

### STANDARDS

Lot area minimum	As required by the Province of Newfoundland and Labrador for use of private water supplies and private sewage disposal systems. See Condition 8.
Frontage and width minimums	As required by the Province of Newfoundland and Labrador for use of private water supplies and private sewage disposal systems, and, as may be required for access. See Regulations 45 and 46 and Condition 8.
Building Line Setback and Yards minimums	1.5 metres except for structures requiring direct access to a body of water. See Condition 9.
Lot Coverage maximum and Building Floor Area minimum	No requirements
Height maximum for all structures except wind turbines and antennas	15 metres (see Regulation 40 for consideration of greater height at Council's discretion)
Height maximum for wind turbines and antennas	See Condition 6

## **CONDITIONS**

### **1. Discretionary Uses and Site Plan Approval**

- (1) The discretionary use classes listed in this table may be permitted at the discretion of the Authority provided that they are in compliance with the policies of the Municipal Plan and the requirements of the Development Regulations, and are complementary to uses within the permitted use classes and that their development will not inhibit or prejudice the existence or the development of such uses.
- (2) See Section B Regulation 10 concerning the Discretionary Powers of Authority and Regulation 32 concerning notice and process requirements for consideration.
- 3) Pursuant to Municipal Plan Section 6.1 (11), the Authority may require submission of a detailed site plan for review and approval, and an approved site plan may become a condition of approval. A site plan shall include information as directed by the Authority on any or all of the items listed below, according to the nature of the proposed development:
  - a) the dimensions and area of the site;
  - b) dimensions, uses and location of all existing and proposed buildings, including their floor plans and perspectives, distances between buildings, outdoor storage areas, and yards;
  - c) gross floor area of buildings;
  - d) dimensions of all parking areas, access roads and driveways;
  - e) function and type of landscaped areas;
  - f) landscaping plan and specifications including existing and proposed surface treatment, tree and shrub locations, types and sizes;
  - g) configuration and features of areas intended to separate incompatible land uses;
  - h) number and size of parking spaces and location;
  - i) location and size of signage;
  - j) location and width of all walkways, trails and footpaths;
  - k) location of loading zones;
  - l) proposed contours and drainage of surface runoff ditching;
  - m) surrounding land uses;
  - n) existing access constraints, e.g. right-of-ways which exist on site or adjacent to it, easements, or fire routes, and the means of satisfactorily addressing them;
  - o) location and intensity specifications for lighting;
  - p) measures for mitigation of the potential effects on wildlife;



- q) measures for mitigation of adverse effects of development on or near public trails or which may affect Blow Me Down Provincial Park;
- r) provisions for ongoing operation of features of the development which may involve commitments or obligations of the Town of York Harbour or its departments and agencies.

## **2. Yard Modification for Mobility Aids**

The yard requirement concerning development of access ramps for wheelchairs or similar aids for mobility which may not otherwise be approvable having regard to the yard requirement may be modified at Council's discretion provided that there is no practical alternative location and the installation does not create a safety hazard for pedestrians or vehicles.

## **3. Family and Group Care Homes**

Family and group care home class development may be approved as a discretionary use located in any dwelling or apartment that is adequate in size to accommodate the number of persons living in the group, inclusive of staff, provided that in the opinion of the Authority, the appearance of the dwelling does not materially differ from, nor adversely affect, the amenities of the adjacent residences or the neighbourhood in which it is located. The Authority may require special access and safety features to be provided for the occupants before occupancy is permitted.

## **4. Mobile Home Parks**

- (1) Development of a mobile home park as defined in Schedule A shall be subject to the same standards and conditions concerning water supply and sewage disposal and lot sizes, frontages and widths, and yards as for the single dwelling class, as if each space for placement of a mobile home were a lot.
- (2) Development of a mobile home park shall be subject to a development agreement between the owner and the Authority concerning the matters stated in the definition in Schedule A, including the management and maintenance of the streets and water service and sewage disposal which are privately owned and operated in such developments.

