

Town of Cartwright **Development Regulations**

May 2024

Development Regulations

2024-2034

Town of Cartwright

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Urban and Rural Planning Act, 2000

Resolution to Approve

Town of Cartwright Development Regulations 2024

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act, 2000*, the Town Council of Cartwright

a) adopted the Town of Cartwright Development Regulations 2024 on the 6th day of December, 2023.

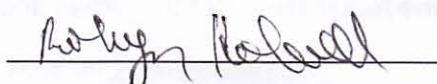
b) having no local newspaper, gave notice of the adoption of the Town of Cartwright Municipal Plan 2024 by advertisement posted at the Town Office and local post office on March 6, 2024.

c) set the 27th day of March, 2024 at 7:00 p.m. at the Town Office in the Town of Cartwright for the holding of a public hearing to consider objections and submissions.

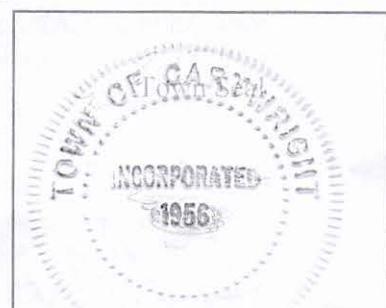
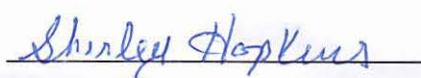
Now under the authority of section 23 of the *Urban and Rural Planning Act, 2000*, the Town Council of Cartwright approves the Town of Cartwright Development Regulations 2024 as adopted.

SIGNED AND SEALED this day of, June 12th, 2024.

Mayor:



Clerk:



APPROVED MAY 8, 2024
(MOTION 24-039)

Municipal Plan/Amendment

REGISTERED

Number 970-2024-000

Date 12 JULY 2024

Signature Bob Gaudet

Urban and Rural Planning Act, 2000

Resolution to Adopt

Town of Cartwright Development Regulations 2024

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Cartwright adopts the Town of Cartwright Development Regulations 2024.

Adopted by the Town Council of Cartwright on the 6th day of December, 2023.

Signed and sealed this 12th day of, June, 2024.

Mayor:

Ralph Howell

Clerk:

Shirley Hopkins



Canadian Institute of Planners Certification

I certify that the attached Town of Cartwright Development Regulations 2024, has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

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



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APPENDIX B: *Sample Test Items*

1. This page has been intentionally left blank.

1. The following sentence contains a misspelling. Identify the misspelled word and correct it.
The new manager is very good at his job.

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The new manager is very good at his job.

1. Title, Purpose, and Scope

1.1. Short Title

1.1.1. These regulations may be cited as the Cartwright Development Regulations.

1.2. Interpretation

1.2.1. Words and phrases used in these Regulations shall have the meanings assigned to them in Part 2, Definitions.

1.2.2. Words and phrases not defined in Part 2 shall have the meaning commonly assigned to them in the context in which they are used in these Regulations.

1.2.3. Unless otherwise stated, the singular form of a use includes the plural.

1.2.4. Any references to sections made in these Regulations are considered to be references to these same Regulations, unless otherwise indicated.

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

1.3. Commencement

1.3.1. These Regulations come into effect throughout the Cartwright Planning Area ("Planning Area") on the date of publication of a notice to that effect in the *Newfoundland and Labrador Gazette*.

1.4. Planning Area

1.4.1. These Regulations shall apply only to those areas of land shown on the maps contained in Schedule 'A'.

1.5. Municipal Code and Regulations

- 1.5.1. Nothing in these Regulations shall exempt any person from complying with other laws or regulations in force in Canada or Newfoundland and Labrador, or from those in force within the Town, or from obtaining any license, permission, permit, authority, or approval required thereunder.
- 1.5.2. Where the provisions of these Regulations conflict with any other municipal, provincial, or federal regulations, the more stringent provisions shall apply.
- 1.5.3. Where a provision within these Regulations conflict with another provision within these Regulations, the more stringent provision shall apply.

1.6. Delegation of Council

- 1.6.1. Where the term "Council" is referenced in these Regulations, Council may, by resolution, delegate its authority to administer the Regulations or part thereof to an employee of Council or an agent in the employment of Council.

1.7. Provincial Development Regulations

- 1.7.1. Provincial Development Regulations have been incorporated into these Regulations and are marked as follows:



Provincial
Reg. X



Urban and
Rural Planning
Reg. X

- 1.7.2. The Provincial Development Regulations shall be included in their entirety as Schedule 'C'. Where there is conflict between these Development Regulations and the Provincial Development Regulations, the Provincial Development Regulations shall apply.

1.8. Repeal of Regulations

- 1.8.1. The following Regulations are repealed as of the effective date of these Regulations:
 - (a) Town of Cartwright Development Regulations, Gazetted on August 30, 1995, as amended.

1.9. Severability

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

2. Definitions



Abattoir means a building or structure specifically designed to accommodate the penning and slaughtering of farm animals and related primary processing which may include the on-site packing, treating and storage of product.



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



Accessory Building includes:

- i. a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,
- ii. for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television antennae,
- iii. for commercial uses, workshops or garages, and
- iv. for industrial uses, garages, offices, raised ramps and docks.

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.



Accommodation means a building or group of buildings not intended for residential use where sleeping facilities are provided for persons and which may also contain recreational facilities, commercial uses and additional facilities including but not limited to eating establishments, drinking establishments, room service, meeting rooms, public convention rooms, and laundry service, but does not include lodging establishments.

Act, unless the context indicate otherwise, means the *Urban and Rural Planning Act, 2000*.

Adjudicator means an adjudicator appointed under Section 40 of the *Urban and Rural Planning Act, 2000*.

Agriculture Use means the use of land, buildings or structures for the cultivation of crops, the raising and pasturing of farm animals, bee keeping, or the packing, storing and treating of produce, in accordance with normal farm practices.

Agriculture Related Use means the use of land, buildings, or structures for processing and storage of agricultural crops; fertilizer production; brewing, wine-making, and similar uses; the sale of farm produce to the general public; and tourism activities related to on-site agricultural activities, such as u-picks or hay rides; but excludes the processing of animals, which is covered by the definition for abattoirs.

Animal Unit means any one of the following animals or groups of animals, or part thereof:

- 1 bull;
- 100 broiler chickens;
- 1 cow (including calf);
- 100 female mink (including associate males and kits);
- 4 goats;
- 2 hogs
- 1 horse (including foal);
- 125 laying hens
- 4 sheep (including lamb);
- 1 sow or breed sow; or
- 100 turkeys, geese, ducks.

Appeal Officer means an employee of the department designated under subsection 40(5) of the *Urban and Rural Planning Act, 2000*.



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

Aquaculture means the growing and cultivation of aquatic plants or fish, for commercial purposes, in any water environment or on land in human-made containers of water, and includes the growing and cultivation of shellfish on, in, or under the foreshore or in the water.

Boarding House means a dwelling in which the proprietor supplies either room or room and board for monetary gain and which is not open to the public.

Building 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 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.

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.

Campground means the use of land, or part thereof, for providing an overnight camping experience to the travelling public in tents, yurts, bunkies, travel trailers, recreational vehicles, campers, and similar structures and/or vehicles, but does not include an accommodation or lodging establishment uses.

Child Care Facility means a place where children are cared for without overnight accommodation, but does not include a school.

Commercial means the use of land, buildings or structures for the purpose of buying and selling commodities and/or supplying of services as distinguished from uses such as manufacturing or assembling of goods, warehousing, transportation depots, construction and other similar uses.

Council means the elected Council of the Town of Cartwright.

Craft Product means products assembled or made by hand or small custom production processes including but not limited to potters, pewterers, goldsmiths, silversmiths, jewelers, toy makers, leather workers, upholsterers, woodworkers, furniture makers, musical instrument makers, clothing designers and makers, shoemakers, antique refinishers, glass or stained glass workers, and caterers.

Development means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of a material change in the use, or the intensity of use of land, buildings or premises and the:

- i. making of an access onto a highway, road or way,
- ii. erection of an advertisement or sign,
- iii. construction of a building,
- iv. parking of a trailer, or vehicle used for the sale of refreshments or merchandise, or as an office, or for living accommodation,

and excludes the

- i. carrying out of works for the maintenance, improvement or other alteration of a building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building,
- ii. carrying out by a highway authority of works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation,
- iii. carrying out by a local authority or statutory undertakers of works for the purpose of inspecting, repairing or renewing sewers, mains, pipes, cables or other apparatus, including the breaking open of street or other land for that purpose, and
- iv. use of a building or land within the courtyard of a dwelling house for a purpose incidental to the enjoyment of the dwelling house as a dwelling.

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.

Dwelling means a building containing at least one (1) dwelling unit for human habitation, which is capable of being occupied as a home or residence, and for greater certainty:

Double Dwelling means a building containing two (2) dwelling units, placed one above the other, or side by side, but does not include a single dwelling containing a secondary dwelling.

Multi-unit Dwelling means a building containing three (3) or more dwelling units.

Secondary Dwelling means a dwelling that contains one (1) dwelling unit and is located on a lot containing a single dwelling, or within a single dwelling.

Single Dwelling means a dwelling containing one (1) dwelling unit or one (1) dwelling unit and a secondary dwelling.

Dwelling Unit means one (1) or more habitable rooms that may be used as a residence by an independent, separate household, which: has a bathroom for exclusive use of the household; has a kitchen for the exclusive use of the household; and has a private entrance from outside the building or from a common hallway or stairway.

Engineer means a professional engineer, licensed to practice in Newfoundland and Labrador, employed or retained by the Town.



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.



Existing means legally existing on the specified date or, where no date is specified, as of the effective date of these Regulations.

Flag Lot means a lot characterized by the main body of the lot generally to the rear of another lot and with lot frontage provided by a narrow prolongation or "pole" that extends from the main body of the lot to a public or private road.



Floor Area means the total area of all floors in a building measured to the outside face of exterior walls.

Frontage means the horizontal distance between side lot lines measured at the building line.

General Industry means the use of any 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.

Hazardous Industry means the use of land or buildings for industrial proposes involving the use of materials or processes which because of their inherent characteristics, constitute a special fire, explosion, radiation or other hazard.

Home-based Business means an accessory use of a dwelling and/or accessory building for gainful employment involving the provision or sale of goods and/or services.



Land includes land covered by water and buildings and structures on, over, under the soil and fixtures that form part of those buildings and structures

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

Lodging Establishment means a single dwelling in which overnight accommodation is provided to the travelling public. The provision of meals may be included as a lodging establishment use (usually breakfast, but occasionally other meals as well) to overnight guests. The lodging establishment use shall not include the provision of meals to non-guests.

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

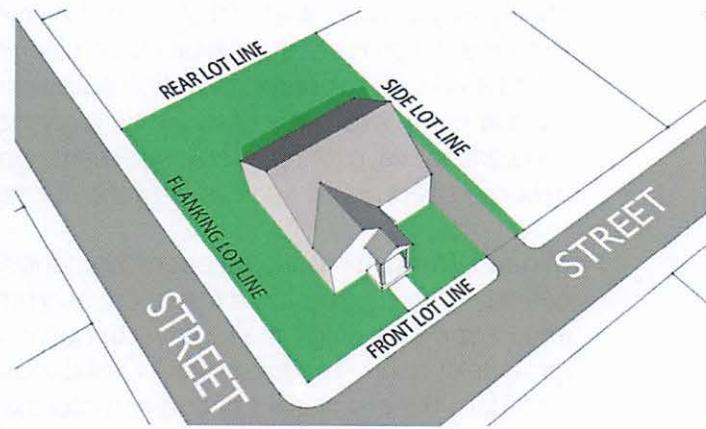
Lot Area means the total horizontal area within the lines of the lot.

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

Lot Line means an outer boundary for a specific lot, and for greater clarity:

Flanking Lot Line means a side lot line that abuts the street or private road on a corner lot.

Front Lot Line means the line dividing the lot from the street or private road. In the case of a corner lot or a lot with more than one line abutting a single street or private road the shorter boundary line abutting the street or private road shall be deemed the front lot line. In the case of a through lot the longer boundary dividing the lot from the street or private road shall be deemed to be the front lot line. In the case of a lot that does not have any line abutting a street or private road, the lot line closest to an existing street shall be deemed the front lot line.



Rear Lot Line means the lot line on the opposite side of the front lot line and which is not a flanking lot line. Where the rear lot line is not apparent or does not exist due to the configuration of the lot, the rear lot line shall be considered a horizontal line, parallel to the front lot line, measured 3.3 metres from the furthest point of the front lot line, to the interior of the lot.

Side Lot Line means a lot line other than a front or rear lot line.

Main Building means any building in which is carried on the principal purpose for which the lot is used.

Marine Transportation means the use of land or buildings intended for the storage, mooring or the transportation of marine vessels.

Mobile Home means a prefabricated dwelling designed to be transported to a site where it is to be occupied as a dwelling complete and ready for occupancy, either remaining on a chassis and wheels or placed on a permanent footing. This definition excludes mini-homes and other types of pre-cut or multi section assemblies that form a dwelling.

Mineral Exploration means the search for and sampling of materials or quarry materials where the activity or activities involved meet the definition of "development" under the *Urban and Rural Planning Act*, 2000. "Mineral" and "quarry material" for the purpose of interpreting the definition of mineral exploration (development) are as defined in the provincial *Mineral Act* and *Quarry Materials Act*, 1998, respectively. Mineral exploration does not include mining or mineral working (e.g., quarrying). Activities which meet the definition of mineral exploration (development) are to be contrasted with mineral exploration activities that do not meet the definition of development, examples of which 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 means an operation consisting of one or more of the following activities: the digging for, excavation, and removal of quarry materials (i.e. quarrying) (may involve blasting), the removal of quarry materials previously excavated, the removal of quarry materials previously deposited on site, the stockpiling of quarry materials, the processing of quarry materials (e.g., crushing, screening, washing), the production of civil construction materials which use quarry materials in their natural form (e.g., asphalt, concrete), the re-processing of quarry materials including from reclaimed civil construction materials (e.g., reclaimed asphalt, concrete), the production of soil by blending organic materials with quarry materials, or the treatment or remediation of soil. "Quarry material" for the purpose of interpreting the definition of mineral working is as defined in the provincial *Quarry Materials Act*, 1998. Mineral working does not include mining but may include mineral exploration (development) as a secondary activity. Mineral working does not include the excavation and removal of quarry materials as a by-product of an approved development.

