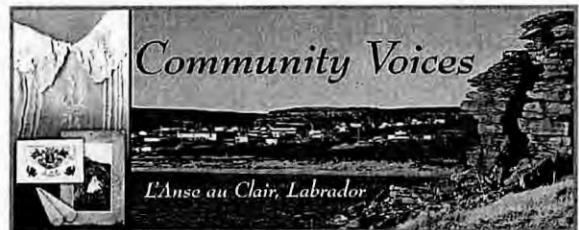


Town of L'Anse au Clair
Land Use Zoning, Subdivision
& Advertisement Regulations 2019-2029
(Development Regulations)



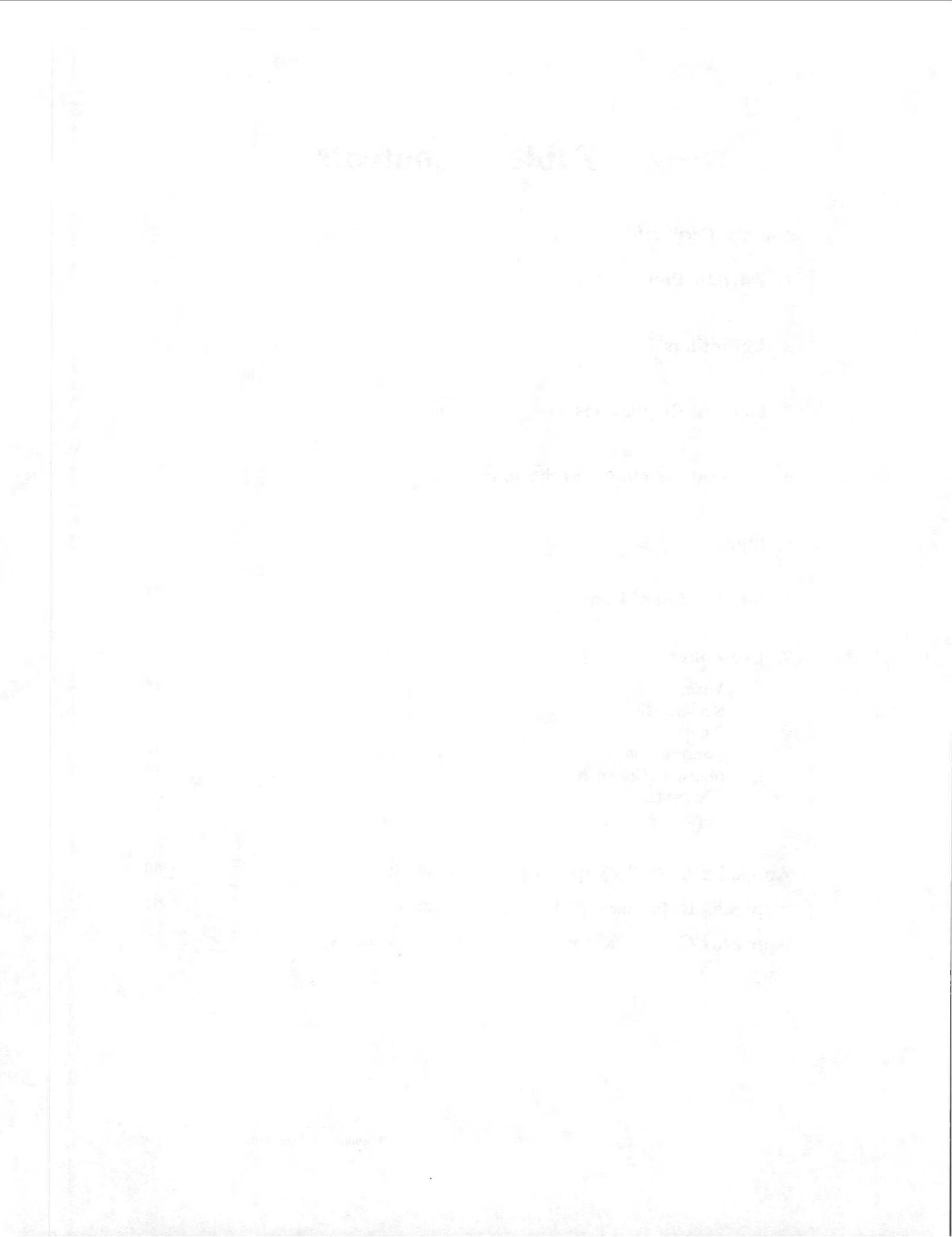
prepared by:



June, 2019
Final edit, 17 Sep, 2021

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COUNCIL RESOLUTION TO ADOPT
Town of L'Anse au Clair Development Regulations

Under the authority of Section 35 of the *Urban and Rural Planning Act 2000*, the Town Council of L'Anse au Clair adopts the L'Anse au Clair Development Regulations 2019 - 2029 in order to bring the Regulations into conformity with the *Urban and Rural Planning Act 2000*.

Adopted by the Town Council of L'Anse au Clair on the 23rd day of November, 2020.

Signed and sealed this 18th day of October, 2021.

Mayor: Mark Charles

(Council Seal)

Clerk: St. L. Z.

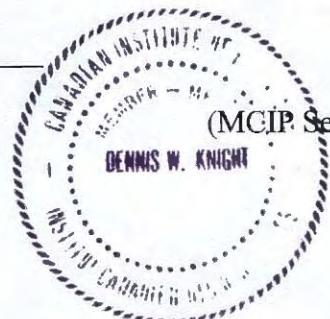


CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

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

MCIP: Dennis W. Knight
26 Nov., 2021

DENNIS W. KNIGHT





COUNCIL RESOLUTION TO APPROVE

TOWN OF L'ANSE AU CLAIR DEVELOPMENT REGULATIONS

Under the authority of section 35 of the *Urban and Rural Planning Act 2000*, the Town Council of L'Anse au Clair:

- a) adopted the Development Regulations on the 23rd day of November, 2020.
- b) As there is no newspaper published in the area, gave notice of the adoption of said document by:
 - Posting the notice on the Town's Facebook page on April 26, 2021;
 - Posting the notice on the Town's website on April 26, 2021;
 - Placing posters in prominent locations including the town hall, etc.; and
 - Sending notices to the mailboxes of all residents on April 26, 2021.
- c) Set the 12th day of May at 7:30 p.m. at the AMG Community Centre for the holding of a physical public hearing to consider objections and submissions.

Now under section 35 of the *Urban and Rural Planning Act 2000*, the Town Council of L'Anse au Clair approves the L'Anse au Clair Development Regulations as adopted on the above date and amended following the Public Hearing of May 12, 2021 and the Commissioner's Report, dated May 31st, 2021

Signed and sealed this 18th day of October, 2021.

Mayor:

Mark Charles

(Council Seal)

Clerk:

St. L. Z.



Development Regulations/Amendment

REGISTERED

Number 2700 - 2022 - 000

Date 13 APRIL 2022

Signature P. Polanmark



1. Introduction

1.1 SHORT TITLE

These Regulations may be cited as the Town of L'Anse au Clair Development Regulations.

1.2 INTERPRETATION

Words and phrases used in these Regulations shall have the meanings ascribed to them in Section 2.

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

1.3 COMMENCEMENT

These Regulations come into effect throughout the L'Anse au Clair Municipal Planning Area, hereinafter referred to as the Planning Area, on the date of publication of a notice to that effect in the *Newfoundland and Labrador Gazette*.

1.4 MUNICIPAL CODE AND REGULATIONS

The *National Building Code of Canada*, the *Fire Code of Canada* and any other ancillary code and any building regulations, waste disposal regulation and/or any other municipal regulations regulating or controlling the development, conservation and use of land in the Town of L'Anse au Clair, shall, under these Regulations apply to the entire Planning Area.

1.5 AUTHORITY

In these Regulations, "Authority" means the Town Council of L'Anse au Clair.

1.6 PROVINCIAL DEVELOPMENT REGULATIONS

Sections of the *Urban and Rural Planning Act, 2000* are referenced and the text of the *Provincial Development Regulations* (Appendix B) have been incorporated into the L'Anse au Clair Development Regulations 2019 – 2029 and are referenced as follows:

Urban and Rural Planning Regulation (No.), or
Provincial Regulation (No.).

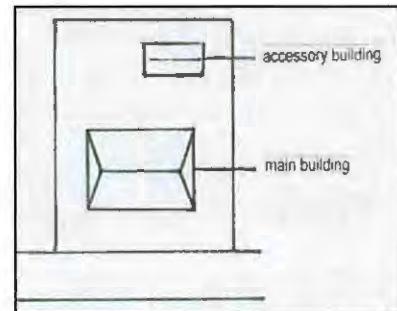
Where there is a conflict between the L'Anse au Clair Regulations and the Provincial Regulations, the Provincial Regulations shall apply.

2. Definitions

Access: A way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street.
(Refer to Provincial Regulation 4 (a), Appendix B)

Accessory Building can include the following:

- (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 (see drawing),
- (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.



(Refer to Provincial Development Regulation 4 (b), Appendix B)

Accessory Use: A use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use.

(Refer to Provincial Regulation 4 (c), Appendix B)

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

Agriculture: Horticulture, fruit growing, grain growing, seed growing, dairy farming, the breeding or rearing of livestock, including any creature kept for the production of food, wool, skins, or fur, or for the purpose of its use in the farming of land, the use of land as grazing land, meadow land, market gardens and nursery grounds and the use of land for woodlands where that use is ancillary to the farming of land for any other purpose.

Appeal Board: An Appeal Board established under the Act.

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

Authority: The Town Council of L'Anse au Clair.

Boarding House: A dwelling in which at least 2 rooms are regularly rented to persons

other than the immediate family of the owner or tenant.

Building:

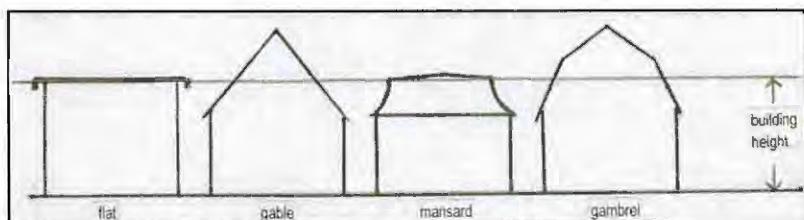
- (i) every structure, erection, excavation, alteration or improvement whatsoever placed on, over or under land, or attached, anchored or moored to land,
- (ii) mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other like uses,
- (iii) any part of a building as so defined and any fixtures that form part of a building,
- (iv) an excavation of land whether or not it is associated with the intended or actual construction as referred to in (i) to (iii).