## **5. Developments Featuring Heavy Vehicles on Town Streets**

- (1) Any development featuring heavy motor vehicles or high street traffic volumes using Town streets, such as large industrial or commercial uses, which may impose traffic volumes or heavily loaded vehicles which would deteriorate the Town's streets or represent adverse effects on vehicle and pedestrian traffic safety, may be refused or approved with conditions.
- (2) Council will review proposals involving such potential damaging features, including use of professional studies and advice on traffic volumes and strength of Town streets. Proponents may be required at Council's request to submit suitable reports, prepared at the proponent's expense, for consideration.

## **6. Wind Turbines and Antennas**

- (1) The maximum height of the tower of a wind turbine or an antenna located on the developable terrace lands below the mountains shall be 15 metres.
- (2) Wind turbines of any height may be considered for development above the terrace lands said in (1).
- (3) The minimum setback of the towers of such structures from all lot lines shall be 10 metres plus (in the case of wind turbines) the length of one rotor blade for safety reasons related to ice shedding from the blades. In addition, guy wires and anchors of antennas and wind turbines must be on the same lot as the tower.
- (4) See Municipal Plan Section 6.1, Policy 9 for guidance concerning the jurisdiction of the Government of Canada for regulating antennas and the role of Council in dealing with applications for antenna developments. See the Definition of Antenna in Schedule A.

## **7. Temporary Uses**

- (1) Temporary uses involving the placement of a motor vehicle or travel trailer or equipment for itinerant or unusual short term activities or events such as community festivals may be approved subject to adequate arrangements for supply of potable water, disposal of sewage and solid waste, safety of vehicle and pedestrian traffic, security, and other matters relevant to the specific development. See Regulation 6(8).
- (2) The term of temporary uses shall be included in the conditions of approval, but shall not exceed three months of continuous occupancy except for compassionate or emergency

situations, for which specific terms of time shall be agreed between the Council and the party involved.

#### **8. Standards for Use of Private Water Supplies and Sewage Disposal Systems**

Lot area, frontage and lot width requirements for use of private water supplies and sewage disposal systems shall comply with the requirements of the provincial government, which are set out in a document published by the Department of Digital Government and Service NL titled "*Private Sewage Disposal and Water Supply Standards*", January, 2006. Those standards are not established by Council and are subject to change without notice. See also Regulation 47 and for subdivision of land Regulation 61.

#### **9. Structures Requiring Direct Access to a Body of Water**

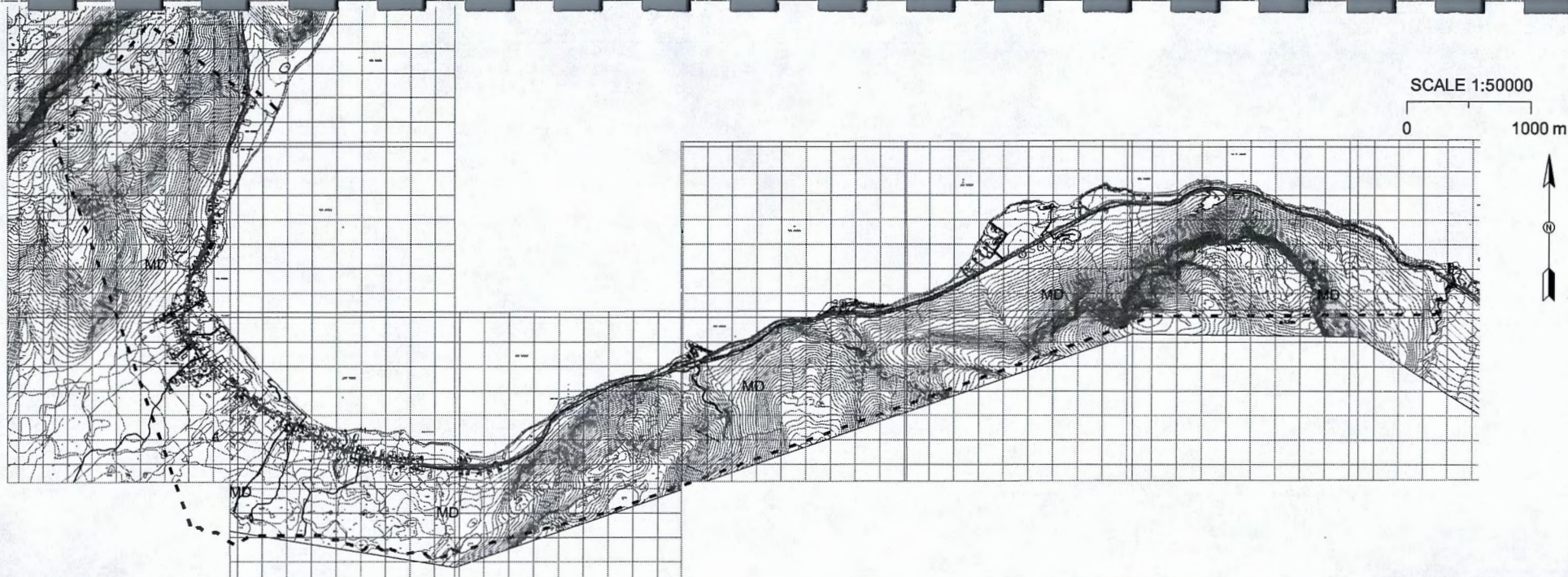
Development of boat sheds, boat houses, stages, wharves or any other structure requiring direct access to a water body, whether as an accessory use to a main use or as a main use, may be built to any lot line which corresponds to the high water mark.