Mining means 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.



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.

Office means a room or rooms where business may be transacted or consultation given but shall not include the manufacturing of any product or the retail selling of goods.

Outdoor Display means the display of retail goods or materials intended for the immediate sale to the general public where such goods are not enclosed within a building.

Outdoor Storage means storage exterior to a building of items such as merchandise, goods, inventory materials, or equipment and where such items are not intended for immediate sale; but does not include items ancillary to a residential use, such as, but not limited to, firewood for on-site consumption.



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



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.

Personal Service means a business use involved with the provision of a personal service to the general public for monetary gain, such as a repair shop, dry cleaning establishment, barber shop, tattoo shop, or tailor.

Place of Worship means a place dedicated to religious worship and may include, but is not limited to, halls or auditoriums for religious gathering, accessory office space for administrators, day nurseries operated for patrons, and classroom space for religious instruction.



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.

Rear Yard Depth means the distance between the rear lot line and the rear wall of the main building on a lot.

Recreational Vehicle means a vehicle intended as temporary accommodation for travel, vacation, or recreational use. Such vehicles may include, but are not limited to, a motor home, fold-down camping trailer, truck camper, holiday trailer, or fifth wheel travel trailer, but does not include any vehicle that is derelict or a mobile home.

Restaurant means a building or part thereof where food and/or drink intended for immediate consumption is prepared and served to the public.

Dine-in Restaurant means a restaurant or part thereof where food and/or drink may be consumed within the building or on an attached, formalized outdoor space.

Take-out Restaurant means a restaurant or part thereof that does not provide facilities for consumption of food or drink on the premises, or only provides informal outdoor eating facilities such as picnic tables.

Salvage means waste or surplus automobiles, transportation vehicles, or industrial equipment, including any parts or pieces that have been removed, for the purposes of disposal or future use.

Salvage Yard means any commercial premise where the receipt, storage, sale, resale and processing of salvage occurs.

School, Educational means the use of a building or part thereof as an educational establishment, whether public or private, intended for the academic instruction of students up to the completion of Grade 12, and may include elementary schools, junior high schools, high schools, and consolidated schools, but does not include daycares as the main use

School, Commercial means the use of a building or part thereof as an educational establishment, whether public or private, intended for instruction in extracurricular activities and/or vocational skills and shall include, but is not limited to, dance schools, music schools, sports schools, driving schools, culinary institutes, hair schools, computer schools, and other similar schools, but does not include post-secondary schools.

School, Post-secondary means the use of a building or part thereof as a degree- or diploma-granting public educational establishment intended for the academic instruction of students after the completion of Grade 12.

Seasonal Residence means a dwelling which is designed or intended for seasonal or recreational use, and is not intended for use as permanent living quarters.

Service Station means any land or buildings used exclusively for the sale of petroleum products, automotive parts and accessories, minor repairs, washing and polishing of automobiles.

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

Shopping Centre means 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.



Side Yard Depth means the distance between the side lot line and the nearest side wall of a building on the lot.



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

Small Option Home means a family home, group care facility, or similar facility for the non-medical care for up to six persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual, but does not include a facility licensed by Corrections Canada or Department of Justice and Public Safety or successor bodies.

Solar Collector System means a structure or array of structures, and ancillary equipment, designed to collect solar radiation and convert it to useable forms of energy. Without restricting the generality of this definition, solar collector system may include evacuated tubes, flat plate collectors, concentrating mirrors, and building-integrated photovoltaic materials but does not include windows or greenhouses.

Special Care Use means a use or building designed for people seeking assisted home care by the content and layout of the structure (size, number of bedrooms, shared kitchens, etc.), provisions for common dining facilities, recreation areas, lounges, libraries, respite units, and the accessibility of all units and facilities for persons living with disabilities.

Provinci
Reg. 4(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.

Provinci
Reg. 4(u)

Street Line means the edge of a street reservation as defined by the authority having jurisdiction.

Rural Planning
Reg. 2(q)

Subdivision means the dividing of land, whether in single or joint ownership into 2 or more pieces for the purpose of development.

Tavern 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 is provided.

Temporary Use means a use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

Town means, where the context dictates, either the geographical areas within the Town of Cartwright, the geographical areas within the Town of Cartwright Planning Area, or the body corporate of the Town of Cartwright.

Reg. 4(v)

Use means a building or activity situated on a lot or a development permitted on a lot.

Reg. 4(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.

Provinci
Reg. 4(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.

Watercourse means any lake, pond, river, stream or other body of water.

Wetland means the land usually or at any time occupied by water, where the water table is at or is just above the surface of the land either permanently or intermittently, depending upon the class of the wetland which includes bogs, fens, marshes, swamps and shallow water zones along shorelines of bodies of water.

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

Front Yard means the yard extending across the full lot width, between the front lot line and the nearest wall of any main structure on the lot.

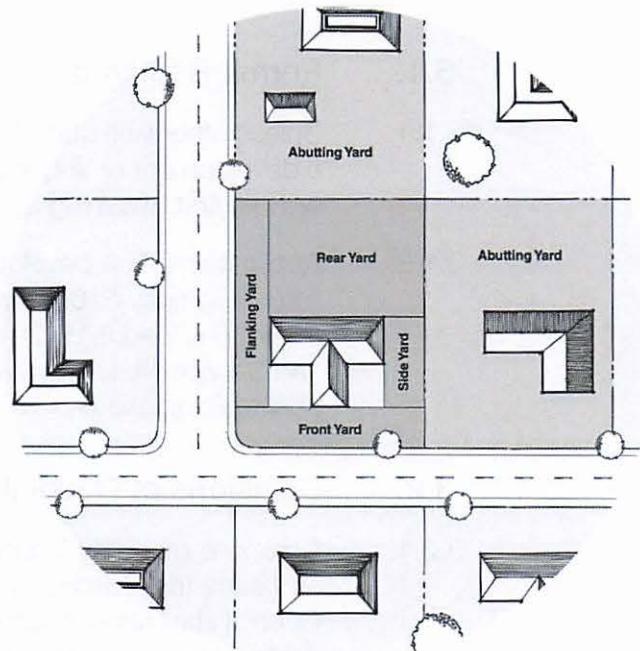
Rear Yard means the yard extending across the full lot width, between the rear lot line and the nearest wall of any main structure on the lot, excluding any area of the lot this is a flanking yard.

Side Yard means the yard between the front yard and the rear yard, and between the side lot line and the nearest wall of any main structure on the lot.

Flanking Yard means a yard between any wall of the main building and a flanking lot line, excluding any areas of the lot that is a front yard.

Abutting Yard means the yard of an abutting lot which shares a lot line of subject property.

Zoning Map means the map or maps attached to and forming a part of the authority's regulations.



3. Administration

3.1. Permit Required

- 3.1.1. Unless otherwise stated in these Regulations, no person shall undertake a development or subdivision of land within the Cartwright Planning Area without first obtaining a permit from Council.
- 3.1.2. Applications for a development permit within 100.0 metres of the centre line of Highway 516, between the Planning Area's western boundary up to Airstrip Road (516-2), shall also be submitted to Digital Government and Service NL for review under the authority of the *Protected Road Zoning Regulations*.

3.2. Decisions of Council

- 3.2.1. Decisions made by Council regarding a permit shall be made in writing, and state the reasons for a refusal of, or conditions attached to, a permit. Council shall also advise the person to whom the decision applies of their right to appeal, in accordance with the Act.
- 3.2.2. Council may, in its discretion, and as a result of its consideration of the matters set out in the Development Regulations, conditionally approve or refuse an application to carry out development. Council 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 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.

3.3. Permit to be Issued

3.3.1. Subject to Section 3.4, a permit shall be issued for development within the Planning Area if it conforms to:

- (a) the policies expressed in the Municipal Plan and any further scheme, plan, or regulation pursuant thereto;
- (b) the standards set out within these Regulations;
- (c) the standards set out in the *National Building Code of Canada* and/or other ancillary codes, and any building regulations, waste disposal regulations, and/or any other municipal regulation in force in the Planning Area regulating or controlling development, conservation and use of land and buildings; and
- (d) the standards of design and appearances established by Council.

3.4. Permit Not to be Issued in Certain Cases

3.4.1. In considering an application for a permit or for Approval in Principle to carry out development, Council shall consider the policies expressed in the Municipal Plan and any further scheme, plan, or regulations made under the policies of the Plan.

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

- (a) conflicting with the matters considered under Subsection 3.3.1;
- (b) lacking adequate road access;
- (c) lacking adequate electrical power or access to communications utilities;
- (d) lacking adequate drainage;
- (e) lacking adequate sanitary facilities, domestic water supply, or fire suppression flows;
- (f) being beyond the natural development of the area at the time of application;
- (g) lacking adequate access to open space, schools, or other necessary amenities; or
- (h) where the proposal would be detrimental to public safety and convenience.

3.5. Developments Not Requiring a Development Permit

3.5.1. The following developments shall not require a development permit:

- (a) Interior renovations that do not change the land use, volume or exterior dimensions of the building, or number of dwelling units.
- (b) Except on registered heritage buildings, exterior renovations that do not change the land use, volume or exterior dimensions of the building, or number of dwelling units.
- (c) Personal offices or studios meeting the requirements of 4.14.1.
- (d) Instruction of one student at a time meeting the requirements of 4.14.3.
- (e) Exempt signage as outlined in 6.5.

3.5.2. For greater clarity, developments not requiring a development permit shall still comply with the requirements of these Regulations and other permits may still be required. Applicants should inquire with the Town prior to undertaking any development.

3.6. Application Requirements

3.6.1. Every application for a development permit shall be made in writing on an approved form and shall include:

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

3.6.2. Site plans prepared for a development permit application shall be drawn to an appropriate scale and showing information as required by Council, such as, but not limited to:

- (a) the true shape and dimensions of all lots for which development is proposed;
- (b) identification of all abutting streets and private roads;
- (c) identification of rights-of-way and easements within the subject property;
- (d) proposed location, height, and dimensions of any building, structure, or work for which the permit is applied;
- (e) location of every building or structure already erected on or partly on the subject property, and the approximate location of every building within 10.0 metres of the subject property on contiguous lots;
- (f) existing and proposed services;
- (g) existing and proposed drainage ditches or culverts;
- (h) location of existing and proposed solid waste storage areas;
- (i) proposed location and dimensions of parking spaces loading spaces, driveways, and landscaping areas;
- (j) north arrow, scale, date of drawing, and identity of drawing author; and,
- (k) other such information as may be necessary to determine whether or not every such development conforms with the requirements of these Regulations.

3.6.3. In addition to the requirements of Subsection 3.6.1, an application for an approval of a subdivision shall provide the following information:

- (a) the proposed land use of the subdivision;
- (b) a site survey prepared and stamped by a Newfoundland Land Surveyor;
- (c) the proposed method of water and sewer services;
- (d) the proposed street access and layout of internal streets and lots, where applicable;
- (e) the proposed public open spaces if applicable; and,
- (f) any other requirements established in these or other Municipal, Provincial or Federal Regulations.

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

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

3.7. Development Permit for Temporary Uses

3.7.1. Council may issue a temporary development permit subject to the following requirements:

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

3.8. Register of Application

3.8.1. The Town shall keep a public register of all applications for development, including Council's decision on each application and the result of any appeal from that decision.

3.9. Time Period for Approval

3.9.1. An application properly submitted in accordance with these Regulations shall be determined within eight (8) weeks of the receipt by Council.

3.9.2. Where no decision on an application has been made within eight (8) weeks of its submission, the application shall be deemed to be refused.

3.10. Deferment of Application

- 3.10.1. Notwithstanding Section 3.9., Council may defer consideration of an application where additional information or consideration is required.
- 3.10.2. Council may defer decisions on an application within a specified area where Council has directed that a planning study or other similar study pertaining to the future use and development of the specified area be undertaken.
- 3.10.3. Council shall notify the applicant that a deferral has been made and the reason for deferral.

3.11. Approval in Principle

- 3.11.1. An application for Approval in Principle shall include:
 - (a) a description of the proposed development;
 - (b) a description of the limits of the land to be used with the proposed development, and may include a survey description of the subject lands;
 - (c) submission of a site plan, conforming to Section 3.6.; and,
 - (d) any additional information that may be required by Council.
- 3.11.2. Council may issue an Approval in Principle if it determines the application conforms to the Municipal Plan and these Regulations.
- 3.11.3. An Approval in Principle shall be valid for two (2) years.
- 3.11.4. No development shall be carried out under an Approval in Principle.
- 3.11.5. Council may revoke an Approval in Principle if it determines the applicant has changed the proposed development in a way that significantly alters the original intent of the application.

3.12. Approval

- 3.12.1.** Approval for an application shall be granted by Council in the form of a development permit for applications approved under these Regulations.
- 3.12.2.** A plan or drawing that has been approved by Council and which bears a mark and/or signature indicating such approval together with a permit shall be deemed to be permission to develop. Such permission shall not relieve the applicant from:
 - (a) full responsibility of obtaining permits or approvals under any other regulation or statute prior to commencing the development;
 - (b) having the work carried out in accordance with these Regulations, the *National Building Code of Canada*, or any other regulations or statutes; and,
 - (c) compliance with all conditions attached to an approval or a permit.
- 3.12.3.** Council may attach to a permit or to Approval in Principle such conditions as it deems fit to ensure that the proposed development will be in accordance with the purpose and intent of these Regulations.
- 3.12.4.** A development permit shall be valid for one (1) year. If the development has not commenced, the permit may be renewed for a further period not in excess of one (1) year, but a permit shall not be renewed more than once.
- 3.12.5.** The approval of any application and plans or drawing, or the issue of a permit shall not prevent Council from requiring the correction of errors, or from ordering the cessation, removal of, or remedial work on any development being carried that is in violation of this or any other regulations or statute.
- 3.12.6.** No person shall erase, alter, or modify any drawings or specifications upon which a permit to develop has been issued by Council.
- 3.12.7.** There shall be kept available on the premises where any development is 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 until completion of the development.