(Refer to *Urban & Rural Planning Regulation 2 (c)*)

Building Height: The vertical distance, measured in metres from the established grade to the:

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

(Refer to *Provincial Regulation 4 (d), Appendix B*)



Building Line: A line established by an Authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed.

(Refer to *Provincial Regulation 4 (e), Appendix B*)

Convenience Store: A building used as a store to serve the needs of the adjacent neighbourhood, including the sale of magazine, confectionary and grocery items, rental of video products or a delicatessen or snack bar.

Daycare Centre or Day Nursery: A building or part of a building in which services and activities are regularly provided to children of pre-school age during the full daytime period as defined under the *Child Care Act*, but does not include a school as defined by the *Schools Act*.

Development: The carrying out of any building, engineering, mining or other operations in, on, over, or under land, or the making of any material change in the use, or

the intensity of use of any land, buildings, or premises, and:

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

Development shall exclude:

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

Development Regulations: Regulations respecting development that have been enacted by the relevant Authority.

Discretionary Use: A use that is listed within the discretionary use classes established in the use zone tables of an Authority's development regulations.

(Refer to Provincial Regulation 4 (f), Schedule B)

Dwelling, Single Detached Unit: A self-contained unit consisting of one or more habitable rooms used or designed as the living quarters for one household.

Dwelling, Double Unit (or Duplex): A building containing two dwelling units, placed one above the other, or side by side, but does not include a self-contained dwelling containing a subsidiary apartment.

Dwelling, Townhouse: Three or more dwelling units, each with a separate entrance, constructed side by side and separated by common vertical walls.

Dwelling, Apartment Building: A building containing three or more dwelling units, but not including a townhouse dwelling.

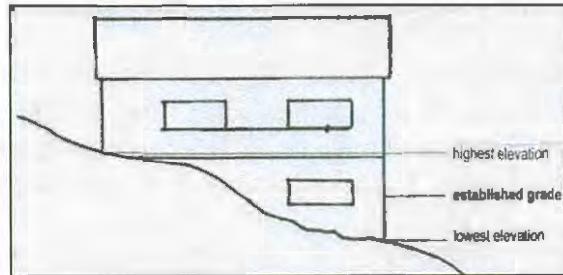
Erect: To build, construct, reconstruct, alter or relocate and, without limiting the generality of the foregoing, shall include any preliminary physical operation such as

excavating, grading, piling, cribbing, filling or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

Engineer: A professional engineer employed or retained by the Authority and certified by the Association of Professional Engineers and Geoscientists of Newfoundland and Labrador.

Established Grade:

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



- (ii) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment.

(Refer to Provincial Regulation 4 (g), Schedule B)

Existing Use: A use that exists legally (or as an established non-conforming use) as of the effective date of these regulations.

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

(Refer to Provincial Regulation 4 (h), Schedule B)

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

(Refer to Provincial Regulation 4 (i), Schedule B)

General Industry: The use of land or buildings for the purpose of storing, assembling, altering, repairing, manufacturing, fabricating, packing, canning, preparing, breaking up, demolishing, or treating any article, commodity or substance.

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

Historic Building or Site: A building or site valued by the people of L'Anse au Clair for its contribution to the heritage of the community.

Home Occupation: An accessory use of a dwelling and/or accessory building for gainful employment involving the provision or sale of goods and/or services.

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

Land: Includes land covered by water, and buildings and structures on, over, or under the soil and fixtures that form part of these buildings and structures.

(Refer to Urban & Rural Planning Regulation 2 (i))

Landscaping: Any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property or to provide a screen between properties in order to mitigate objectionable features between them.

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

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

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

(Refer to Provincial Regulation 4 (j), Schedule B)

Lot Area: The total horizontal area within the lines of the lot.

(Refer to Provincial Regulation 4 (k), Schedule B)

Lot Coverage: The combined area of all buildings on the lot measured at the level of the lowest floor above the established grade, expressed as a percentage of the total area of the lot. As an example, for a lot containing a main building (A) and an accessory building (B), the lot coverage would be

$$\frac{\text{Area of A} + \text{Area of B}}{\text{Total lot area}} \times 100 = \text{percentage of lot coverage}$$

(Refer to Provincial Regulation 4 (l), Schedule B)

Lot Line: An outer boundary for a particular lot.

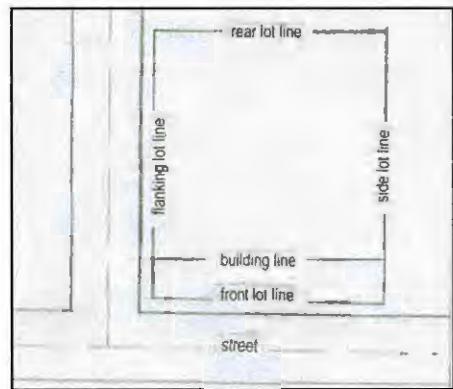
Lot Line, Front: The line dividing a lot from the street. For a corner lot, the shorter lot line abutting the street shall be deemed the front lot line and the longer lot line abutting the street shall be deemed the flanking lot line (see following drawing).

Lot Line, Rear: The lot line on the opposite side of the front lot line.

Lot Line, Side: The lot lines perpendicular to the front and rear lot lines.

Lot Line, Flanking: A lot line which abuts the street on a corner lot.

Marina: A dock or basin together with associated facilities such as slips, moorings, supplies, repairs and other services, such as storage, sales and rentals, typically available for boats and other watercraft.



Mineral Working: Land or buildings used for the working or extraction of any naturally occurring substance.

Mobile Home: A transportable factory-built single family dwelling unit:

- (i) which complies with space standards substantially equal to those laid down in the Canadian Code for Residential Construction and is in accordance with the construction standards laid down and all other applicable Provincial and Municipal Codes, and
- (ii) which is designed to be:
 - a. transported on its own wheels and chassis to a mobile home lot, and subsequently supported on its own wheels, jacks, posts or piers, or on a permanent foundation, and
 - b. connected to exterior public utilities approved by the Authority, namely, piped water, piped sewer, electricity and telephone, in order for such mobile home unit to be suitable for year round term occupancy.

Non-Conforming Use: A legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone.

(Refer to Provincial Regulation 4 (m), Schedule B)

Nursing Home: A building where nursing care and room and board are provided to individuals incapacitated in some manner for medical reasons and approved by the NL Department of Health and Community Services.

Outdoor Storage: The storage of goods, inventory, materials or equipment or other items, which are not intended for immediate sale.

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

(Refer to Provincial Regulation 4 (n), Schedule B)

Permitted Use: A use listed within the permitted use classes set out in the use zone tables of an Authority's development regulations.

(Refer to Provincial Regulation 4 (o), Schedule B)

Prohibited Use: A use not listed in a use zone within the permitted use classes or discretionary use classes or a use that an Authority specifies as not permitted within a use zone.

(Refer to Provincial Regulation 4 (p), Schedule B)

Public Use: Any lands, structures or buildings constructed for use by the general public, including but not limited to parks, playgrounds, trails, paths, other recreational and open spaces, scenic and historic sites, publicly funded buildings such as schools, hospitals and libraries.

Recreational Use: The use of land for parks, playgrounds, tennis courts, greens, athletic fields, golf courses, picnic areas, day camps, walking trails, and similar uses.

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

Roof, Flat: A roof with little or no slope.

Roof, Gable: A two-sided, sloping roof with a single ridge and gables at either end.

Roof, Gambrel: A two-sided, double sloping roof.

Roof, Hipped: A four-sided roof with four sloping sides.

Roof, Mansard: A two or four-sided, double sloped roof with a very steep lower slope and a flat (or nearly flat) upper slope.

Screening: The method by which a view of one site from another adjacent site is shielded, concealed or hidden, using, for example, trees and fences.

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

Shop: A building or part thereof used for retail trade wherein the primary purpose is the

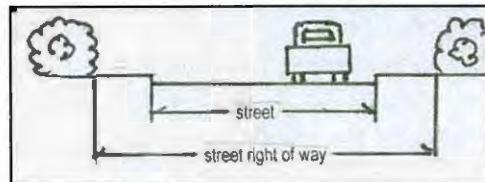
selling or offering for sale of goods, wares or merchandise by retail or the selling or offering for sale of retail services but does not include an establishment wherein the primary purpose is the serving of meals or refreshments, an amusement use, a general garage, or a service station.

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

(Refer to Provincial Regulation 4 (q), Appendix B)

Street: 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 (see drawing).

(Refer to Provincial Regulation 4 (t), Appendix B)



Street Line: The edge of a street reservation as defined by the Authority having jurisdiction.

(Refer to Provincial Regulation 4 (u), Appendix B)

Street Right-of-Way: a strip of land between the street lines, acquired by reservation, dedication or forced dedication, intended to be occupied or occupied by a public street, road or highway.

Storey: The entire floor or level of a building having a continuous or nearly continuous floor.

Subdivision: The dividing of any land, whether in single or joint ownership, into two or more pieces for the purpose of development. A development agreement shall apply to the subdivision of land into three or more pieces.

Subsidiary Apartment: A separate dwelling unit constructed within and subsidiary to a self-contained dwelling.

Take-Out Food Service: A building in which the primary purpose is the preparation and sale of meals or refreshments for consumption off the premises.

Use: A building or activity situated on a lot or a development permitted on a lot.
(Refer to Provincial Regulation 4 (v), Schedule B)

Use Zone or Zone: An area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply.

(Refer to Provincial Regulation 4 (w), Schedule B)

Variance: A departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the Authority's regulations.

(Refer to Provincial Regulation 4 (x), Schedule B)

Watercourse: Any lake, pond, river, stream or other body of water.

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

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

Yard Depth, Rear: The distance between the rear lot line and the rear wall of the main building on the lot (see drawing).

(Refer to Provincial Regulation 4 (r), Schedule B)

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

(Refer to Provincial Regulation 4 (s), Schedule B)

Yard Depth, Front: The distance between the front lot line of a lot and the front wall of the main building on the lot.



Yard, Flanking: The side yard of a corner lot bounded by the street.