#### **10. Waiver of Requirements for Cemeteries**

A lot to be created for an existing cemetery or expansion thereof may be of any size and the requirements for access to a public street and water supply and/or sewage disposal services, and for dedication for public open space, shall be waived.







# Development Regulations/Amendment

## REGISTERED

Number 2495-2021-000

Date 20.2.2021

Signature Xori Eway

### LEGEND:

----- MUNICIPAL PLANNING AREA  
BOUNDARY AND MUNICIPAL  
BOUNDARY COINCIDE

### LAND USE ZONES:

MD MIXED DEVELOPMENT

### NOTES:

1. The MD zone applies to the entire municipal planning area.

I, a Member of the Canadian Institute of Planners, certify that this Map 1 for the Development Regulations document has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000

Jens Jensen, P.Eng., MCIP.

Dated 24th of September 2021

MCIP Seal:



### TOWN OF YORK HARBOUR

Dated at York Harbour this 14<sup>th</sup> day of

September A.D. 2021

Nelson Childs  
Mayor, Town of York Harbour

Michelle Sheppard  
Clerk, Town of York Harbour

### COUNCIL SEAL

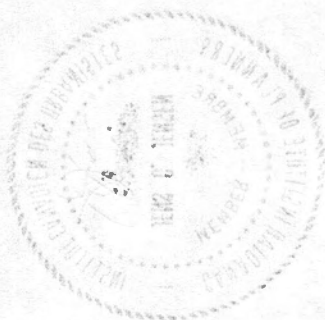
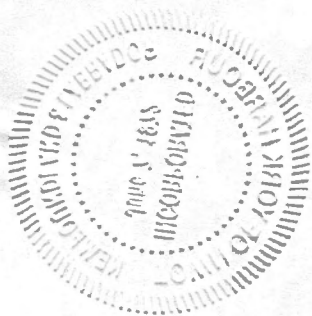


### HMJ Consulting Limited PROJECT NO. 16-002

5	APPROVED BY COUNCIL	1 SEPT 2021
4	RELEASED BY MAPA	15 JULY 2021
3	FOR s15 URPA REVIEW	2 JUN 2021
2	FOR COUNCIL REVIEW	9 APR 2021
1	FOR ECCM REVIEW	10 MAR 2021

TOWN OF  
York Harbour  
DEVELOPMENT REGULATIONS  
MAP 1  
LAND USE ZONING  
2020





100-1600-EPK  
100-1600-EPK  
100-1600-EPK