3.13. Revocation of Permit

3.13.1. Council may revoke an approval and any subsequent permits where:

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

3.14. Public Notice

3.14.1. Council shall give public notice, at the applicant's expense, at least 14 days prior to rendering a decision on an application for:

- (a) a permit when a change in non-conforming use is to be considered under Section 4.22.;
- (b) a permit when the development proposed is listed as a discretionary use in the use zones;
- (c) a variance, as required by Section 3.27; or
- (d) at their discretion, Council may advertise an application to undertake development should it be, in the opinion of Council, advisable to do so.

3.15. Right of Entry

3.15.1. Council, or other persons authorized by Council, 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 that Council is empowered to regulate.

3.16. Restoration to a Safe Condition

3.16.1. Nothing in these Regulations shall prevent the restoration of any building or structure to a safe condition, as determined by a designated official of the Town.

3.17. Existing Structures and Uses

3.17.1. A structure or use of land shall be deemed to be existing on the effective date of these Regulations if:

- (a) it has lawfully been constructed;
- (b) has lawfully commenced;
- (c) is lawfully under construction; or
- (d) all required permits for its construction or uses were in force and effect, except that this shall not apply unless the construction or use is commenced within 12 months after the date of the latest issuance of the required permits.

3.18. Stop Work Order and Prosecution

3.18.1. Where a person begins a development contrary or apparently contrary to these Regulations, Council may order that person to stop the development as per Section 102 of the *Urban and Rural Planning Act, 2000*.

3.18.2. Council may further order a person to pull down, remove, stop construction, fill in, or destroy that building or development, and restore the site or area to its original state, pending final adjudication in any prosecution arising out of the development as per Section 102 of the *Urban and Rural Planning Act, 2000*

3.18.3. An order made under Subsection 3.18.1 shall be confirmed by majority vote of the members of Council present at the next meeting of Council after the order is made and if the order is not confirmed in this manner it shall be considered cancelled.

3.18.4. A person who does not comply with an order made under Subsection 3.18.1 is guilty of an offence under the provisions of the Act.

3.19. Service Levy

- 3.19.1. Council may require an owner of property 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 carrying out of public works either on or off the site of the development.
- 3.19.2. A service levy shall not exceed the cost, or estimated cost, including finance charges to the Town, of constructing or improving the public works referred to in Subsection 3.19.1 that are necessary for the real property to be developed in accordance with the standards required by Council and for uses that are permitted on that property.
- 3.19.3. A service levy shall be assessed on the property based on:
 - (a) the amount of real property benefitted by the public works; and,
 - (b) the density of development made capable or increased by the public works.
- 3.19.4. Council may require a service levy to be paid by the owner of the property:
 - (a) at the time the levy is imposed;
 - (b) at the time development of the property commences;
 - (c) at the time development of the property is completed; or,
 - (d) at such other time as Council may decide.

3.20. Financial Guarantees by Developer

- 3.20.1. Council may require a developer, before commencing a development, to make such financial provisions and/or enter into such agreements as may be required to guarantee the payment of service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit or license.
- 3.20.2. The financial provisions made under Subsection 3.20.1. may be in the form of:
 - (a) a cash deposit from the developer, to be held by Council;
 - (b) an irrevocable Letter of Credit issued by a bank;
 - (c) a performance bond provided by an insurance company or a bank; or,
 - (d) an annual contribution to a sinking fund held by Council.

3.21. Dedication of Land for Public Use

3.21.1. Council may, for a development not involving a subdivision, require a portion of the land to be developed to be conveyed to the Town for a public purpose where public works are required to accommodate the proposed development.

3.22. Reinstatement of Land

3.22.1. Council may order a developer, the occupier of a site, the owner, or any of them to restore a site to the satisfaction of Council where:

- (a) a person has undertaken or commenced a building or other development contrary to the Development Regulations;
- (b) a development permit has been revoked; or,
- (c) a temporary development permit has expired.

3.23. Notice of Right to Appeal

3.23.1. Where the Authority makes a decision that may be appealed under section 41 of the Act, the Authority shall, in writing, at the time of making that decision, notify the person to whom the decision applies of the:

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

3.24. Appeal Eligibility

3.24.1. A person or group of persons aggrieved by a decision of Council, or a designated representative of Council, may appeal the decision to an adjudicator where:

- (a) the decision is permitted to be appealed to an adjudicator under the Act; or
- (b) the decision is permitted to be appealed under the regulations and the decision relates to one or more of the following:
 - . an application to undertake a development
 - i. a revocation of an approval or a permit to undertake a development; or
 - ii. the issuance of a stop work order.
- (c) a decision of Council to adopt, approve or proceed with a plan, a scheme, development regulations and amendments and revisions of them is final and not subject to an appeal.

3.25. Development Prohibited

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

3.26. Variances

- 3.26.1. 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
- 3.26.2. 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%.
- 3.26.3. An authority shall not permit a variance from development standards where the proposed development would increase the non conformity of an existing development.

3.27. Notice of Variance

- 3.27.1. Where an authority is to consider a proposed variance, that authority shall give written notice of the proposed variance from development standards to all persons whose land is in the immediate vicinity of the land that is the subject of the variance.

4. General Standards

4.1. Application of General Provisions

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

4.2. Access and Service Streets

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

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

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

4.3. Accessory Buildings

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

- (a) Accessory buildings shall be clearly incidental and complementary to the use of the main buildings in character, use, and size.
- (b) Accessory buildings may be located on the same lot as the main building to which it is accessory, or on an abutting lot where both lots are under the same ownership.
- (c) Accessory buildings shall meet any use-specific requirements outlined elsewhere in these Regulations.
- (d) Accessory buildings shall not be erected or placed upon any easements.
- (e) Accessory buildings shall not be used for human habitation except where a development permit has been acquired for a secondary dwelling.

4.4. Accessory Uses

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

4.5. Advertisements and Signage

4.5.1. Advertisements and signage shall not be erected or displayed except in accordance with Part 6 of these Regulations.

4.6. Archaeological Assessment

4.6.1. Where archeological resources are known to exist, or where they are likely to exist based on location or historical evidence, applications for development shall be forwarded to the Provincial Archaeology Office, Department of Tourism, Culture, Arts and Recreation for review to determine if a Historic Resources Impact Assessment or other legislated review is required under the *Historic Resources Act, 1990*. Council or the Provinces Archaeology Office may require an assessment, and assessments directed by Council, at the expense of the applicant, shall be reviewed by the Provincial Archaeology Office. Council may, at their discretion unless directed by the Provincial Archaeology Office or other Provincial Department, apply conditions for the protection and preservation of any archaeological resources.

4.6.2. Where any public works project or development disturbs undeveloped ground, Council may refer the project or development to the Provincial Archaeology Office, Department of Tourism, Culture, Arts and Recreation for review and consideration under the *Historic Resources Act*.

4.7. Buffers

- 4.7.1.** Where any industrial development permitted in any zone abuts an existing or approved residential use or is separated from it by a road or street only, the owner of the industrial development shall provide a buffer strip not less than 5.0 metres wide between residential use and the industrial property.
- 4.7.2.** Where development is proposed that, in the opinion of Council, will have a visual impact on a highway, viewscape, or abutting land use, Council may require the owner of the site to provide a separation buffer to screen the development.
- 4.7.3.** Buffers required under Subsection 4.7.1. and Subsection 4.7.2. shall include provision of such natural or structural barrier as may be required by Council and shall be maintained by the owner or occupier, at their expense, to the satisfaction of the Council.

4.8. Building Height

- 4.8.1.** Except for accessory buildings, Council may permit the erection of buildings of a height greater than that specified in the use zone but in such cases the minimum front and rear setback requirements shall be altered as follows:
 - (a) The front setback shall be increased by 2.0 metres for every 1.0 metre increase in height.
 - (b) The rear yard shall not be less than the minimum front setback, calculated as described in Regulation 4.8.1(a), above, plus 6.0 metres.

4.9. Building Height Exemption

- 4.9.1.** Zone requirements for maximum building height shall not apply to church spires, mosque qubbas or domes, minaret towers, water tanks, elevator enclosures, stairwells, silos, flag poles, television or radio antennas, commercial communication towers, ventilators, skylights, chimneys, clock towers, tree houses, or public art.

4.10. Building Lines and Setback

4.10.1. Council may, by resolution, establish building lines on an existing or proposed street or service street and may require any new buildings to be located on those lines, whether or not such building lines conform to the standards set out in the land use zones.

4.11. Comprehensive Development

4.11.1. Council may permit comprehensive development on a specified parcel(s) of land where development requires a level of oversight that cannot be achieved through the standard development and permitting process, through a Comprehensive Development Plan.

4.12. Fences

4.12.1. Fences shall be permitted in all zones.

4.12.2. The maximum height of a fence shall be 2.0 metres.

4.13. Heritage Properties

4.13.1. Provincially registered heritage properties require permission from the minister responsible for the *Historic Resources Act* prior to moving, demolishing, or altering the heritage resource. Applicants for such alterations are recommended to contact the Heritage Foundation of Newfoundland and Labrador prior to undertaking any work.

4.13.2. A building, structure or land designated by a Council as a heritage building, structure, or land shall not be demolished or built upon nor the exterior of the building or structure altered, except under a written permit of Council specifically authorizing the alteration and in accordance with the terms and conditions of the permit.

4.13.3. When evaluating a proposal for alteration of a municipally registered heritage property, as provided for by Subsection 4.13.2., Council shall not authorize the alteration(s) unless Council is satisfied the proposal does not harm the character defining elements of the property as outlined in the property's statement of heritage value.

4.14. Home-based Businesses

Personal Office or Studio

- 4.14.1.** Nothing in these Regulations shall prevent the use of a portion of any dwelling or building accessory to a dwelling as a personal office or studio for residents of the dwelling if the personal office or studio is not intended to be visited by members of the public.
- 4.14.2.** No development permit shall be required for a personal office or studio.

Instruction of One Student at a Time

- 4.14.3.** Nothing in these Regulations shall prevent the use of a portion of any dwelling or building accessory to a dwelling for the instruction of one student at a time.
- 4.14.4.** No development permit shall be required for the instruction of one student at a time.

Home-based Businesses

4.14.5. Home-based businesses shall meet the following requirements:

Table 4-1.

Home-based Business Requirements.

(a) Permitted Uses	<ul style="list-style-type: none">i. Art gallery and salesii. Officeiii. Childcare facility – 7 or fewer dependentsiv. Commercial school – 6 or fewer studentsv. Craft product workshopvi. Cultural and civicvii. Home officesviii. Household item service repairix. Medical and professionalx. Personal service shop
(b) Maximum Number of On-site, Non-resident Employees	2
(c) Maximum Floor Area of Home-based Business	25 percent of the gross floor area of the dwelling unit or 50.0 square metres, whichever is less. The maximum floor area shall not apply to child care facilities.
(d) Outdoor Storage and Display	Outdoor storage and displays shall not be permitted.
(e) Retail Sales	Retail sales shall be permitted if they are related to and incidental to the primary service being provided by the home-based business.

4.14.6. The principal operator of a home-based business shall reside in the dwelling where the use is located.

4.14.7. A single, non-illuminated, free-standing sign, not exceeding 0.4 square metres in area, shall be permitted for a home-based business.

4.14.8. Accessory buildings may be used to contain a home-based business provided the floor area of the business does not exceed 50.0 square metres.

4.15. Livestock Structures and Uses

4.15.1. No structure designed to contain more than five (5) animal units shall be erected or used unless it complies with the following requirements:

- (a) The structure shall be at least 600.0 metres from a residence, except a farm residence or a residence which is a non-conforming use in any zone in which agriculture is a permitted use class in the use zones of these Regulations.
- (b) The structure shall be at least 60.0 metres from the boundary of the property on which it is to be erected.
- (c) The structure shall be at least 60.0 metres from any watercourse or protected watershed area.
- (d) The structure shall be at least 90.0 metres from the centre line of a street.
- (e) The erection of the structure shall be approved by the Department of Industry, Energy and Technology and the Department of Environment and Climate Change.

4.16. Lot Area

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

4.16.2. Where any part of a lot is required by these Regulations to be reserved as a yard, it shall continue to be so used regardless of any change in the ownership of the lot or any part thereof, and shall not be deemed to form part of an adjacent lot for the purpose of computing the area thereof available for building purposes.

4.17. Lot Area and Size Exemption

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

4.18. Lot Frontage

- 4.18.1. Every main structure, except for those in the Watershed and Environmental Protection (WEP) Zone and the Rural (R) Zone, shall be located on a lot that abuts a publicly maintained road or highway or a private road existing on December 6th, 2023, or forms part of a Comprehensive Development Scheme.

4.19. Landscaping and Screening

- 4.19.1. All land except that used for structures and main uses, parking, and vehicle access shall be landscaped and maintained by the owner or occupier to the satisfaction of Council.
- 4.19.2. Council may, in the case of existing unsightly development, order the owner or occupier to provide adequate and suitable landscaping or screening; and for this purpose, may require the submission of an application giving details of the landscaping or screening, and these Regulations shall then apply to that application.
- 4.19.3. The provision of adequate and suitable landscaping or screening may be made a condition of any development permit where, in the opinion of Council, the landscaping or screening is desirable to preserve amenity or to protect the environment.
- 4.19.4. Council may require any applicant to provide a stormwater runoff plan, prepared by a qualified professional at the applicant's expense, so the development adheres to net-zero stormwater runoff standards, whereby no net increase in stormwater runoff is caused as the result of a development.

4.20. Multiple Main Buildings

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

4.21. Multiple Main Uses

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

4.22. Non-conforming Uses

4.22.1. Non-conforming uses shall be administered, and applications involving non-conforming uses shall be processed, in accordance with the *Urban and Rural Planning Act, 2000*, and Sections 4.23 to 4.26 of these Regulations.

4.22.2. If a non-conforming use ceases to operate for a period of more than three (3) years, new uses shall conform to the requirements of the land use zone in which it is located.

4.23. Residential Non Conformity

4.23.1. 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.

4.24. Notice and Hearings on Change or Use

4.24.1. 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.

4.25. Non-Conformance with Standards

4.25.1. 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.

4.26. Discontinuance of Non-conforming use

4.26.1. 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.

4.27. Offensive and Dangerous Uses

4.27.1. 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, grit, excessive noise or vibrations, or create any nuisance that has an unpleasant effect on the senses unless its use is authorized by Council and any other authority having jurisdiction.