Yard, Abutting: The yard of an abutting lot which shares the lot line of the subject property.

Zoning Map: The map or maps attached to and forming part of the Authority's regulations.

(Refer to Provincial Regulation 4 (y), Schedule B)

3. General Regulations

3.1 Permit Required

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

3.2 Decisions of Council

Decisions made by the Authority with respect to a permit shall be made in writing, and state the reasons for refusal of, or conditions attached to the permit. Council shall also advise the person to whom the decision applies of their right to appeal, in accordance with Section 42 of the Act and the requirements of Regulation 3.20 of these Regulations.

3.3 Permit to be Issued

Subject to Regulations 3.4 and 3.5, a permit shall be issued for development within the Planning Area that conforms to:

- (a) the general development standards set out in Section 4 of these Regulations, the requirements of Section 6 of these Regulations, and the use classes, standards, requirements, and conditions prescribed in Section 7 of these Regulations for the use zone in which the proposed development is located;
- (b) 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;
- (c) the standards set out in Section 5 of these Regulations in the case of signage;
- (d) the standards set out in Section 6 of these Regulations in the case of subdivision;
- (e) the standards of design and appearance established by the Authority.

3.4 Permit Not to be Issued in Certain Cases

An Approval or Approval in Principle in principle shall not be issued for a proposed development where, in the opinion of the Authority, it is premature by reason of the site lacking adequate road access, power, drainage, sanitary facilities, or domestic water supply, or being beyond the natural development of the area at the time of application, unless the applicant contracts to pay the full cost of construction of the services deemed necessary by the Authority and such cost shall attach to and upon the property in respect of which it is imposed.

When a decision is made to refuse an application, the notice to the proponent should include a notice of the right to appeal under Regulation 3.20.

3.5 Discretionary Powers of Authority

In considering an application for a permit or approval in principle to carry out development, the Authority shall take into account the policies expressed in the Municipal

Plan and any further scheme, plan or regulations pursuant thereto, and shall assess the general appearance of the development of the area, the amenity of the surroundings, availability of utilities, public safety and convenience, and any other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of these Regulations, the Authority may, in its discretion, and as a result of its consideration of the matters set out in this Regulation, conditionally approve or refuse the application.

3.6 Application

- (a) An application for a Development Permit or Approval in Principle shall be made only by the owner or by a person authorized by the owner to the Authority on such form as may be prescribed by the Authority,
- (b) Every application shall include such plans, specifications and drawings as the Authority may require, and be accompanied by the permit fee required by the Authority.
- (c) The Authority shall supply to every applicant a copy of the application forms referred to in Regulation 3.6 (a) and a description of the plans, specifications and drawings required to be provided with the application.

3.7 Register of Application

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

3.8 Deferment of Application

- (a) The Authority may, with the written agreement of the applicant, defer consideration of an application.
- (b) Applications properly submitted in accordance with these Regulations which have not been determined by the Authority and on which a decision has not been communicated to the applicant within eight weeks of the receipt thereof by the Authority, and on which consideration has not been deferred in accordance with Regulation 3.8(a), shall be deemed to be refused.
- (c) Any refusal notice to the proponent should include a notice of the right to appeal under Regulation 3.20.

3.9 Approval in Principle

- (a) An application for Approval in Principle shall include:
 - (i) A description of the proposed development,
 - (ii) A description of the limits of the land to be used, which may include a survey description of the land,
 - (iii) Detailed plans for the development, and
 - (iv) Any additional information that may be required by Council.
- (b) The Authority may grant Approval in Principle if it determines that the application

conforms to the Municipal Plan and these Regulations. The Approval in Principle shall be issued in writing.

- (c) An Approval in Principle shall be valid for two years.
- (d) No development shall be carried out under an Approval in Principle.
- (e) The Authority may revoke an Approval in Principle if it determines the applicant has changed the proposed development in a way that significantly alters the original intent of the application. Any revoke notice to the proponent should include a notice of the right to appeal under Regulation 3.20.

3.10 Approval

Approval of an application is granted by the Authority in the form of a Development Permit or Building Permit.

3.11 Development Permit

- (a) A plan or drawing approved by the Authority and which bears a mark and/or signature indicating such approval together with a permit shall be deemed to be permission to develop land in accordance with these Regulations but such permission shall not relieve the applicant from:
 - (i) full responsibility for obtaining permits or approvals under any other regulation or statute prior to commencing the development,
 - (ii) having the work carried out in accordance with these Regulations or any other regulations or statutes, and
 - (iii) compliance with all conditions attached to an approval or permit.
- (b) The Authority may attach to a permit or to approval in principle such conditions as it deems fit in order to ensure that the proposed development will be in accordance with the purposes and intent of these Regulations.
- (c) Where the Authority deems necessary, permits may be issued on a temporary basis for a period not exceeding two years, which may be extended in writing by the Authority for further periods not exceeding two years.
- (d) A permit is valid for such period, not in excess of two years, as may be stated therein, and if the development has not commenced, the permit may be renewed for a further period not in excess of one year, but a permit shall not be renewed more than once, except in the case of a permit for an advertisement, which may be renewed in accordance with these Regulations.
- (e) The approval of any application and plans or drawings or the issue of a permit shall not prevent the Authority from thereafter requiring the correction of errors, or from ordering the cessation, removal of, or remedial work on any development being carried out in the event that the same is in violation of this or any other regulations or statute.
- (f) The Authority may revoke a permit for failure by the holder of it to comply with these Regulations or any condition attached to the permit or where the permit was issued in error or was issued on the basis of incorrect information. The proponent

should be informed in writing of the right to appeal under Regulation 3.20.

- (g) No person shall erase, alter or modify any drawing or specifications upon which a permit to develop has been issued by the Authority.
- (h) There shall be kept available on the premises where any work, matter or thing 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 during the whole progress of the work, or the doing of the matter or thing until completion.

3.12 Revoke Permit

The Authority may revoke an approval and any subsequent permits for failure by the applicant to comply with these Regulations or any condition attached to the permit or where the permit was issued in error or was issued contrary to the applicable regulations or was issued on the basis of incorrect information. The applicant should be informed in writing of the right to appeal under Regulation 3.20.

3.13 Public Notice

- (a) The Authority shall provide public notice for a period of not less than:
 - (i) 7 days, when considering a variance in accordance with Regulation 3.27 of these Regulations,
 - (ii) 14 days, when considering a change in a non-conforming use in accordance with Regulation 3.31; or development which is listed as a Discretionary use in any use zone in Section 7 of these Regulations.
- (b) The Authority may require public notice of any development application where, in the opinion of the Authority, such notice is required for information and public consultation purposes.
- (c) Council shall require the cost of a public notice or portion thereof to be paid by the applicant and that such notice shall be by public advertisement in a newspaper circulating in the area or by any other means deemed necessary or appropriate by the Authority.

3.14 Right of Entry

The Authority, or other person or persons authorized by the municipality, may enter upon any public or private land and may within reason enter any development or building for the purpose of making surveys or examinations or obtaining information relative to the carrying out of any development, construction, alteration, repair, or any other works whatsoever which the Authority is empowered to regulate.

3.15 Stop Work Order and Prosecution

- (a) Where a person begins a development contrary or apparently contrary to these Regulations, the Authority may order that person to stop the development.
- (b) The Authority may further order a person to pull down, remove, stop construction, fill in or destroy the building or development and restore the site to its original state, pending final adjudication in any prosecution arising out of the development.

- (c) A person who does not comply with an order made under Regulation 3.15(a) is guilty of an offence under the provisions of the Act.

3.16 Service Levy

- (a) The Authority may require a developer to pay a service levy where development is made possible or where the density of potential development is increased, or where the value of property is enhanced in accordance with Section 149 (2) of the *Municipalities Act, 1999*.
- (b) A service levy shall not exceed the cost, including finance charges to the Authority of constructing or improving the public works referred to in Regulation 3.17 (a) that are necessary for the real property to be developed in accordance with the standards required by the Authority and for uses that are permitted on that real property.
- (c) A service levy shall be assessed on the real property based on:
 - i) the amount of real property benefited by the public works related to all the real property so benefited; and,
 - ii) the density of development made capable or increased by the public work.
- (d) The Authority may require a service levy to be paid by the owner of the real property and may specify the time of payment.

3.17 Financial Guarantees by Developer

- (a) The Authority may require a developer before commencing a development to make such financial provisions and/or enter into such agreements as may be required to guarantee the payment of service levies, ensure site reinstatement, and enforce the carrying out of any other condition attached to a permit or licence.
- (b) The financial provisions pursuant to Regulation 3.17(a) may be made in the form of:
 - i) a cash deposit from the developer, to be held by the Authority, or
 - ii) a guarantee by a bank, or other institution acceptable to the Authority.

3.18 Dedication of Land for Public Use

The Authority may require the dedication of not more than 10% of the land area of any subdivision or other development for public use, and such land shall be conveyed to the Authority in accordance with the provisions of the Act.

3.19 Reinstatement of Land

The Authority may order the developer, the occupier of the site, the owner or any of them to reinstate the site to the satisfaction of the Authority where:

- (a) The use of land is discontinued,
- (b) The intensity of the use is decreased,
- (c) A Permit to Develop has been revoked, or
- (d) A Temporary Permit to Develop has expired.

In the case of a discontinued non-conforming use, the right to resume the use shall not

exceed 6 months, unless otherwise provided by regulation under the Act (see Section 108 (2) of the Act).

3.20 Notice of Right to Appeal

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

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

(Refer to Provincial Regulation 5, Appendix B)

3.21 Appeal Requirements

- (a) The Secretary of the Appeal Board at the Department of Municipal and Provincial Affairs, Confederation Building (West Block), P.O. Box 8700, St. John's, Nfld., A1B 4J6 is the secretary to all Appeal Boards in the Province and an appeal filed with that secretary within the time period referred to in Subsection 42(4) of the Act shall be considered to have been filed with the appropriate Appeal Board.
- (b) The fee required under Section 44 of the Act shall be paid to the Appeal Board that hears the decision being appealed by filing it with the secretary referred to in Regulation 3.21(a) within the 14 days referred to in Subsection 42(4) of the Act.
- (c) The Appeal Board that hears the decision being appealed shall, subject to Subsection 44(3) of the Act, retain the fee paid to the Appeal Board.
- (d) Where an appeal of a decision and the required fee is not received by an Appeal Board in accordance with this section and Part VI of the Act, the right to appeal that decision shall be considered to have been forfeited.