4.27.2. Any fuel tank with a nameplate storage capacity of 1,000 gallons or greater shall require approval from the Department of Industry, Energy and Technology.

4.28. Outdoor Storage and Display

4.28.1. Outdoor storage and display shall not be permitted in any front or flanking yard in the Residential Mixed Use (RM) Zone or the Commercial and Light Industrial (CLI) Zone and it shall not be visible from adjacent streets or developments.

4.28.2. The storage of salvage shall not be permitted on a lot where it is visible from a public street.

4.29. Parks, Playgrounds and Conservation Uses

4.29.1. Nothing in these Regulations shall prevent the designation of conservation areas or the establishment of non-commercial parks and playgrounds uses in any zone.

4.30. Protection of Community Trails and Footpaths

- 4.30.1. Proposed development or the use of public right of way for access to private property shall not be permitted where it would block or prevent the use of traditional footpaths or winter trails administered by the Labrador Transportation Grooming Subsidy, whether on private or public property. Any proposed development which may impact a traditional footpath or winter trail administered by the Labrador Transportation Grooming Subsidy, shall be referred to the Labrador Affairs Secretariat.
- 4.30.2. New development may be required to provide a separation buffer between a proposed development and existing trail, pathway, or public right of way.
- 4.30.3. In considering applications for development adjacent to any existing trail, including winter trails administered by the Labrador Transportation Grooming Subsidy, Council may require that access to the trail from the development be provided as a condition of development. Where required, access shall be constructed and maintained to the specifications established by Council.

4.31. Secondary Dwellings

- 4.31.1. Secondary dwellings shall meet the following requirements:
 - (a) Only one (1) secondary dwelling shall be permitted on a lot.
 - (b) If the secondary dwelling is located in a separate building:
 - i. the secondary dwelling shall be located in the side yard or rear yard;
 - ii. the secondary dwelling shall only be permitted on a lot containing a single dwelling; and
 - iii. the secondary dwelling shall be subject to all other requirements for accessory buildings.
- 4.31.2. A secondary dwelling is not considered a separate main dwelling, but shall have its own entrance separate from the main dwelling.
- 4.31.3. Secondary dwellings shall not exceed a floor area of 80 square metres.
- 4.31.4. Secondary dwellings shall not be counted towards the dwelling unit total.

4.32. Service Stations

4.32.1. Where permitted, development of an automobile service station and garage shall meet the following requirements:

- (a) All gasoline pumps shall be located on pump islands designed for such purpose.
- (b) Pump islands shall be set back at least 4.0 metres from the front lot line.
- (c) Accesses shall not be less than 7.0 metres wide and shall be clearly marked.
- (d) Where a service station is located on a corner lot, the minimum distance between an access and the intersection of street lines at the junction shall be 10.0 metres and the lot line between entrances shall be clearly indicated.

4.33. Servicing

4.33.1. New plumbed buildings shall be connected to public sewer and drinking water systems where such services are available. Where service availability is disputed or unclear, the Engineer shall make a determination based on site conditions and available servicing capacity. Council may exempt structures in the Rural designation, lots currently not serviced by the Town's central sewer and water systems, and industrial uses from this requirement.

4.33.2. Any new residential development or treatment systems connecting to the municipal water and sewer system obtains approval under Section 36 and 37 of the *Water Resources Act*, 2002.

4.33.3. Servicing shall be designed so as to sufficiently limit the number of lift stations, subject to approval by the Engineer.

4.33.4. Costs for the Engineer's review shall be at the applicant's expense.

4.33.5. Where municipal water and sanitary sewer services are not available, on-site well and septic systems are permitted provided approvals from the appropriate authorities are obtained.

4.33.6. Development utilizing on-site well systems shall, at the applicant's expense, be required to assess groundwater quantity and quality in conformance with the Provincial Department of Environment and Climate Change *Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells*, 2009.

- 4.33.7. Where there is insufficient groundwater yield to support any development that is proposed to depend on a well, Council shall refuse the development.
- 4.33.8. The Town shall not be required to extend municipal water or sewer services beyond the municipal servicing boundary.
- 4.33.9. No building or development shall be located in the right of way of electric transmission lines or distribution lines under the ownership of NL Hydro.
- 4.33.10. NL Hydro shall be provided easements for electrical services which shall be shown on a development plan. Prior to any development, an applicant should contact NL Hydro to identify any issues before development commences.

4.34. Side Yards

- 4.34.1. A side yard shall be kept clear of obstruction and shall be provided on the exposed sides of every building in order to provide access for the maintenance of that building.

4.35. Soil Removal, Deposit, and Site Grading

- 4.35.1. The following activities shall require approval from Council where not part of an approved development or mineral working:
 - (a) Any land disturbance that involves removal or deposition of soil or other material on a property.
 - (b) Any alteration of hillsides with slopes greater than 15%.
 - (c) Any excavation within a lot carried out so as to change the natural grade established in the grading plan.
- 4.35.2. For approved developments where the extraction of quarry materials is occurring or may be expected occur, the Town shall send a copy of the development permit to the Quarry Materials Section; Mineral Lands Division; Department of Industry, Energy and Technology, at quarries@gov.nl.ca. Note that quarry materials include but are not limited to aggregate, fill, rock, stone, gravel, sand, clay, borrow material, topsoil, overburden, subsoil, and peat.
- 4.35.3. Where development is proposed on a site where the slope of the land is greater than 15 percent or where the land is potentially subject to flooding or any other hazard, Council shall require written approval from a qualified professional, at the expense of an applicant, before development may commence. Where flooding may be likely, referral to the Provinces Water Resources Management Division shall be required.

4.36. Solid Waste Disposal Buffer

4.36.1. Council shall establish a 1.6 kilometre buffer around any solid waste disposal site, as regulated under the *Environmental Protection Act*. Notwithstanding any of these Regulations, new residential development shall not be permitted within 1.6 kilometres of any solid waste disposal site.

4.37. Street Construction Standards

4.37.1. New streets shall be constructed to the design and specifications established by Council.

4.38. Survey Control Monuments

4.38.1. Development shall not disturb survey control monuments within the Planning Area. For greater clarity, the GIS and Mapping Division shall be contacted if any development or work has the potential to disturb a survey control monument.

4.39. Unsubdivided Land

4.39.1. Development shall be prohibited on unsubdivided land unless sufficient area is reserved to satisfy the setback and other allowances called for in the use zone in which it is located and the allowances shall be retained when the adjacent land is developed.

4.40. Wetland, Watercourse, and Coastal Setback

4.40.1. No development shall be permitted within 15.0 horizontal metres of the ordinary high water mark of any watercourse or wetland without approval from the Department of Environment and Climate Change and, if aquatic habitat is affected, from Fisheries and Oceans Canada.

4.40.2. Council may require larger buffer areas around watercourses where identified flood plains, steep slopes, or unstable soil conditions could result in damage to watercourses and wildlife habitat as a result of development. For the purpose of assessing applications in areas known to be at risk of flooding, the ordinary high-water mark is considered to be the 1:100-year flood level.

4.40.3. No greenfield development shall be permitted within 30.0 horizontal metres of an oceanic shore line composed of unconsolidated material forming coastal cliffs or unconsolidated sediment on bedrock as determined by a qualified professional.

- 4.40.4. A coastal vulnerability assessment is required for any development proposed at or below the present 2 metre contour with respect to sea level rise and coastal flooding. Such assessments shall be completed by a qualified professional and reviewed by Council prior to development approval.
- 4.40.5. Prior to the issuance of a development permit, any application for development in any body of water, including wetlands, shall apply for and obtain a permit from the Province's Water Resource Management Division, under Section 48 of the *Water Resources Act, 2002*.
- 4.40.6. Prior to development permit issuance any development commencing pursuant to a permit issued under section 48 of the *Water Resources Act, 2002*, conform to the requirements of the Environmental Control Water and Sewage Regulations, 2003.
- 4.40.7. Any infilling or dredging or other development along the coastline or shore water zones must be conducted in accordance with the appropriate legislation and policies, including Section 48 of the *Water Resources Act, 2002*.
- 4.40.8. Water crossings, bridges, culverts, stream diversions and stormwater management devices shall be planned, designated, and constructed so as to ensure that aquatic species habitat and passage is preserved, protected, and where possible, enhanced.

4.41. Utilities

- 4.41.1. Unless otherwise stated, any public utility that is essential for the actual provision of a service, not including wind turbine generators, solar collector systems, and telecommunication towers, shall be permitted in any zone and shall be exempt from lot requirements and from setbacks. These utilities include, but are not limited to, telephone switching centres, electrical substations, sewage treatment facilities, and water supply facilities.
- 4.41.2. For greater clarity, uses not directly related to the provision of service shall not be included in the exemptions of this Section, and shall only be permitted in accordance with zone requirements. Such uses include, but are not limited to, administrative offices and maintenance depots.

4.42. Wharves, Slipways, Docks, and Stages

- 4.42.1. Wharves, slipways, and docks shall be permitted in all use zones, subject to the following requirements:
 - (a) Wharves, slipways, and docks shall be permitted as a discretionary use in all use zones.
 - (b) Wharves, slipways, and docks shall be exempt from minimum rear and side yard requirements.
 - (c) applications for wharves, slipways, docks, and stages require approval from the Province's Crown Lands Division in the form of a Licence to Occupy the Shoreline Reservation.
 - (d) For greater clarity, this section does not exempt applicants from the *Navigable Waters Protection Act* or any other federal or provincial legislation regulating coastal development.

4.43. Zero Lot Line and other Comprehensive Development

- 4.43.1. Council may, at its discretion, approve the erection of dwellings which are designed to form part of a zero lot line development or other comprehensive layout which does not meet the requirements of the use zones, provided that the dwellings are designed to provide both privacy and reasonable access to natural daylight and the overall density within the layout conforms to the regulations and standards set out in the use zones apply where the layout adjoins other development.

4.44. Development in Areas of Potential Hazard

4.44.1. Council shall require an impact assessment composed by a qualified professional for development applications received in areas which, in Council's opinion, may pose hazard by means of flooding, landslides and rock falls, avalanches, coastal erosion or climate change. Completed impact assessments must be reviewed and approved by Council and conditions added to approvals in principle or development permits accordingly.

5. Automobile Parking

5.1. Off Street Parking Requirements

5.1.1. The minimum number of parking spaces to be provided for any building, structure or use or occupancy that is erected, enlarged, or established, shall conform to the following requirements:

Table 5-1.
Minimum Off-Street Parking Requirements

Use Class	Minimum Off-Street Parking Requirements
Accommodation	One (1) space per rental unit
Dwellings – Multi-unit	One (1) space per dwelling unit, plus one (1) additional space
Dwellings – Single unit, Double,	One (1) space per dwelling unit
Office	One (1) space per 50 m ² of gross floor area
Dine-in Restaurant	One (1) space per 20 m ² of gross floor area
Personal Service Shop	One (1) space per 50 m ² of gross floor area
Take Out Restaurant	Three (3) spaces
Shop	One (1) space per 50 m ² of gross floor area
Special Care	Two (2) spaces, plus 0.5 space per bed

5.1.2. On lots containing more than one use, the number of required parking spaces shall be the sum of the spaces required for each use in Subsection 5.1.1.

5.1.3. Where gross floor area is used to determine the number of required parking spaces, as specified in Table 5-1, and the number of required parking spaces results in a number with a fraction, the number is rounded down to the nearest whole number, but there may not be fewer than one (1) parking space.

5.2. Residential Off-Street Parking

5.2.1. Parking of vehicles on residential lots shall be on the hard-surfaced area of the lot approved for the off-street parking space or spaces. The parking of vehicles shall not be permitted on the landscaped portion of the front yard or flanking yard of the lot or property.

5.3. Automobile Parking Space and Lot Standards

5.3.1. Each required automobile parking space shall have a minimum width of 2.5 metres and a minimum length of 5.5 metres.

5.3.2. The width of a driveway leading to parking or loading areas, or of a driveway or aisle in a parking area, shall be a minimum of 3.0 metres for one-way traffic and a minimum of 6.0 metres for two-way traffic, and the maximum width of a driveway shall be 9.0 metres.

5.3.3. Unless otherwise permitted in these Regulations, each automobile parking space shall be independently accessible.

5.3.4. Unless otherwise permitted in these Regulations, required automobile parking spaces shall be located on the same lot as the use to which they apply.

5.3.5. Parking space for multi-unit dwellings shall be provided in the rear yard where possible.

5.3.6. Where, in these Regulations, parking facilities for more than four (4) automobiles are required or permitted:

- (a) except in zones in which a service station is a permitted use, no gasoline pump or other service station equipment shall be located or maintained on a parking area;
- (b) any parking area shall be constructed and maintained to the specifications of Council;
- (c) any lighting used for illumination of any parking area shall not be directed or create glare on adjacent and surrounding properties;
- (d) a structure not more than 3.0 metres in height and more than 5.0 square metres in area may be erected in the parking area for the use of an attendant;
- (e) where a parking area abuts a residential zone or use, a natural or structural barrier at least 1.8 metres in height shall be erected and maintained along all abutting lot lines;
- (f) no part of any off-street parking area shall be closer than 1.5 metres to the front lot line in any zone; and

5.3.7. Where, in the opinion of Council, strict application of the above parking requirements is impractical or undesirable, Council may as a condition of a permit require the developer to pay a service levy in accordance with these Regulations in lieu of the provision of a parking area, and the full amount of the levy charged shall be used by Council for the provision and upkeep of alternative parking facilities within the general vicinity of the development.

6. Signage

6.1. Permit Required

- 6.1.1. Subject to the provisions of Section 6.5 of these Regulations, no sign shall be erected or displayed in the Planning Area unless a permit for the sign is first obtained from Council.
- 6.1.2. Application for a permit to erect or display a sign shall be made in accordance with Part 3 of these Regulations.
- 6.1.3. Any application for a sign along Route 516 or any other provincially maintained road requires application to and a permit from Digital Government Service NL under the Highway Sign Regulations, 85/99.

6.2. General

- 6.2.1. Where this Part is inconsistent with the regulations respecting advertising signs on or near public highways made or administered by the Province of Newfoundland and Labrador, the more restrictive regulations shall apply.
- 6.2.2. No signage shall be permitted to be erected or displayed within, on, or over any highway or street reservation.
- 6.2.3. No sign shall obstruct a means of ingress/egress from a door, window, fire escape, or pedestrian or barrier-free access.