(Refer to Provincial Regulation 6, Appendix B)

3.22 Appeal Registration

- (a) Upon receipt of an appeal and fee as required under the Act and these regulations, the Secretary of the Appeal Board as referred to in Regulation 3.21(a), shall immediately register the appeal.
- (b) Where an appeal has been registered, the Secretary of the Appeal Board shall notify the Authority of the appeal and shall provide to the Authority a copy of the appeal and the documentation related to the appeal.
- (c) Where the Authority has been notified of an appeal the Authority shall within one week of notification forward to the Secretary 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.
- (d) Upon receipt of the information under Regulation 3.22 (c), the Secretary of the

Appeal Board shall publish in a newspaper circulated in the area of the appropriate Authority, a notice that the appeal has been registered.

- (e) A notice published under Regulation 3.22 (d) shall be published not fewer than 2 weeks before the date upon which the appeal is to be heard by the board.

(Refer to Provincial Regulation 7, Appendix B)

3.23 Development Prohibited

- (a) Immediately upon notice of the registration of an appeal, the Authority shall ensure that any development upon the property that is the subject of the appeal ceases.
- (b) Sections 102 and 104 of the Act apply to the Authority acting under Regulation 3.23 (a).
- (c) Upon receipt of a notification of the registration of an appeal with respect to an order under Section 102 of the Act, the Authority shall not carry out work related to the matter being appealed.

(Refer to Provincial Regulation 8, Appendix B)

3.24 Hearing Notice and Meetings

- (a) An Appeal Board shall notify the appellant, applicant, Authority and other persons affected by the subject of an appeal of the date, time and place for the appeal not fewer than 7 days before the date scheduled for the hearing of the appeal.
- (b) An Appeal Board may meet as often as is necessary to conduct its work in an expeditious manner.

(Refer to Provincial Regulation 9, Appendix B)

3.25 Hearing of Evidence

- (a) An Appeal Board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under Regulation 3.24 (a) or their representative may appear before the Appeal Board and make representations with respect to the matter being appealed.
- (b) An Appeal Board shall hear an appeal in accordance with Section 43 of the Act and these Regulations.
- (c) A written report submitted under Subsection 43(2) of the Act respecting a visit to and viewing of a property shall be considered to have been provided in the same manner as evidence directly provided at the hearing of the Appeal Board.
- (d) In the conduct of an appeal hearing, the Appeal Board is not bound by the rules of evidence.

(Refer to Provincial Regulation 10, Appendix B)

3.26 Board Decision

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.
(Refer to Provincial Regulation 11, Appendix B)

3.27 Variances

- (a) Where an approval or permit cannot be given by the Authority because a proposed development does not comply with development standards set out in development regulations, the Authority may, in its discretion, vary the applicable development standards to a maximum of 10% if, in the Authority's opinion, compliance with the development standards would not prejudice the proper development of the land, building or structure in question or would be contrary to public interest.
- (b) The Authority shall not allow a variance from development standards set out in development regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10% variance even though the individual variances are separately no more than 10%.
- (c) The Authority shall not permit a variance from development standards where the proposed development would increase the non conformity of an existing development.

(Refer to Provincial Regulation 12, Appendix B)

3.28 Notice of Variance

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

(Refer to Provincial Regulation 13, Appendix B)

3.29 Residential Non-Conformity

A residential building or structure referred to in Subsection 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.

(Refer to Provincial Regulation 14, Appendix B)

3.30 Notice and Hearings on Change of Use

Where considering a non-conforming building, structure or development under paragraph 108(3)[d] of the Act and before making a decision to vary an existing use of that non-conforming building, structure or development, 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 that building, structure or development and shall consider any representations or submissions received in response to that advertisement.

(Refer to Provincial Regulation 15, Appendix B)

3.31 Non-conformance with standards

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.

(Refer to Provincial Regulation 16, Appendix B)

3.32 Discontinuance of non-conforming use

An authority may make development regulations providing for a greater period of time than 6 months for resumption of a discontinued non-conforming use (see Subsection 108(2) of the Act).

(Refer to Provincial Regulation 17, Appendix B)

3.33 Delegation of powers

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.

(Refer to Provincial Regulation 18, Appendix B)

4. General Development Standards

4.1 Introduction

This section addresses development standards that have evolved over the years for a range of reasons. For example, following is some of the rationale for setting minimum yard sizes on residential lots.

- (a) Minimum Front Yards – to provide space for motorized vehicles (setback from dust noise, space for driveway, parking), space for snow storage, tree planting, and to improve overall street appearance.
- (b) Minimum Side Yards – to avoid houses being too close together, allow access to back yards for fire protection, home maintenance and access to accessory buildings.
- (c) Minimum Rear Yards – to accommodate septic systems, to provide adequate space for accessory buildings, a garden, fire protection and in some cases, access to pole lines along rear lot lines.

The following general standards are complemented by those outlined in the Use Zone Tables, Section 7 of these Regulations.

4.2 Accesses and Service Streets

- (a) Access shall be located to the specification of the Authority so as to ensure the greatest possible convenience and safety of the street system.
- (b) No vehicular access shall be closer than 10 metres to the street line of any street intersection.

4.3 Accessory Buildings

- (a) Accessory buildings shall be clearly incidental and complementary to the use of the main buildings in character, use and size, and shall be contained on the same lot.
- (b) No accessory building or part thereof shall project in front of any building line.
- (c) The sideyard requirements set out in the Use Zone Tables in these Regulations shall apply to accessory buildings wherever they are located on the lot but accessory buildings on two (2) adjoining properties may be built to property boundaries provided they shall be of fire resistant construction and have a common firewall.

4.4 Advertisements (Signs)

Advertisements (Signs) shall not be erected or displayed except in accordance with Section 5 of these Regulations.

4.5 Alterations to the Natural Environment

Significant alterations to the natural environment as part of a development (such as changing the drainage pattern or removing vegetation) will be considered during the evaluation of development proposals. Alterations which will adversely affect watercourses or adjacent property as a result of changes to drainage or grading shall not be permitted.

4.6 Archaeological Assessment

Where archaeological resources are known to exist, or where they are likely to exist based on location or historical evidence, applications for development will be forwarded to the Provincial Archaeology Office, for review and consideration under the *Historic Resources Act*. The Authority or the Department of Tourism, Culture, Arts and Recreation may require an archaeological assessment. This assessment must be reviewed by the Provincial Archaeology Office. The Authority may apply conditions for the protection and preservation of any archaeological resource.

4.7 Buffer Strips

Where development that, in the opinion of the Authority, will have a visual impact on an abutting land use or the community, the Authority may require the owner of the site to provide and maintain a separation buffer to screen the development.

4.8 Building Height

The Authority may permit the erection of buildings of a height greater than that specified in the Use Zone Tables of these Regulations, but in such cases the building line setback and rearyard requirements shall be varied as follows:

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

Where an increase of more than 20% in the permitted height is proposed, it shall only be authorized under the provisions of Regulations 3.27 and 3.28. Height requirements may be waived in the case of communications towers, antennae and flagpoles.

4.9 Building Line and Setback

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

4.10 Family and Group Care Centres

Family and group care centre use is permitted in any dwelling or apartment that is adequate in size to accommodate the number of persons living in the group, inclusive of staff, provided that in the opinion of the Authority, the use of the dwelling does not materially differ from, nor adversely affect, the amenities of the adjacent residences, or the

neighbourhood in which it is located. The Authority may require special access and safety features to be provided for the occupants before occupancy is permitted.

4.11 Lot Area

- (a) No lot shall be reduced in area, either by the conveyance or alienation of any portion thereof or otherwise, so that any building or structure on such lot shall have a lot coverage that exceeds, or a front yard, rear yard, side yard, frontage or lot area that is less than that permitted by these Regulations for the zone in which such lot is located.
- (b) 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.

4.12 Lot Area and Size Exceptions

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

4.13 Lot Frontage

Except for accessory buildings, no new buildings shall be erected unless the lot on which it is situated fronts directly onto a street that has been constructed to standards established by the Authority.

4.14 Mineral Exploration

Mineral exploration activities shall meet the following conditions:

- (a) The planned activities shall not cause undue noise, significant ground disturbance or risks to the safety of residents of L'Anse au Clair.
- (b) All permits and approvals from federal and provincial agencies have been obtained.

4.15 Municipal Public Works, Utilities and Telecommunications

The Authority within any zone, permits land to be used in the provision of public services, utilities and telecommunications.

4.16 Non-Conforming Use

- (a) Applications involving non-conforming uses shall be processed in accordance with Section 108 of the Act and Regulations 3.31 and 3.32 of these Regulations.
- (b) Notwithstanding the municipal plan, scheme or regulations made under the Act, the Authority shall allow a development or use of land to continue in a manner that does not conform with a regulation, scheme, or plan that applies to that land *provided* that the non-conforming use legally existed before registration of the plan,

scheme or regulations under Section 24 of the Act.

- (c) Notwithstanding Regulation 4.16 (b), a right to resume a discontinued non-conforming use of land shall not exceed 3 years after the discontinuance of that use.
- (d) A building, structure or development that does not conform to a scheme, plan or regulations made under the Act that is allowed to continue under Regulation 4.16 (b) shall not be internally or externally varied, extended or expanded unless otherwise approved by the Authority. The building, structure or development shall:
 - i) not be structurally modified except as required for the safety of the building, structure or development, and
 - ii) not be reconstructed or repaired for use in the same non-conforming manner where 50% or more of the value of that building, structure or development has been destroyed.
- (e) A building in non-conformance may be extended by approval of the Authority where, in the Authority's opinion, the extension is not more than 50% of the existing building, provided the expansion would not increase the non-conformity and complies with all applicable development standards.
- (f) When making a decision to vary an existing use of a non-conforming building, structure or development, the Authority, at the applicant's expense, shall publish a notice in a newspaper circulating in the area or by other means give public notice of an application to vary the existing use of a non-conforming building, structure or development and shall consider any representations or submissions received in response to that advertisement.