6.3. Removal of Signs

- 6.3.1. Notwithstanding the provisions of these Regulations, Council may require the removal of any sign which, in its opinion, is:
 - (a) hazardous to road traffic by reason of its siting, colour, illumination, or structural condition; or,
 - (b) detrimental to the amenities of the surrounding area.

6.4. Sign Maintenance & Abandoned Signs

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

6.5. Exempt Signage

- 6.5.1.** The following signage may be erected or displayed in the Planning Area without requiring a development permit:
 - (a) on a dwelling or within the courtyard of a dwelling, a single nameplate not exceeding 0.2 square metres in area;
 - (b) on an agricultural holding or farm, a single notice board not exceeding 1.0 square metre in area and relating to the operations being conducted on the land;
 - (c) on land used for forestry purposes, a single sign or notice not exceeding 1.0 square metre in area and relating to forestry operations or the location of logging operations conducted on the land;
 - (d) on land used for mining or quarrying operation, a single notice board not exceeding 1.0 square metre in area relating to the operation conducted on the land;
 - (e) on any site occupied by a place of worship, school, library, art gallery, museum, institution or cemetery, a single notice board not exceeding 1.0 square metre in area;
 - (f) real estate sales, leasing, or open house signs up to a maximum of 1.0 square metres;
 - (g) signs placed by candidates for elections;
 - (h) civic addressing signs;
 - (i) signs posted by municipal, provincial, or federal government agencies;

- (j) one sign on the principal façade of any commercial, industrial, or public building, indicating the name of the building or the name of the occupants of the building, in letters not exceeding one-tenth of the height of the façade or 3.0 metres, whichever is less.
- (k) signs associated with municipally-operated parks and trails; and,
- (l) temporary signs on construction sites warning of danger and or outlining the nature of the development up to a maximum combined total area of 7.5 square metres.

6.6. Signs Prohibited in all Zones

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

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

6.7. Approval Subject to Conditions

6.7.1. A permit may only be issued for the erection or display of advertisements that comply with the appropriate conditions and specifications set out in these Regulations.

6.8. Signs for Non-conforming Uses

6.8.1. Notwithstanding the provisions of Section 6.1., a permit may be issued for the erection or display of a sign for a non-conforming use, provided the advertisement does not exceed the size and type of sign that could be permitted if the development was in a use zone appropriate to its use, and subject to any other conditions deemed appropriate by Council.

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

6.9. On-site Signage Requirements

6.9.1. The location, siting, and illumination of each on-site sign shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings, natural or historic views, and the preservation of the amenities of the surrounding area.

6.9.2. Unless specified elsewhere in these Regulations, all on-site signs shall not exceed the maximum building height of the use zone in which they are located and shall not exceed 5.0 square metres in sign area.

6.10. Off-site Signage Requirements

6.10.1. Off-site promotional and advertising signage shall be subject to the following provisions:

- (a) the sign(s) meet(s) all front, side, and rear yard setbacks for main buildings for the zone in which the sign is located;
- (b) the height does not exceed more than 3.0 metres and the total sign area of each sign does not exceed 3.0 square metres;
- (c) the sign shall not be placed on any property without permission from said property owner; and
- (d) the location, siting, and illumination of each sign shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings, natural or historic views, and the preservation of the amenities of the surrounding area.

7. Subdivision

7.1. General

7.1.1. Land within the Planning Area shall not be subdivided without first obtaining a permit from Council and no such permit shall be issued unless the provisions of these Regulations are satisfied.

7.2. Development Agreement

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

7.3. Services to be Provided

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

7.4. Payment of Service Levies and Other Charges

7.4.1. No permit shall be issued for the development of a subdivision until agreement has been reached for the payment of all fees levied by Council for connection to services, utilities and streets deemed necessary for the proper development of the subdivision, and all service levies and other charges imposed under Sections 3.19. and 3.20.

7.5. Issue of Permit Subject to Considerations

7.5.1. A permit shall not be issued when, in the opinion of Council and where Council has not adopted standards or guidelines for such matters, the development of a subdivision does not contribute to the orderly growth of the town and does not demonstrate sound design principles. In considering an application, Council shall, without limiting the generality of the foregoing, consider:

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

7.6. Permit Required

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

7.7. Form of Application

7.7.1. Application for a permit to develop a subdivision shall be made to Council in accordance with Section 3.6.

7.8. Subdivision Subject to Zoning

7.8.1. The subdivision of land shall be permitted only in conformity with the use zones delineated on the Zoning Maps.

7.9. Building Lines

7.9.1. Notwithstanding the requirements of these Regulations, Council may establish building lines for any subdivision street and require any new building to be located on such building lines.

7.10. Land for Public Open Space

7.10.1. Before development commences, the developer shall dedicate to the Town, at no cost to the Town, an area of land equivalent to 10 percent of the gross area of the subdivision for useable public open space pursuant to Section 37 of the *Urban and Rural Planning Act, 2000*.

7.10.2. For the purpose of Subsection 7.10.1., "useable public open space" means land which:

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

7.10.3. The location and suitability of any land dedicated under the provisions of these Regulations shall be subject to the approval of Council but in any case, Council shall not accept land which, in its opinion is incapable of development for any purpose.

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

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

7.10.5. Pursuant to Section 37(3) of the *Urban and Rural Planning Act, 2000*, Council may accept payment of a sum of money in lieu of such area of areas of land, equal to the value of the land which would otherwise be required to be dedicated. For greater clarity, the value of land shall be calculated according to the following formula:

$$\text{value of land required by Council} = (a) \times (b)$$

where,

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

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

7.10.6. Money received by Council in accordance with Subsection 7.10.5. shall be reserved by Council for the purpose of the acquisition or development of land for public open space or other public purposes.

7.10.7. Land dedicated for public use in accordance with this Regulation may be sold or leased by Council for the purposes of any development that conforms with the requirements of these Regulations, and the proceeds of any sale or other disposition of land shall be applied against the cost of acquisition or development of any other land for the purposes of public open space or other public purposes.

7.10.8. Council may require a strip of land to be reserved and remain undeveloped along the banks of any river, brook, pond, lake, or coastline and this land may, at the discretion of Council, constitute the requirement of the land for public use under Subsection 7.10.1.

7.11. Structure in Street Reservation

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

7.12. Subdivision Design Standards

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

- (a) The finished grade of local and arterial streets shall not exceed 10 percent.
- (b) New subdivisions shall have a street connection with at least one existing street within the Planning Area.
- (c) All street intersections shall be constructed within five (5) degrees of a right angle and this alignment shall be maintained for 30 metres from the intersection.
- (d) No street intersection shall be closer than 60.0 metres to any other street intersection, measured from the centre of each intersection.
- (e) No more than four (4) streets shall join at any street intersection.
- (f) No residential street block shall be longer than 400.0 metres between street intersections, measured from the centre of each intersection.
- (g) Streets shall conform to the following minimum standards:

Table 7-1.
Residential subdivision road standards

Type of Street	Minimum Street Reservation	Minimum Surface Width for Two-way Traffic	Minimum Sidewalk Width	Sidewalk Number
Arterial	30 m	15 m	2 m	Discretion of Council
Collector	20 m	15 m	2 m	Discretion of Council
Local Residential	15 m	9 m	1.5 m	Discretion of Council
Service Streets	15 m	9 m	1.5 m	Discretion of Council

- (h) No lot intended for residential purposes shall have a depth exceeding four times the frontage.
- (i) Council may require any existing natural, historical, or architectural feature or part thereof to be retained when a subdivision is developed.
- (j) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land.

7.13. Dead-end Streets

- 7.13.1. Dead-end streets shall be limited to areas where through street connections are not possible as determined by a qualified professional.
- 7.13.2. Every dead-end street shall be terminated with:
 - (a) a turning circle of not less than 30.0 metres in diameter; or
 - (b) a turning tee with arms extending at least 18.0 metres from the centre line of the street.
- 7.13.3. The maximum length of any dead-end street shall be:
 - (a) 200.0 metres in areas served by or planned to be served by municipal piped water and sewer services, as shown in the map and letter of agreement signed by the Town and the appropriate provincial Ministers in connection with municipal five-year capital works program eligibility.
 - (b) 300.0 metres in areas not served by or planned to be served by municipal piped water and sewer services.

7.14. Engineer to Design Works and Certify Construction Layout

- 7.14.1. Plans and specifications for all water mains, hydrants, sanitary sewers, storm sewers and all appurtenances thereto and all streets, paving, curbs, gutters and catch basins and all other utilities deemed necessary by Council to service the area proposed to be developed or subdivided shall be designed and prepared by or subject to approval by the Engineer. Such designs and specifications shall, upon approval by Council, be incorporated in the plan of subdivision.
- 7.14.2. Upon approval by Council of the proposed subdivision, the Engineer shall certify all work of construction layout preliminary to the construction of the works and thereupon the developer shall proceed to the construction and installation, at their own cost and in accordance with the approved designs and specifications and the construction layout certified by the Engineer, of all such water mains, hydrants, sanitary sewers, and all appurtenances and of all such streets and other works deemed necessary by Council to service the said area.

7.15. Developer to Pay Engineer's Fees and Charges

7.15.1. The developer shall pay to the Town all the Engineer's fees and charges for the preparation of designs and specifications and for the layout and supervision of construction; such as 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 Labrador and in effect at the time the work is carried out.

7.16. Street Works May be Deferred

7.16.1. The construction and installation of all curbs and gutters, catch basins, sidewalks and paving specified by Council as being necessary, may, at Council's discretion, be deferred until a later stage of the work on the development of the subdivision but the developer shall deposit with the Town before approval of their application, an amount estimated by the Engineer as reasonably sufficient to cover the cost of construction and installation of the works.

7.16.2. In the later stage of the work of development, Council shall call for tenders for the work of construction and installation of the works, and the amount so deposited by the developer shall be applied towards payments of the contract costs.

7.16.3. If the contract price is less than the deposit, Council shall refund the amount by which the deposit exceeds the contract price. Any amount so deposited with the Town by the developer shall be placed in a separate savings account in a bank and all interest earned shall be credited to the developer.

7.17. Transfer of Streets and Utilities to the Town

7.17.1. The developer shall, following the approval of the subdivision of land and upon request of Council, transfer to the Town, at no cost to the Town, 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 Council for public use as streets, or other rights-of-way, or for other public use;
- (b) all services or public works including streets, water supply and distribution and sanitary and storm drainage systems installed in the subdivision that are normally owned and operated by Council.

7.17.2. Before Council shall accept the transfer of lands, services or public works of any subdivision, the Engineer shall, at the cost to the developer, test the streets, services and public works installed in the subdivision and certify their satisfaction with their installation.

7.17.3. Council shall not provide maintenance for any street, service or public work in any subdivision until such time as such street, service or public work has been transferred to and accepted by Council.

7.18. Restriction on Sale of Lots

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

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

7.19. Grouping of Buildings and Landscaping

7.19.1. Each plan of subdivision shall consider the grouping and orientation of building types and landscaping, to the satisfaction of Council, in order to enhance the visual aspect of the development and to make the most efficient use of land, with consideration for topography and vegetation.

8. Zoning

8.1. Zones

8.1.1. Land within the Cartwright Planning Area is divided into zones. The extent and boundaries of each zone are shown on the Zoning Maps attached to these Development Regulations, as detailed in Schedule 'B'.

8.1.2. The zones, which are contained within designated land use areas as defined in the Municipal Plan, are:

Commercial and Light Industrial (CLI) Zone

Comprehensive Development (CD) Zone

Heritage Protection (HP) Zone

Mixed Use (MU) Zone

Rural (R) Zone

Watershed and Environmental Protection (WEP) Zone

8.2. Interpretation of Zone Boundaries

8.2.1. The extent and boundaries of zones are shown on Schedule 'B' of these Regulations and the appropriate provisions of these Regulations shall apply to each zone.

8.2.2. Boundaries between zones shall be determined as follows:

- where a zone boundary is indicated as following a survey line as recorded a deed, the boundary shall follow that line;
- where a zone boundary is indicated as following a street, private road, or highway, the centreline of the street, private road, or highway shall be the boundary unless otherwise indicated;
- where a zone boundary is indicated following a railway or utility or street reservation, the centreline of the reservation shall be the boundary unless otherwise indicated;
- where the boundary is indicated as approximately following lot lines, the boundary shall follow the lot lines;
- where the zone boundary is indicated as following the shoreline of a river, watercourse, lake or salt water body, the mean high-water mark shall be the boundary; and
- where none of the above provisions apply, Council shall scale the zone boundary from the zoning map shown on Schedule 'B'.

8.3. Permitted Uses

8.3.1. Subject to these Regulations, the uses that fall within the permitted use classes set out in the appropriate use zones shall be permitted by Council in that use zone.

8.4. Discretionary Uses

8.4.1. Subject to these Regulations, the uses that fall within the discretionary use classes set out in the appropriate use zones may be permitted in that use zone if:

- (a) Council is satisfied the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any following plan or regulations, and to the public interest; and,
- (b) Council has given notice as required in Section 3.14. of these Regulations.

8.5. Prohibited Uses

8.5.1. Uses that do not fall within the permitted or discretionary use or use class, or are specifically identified as a prohibited use, shall not be permitted in that use zone.

8.6. Classification of Land Uses and Buildings

8.6.1. Part 15 of these Regulations contains a table listing of classes of uses and provides examples of specific uses for each use class. Using Part 15, Council can interpret a proposed use and determine whether it is permitted, discretionary, or prohibited in the applicable use zone.

9. Mixed Use (MU) Zone

9.1. Permitted Uses

- Child Care
- Cemetery – Existing
- Conservation
- Double Dwelling
- Home-based Business
- Mobile Home
- Recreational Open Space, limited to Parks, Playgrounds, Playing Fields and Hiking Trails
- Secondary Dwelling
- Single Dwelling
- Utilities

9.2. Discretionary Uses

- Accommodation
- Antenna
- Automotive Sales
- Convenience Store
- Cultural and Civic
- Education, limited to public schools
- Emergency Services
- Dine-in Restaurant
- Funeral Home
- General Assembly
- Office
- Indoor Market
- Lodging Establishment
- Media Communications
- Medical and Professional
- Mineral Exploration (development)
- Multi-unit Dwelling

Outdoor Market
Personal Service
Place of Worship
Seasonal Residence
Shop
Small Options Home
Special Care
Take-out Service
Tavern
Theatre

9.3. Lot Requirements

9.3.1. Except as otherwise permitted by these Regulations, Council shall not issue a development permit for a use on a lot in the Mixed Use (MU) Zone unless the following requirements are met:

Requirement	Single, Double Dwelling	Multi-unit Dwelling, Special Care	All other uses
Minimum Lot Area	450 m ²	200 m ² /unit	450 m ²
Minimum Lot Frontage	15 m	15 m	15 m
Minimum Building Line Setback	6 m	6 m	6 m
Minimum Rear Yard	4 m	4 m	4 m
Minimum Side Yard	2 m	2 m	2 m
Maximum Building Height	10 m	10 m	16 m
Maximum Lot Coverage	33%	33%	33%

9.3.2. Notwithstanding Subsection 9.3.1, land zoned Mixed Use (MU) shall be subject to Service NL requirements, per dwelling unit:

Available Services	Required Lot Area
With on-site water supply and sewage disposal services	1860 m ² (minimum lot width of 30 m)
Semi-serviced lot where either water or sewage disposal is provided off-site.	1400 m ² (minimum lot width of 23 m)

9.4. One Main Building on a Lot

9.4.1. Notwithstanding other regulations, only one (1) main building shall be permitted on a lot in the Mixed Use (MU) Zone.

9.5. Building Placement on a Lot

9.5.1. Within the Mixed Use (MU) Zone, buildings shall have their primary entrance oriented towards the street on which they front.

9.5.2. The primary entrance of a building shall be accessible from the street on which it fronts via paved or landscaped walkway.

9.6. Convenience Stores

9.6.1. Convenience stores shall be permitted in the Mixed Use (MU) Zone where:

- (a) the store forms part of, or is attached to a dwelling;
- (b) the retail use is subsidiary to the residential character of the area, and does not affect residential amenities of adjoining properties; and
- (c) all other requirements of these Regulations, the Municipal Plan, and any other plan, scheme, or regulation are met.

9.7. Automotive Sales

9.7.1. An automotive sales use shall be permitted in the Mixed Use (MU) Zone, at the discretion of Council, provided consideration is given to the scale of the development relative to surrounding development and to the site itself for any structures or uses, including outdoor areas used to store automobiles. Council may prescribe the provision of buffers, determine appropriate off-street parking requirements, and require measures to ensure the safe and efficient movement of automobile traffic.

9.8. Existing Cemeteries

9.8.1. Existing cemeteries in the Mixed Use (MU) Zone shall be permitted but shall not be permitted to expand pursuant to Municipal Plan Policy 4-70.

9.9. Development Adjacent to Residential Uses

- 9.9.1.** Where a use, other than a residential use, is proposed adjacent to an existing residential use, the provision of buffers, fencing, and/or landscaping shall be required to minimize any adverse effects, to the satisfaction of Council. Any buffers, fencing, or landscaping as may be required shall be maintained by the owner or occupier, at their expense.
- 9.9.2.** Council may require additional site planning where a use, other than a residential use, is proposed adjacent to an existing residential use so as to maximize the distance between the non-residential use and an existing or proposed residential use.

10. Commercial and Light Industrial (CLI) Zone

10.1. Permitted Uses

Aquaculture
Cemetery – Existing
Conservation
Dine-in Restaurant
Indoor Assembly
Light Industry
Marine Transportation
Office
Outdoor Market
Recreational Open Space, limited to Parks, Playgrounds, Playing Fields and Hiking Trails.
Service Station
Shop
Utilities

10.2. Discretionary Uses

Antenna
General Industry
General Transportation
Media Communications
Mineral Exploration (development)
Outdoor Assembly
Take-out Service
Tavern

10.3. Lot Requirements

10.3.1. Except as otherwise permitted by these Regulations, Council shall not issue a development permit for a use on a lot in the Commercial and Light Industrial (CLI) Zone unless the following requirements are met:

Requirement	All Permitted Uses
Minimum Lot Frontage	30 m
Minimum Rear Yard	5 m
Minimum Side Yard	4 m
Maximum Building Height	15 m

10.4. Development Adjacent to Residential Uses

10.4.1. Where a use, other than a residential use, is proposed adjacent to an existing residential use, the provision of buffers, fencing, and/or landscaping shall be required to minimize any adverse effects, to the satisfaction of Council. Any buffers, fencing, or landscaping as may be required shall be maintained by the owner or occupier, at their expense.

10.4.2. Council may require additional site planning where a use, other than a residential use, is proposed adjacent to an existing residential use so as to maximize the distance between the non-residential use and an existing or proposed residential use.

10.5. Provincial Review of Applications

10.5.1. Except for minor alterations that do not result in the expansion or reconfiguration of a building's footprint, Council shall refer all applications for development within the Commercial and Light Industrial (CLI) Zone to the Arts and Heritage Divisions, Department of Tourism, Culture, Arts and Recreation for review and consideration under the *Heritage Resources Act*.

10.6. Existing Cemeteries

10.6.1. Existing cemeteries in the Commercial and Light Industrial (CLI) Zone shall be permitted but shall not be permitted to expand pursuant to Municipal Plan Policy 4-70.

10.7. Minimum Yard Exception

Uses that functionally depend on access to the shoreline, as determined by Council, shall be exempt from the minimum yard standards in Section 10.3. where the lot's yard coincides with the water's edge, but the use shall be subject to all municipal, provincial, and federal regulations with respect to development along the shoreline.

11. Rural (R) Zone

11.1. Permitted Uses

- Agriculture Related Use
- Agriculture Use
- Cemetery – Existing
- Conservation
- Forestry
- Recreational Open Space, limited to Parks, Playgrounds, Playing Fields and Hiking Trails.
- Utilities

11.2. Discretionary Uses

- Animal Facility
- Antenna
- Aquaculture
- Cemetery
- General Industry
- Media Communications
- Mineral Exploration (development)
- Mineral Working
- Mobile Home
- Outdoor Assembly
- Outdoor Market
- Recreation Open Space – Campgrounds up to 15 campsites
- Salvage Yard
- Single Dwelling
- Solar Collector Systems
- Solid Waste Disposal

11.3. Lot Requirements

11.3.1. Except as otherwise permitted by these Regulations, Council shall not issue a development permit for a use on a lot in the Rural (R) Zone unless the following requirements are met:

Requirement	All Uses
Minimum Lot Area	3,000 m ²
Minimum Lot Frontage	50 m
Minimum Rear Yard	15 m
Minimum Side Yard	15 m
Maximum Building Height	15 m

11.4. Discretionary Uses Evaluation

11.4.1. The discretionary use classes, including any associated accessory buildings, listed in the Section 11.2. may be permitted at the discretion of Council provided proper site evaluation is carried out with respect to the preservation of on-site historic resources and with consent from the Provincial Archeological Office.

11.5. Mobile Homes and Single Dwellings

11.5.1. Mobile homes and single dwellings may be permitted as an accessory use to an approved and operating forestry or agricultural use in the Rural (R) Zone.

11.5.2. Mobile homes shall:

- (a) be limited to a single mobile home per lot;
- (b) be placed on a permanent foundation to the satisfaction of Council;
- (c) be oriented on the lot so that the long side of the structure faces the front lot line;
- (d) include visual skirting around the base of the mobile home, so as to screen the area located from grade to the base of the structure;
- (e) not be located on a flag lot; and
- (f) be subject to the provincial Mobile Home Development Regulations.

11.6. Campgrounds

- 11.6.1.** Commercial uses, washroom facilities, laundromats, and similar facilities, and parking areas and recreational areas shall not be located adjacent to residential areas.
- 11.6.2.** All sites and facilities shall be only accessed by the internal driveway network of the campground.
- 11.6.3.** All sites and facilities, including internal driveways, shall be a minimum of 100.0 metres from any residentially zoned properties.
- 11.6.4.** The development permit for a campground shall specify the maximum number of units and sites—in the form of tents, recreational vehicles, yurts, and so forth—that may be accommodated on the site at any one time. This number shall not be exceeded without the issuance of a new development permit.

11.7. Mineral Working

- 11.7.1.** All mineral workings, including pits, quarries and mines shall be subject to the requirements of the appropriate permit, lease, or license issued by the Mineral Branch, Department of Industry, Energy and Technology, for development, operation, decommissioning, and rehabilitation. Where not addressed in an applicable provincial permit, lease or license, mineral working uses shall meet the following requirements at the cost of the developer:
 - (a) A buffer shall be required to screen mineral working visible from a public street. A buffer may consist of a 30.0-metre-wide tree screen, a landscaped berm, or as required by Council. Council may waive the requirement for a buffer where natural topography creates a visual screen between mineral workings and adjacent public highways and streets.
 - (b) Council may require the mineral working site or excavated area 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.
 - (c) No mineral working or extraction activity shall be permitted within 50.0 metres of a waterbody or watercourse.
 - (d) No mineral working shall result in the excavation of areas below the level of the water table nor in any way cause the accumulation or ponding of water in any part of the site. Settling ponds may be permitted with the approval of the Department of Environment and Climate Change.

- (e) Any mineral working use shall be kept clean of refuse, abandoned vehicles, and abandoned equipment and any derelict buildings.
- (f) During extended periods of shutdown, access roads to a mineral working shall be ditched or barred to the satisfaction of Council.
- (g) All stumps, organic material and topsoil, including the rusty coloured and iron stained layer, shall be stripped and stockpiled at least 5.0 metres from uncleared areas and 10.0 metres from active quarry or stockpile areas. The owner or operator shall ensure that the quantity of the topsoil is not affected by dilution with other materials.
- (h) Unless Council is satisfied that the working will not create a nuisance and will not adversely affect the amenity of the specified development or natural feature, no mineral working shall be located closer than the minimum distances set out below to the specified development or natural feature:

Minimum Distance of Pit and Quarry Workings

<p>Existing Residential Development or areas proposed for Residential Development where an application for development has been submitted to the Town:</p> <ul style="list-style-type: none"> > Where no blasting is involved > Where blasting is involved <p>Any area where commercial and residential development is a permitted use.</p> <p>Public highway or street</p> <p>Protected Road</p> <p>Waterbody or watercourse</p>	300 m 1000 m 300 m 50 m 90 m 50 m
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11.7.2. Where a permit to conduct a mineral working activity was issued prior to the adoption of these Regulations, or where a minimum required distance between uses was established, the mineral working activity shall not be impeded or required to discontinue where development or zoning changes encroach upon, or pass beyond the minimum required distance between uses that was established prior to the adoption of these Regulations.

11.8. Mineral Working Site Rehabilitation

11.8.1. Upon completion of any mineral working activity, at the cost of the developer, the developer shall:

- (a) remove all buildings, machinery and equipment, from the site;
- (b) grade any slopes from the resulting mineral working activities to less than 20 percent or to the slope conforming to the existing conditions prior to the mineral working;
- (c) spread topsoil and any organic material that was removed over the entirety of the mineral working area, and hydroseed the area with plant species native to the Cartwright Planning Area; and,
- (d) ditch or gate the access road to the working area.

11.9. General Industry

11.9.1. General industry uses may be permitted by Council provided that the use is restricted to maintenance and repair of equipment, processing, and storage related to an approved mineral working use or forestry use.

11.9.2. Council shall be satisfied the development will not adversely impact adjacent residential developments and that it will not negatively affect the Town's municipal water supply system.

11.10. Agricultural Uses

11.10.1. All applications for agricultural development shall be submitted to the Department of Fisheries, Forestry and Agriculture for review.

11.11. Solid Waste Disposal

11.11.1. All applications for the expansion or creation of a solid waste disposal site shall be submitted to the Department of Environment and Climate Change for review.

11.11.2. Where a solid waste disposal site is proposed to be expanded or created, the provision of buffers, fencing, landscaping, and rodent control shall be required to minimize any adverse effects, to the satisfaction of Council. Any buffers, fencing, landscaping, or rodent control as may be required shall be maintained by the owner and occupier, at their expense.

11.11.3. Council may require additional site planning where a solid waste disposal site is proposed to be expanded or created so as to minimize potential land use conflicts.

12. Heritage Protection (HP) Zone

12.1. Permitted Uses

Recreational Open Space, limited to Parks and Hiking Trails
Conservation

12.2. Discretionary Uses

Agriculture Use
Antenna
Cemetery
Light Industry
Marine Transportation
Utilities

12.3. Lot Requirements

12.3.1. Except as otherwise permitted by these Regulations, Council shall not issue a development permit for a use on a lot in the Heritage Protection (HP) Zone unless the following requirements are met:

Requirement	All Uses
Minimum Lot Area	3,000 m ²
Minimum Lot Frontage	50 m
Minimum Rear Yard	15 m
Minimum Side Yard	15 m
Maximum Building Height	15 m

12.4. Permitted and Discretionary Uses Evaluation

12.4.1. The discretionary use classes, including any associated accessory buildings, listed in the Sections 12.2. may be permitted at the discretion of Council provided proper site evaluation is carried out with respect to the preservation of on-site historic resources and with consent from the Provincial Archeological Office.

12.5. Decommissioned Military Site

12.5.1. Council shall require any proposal for development to the decommissioned US Military Site, known as the Cartwright Air Station, be referred to the Environmental Assessment Division of the Department of Environment and Climate Change and the Provincial Archaeology Office for review.

13. Comprehensive Development (CD) Zone

13.1. Permitted Uses

Conservation

Existing Uses

13.2. Discretionary Uses

Child Care

Double Dwelling

Home-based Business

Mineral Exploration (development)

Mobile Home

Recreational Open Space, limited to Parks, Playgrounds, Playing Fields and Hiking Trails

Secondary Dwelling

Single Dwelling

Special Care

Utilities

13.3. Lot Requirements

13.3.1. Except as otherwise permitted by these Regulations, Council shall not issue a development permit for a use on a lot in the Comprehensive Development (CD) Zone unless the following requirements are met:

Requirement	Single, Double Dwelling	All other uses
Minimum Lot Area	450 m ²	500 m ²
Minimum Lot Frontage	15 m	15 m
Minimum Building Line Setback	6 m	6 m
Minimum Rear Yard	4 m	4 m
Minimum Side Yard	2 m	2 m
Maximum Building Height	10 m	16 m
Maximum Lot Coverage	33%	33%

13.3.2. Notwithstanding Subsection 13.1., land zoned Comprehensive Development (CD) shall be subject to Service NL requirements, per dwelling unit:

Available Services	Required Lot Area
With on-site water supply and sewage disposal services	1860 m ² (minimum lot width of 30 m)
Semi-serviced lot where either water or sewage disposal is provided off-site.	1400 m ² (minimum lot width of 23 m)

13.4. Building Placement on a Lot

13.4.1. Within the Comprehensive Development (CD) Zone, buildings shall have their primary entrance oriented towards the street on which they front.