(Refer to Provincial Regulations 14 - 17, Appendix B)

4.17 Offensive and Dangerous Uses

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

4.18 Off-Street Parking and Loading

- (a) For every building, structure or use to be erected, enlarged or established, there shall be provided and maintained a quantity of off-street parking spaces sufficient to ensure that the flow of traffic on adjacent streets is not impeded by the on-street parking of vehicles associated with that building, structure or use.
- (b) For every building, structure or use to be erected, enlarged or established requiring the shipping, loading or unloading of animals, goods, wares or merchandise, there shall be provided and maintained for the premises loading facilities that is not part of a street comprised of one or more loading spaces, 15 m long, 4 m wide, and having a vertical clearance of at least 4 m with direct access to a street or with access by a driveway of a minimum width of 6 m to a street.

- (c) The number of parking and loading spaces to be provided shall be determined by the Authority.

4.19 Parks, Playgrounds and Conservation Uses

Nothing in these Regulations shall prevent the zoning of land for conservation or recreation open space as permitted or discretionary uses.

4.20 Service Stations

The following requirements shall apply to all proposed service stations:

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

4.21 Side Yards

Side yards 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.

4.22 Slopes Greater than 15%

Before approving development of a site with greater than 15% slope, the Authority will require a review of the proposal by a certified engineer or similar professional. The review shall evaluate the adequacy of site grading, drainage and landscaping in relation to storm drainage, erosion, flooding and any other matter that the Authority deems necessary.

4.23 Watercourse Protection

- (a) All proposed development within 15 metres of the high water mark of any body of water, watercourse or wetland shall be subject to the review and approval of the Department of Environment and Climate Change. The Authority may require larger buffer areas around watercourses where steep slopes or unstable soil conditions (for example) could result in damage to watercourses and natural habitat as a result of development. For the purpose of assessing applications in areas known to be at risk of flooding, the high water mark is considered to be the 1:100 year flood level.
- (b) The Authority shall require that water crossings, bridges, culverts, stream diversions and stormwater management devices are planned, designed and constructed to ensure that fish habitat and passage is preserved and where possible, enhanced.

4.24 Public Access to Shorelines

Proposed development adjacent to the coastline shall be required to preserve any public access or right of ways to the shoreline.

4.25 Protection of Community Trails and Footpaths

Development shall not be permitted that would block or prevent the use of traditional footpaths or trails, whether on private or public property. New development may be required to provide a separation buffer between a proposed development and an existing trail, pathway or public right-of-way.

4.26 Occupancy Permit

All dwellings must have properly finished exteriors and an occupancy permit issued by the Authority before the dwelling is inhabited.

4.27 Archaeological Resources

If artifacts or sites of archaeological value are discovered, the Provincial Archaeology Office, Department of Tourism, Culture, Arts and Recreation is to be contacted.

4.28 Work in a Body of Water

Any proposed work in any body of water (including wetland) must obtain a permit under the *Water Resources Act 2002*, Section 48, prior to the start of construction, see: <http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm>.

The Regional Crown Lands office should be consulted to determine if any work proposed near waterbodies, streams, lakes, ponds and coastal areas is within a Crown Lands reservation.

The Water Resources Management Division, Department of Environment and Climate Change does not recommend approval for development that requires the infilling of water bodies or diversion of streams. Approval is also not recommended for residential development of unserviced land or within wetland areas.

5. Signage

5.1 Permit Required

Subject to Regulation 5.6, no sign shall be erected or displayed in the Planning Area unless a permit is first obtained from the Authority.

5.2 Form of Application

Application for a permit to erect or display a sign shall be made to the Authority in accordance with Regulations 3.1 and 3.6.

5.3. Signs Prohibited in Street Reservation

No signs shall be permitted to be erected or displayed within, on or over any highway or street reservation.

5.4 Permit Valid for Limited Period

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

5.5 Removal of Signs

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

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

5.6 Signs Exempt from Control

The following signs may be erected or displayed in the Planning Area without application to the Authority:

- (a) on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.2 m² in area;
- (b) on an agricultural holding or farm, a notice board not exceeding 1 m² in area and relating to the operations being conducted on the land;
- (c) on land used for forestry purposes, signs or notices not exceeding 1 m² 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 operations, a notice board not exceeding 1 m² in area relating to the operation conducted on the land;
- (e) on a dwelling or the grounds of a dwelling, one nameplate not exceeding 0.2 m² in area in connection with the practice of a professional person carried on in the premises;

- (f) on any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board not exceeding 1 m² in area;
- (g) on the principal facade of any commercial, industrial or public building, the name of the building or the name of the occupants of the building, in letters not exceeding one-tenth of the height of that facade or 3 m, whichever is the lesser;
- (h) on any parking lot directional signs and one sign not exceeding 1 m² in size, identifying the parking lot.

5.7 Approval Subject to Conditions

A permit may only be issued for the erection or display of advertisements which comply with the appropriate conditions and specifications set out in the Use Zone Tables in Section 7 of these Regulations.

5.8 Non-Conforming Uses

Notwithstanding the provisions of Regulation 5.6, a permit may be used for the erection or display of signs on a building or within the courtyard of a building or on a parcel of land, the use of which is a non conforming use, provided that the sign does not exceed the size and type which could be permitted if the development was in a Use Zone appropriate to its use, and subject to any other conditions deemed appropriate by the Authority.

6. Subdivision of Land

6.1 Permit Required

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

6.2 Development Agreement

As a condition of approval for a new subdivision (i.e., creating three or more parcels of land), the Authority shall require a developer to enter into an agreement with the Municipality. Such an agreement will be negotiated between the developer and the Municipality for financing and development of services provided to the site. The agreement shall include specifications for water and sewer infrastructure, storm drainage, streets and recreational open space.

6.3 Services to be Provided

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

6.4 Payment of Service Levies and Other Charges

No permit shall be issued for the development of a subdivision until agreement has been reached for the payment of all fees levied by the Authority for connection to services, utilities and streets deemed necessary for the proper development of the subdivision, and all service levies and other charges imposed under Regulations 3.16 and 3.17.

6.5 Issue of Permit Subject to Considerations

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

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

6.6 Building Permits Required

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

6.7 Form of Application

Application for a permit to develop a subdivision shall be made to the Authority in accordance with Regulation 3.6.

6.8 Subdivision Subject to Zoning

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

6.9 Building Lines

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

6.10 Land for Public Open Space

- (a) Before a development commences, the developer shall, if required, dedicate to the Authority, at a cost to the Authority of \$1.00, an area of land equivalent to not more than 10% of the gross area of the subdivision for parkland or other public uses:
 - i) where land is subdivided for any purpose other than residential use, the Authority shall determine the percentage of land to be dedicated,
 - ii) if, in the opinion of the Authority, no public open space is required, the land may be used for such other public use as the Authority may determine,
 - iii) the location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of the Authority but in any case, the Authority shall not accept land which, in its opinion is incapable of development for any purpose,
 - iv) the Authority may accept from the developer in lieu of such area or areas of land the payment of a sum of money equal to the value of the land which would otherwise be required to be dedicated, and
 - v) money received by the Authority in accordance with Regulation 6.10 (a)(iv)

above, shall be reserved by the Authority for the purpose of the acquisition or development of land for public open space or other public purpose.

- (b) Land dedicated for public use in accordance with this Regulation shall be conveyed to the Authority and may be sold or leased by the Authority for the purposes of any development that conforms with the requirements of these Regulations, and the proceeds of any sale or other disposition of land shall be applied against the cost of acquisition or development of any other land for the purposes of public open space or other public purposes.
- (c) The Authority may require a strip of land to be reserved and remain undeveloped along the banks of any river, brook or pond, and this land may, at the discretion of the Authority, constitute the requirement of land for public use under Regulation 6.10 (a).

6.11 Structure in Street Reservation

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

6.12 Subdivision Design Standards

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

- (a) The finished grade of streets shall not exceed 10 percent.
- (b) Every cul de sac shall be provided with a turning circle of a diameter of not less than 30 m.
- (c) The maximum length of any cul de sac shall be:
 - i) 200m 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 Municipality and the Minister of Municipal and Provincial Affairs in connection with municipal five-year capital works program eligibility.
 - ii) 300m in areas not served by or planned to be served by municipal piped water and sewer services.
- (d) Emergency vehicle access to a cul de sac shall be not less than 3 m wide and shall connect the head of the cul de sac with an adjacent street.
- (e) No cul de sac shall be located so as to appear to terminate a collector street.
- (f) New subdivisions shall have street connections with an existing street or streets.
- (g) All street intersections shall be constructed within 10 degrees of a right angle and this alignment shall be maintained for 30 m from the intersection.

- (h) No street intersection shall be closer than 60 m to any other street intersection.
- (i) No more than four streets shall join at any street intersection.
- (j) No residential street block shall be longer than 490 m between street intersections.
- (k) Streets in residential subdivisions shall be designed in accordance with the approved standards of the Authority, but in the absence of such standards, shall conform to the following minimum standards:

Type of Street	Right-of-Way	Street Width
Collector	20 metres	9 metres
Local	15 metres	7 metres

- (l) Residential lots shall not be permitted which abut a local street at both front and rear lot lines.
- (m) The Authority may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed.
- (n) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land.

6.13 Engineer to Design Works and Certify Construction Layout

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

6.14 Developer to Pay Engineer's Fees and Charges

The developer shall pay to the Authority all the Engineer's fees and charges for the preparation of designs and specifications and for the layout and supervision of construction; such fees and charges being percentages of the total cost of materials and labour for the construction and installation of all works calculated in accordance with the

Schedule of Fees recommended by the Association of Professional Engineers of Newfoundland and Labrador, in effect at the time the work is carried out.

6.15 Street Works May Be Deferred

The construction and installation of all curbs and gutters, catch basins, sidewalks and paving specified by the Authority as being necessary, may, at the Authority's discretion, be deferred until a later stage of the work on the development of the subdivision but the developer shall deposit with the Authority before approval of his application, an amount estimated by the Engineer as reasonably sufficient to cover the cost of construction and installation of the works. Any amount so deposited with the Authority by the developer shall be placed in a separate savings account in a bank and all interest earned thereon shall be credited to the developer.