13.4.2. The primary entrance of a building shall be accessible from the street on which it fronts via paved or landscaped walkway.

13.5. Discretionary Uses

13.5.1. The discretionary uses listed in Section 13.2. shall only be permitted subject to a Comprehensive Development Plan being adopted by Council.

13.5.2. Costs associated with a Comprehensive Development Plan shall be the responsibility of the applicant.

13.5.3. A Comprehensive Development Plan shall include detailed analysis and planning for land use, road layout, water and sewer servicing, parking, site access, service access, pedestrian and automobile movement, and landscaping.

13.5.4. Any area subject to a Comprehensive Development Plan shall be deemed suitable for development by the Town's Engineer prior to the issuance of a development permit.

13.6. Historic Resources

13.6.1. Development plans shall be forwarded to the Provincial Archaeology Office for review to determine if an Historic Resources Impact Assessment is required.

14. Watershed and Environmental Protection (WEP) Zone

14.1. Permitted Uses

- Conservation**
- Recreational Open Space, limited to Hiking Trials**

14.2. Discretionary Uses

- Antenna**
- Forestry**
- Utilities**

14.3. Forestry Development

- 14.3.1.** Forestry uses shall only be permitted if approved by the Department of Environment and Climate Change Water Resources Division.

14.4. Permanent Structures

- 14.4.1.** Permanent structures shall only be permitted when they are owned or installed by the Town and intended for the preservation of the natural environment, scientific research, or the operation of the municipal water supply.

14.5. Burdett's Pond Protected Water Supply Area

- 14.5.1.** Applications for development adjacent to or within the Burdett's Pond Protected Water Supply Area, must be referred to the Province's Water Resources Management Division (WRMD) regarding approval and permitting under Section 39 of the *Water Resources Act, 2002*.
- 14.5.2.** Development adjacent to or within Burdett's Pond Protected Public Water Supply Area must be in accordance and compliance with the Province's Water Resources Management Division's (WRMD) policy for Land and Water Related Developments in Protected Public Water Supply Areas.
- 14.5.3.** Any development in the Municipal Planning Area that overlaps the Protected Public Water Supply Area cannot be less restrictive than the Provinces Water Resource Management Divisions Policy Directive for Land and Water Developments in Protected Public Water Supply Areas.

15. Use Class Table

Residential

Division	Use Class	Examples
Residential Dwelling Uses	Single Dwelling	> Single Detached Dwelling
	Secondary Dwelling	> Secondary Suite > Backyard Dwelling
	Double Dwelling	> Duplex Dwelling > Semi-Detached Dwelling
	Row Dwelling	> Row Houses > Town Houses
	Multi-Unit Dwelling	> Residential Complex (3 or more units)
General Residential Uses	Lodging Establishment	> Bed and Breakfast Establishment > Boarding House > Supportive Housing
	Seasonal Residential	> Summer Home and Cabin > Hunting and Fishing Cabin > Bunkie
	Home-based Business	> Home-based Business
	Vacation Rental	> Short Term Rental
	Mobile Home	> Mobile Home

Assembly Uses

Division	Use Class	Examples
Performing Arts	Theatre	> Movie Theatres > Theatres
Assembly Uses	Cultural and Civic	> Art Galleries > Libraries > Museums > Meeting Rooms > Arts and Cultural Centres > Council Chambers > Court Rooms
	General Assembly	> Auditoria > Bowling Alleys > Community Halls > Dance Halls > Exhibition Halls > Fitness Clubs > Gymnasiums > Lodge Halls
	Education	> Colleges and Universities (non-residential) > Private Schools > Public Schools
	Place of Worship	> Church Halls

		> Places of worship and associated community facilities
	Funeral Home	> Crematoria > Funeral Homes and Chapel > Columbaria
	Child Care	> Day Care Centres > Nursery Schools > Early Childhood Education Services
	Cemetery Uses	> Cemeteries
Arena Type Uses	Indoor Assembly	> Arena > Armories > Ice Rinks > Indoor Swimming Pool > Recreation Centre
Open-air Assembly Uses	Outdoor Assembly	> Bleachers > Grandstands > Outdoor Ice Rink and Swimming Pool > Amusement Parks and Fair-grounds > Outdoor Stadium > Outdoor Concert Venue

Institutional Uses

Division	Use Class	Examples
Penal and Correctional Uses	Penal and Correctional Detention	<ul style="list-style-type: none"> > Prisons > Jail > Police Stations (with detention quarters) > Mental health Facility (with detention quarters) > Youth Correctional Facilities
Special Care Uses	Special Care	<ul style="list-style-type: none"> > Personal Care Home > Nursing Home > Assisted Living Residential Complex
Medical Treatment Uses	Medical Treatment	<ul style="list-style-type: none"> > Hospitals > Infirmarys
Emergency Uses	Emergency Services	<ul style="list-style-type: none"> > Fire Stations > Ambulance Stations > Police Station (without detention quarters)

Commercial Uses

Division	Use Class	Examples
Accommodation Uses	Accommodation	<ul style="list-style-type: none"> > Hotel > Motel > Inn > Hostel > Tourist Cottages > Tourist Cabins
Business, Professional, and Personal Service Uses	Office	<ul style="list-style-type: none"> > Banks > Business Office
	Medical and Professional	<ul style="list-style-type: none"> > Clinic > Professional Offices > Medical Offices > Dental Office and Surgeries
	Personal Service	<ul style="list-style-type: none"> > Barbers > Beauty Parlors and Salons > Domestic and Household Arts > Hairdresser > Pet Grooming > Pet Sitting Services > Veterinary Clinic > Nail Salon > Tattoo Parlor
	General Service	<ul style="list-style-type: none"> > Dry Cleaning Drop-off > Laundromats > Small Tool and Appliance Service and Repair
	Media Communications	<ul style="list-style-type: none"> > Radio Stations > Telephone Exchanges

		> Television Studios
Retail Sale and Display Uses	Shopping Centre	> Shopping Centres > Strip Malls
	Shop	> Department Store > Retail Shops > Supermarkets
	Indoor Market	> Auction Hall > Exhibition Halls > Indoor Farmers Market
	Outdoor Market	> Animal Markets > Fish Stalls > Market Grounds > Produce and Fruit Stand > Outdoor Farmers Markets > Flea Markets
	Automotive Sales	> Automotive Dealerships
	Convenience Stores	> Confectionary Stores > Corner Stores > Gift Shop > Specialty Shops
Food and Beverage Uses	Dine-in Restaurant	> Restaurants > Bar > Lounges > Catering
	Take-out Restaurant	> Take-out Restaurant > Food Stand

Industrial Uses

Division	Use Class	Examples
Light, Non-hazardous or Non-intrusive Industrial Uses	Light Industry	> Custom Workshops > Indoor Storage > Parking Garages > Recycling Depots > Warehouses and Distribution Centres > Wholesale Rooms > Light Manufacturing > Vehicle and Heavy Equipment Sales > Gardening Supply and Furniture Outlets > Boat and Marine Sales > Building Supply and Masonry Product Sales
General Industrial Uses Involving Limited Hazardous Substances and processes	General Industry	> Aggregate-Related Industries > Aircraft Hangers > Bulk Storage Facilities > Cold Storage plants > Contractors' Yards > Concrete Plants > Dry Cleaning Services

		<ul style="list-style-type: none"> > Freight Depots > General Garages > General Manufacturing > Laboratories > Laundries > Planing Mills > Printing Plants > Sawmills > Large-scale Distilleries and Breweries
	Cannabis Production	<ul style="list-style-type: none"> > Cannabis Production and Processing
	Service Station	<ul style="list-style-type: none"> > Gasoline and Fuel Bar > Gasoline and Fuel Service Station > Automobile Wash > Automotive Repair
Industry Uses Involving High Combustible and Hazardous Substances and Processes	Heavy Industry	<ul style="list-style-type: none"> > Bulk Plants for Flammable Liquids > Bulk Storage Warehouse for Hazardous Substances > Chemical Manufacturing or Processing Plant > Dry-cleaning Plants > Feed Mills > Lacquer, Mattress, Paint, Varnish, or Rubber Factories > Fossil-Fuel Power Plants > Spray Painting Operations > Wastepaper Processing
	Animal Processing	<ul style="list-style-type: none"> > Animal Processing > Abattoirs

Non-building Uses

Division	Use Class	Examples
Uses Not Directly Related to Building	Agriculture Uses	<ul style="list-style-type: none"> > Commercial Farms > Agricultural Related Industries > Commercial Livestock Operation > Hobby Farms > Market Gardens and Nurseries
	Forestry	<ul style="list-style-type: none"> > Silviculture > Tree Nurseries
	Mineral Working	<ul style="list-style-type: none"> > Mines > Pits > Quarries
	Mineral Exploration (development)	<ul style="list-style-type: none"> > Mineral exploration
	Mining	<ul style="list-style-type: none"> > Mining
	Recreational Open Space	<ul style="list-style-type: none"> > Campgrounds > Golf Courses > Hiking Trails > Parks > Playing Fields > Parks > Playgrounds > Sports Grounds > Tourist Trailer Parks > Temporary Food Stand
	Conservation	<ul style="list-style-type: none"> > Architectural Historical Sites > Buffer Strips > Trails and Boardwalks > Scenic Lookout Sites > Watersheds > Wildlife Sanctuaries
	Salvage Yard	<ul style="list-style-type: none"> > Car Wrecking Yards > Junk Yards > Scrap Yards > Scrap Dealers
	Solid Waste Facility	<ul style="list-style-type: none"> > Incinerators > Recycling Plant > Sanitary Land Fill > Solid Waste Disposal
	Animal Facility	<ul style="list-style-type: none"> > Animal Pounds > Kennels > Zoos
	Antenna	<ul style="list-style-type: none"> > Cellular Communication Towers > Satellite Dish Antenna > Transmitting and Receiving Masts and Antennas

Utilities	> Infrastructure Directly Related to Sewer, Water and Electrical Servicing
Wind Turbines	> Wind Turbines
Aquaculture	> Aquaculture
General Transportation	> Airfields > Passenger Stations and Depots > Taxi Stands > Railway Yards
Marine Transportation	> Boathouses > Docks and Harbours > Wharves > Marinas
Solar Collector	> Solar Collector

16. Schedules

Schedule 'A'

Planning Area

Schedule 'B'

Zoning Map

Schedule 'C'

Provincial Development Regulations

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Schedule 'A' – Planning Area

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Cartwright Plan Area

SCHEDULE

A

LAST UPDATED

2022.06.22

SCALE

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NORTH



PROJ.

NAD83 CSRS
MTM 2

DATA SOURCE

CanVec, Gov't of Nfld,
Town of Cartwright

LEGEND

Plan Area



MINISTER

TOWN AUTHORIZATION

Robyn Halliwell
Name, Mayor

Shirley Hopkins
Name, Town Manager

12th June 2024
Day Month Year

PROFESSIONAL CERTIFICATION

I certify that this Municipal Plan for the Town of Cartwright has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000:

Ian Watson, MCIP, LPP

UPLAND
PLANNING + DESIGN STUDIO

1489 Hollis Street, Level 2
Halifax, Nova Scotia
B3J 3M5

info@uplandstudio.ca
+ 1 902 423 0649



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Schedule 'B' – Zoning Map

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Town of Cartwright Zoning

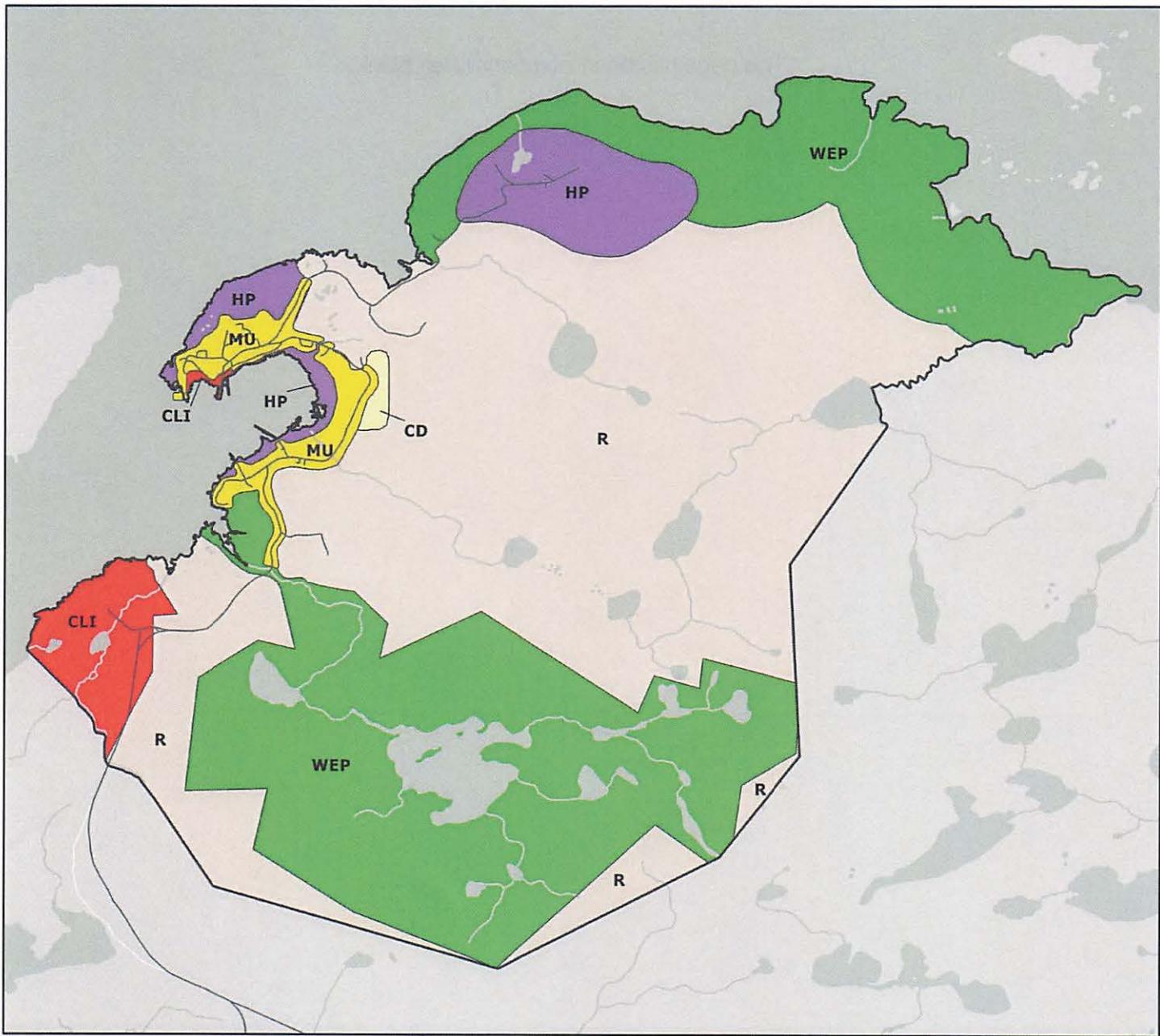
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LAST UPDATED
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PROJ.
NAD83 CSRS
MTM 3
DATA SOURCE
CanVec, Gov't of Nfld,
Town of Cartwright
UPLAND Planning + Design

LEGEND

CLI	Commercial and Light Industrial	HP	Heritage Protection
MU	Mixed Use	WEP	Watershed and Environmental Protection
CD	Comprehensive Development	R	Rural
		Municipal Plan Area Boundary	



MINISTER

TOWN AUTHORIZATION

PROFESSIONAL CERTIFICATION

Robyn Howell
Name, Mayor

I certify that this Municipal Plan for the Town of Cartwright has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000.