6.16 Transfer of Streets and Utilities to Authority

- (a) The developer shall, following the approval of the subdivision of land and upon request of the Authority, transfer to the Authority, at no cost to the Authority, and clear of all liens and encumbrances:
 - i) all lands in the area proposed to be developed or subdivided which are approved and designated by the Authority for public uses as streets, or other rights-of-way, or for other public use;
 - ii) all services or public works including streets, water supply and distribution and sanitary and storm drainage systems installed in the subdivision that are normally owned and operated by the Authority.
- (b) Before the Authority shall accept the transfer of lands, services or public works of any subdivision, the Engineer shall, at the cost to the developer, test the streets, services and public works installed in the subdivision and certify his satisfaction with their installation.
- (c) The Authority shall not provide maintenance for any street, service or public work in any subdivision until such time as such street, service or public work has been transferred to and accepted by the Authority.

6.17 Restriction on Sale of Lots

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

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

7. Use Zones

7.1 Use Zones

(d) For the purpose of these Regulations, the Planning Area is divided into Use Zones which are shown on the L'Anse au Clair Land Use Zoning Maps 1 and 2, (to be attached to) and forming part of these Regulations. They are as follows:

Use Zone	Code
Mixed	M
Residential	RES
Public	PUB
Conservation	CON
Industrial/Commercial	I/C
Watershed	WAT
Rural	RUR

(e) The permitted use classes, discretionary use classes, standards, requirements and conditions applicable to each Use Zone are set out in the Use Zone Tables to follow.

(c) Where standards, requirements and conditions applicable in a Use Zone are not set out in the Use Zone Tables, the Authority may in its discretion, determine the standards, requirements and conditions which shall apply.

(d) A table listing classes of uses and examples of specific uses is included as Appendix C.

7.2 Interpretation of Use Zones

Where possible, the use zone boundaries follow identifiable features such as streets, watercourses and coastline. Where there is any uncertainty, the Authority may interpret the exact location of the zoning boundary in a manner that is consistent with the intent and policies of the Municipal Plan without amendment to the Land Use Zoning Maps.

7.3 Permitted Uses

Subject to these Regulations, the uses that fall within the Permitted Use Classes set out in the following Use Zone Tables shall be permitted by the Authority in that Use Zone.

7.4 Discretionary Uses

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the following Use Zone Tables may be permitted in that Use Zone if the Authority is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant

thereto, and to the public interest, and if the Authority has given notice of the application in accordance with Regulation 3.13 and has considered any objections or representations which may have been received on the matter.

7.5 Uses Not Permitted

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

Mixed (M)

Permitted Uses:

Bed & breakfast
Conservation
Double dwelling
Recreational open space
Single dwelling

Discretionary Uses:

Agriculture	Indoor assembly
Amusement	Indoor market
Antenna	Light industry
Apartment building	Medical & professional
Boarding house residential	Mobile home
Catering	Office
Child care	Outdoor market
Club and lodge	Personal service
Commercial residential	Place of worship
Communications	Police station
Convenience store	Service station
Cultural and civic	Shop
Funeral home	Take-out food service
General assembly	Theatre
General service	
Home business	

Conditions

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of the Authority provided that they are compatible or complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses.

2. Development Standards

With the exception of residential development, the development standards for this zone shall be as follows:

(a) Minimum Building Line Setback	6 metres
(b) Minimum Sideyard Width	2 metres
(c) Minimum Rearyard Depth	10 metres
(d) Maximum Height	15 metres

All standards, conditions or other requirements of the Residential (RES) zone shall apply with regard to residential development in the Mixed (M) zone.

3. Signs

See Section 5 of these Regulations

4. Accessory Buildings

- (a) The total of all accessory buildings associated with a residential use shall have a lot coverage no greater than 7%, up to a maximum of 30m² and no accessory building shall have a height of more than 4 metres. In addition, accessory buildings shall be situated on the lot to permit a minimum separation of 2 metres from all 4 walls to the lot line or main building.
- (b) No accessory building shall project in front of any building line.

5. Protection of Residential Use

Adverse effects of any proposed development on an adjacent existing residential use shall be prevented or minimized through proper site planning and the provision of buffering by the developer to the satisfaction of the Authority.

6. Protection of Water Sources and Environment

All development applications within 15 metres of any watercourse shall be subject to the review and approval of the Department of Environment and Climate Change.

7. Service Station

See General Development Standards, Regulation 4.20.

8. Double and Apartment Housing

Double or Apartment dwellings may be permitted to satisfy the needs of, e.g., families, seniors or other special needs groups, provided Council is satisfied that siting and servicing requirements have been met.

9. Home Business

At the discretion of the Authority, a Home Business accessory use may be permitted, provided it meets the following requirements:

- (a) The primary use of the property remains residential (not more than 25% of the floor area is used for the home business), and the scope and intensity of the business is compatible with the residential use of the property and neighbourhood.
- (b) The business within the dwelling must be operated by a person residing in the dwelling. The property owner must authorize an application in writing for a home business by the resident operator if he/she is not the owner of the property.
- (d) Sufficient off-street parking must be provided. If there will be customer visits, adequate parking should be provided to ensure no parking on the street from the home business.
- (e) The home business will not cause noticeable noise, odor, dust, or fumes, or in any way result in a nuisance to the occupants of surrounding properties.

Residential (RES)

Permitted Uses:

Conservation
 Double dwelling
 Recreational open space
 Single dwelling

Discretionary Use Classes:

Antenna
 Apartment building (including family & group home)
 Bed and breakfast
 Boarding house residential
 Child care
 Convenience store
 Home business
 Medical treatment & special care (home for the aged)
 Mobile home
 Personal service
 Subsidiary apartment

Standards – (Where Permitted)

Dwelling Type	Min Lot Area - m ²	Min Floor Area - m ²	Min Frontage - m	Min Bldg Line Setback - m	Min Sideyard Width - m	Min Rearyard Depth - m	Max Lot Coverage - %	Max Height - m
Single Dwelling	800	80	25	6	2	6	50	8
Double Dwelling	550*	80*	35	6	2	6	50	8
Apt Bldg 1 Bed Apt	200*	40*	36	8	2	14	33	10
2 Bed Apt	250*	50*	36	8	2	14	33	10

*per dwelling unit

1 m = 3.28 sq. ft.; 1 sq. m. = 10.76 sq. ft.

Conditions

1. Discretionary Use Classes

The discretionary use classes listed in the above table may be permitted (at the discretion of the Authority) provided they are compatible or complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses.

Unless otherwise specified in the Use Zone Table or in these conditions, discretionary use classes involving buildings shall conform to the frontage, building line setback, sideway, rearyard, lot coverage and height requirements specified for a single dwelling.

2. Accessory Buildings

- (a) The total of all accessory buildings associated with a residential use shall have a lot coverage no greater than 7%, up to a maximum of 30m² and no accessory building shall have a height of more than 4 metres. In addition, accessory buildings shall be situated on the lot to permit a minimum separation of 2 metres from all 4 walls to the lot line or main building.
- (b) No accessory building shall project in front of any building line.

3. Non-Residential Uses

- (a) Non-residential uses such as convenience store, child-care or personal service uses shall form part of, or be attached to a dwelling unit, be subsidiary to the residential character of the area, and not negatively affect residential amenities of adjoining properties.
- (b) Not more than twenty-five (25) percent of the total floor area of the dwelling up a maximum of forty-five square metres shall be devoted to the use.

4. Subdivision Development

- (a) Refer to Section 6 of these Regulations.
- (b) In addition to the requirements of Section 6 of these Regulations, the Authority may require that:
 - street layout and placement of building lots conform to natural features and topography as much as possible,
 - waterbodies and watercourses be altered as little as possible and integrated with open space and park areas, and
 - original trees and plant growth be left on building lots and open space areas.

5. Mobile Home

See definition of a mobile home in Section 2. With the exception of the following standards, all other development standards for residential development shall apply to mobile home development:

- a) Minimum Floor area
- b) Minimum Rearyard depth

6. Lot Area

The requirements of the Department of Digital Government and Service NL are that the minimum area of land required per dwelling unit, subject to the water and sewer services available, are as follows:

Available Services	Required Lot Area
With a municipal water supply and connection to a municipal sewer or to a private sewer discharging directly to the sea	800m ²
With a municipal piped water supply and sewage disposal by septic tank and tile field.	1400 m ²

7. Signs

Please refer to Section 5 of these Regulations.

8. Double and Apartment Housing

Double or Apartment dwellings may be permitted to satisfy the needs of, e.g., families, seniors or other special needs groups, provided the Authority is satisfied that siting and servicing requirements have been met.

9. Home Business

At the discretion of the Authority, a Home Business accessory use may be permitted, provided it meets the following requirements:

- (a) The primary use of the property remains residential (not more than 25% of the floor area is used for the home business), and the scope and intensity of the business is compatible with the residential use of the property and neighbourhood.

- (b) The business within the dwelling must be operated by a person residing in the dwelling. The property owner must authorize an application in writing for a home business by the resident operator if he/she is not the owner of the property.
- (c) Not more than twenty-five percent (25%) of the floor area of the dwelling unit is to be used for the home business to a maximum of 55 square metres.
- (d) Sufficient off-street parking must be provided. If there will be customer visits, adequate parking should be provided to ensure no parking on the street from the home business.
- (e) The home business will not cause noticeable noise, odor, dust, or fumes, or in any way result in a nuisance to the occupants of surrounding properties.

Public (PUB)

Permitted Uses

Conservation
Cultural & civic
General assembly
Office
Indoor & outdoor assembly
Place of worship
Recreational open space

Discretionary Uses

Antenna
Child care
Facilities of community service organizations
Housing for senior citizens

Conditions

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of the Authority provided that they are compatible or complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses.

2. Development Standards

The development standards for this zone shall be as follows:

(a) Minimum Building Line Setback	6 metres
(b) Minimum Sideyard Width	2 metres
(c) Minimum Rearyard Depth	6 metres
(d) Maximum Height	10 metres

3. Protection of Water Sources and Environment

All development applications within 15 metres of any watercourse shall be subject to the review and approval of the Department of Environment and Climate Change.

Conservation (CON)

Permitted Uses

Conservation

Discretionary Uses

Agriculture

Antenna

Recreational Open Space (see Condition #3)

Conditions

1. Conservation

The primary intent of this zone is to conserve the land in its natural form and to reserve it for public access and enjoyment.

2. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of the Authority provided that they are compatible or complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses.

3. Recreational Open Space

A hiking trail is an example of a passive recreational use that may be permitted, with the preservation of natural heritage as a priority.

Industrial/Commercial/ (I/C)

Permitted Uses

Dam Road:

Antenna
Conservation
Indoor assembly
Light industry (see condition #2)
General commercial (e.g., outdoor market)

Waterfront:

Antenna
General industry (traditional fisheries and marine-related uses, including fish processing, storage and marine repair)
Transportation (see condition #9)

Discretionary Uses

Dam Road:

Agriculture
General industry (see condition #2 & 5)
Mineral working (quarry) (see condition #6)
Outdoor assembly
Recreational open space

Waterfront:

Catering
Recreational open space
Utilities

Conditions

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of the Authority provided that they are compatible or complementary to uses

within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses.

2. Non-Serviced Area

Uses permitted by the Authority in this area will not require water and sewer services.

3. Development Standards

The development standards for this zone shall be as follows:

	Dam Road	Waterfront
a) Min. Building Line Setback	6 m.	10 m.
b) Min. Sideyard Width	2 m.	5 m.
c) Min. Rearyard Depth	6 m.	10 m.
d) Max. Height	10 m.	N/A

4. Signs

See Section 5 of these Regulations.

5. Compatibility with Surrounding Uses

Adverse effects of any proposed development on an adjacent existing residential use shall be prevented or minimized through proper site planning. Unsightly operations, e.g., general industry and mineral working uses, must be screened from public view.

6. Quarrying – Dam Road

Quarry uses may be permitted, subject to the requirements of the *Quarry Materials Act*, which will include site rehabilitation.

7. Protection of Water Sources and Environment

All development applications within 15 metres of any watercourse shall be subject to the review and approval of the Department of Environment and Climate Change.

Any effluent or runoff from a development site will be required to conform to the requirements of the *Environmental Control Water and Sewage Regulations, 2003*, see: <http://assembly.nl.ca/Legislation/sr/regulations/rc030065.htm>.

8. Property Appearance - Waterfront

Well-maintained properties will continue to be a priority of the Authority in the harbour area, as a focal point for residents and tourists alike.

9. Transportation - Waterfront

Transportation uses shall be restricted to docks, wharves, slipways and other such marine-related structures. Any proponent wishing to undertake such works must follow the guidelines for the Construction and Maintenance of Wharves, breakwaters, Slipways and Boathouses, as found on:
<http://www.env.gov.nl.ca/env/waterres/regulations/appforms/index.html>.

A permit under Section 48, *Water Resources Act*, is required from the Water Resources Management Division, Department of Environment and Climate Change, for any infilling or dredging work associated with any marine structures or other works in a body of water.

Maintaining public access to the harbour will be a priority.

Watershed (WAT)	
Permitted Uses	Conservation
Discretionary Uses	Antenna Recreational open space (e.g., hiking, canoeing) Utilities

Conditions

1. Prohibited Uses

No permanent buildings or structures shall be permitted within this use zone except those necessary for the operation and maintenance of the municipal water supply.

2. Meeting Provincial Requirements

Prior to the start of any construction within the Park Pond Protected Water Supply, a permit is required under Section 39, *Water Resources Act, 2003*, see: <http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm>. In addition, any work must comply with the provincial Policy for Land and Water-Related Developments in Protected Water Supply Areas, see: http://www.env.gov.nl.ca/env/waterres/regulations/policies/water_related.html.

3. Recreation

Only passive recreational activities such as hiking and canoeing may be permitted in the municipal watershed area.

Rural (RUR)

Permitted Uses

Agriculture & traditional harvesting (see Condition #7)
Conservation
Forestry

Discretionary Uses

Antenna
Cemetery
Communications
General industry (see Condition #10)
Mineral exploration (see Condition #8)
Mineral workings (see Condition #2)
Outdoor assembly
Recreational open space (see Condition #4)
Solid waste disposal (see Condition #5)
Subsidiary buildings (see Condition #11)
Transportation
Utility (see Condition #6)

Conditions

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of the Authority provided they are compatible or complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses.

2. Mineral Workings

2.1 Applications

All applications for any mineral working or related development or for any development within the recommended buffer shall be subject to the review and approval of the Departments of Industry, Energy and Technology and Environment and Climate Change.

2.2 Separation from Adjacent Uses

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

Minimum Distance of Pit or Quarry Working	
Existing or Proposed Residential Development (Borrow Pits)	300 metres
Bedrock Quarries, or where blasting may take place	1000 metres
Waterbody or Watercourse	50 metres

2.3 Screening

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

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

above, the Authority may refuse to permit the mineral working or associated activity.

2.4 Fencing

The Authority 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.

2.5 Water Pollution

No mineral working or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any waterbed or watercourse. Any access road to a pit and quarry working which crosses a brook or stream shall be bridged or culverted at the crossing in accordance with the Regulations of the Department of Environment and Climate Change.

2.6 Water Ponding

No mineral working shall result in the excavation of areas below the level of the water table nor in any way cause the accumulation 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.

2.7 Erosion Control

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

2.8 Site Maintenance

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

2.9 Access Roads

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

2.10 Stockpiling Cover Material

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

2.11 Operating Plant and Associated Processing and Manufacturing

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

All permanent or temporary buildings, plants and structures associated with processing and manufacturing will be located so as not to interfere with the present or future extraction of aggregate resources.

The Authority may specify a minimum separation distance between operating plant or associated processing and manufacturing structure or equipment and adjacent developed areas likely to be developed during the life of the mineral working.

2.12 Termination and Site Rehabilitation

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

- a) All buildings, machinery and equipment shall be removed.
- b) All pit and quarry slopes shall be graded to slopes less than 20 degrees or to the slope conforming to that existing prior to the mineral working.
- c) Topsoil and many organic materials shall be re-spread over the entire quarried area.
- d) The access road to the working shall be ditched or barred to the satisfaction or the Authority.
- e) If the mineral working contains reserves of material sufficient to support further extraction operations, the Authority may require the work described above to be carried out only in areas of the site where extraction has depleted reserves.
- f) Prior to commencement of the mineral working, Council may require the developer to post a bond to be repaid once site rehabilitation has taken place. The amount of the bond shall be no less than 10% (ten percent) of the estimated cost of site rehabilitation, which shall be repaid with interest upon satisfactory termination and rehabilitation of the site.

3. Protection of Water Sources and Environment

All applications for development within 15 metres of all bodies of water, including rivers, streams, ponds and wetlands, shall be subject to the review and approval of the Environmental Investigations Division of the Department of

Environment and Climate Change. Any development within the water or within the designated buffer area must be approved under Section 48 of the *Water Resources Act* prior to the start of construction. No development of any type is permitted in the Protected Watershed area, except for utility uses, at the discretion of the Authority (see Condition #6).

4. Recreational Open Space Uses

- (a) No development of this kind shall be approved if it will have noticeable off-site effects from pollution, noise, visual impact or traffic which cannot be considered acceptable, or which cannot be made acceptable within the context of the surrounding area.
- (b) A site plan must be included with proposals for recreational, open space uses having more than two on-site activities; or for extensions or additional activity at the site of existing development of this kind. The site plan must clearly depict in proper scale and proportion the layout of all existing and proposed features of the site including activities, buildings and parking areas as well as any other items that the Authority may require.
- (c) Buffers of existing plant growth must be retained around the site, including the parking area and any part fronting along a public road for a depth of at least 3 m. Landscaping of buffers, parking areas, accesses and of the entire development in general is required and must be to the satisfaction of Council.
- (d) All buildings on-site and otherwise associated with this development must have properly finished exteriors and be maintained to the satisfaction of the Authority.

5. Solid Waste Disposal

- (a) A buffer of not less than 1.6 km will be maintained around a municipal solid waste disposal site to protect against smell, rodents and other adverse environmental effects.
- (b) A new municipal solid waste disposal site may be permitted subject to meeting environmental and buffering requirements. Proposed sites are to be referred to the Department of Environment and Climate Change for compliance with the *Environmental Protection Act*.

6. Utility Use

Public utility uses may be permitted provided they don't cause pollution, erosion or other major alteration. Development proposals will be reviewed by the Authority in this light.

7. Agriculture & Traditional Harvesting

a. General

Uses that may be permitted in this use class include traditional resource-based activities such as home gardening and fur farming.

b. Traditional Trapping and Snaring

Trapping and snaring of animals will not be permitted within or near the built-up community.

8. Mineral Exploration

Mineral exploration may be permitted with the condition that there be no significant alteration of the landscape.

9. Archaeological Resources

All development proposals are to be forwarded to the Provincial Archaeology Office, Department of Tourism, Culture, Arts and Recreation, for review.

10. General Industry

Resource-based industry may be considered where being located next to the resource is a requirement or where siting the use within the serviced community is undesirable.

Subsidiary buildings such as a dwelling, storage shed or barn may be permitted where Council is of the opinion that it is necessary for the successful operation of the main use.

A proposed development accessing onto the Trans Labrador Highway (Route 510) will be scrutinized carefully using criteria such as the following:

- a) Approval to be secured from the Department of Transportation and Infrastructure, all other relevant provincial agencies and Council,
- b) A full landscaping plan for the property to be developed, with all outdoor storage areas properly screened from view of the passing public, and
- c) Design of buildings, facilities and signage to be approved by Council and the Provincial Government, including the Department of Tourism,