Shirley Hopkins
Name, Town Manager

Ian Watson, MCIP, LPP

1489 Hollis St, level 2
Halifax, NS
B3J 3M4
info@uplandstudio.ca
+1 902 423 0649

Development Regulations/Amendment	REGISTERED
Number	970-2024-000
Date	12 JULY 2024
Signature	<i>John Standard</i>

12th June 2024
Day Month Year



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Town of Cartwright Zoning - Town Core

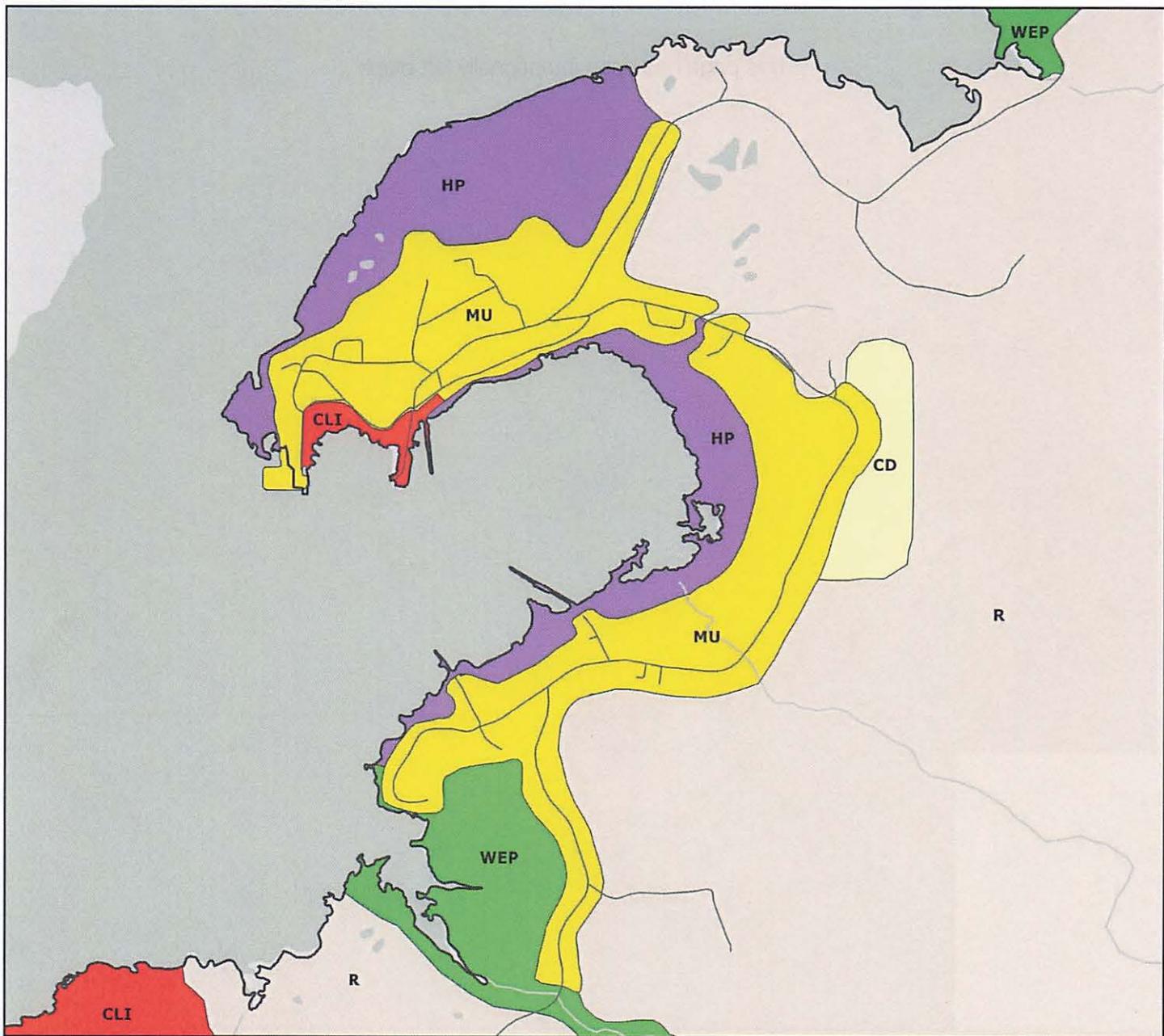
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LAST UPDATED
2023-11-21
NORTH


PROJ.
NAD83 CSRS
MTM 3
DATA SOURCE
CanVec, Gov't of Nfld.
Town of Cartwright
UPLAND Planning + Design

LEGEND

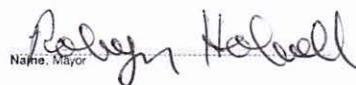
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 MU	Mixed Use	 WEP	Watershed and Environmental Protection
 CD	Comprehensive Development	 R	Rural
			 Municipal Plan Area Boundary



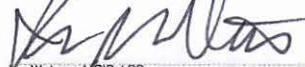
MINISTER

TOWN AUTHORIZATION

PROFESSIONAL CERTIFICATION


Name, Mayor

I certify that this Municipal Plan for the Town of Cartwright has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000.


Name, Town Manager

Ian Watson, MCIP, LPP

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Development Regulations/Amendment
REGISTERED
Number 970-2024-000
Date 6 JULY 2024
Signature 


Shirley Hopkins
Name, Town Manager
12th June 2024
Day Month Year



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Schedule 'C' – Provincial Development Regulations

Short title

1. These regulations may be cited as the 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 antennae,
- (iii) for commercial uses, workshops or garages, and
- (iv) for industrial uses, garages, offices, raised ramps and docks;

(c) "accessory use" means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use;

(d) "building height" means the vertical distance, measured in metres from the established grade to the

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

and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof;

(e) "building line" means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed;

(f) "discretionary use" means a use that is listed within the discretionary use classes established in the use zone tables of an authority's development regulations;

(g) "established grade" means,

- (i) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or

- (ii) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment;
- (h) "floor area" means the total area of all floors in a building measured to the outside face of exterior walls;
- (i) "frontage" means the horizontal distance between side lot lines measured at the building line;
- (j) "lot" means a plot, tract or parcel of land which can be considered as a unit of land for a particular use or building;
- (k) "lot area" means the total horizontal area within the lines of the lot;
- (l) "lot coverage" means the combined area of all building on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot;
- (m) "non-conforming use" means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone;
- (n) "owner" means a person or an organization of persons owning or having the legal right to use the land under consideration;
- (o) "permitted use" means a use that is listed within the permitted use classes set out in the use zone tables of an authority's development regulations;
- (p) "prohibited use" means a use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that an authority specifies as not permitted within a use zone;
- (q) "sign" means a word, letter, model, placard, board, device or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement or direction and excludes those things employed wholly as a memorial, advertisements of local government, utilities and boarding or similar structures used for the display of advertisements;
- (r) "rear yard depth" means the distance between the rear lot line and the rear wall of the main building on a lot;

- (s) "side yard depth" means the distance between the side lot line and the nearest side wall of a building on the lot;
- (t) "street" means a street, road, highway or other way designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles;
- (u) "street line" means the edge of a street reservation as defined by the authority having jurisdiction;
- (v) "use" means a building or activity situated on a lot or a development permitted on a lot;
- (w) "use zone" or "zone" means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply;
- (x) "variance" means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the authority's regulations; and
- (y) "zoning map" means the map or maps attached to and forming a part of the authority's regulations.

(2) An authority may, in its discretion, determine the uses that may or may not be developed in a use zone and those uses shall be listed in the authority's regulations as discretionary, permitted or prohibited uses for that area.

Notice of right to appeal

5. Where an authority makes a decision that may be appealed under section 42 of the Act, that authority shall, in writing, at the time of making that decision, notify the person to whom the decision applies of the
 - (a) persons right to appeal the decision to the board;
 - (b) time by which an appeal is to be made;
 - (c) right of other interested persons to appeal the decision; and
 - (d) manner of making an appeal and the address for the filing of the appeal.

Appeal requirements

6. (1) The secretary of the board at the Department of Municipal and Provincial Affairs, Main Floor, Confederation Building (West Block), P.O. Box 8700, St. Johns, Nfld., A1B 4J6 is the secretary to all boards in the province and an appeal filed with that secretary within the time period referred to in subsection 42(4) of the Act shall be considered to have been filed with the appropriate board.
- (2) Notwithstanding subsection (1), where the City of Corner Brook , City of Mount Pearl or City of St. Johns appoints an appeal board under subsection 40(2) of the Act, an appeal shall be filed with the secretary of that appointed board.
- (3) The fee required under section 44 of the Act shall be paid to the board that hears the decision being appealed by filing it with the secretary referred to in subsection (1) or (2) within the 14 days referred to in subsection 42(4) of the Act.
- (4) The board that hears the decision being appealed shall, subject to subsection 44(3) of the Act, retain the fee paid to the board.
- (5) Where an appeal of a decision and the required fee is not received by a board in accordance with this section and Part VI of the Act, the right to appeal that decision shall be considered to have been forfeited.

Appeal registration

7. (1) Upon receipt of an appeal and fee as required under the Act and these regulations, the secretary of the board as referred to in subsections 6(1) and (2), shall immediately register the appeal.
- (2) Where an appeal has been registered the secretary of the board shall notify the appropriate authority of the appeal and shall provide to the authority a copy of the appeal and the documentation related to the appeal.
- (3) Where an authority has been notified of an appeal that authority shall forward to the appropriate board a copy of the application being appealed, all correspondence, council minutes, plans and other relevant information relating to the appeal including the names and addresses of the applicant and other interested persons of whom the authority has knowledge.

(4) Upon receipt of the information under subsection (3), the secretary of the board shall publish in a newspaper circulated in the area of the appropriate authority, a notice that the appeal has been registered.

(5) A notice published under subsection (4) shall be published not fewer than 2 weeks before the date upon which the appeal is to be heard by the board.

Development prohibited

8. (1) Immediately upon notice of the registration of an appeal the appropriate authority shall ensure that any development upon the property that is the subject of the appeal ceases.
- (2) Sections 102 and 104 of the Act apply to an authority acting under subsection (1).
- (3) Upon receipt of a notification of the registration of an appeal with respect to an order under section 102 of the Act, an authority shall not carry out work related to the matter being appealed.

Hearing notice and meetings

9. (1) A board shall notify the appellant, applicant, authority and other persons affected by the subject of an appeal of the date, time and place for the appeal not fewer than 7 days before the date scheduled for the hearing of the appeal.
- (2) A board may meet as often as is necessary to conduct its work in an expeditious manner.

Hearing of evidence

10. (1) A board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under subsection 9(1) or their representative may appear before the board and make representations with respect to the matter being appealed.
- (2) A board shall hear an appeal in accordance with section 43 of the Act and these regulations.
- (3) A written report submitted under subsection 43(2) of the Act respecting a visit to and viewing of a property shall be considered to have been provided in the same manner as evidence directly provided at the hearing of the board.

(4) In the conduct of an appeal hearing, the board is not bound by the rules of evidence.

Board decision

11. A decision of the board must comply with the plan, scheme or development regulations that apply to the matter that has been appealed to that board.

Variances

12. (1) Where an approval or permit cannot be given by an authority because a proposed development does not comply with development standards set out in development regulations, an authority may, in its discretion, vary the applicable development standards to a maximum of 10% if, in the authority's opinion, compliance with the development standards would prejudice the proper development of the land, building or structure in question or would be contrary to public interest.

(2) An authority shall not allow a variance from development standards set out in development regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10% variance even though the individual variances are separately no more than 10%.

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

Notice of variance

13. Where an authority is to consider a proposed variance, that authority shall give written notice of the proposed variance from development standards to all persons whose land is in the immediate vicinity of the land that is the subject of the variance.

Residential non conformity

14. A residential building or structure referred to in paragraph 108(3)(g) of the Act must, where being repaired or rebuilt, be repaired or rebuilt in accordance with the plan and development regulations applicable to that building or structure.

Notice and hearings on change of use

15. Where considering a non conforming building, structure or development under paragraph 108(3)(d) of the Act and before making a decision to vary an existing use of that non-conforming building, structure or development, an authority, at the applicants expense, shall publish a notice in a newspaper circulating in the area or by other means give public notice of an application to vary the existing use of a non-conforming building, structure or development and shall consider any representations or submissions received in response to that advertisement.

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.