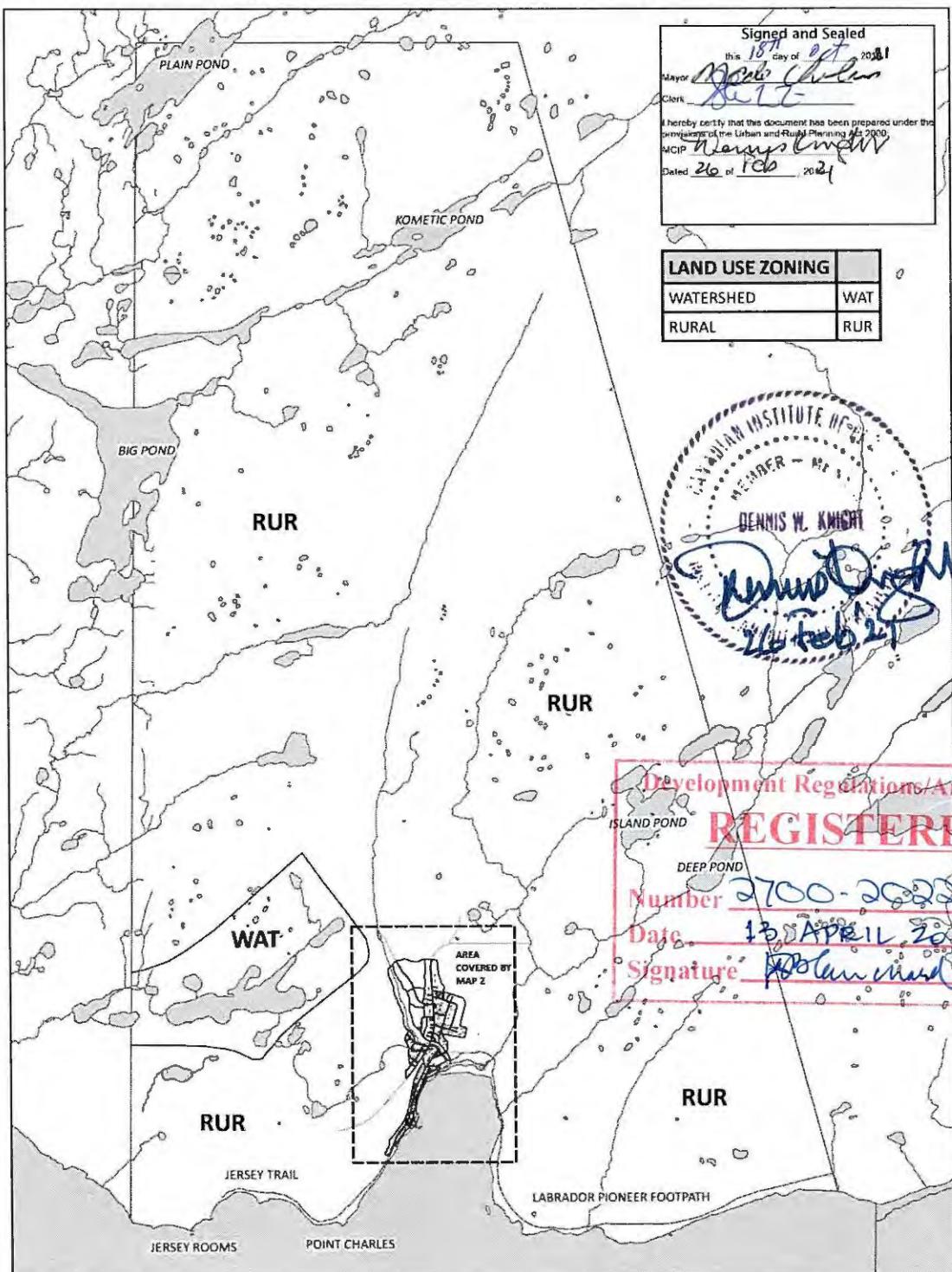
Culture, Arts and Recreation, ensuring all is in keeping with a major Gateway to the Province and the Town of L'Anse au Clair.

11. Subsidiary Buildings

Subsidiary buildings such as a dwelling, storage shed or barn may be permitted in the Rural Zone if, in the opinion of the Authority, they are necessary for successful operation of the main use.

Appendix A: Land Use Zoning Maps

L'Anse au Clair Development Regulations 2019-2029 - Map 1



(insert pocket for Zoning Map 2)

Appendix B: Provincial Development Regulations

NEWFOUNDLAND AND LABRADOR REGULATION 3/01

Approved under the authority of Section 36, Urban and Rural Planning Act, 2000, January 2, 2001 by the Honourable Joan Marie Aylward, Minister of Municipal and Provincial Affairs

1. Short title

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

2. Definitions

In these regulations,

"Act" means the *Urban and Rural Planning Act, 2000*, unless the context indicates otherwise,

"applicant" means a person who has applied to an authority for an approval or permit to carry out a development;

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

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

3. Application

(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.

4. Interpretation

(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 buildings 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.

5. Notice of right to appeal

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

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

6. Appeal requirements

- (1) The secretary of the board at the Department of Municipal Affairs and Environment, Confederation Building (West Block), P.O. Box 8700, St. John's, Nfld., A1B 4J6 is the secretary to all boards in the province and an appeal filed with that secretary within the time period referred to in Subsection 42(4) of the Act shall be considered to have been filed with the appropriate board.
- (2) Notwithstanding Regulation 6 (1), where the City of Corner Brook, City of Mount Pearl or City of St. John's appoints an appeal board under Subsection 40 (2) of the Act, an appeal shall be filed with the secretary of that appointed board.
- (3) The fee required under Section 44 of the Act shall be paid to the board that hears the decision being appealed by filing it with the secretary referred to in Regulation 6 (1) or 6 (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.

7. Appeal registration

- (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 Regulations 6 (1) and 6 (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 Regulation (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 Regulation (4) shall be published not fewer than 2 weeks before the date upon which the appeal is to be heard by the board.

8. Development prohibited

- (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 Regulation 8 (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.

9. Hearing notice and meetings

- (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.

10. Hearing of evidence

- (1) A board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under Regulation 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.

11. Board decision

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.

12. Variances

- (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.

13. Notice of variance

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.

14. Residential non conformity

A residential building or structure referred to in Subsection 108(3), paragraph (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.

15. Notice and hearings on change of use

Where considering a non-conforming building, structure or development under Subsection 108(3), paragraph (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.

16. Non-conformance with standards

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.

17. Discontinuance of non-conforming use

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.

18. Delegation of powers

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.

19. Commencement

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

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Appendix C: Classification of Uses of Land and Buildings

NOTE: The classification of uses set out in the following table is based on the Classification of Typical Occupancies included as Table 3.1.2.A of the **National Building Code of Canada, 1980**. This classification is referred to in Regulation 84.

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

CLASSIFICATION OF USES OF LAND AND BUILDINGS

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

CLASSIFICATION OF USES OF LAND AND BUILDINGS

GROUP	DIVISION	CLASS	EXAMPLES
C. RESIDENTIAL USES (continued)	2. General Residential Uses (continued)	(a) Collective Residential	Residential Colleges & Schools University & College Halls of Residence Convents & Monasteries Nurses and Hospital Residences
		(b) Boarding House Residential	Boarding Houses Lodging Houses
		(c) Commercial Residential	Hotels & Motels, Hostels Residential Clubs
		(d) Seasonal Residential	Summer Homes & Cabins Hunting & Fishing Cabins
		(e) Mobile Homes	Mobile Homes
D. BUSINESS & PERSONAL SERVICE USES	1. Business, Professional, and Personal Service Uses	(a) Office	Offices (including Government Offices), Banks
		(b) Medical & Professional	Medical Offices and Consulting Rooms, Dental Offices & Surgeries Legal Offices, Similar Professional Offices
		(c) Personal Service	Barbers, Hairdressers, Beauty Parlours Small Appliance Repairs
		(d) General Service	Self-service Laundries, Dry Cleaners (not using flammable or explosive substances) Small Tool and Appliance Rentals Travel Agents

CLASSIFICATION OF USES OF LAND AND BUILDINGS

GROUP	DIVISION	CLASS	EXAMPLES
D. BUSINESS & PERSONAL SERVICE USES (continued)	1. Business, Professional & Personal Service Uses (continued)	(e) Communications	Radio Stations Telephone Exchanges
		(f) Police Station	Police Stations Without detention quarters
		(g) Taxi Stand	Taxi Stands
		(h) Take-out Food Service	Take-out Food Service
		(i) Veterinary	Veterinary Surgeries
		(j) Home Business	Craft Making Hair Styling Professional Office Day Care
E. MERCANTILE USES	1. Retail Sale and Display Uses	(a) Shopping Centre	Shopping Centres
		(b) Shop	Retail Shops and Stores and Showrooms Department Stores
		(c) Indoor Market	Market Halls Auction Halls
		(d) Outdoor Market	Market Grounds Animal Markets Produce and Fruit Stands Fish Stalls
		(e) Convenience Store	Confectionary Stores Corner Stores Gift Shops, Specialty Shops
F. INDUSTRIAL USES	1. Industrial uses involving highly combustible and hazardous substances and processes.	(a) Hazardous Industry	Bulk Storage of hazardous liquids and substances. Chemical Plants Distilleries, Feed Mills, Lacquer, Mattress, Paint, Varnish, and Rubber Factories, Spray Painting

CLASSIFICATION OF USES OF LAND AND BUILDINGS

GROUP	DIVISION	CLASS	EXAMPLES
F. INDUSTRIAL USES (continued)	2. General Industrial Uses involving Limited Hazardous Substances and Processes.	(a) General Industry	Factories, Cold Storage Plants Freight Depots, General Garages Warehouses, Workshops, Laboratories Laundries, Planing Mills, Printing Plants Contractors' Yards
		(b) Service Station	Gasoline Service Stations Gas Bars
	3. Light, Non-hazardous or Non-intrusive Industrial Uses.	(a) Light Industry	Light Industry, Parking Garages Indoor Storage, Warehouses Workshops
G. NON-BUILDING USES	1. Uses not directly related to building	(a) Agriculture	Commercial Farms, Hobby Farms, Market Gardens & Nurseries, Traditional Food Curing, Traditional Trapping and Snaring
		(b) Forestry	Tree Nurseries, Sylviculture
		(c) Mineral Working	Quarries, Pits, Mines, Oil Wells
		(d) Recreational Open Space	Playing Fields, Sports Grounds, Parks Playgrounds Passive Recreation (e.g. hiking & canoeing)
		(e) Conservation	Watersheds, Buffer Strips, Flood Plains Architectural, Historical and Scenic Sites Steep Slopes, Wildlife Sanctuaries
		(f) Cemetery	Cemeteries, Graveyards
		(g) Scrap Yard	Car Wrecking Yards, Junk Yards Scrap Dealers

CLASSIFICATION OF USES OF LAND AND BUILDINGS

GROUP	DIVISION	CLASS	EXAMPLES
G. NON-BUILDING USES (continued)	1. Uses not directly related to building. (continued)	(h) Solid Waste	Solid Waste Disposal Sanitary Land Fill Incinerators
		(i) Animal	Animal Pounds, Kennels, Zoos, Dog Team Keeping
		(j) Antenna	TV, Radio and Communications Transmitting and Receiving Masts and Antennae
		(k) Transportation	Airfields, Railway Yards, Docks and Harbours
		(l) Mineral Exploration	Prospecting, Exploring (with little or no alteration to the landscape)

