

**SUNNYSIDE DEVELOPMENT REGULATIONS
2006 - 2016**

AMENDMENT NO. 1, 2010


URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF SUNNYSIDE DEVELOPMENT REGULATIONS
AMENDMENT NO. 1, 2010

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Sunnyside adopts the Town of Sunnyside Development Regulations Development Regulations Amendment No. 1, 2010.

Adopted by the Town Council of Sunnyside on the 23rd day of February, 2011.

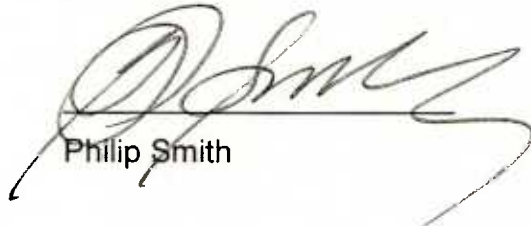
Signed and sealed this 13 day of April, 2011.

Mayor:



Robert Snook

Clerk:



Philip Smith

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

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

MCIP:



**URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF SUNNYSIDE DEVELOPMENT REGULATIONS
AMENDMENT NO. 1, 2010**

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

- a) adopted the Town of Sunnyside Development Regulations Amendment No. 1, 2010 on the 23rd day of February, 2011.
- b) gave notice of the adoption of the Town of Sunnyside Development Regulations Amendment No. 1, 2010 by advertisement inserted on the 3rd day of March, 2011 and the 10th day of March, 2011 in the Packet Newspaper.
- c) set the 30th day of March, 2011 at 7:30 p.m. at the Town Hall, Sunnyside for the holding of a public hearing to consider objections and submissions.


Now under the authority of section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Sunnyside approves the Town of Sunnyside Development Regulations on the 13th day of April, 2011.

SIGNED AND SEALED this 13 day of April, 2011

Mayor:


Robert Snook

Clerk:


Philip Smith

Development Regulations/Amendment	
REGISTERED	
Number	<u>4995-2011-002</u>
Date	<u>June 28 2011</u>
Signature	<u>[Signature]</u>

Town of Sunnyside
Development Regulations Amendment No. 1, 2010

BACKGROUND

This development regulations amendment is designed to comply with Municipal Plan Amendment No. 1, 2010 and to rectify minor errors. More specifically:

- a) Agrifoods Division is replaced by Agrifoods Development Branch;
- b) Regulation 58 is added to provide for the NALCOR Corridor;
- c) In order to comply with the Municipal Plan, Regulation 70 is added to implement the Municipal Plan's trail policy;
- d) The definition of "development" is amended to comply with the definition under the Urban and Rural Planning Act;
- e) Lot and lot frontage standards for unserviced and semi-serviced development deleted, development subject to government approval;
- e) Seasonal Residential is added as a discretionary use in the Rural Zone;
- f) The Public Utility Zone is added.

Application, Part I – General Regulations, Part III – Subdivision of Land, Part IV – Use Zones, and Schedule B – Classification of Uses are not amended.

PUBLIC CONSULTATION

The public consultation process for this amendment was the same as that for Municipal Plan Amendment No. 1, 2010.

THE AMENDMENT

- 1. Land Use Zoning Maps 1 and 2 are replaced.
- 2. Development Regulations 2006 - 2016 is replaced with the revised text as set out in this amendment.

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MAPS: Land Use Zoning Maps 1 and 2



Published by Authority

NEWFOUNDLAND REGULATION 3/01

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

(Filed January 2, 2001)

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

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

Joan Marie Aylward
Minister of Municipal and Provincial Affairs

REGULATIONS

Analysis

- | | |
|--------------------------------|--|
| 1. Short title | 12. Variances |
| 2. Definitions | 13. Notice of variance |
| 3. Application | 14. Residential non conformity |
| 4. Interpretation | 15. Notice and hearings on
change of use |
| 5. Notice of right to appeal | 16. Non-conformance with
standards |
| 6. Appeal requirements | 17. Discontinuance of non-
conforming use |
| 7. Appeal registration | 18. Delegation of powers |
| 8. Development prohibited | 19. Commencement |
| 9. Hearing notice and meetings | |
| 10. Hearing of evidence | |
| 11. Board decision | |

Short title
Definitions

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

2. In these regulations,

- (a) "Act", unless the context indicate otherwise, means the *Urban and Rural Planning Act, 2000*;
- (b) "applicant" means a person who has applied to an authority for an approval or permit to carry out a development;
- (c) "authority" means a council, authorized administrator or regional authority; and
- (d) "development regulations" means these regulations and regulations and by-laws respecting development that have been enacted by the relevant authority.

Application

3. (1) These regulations shall be included in the development regulations of an authority and shall apply to all planning areas.

(2) Where there is a conflict between these regulations and development regulations or other regulations of an authority, these regulations shall apply.

(3) Where another Act of the province provides a right of appeal to the board, these regulations shall apply to that appeal.

Interpretation

4. (1) In development regulations and other regulations made with respect to a planning area the following terms shall have the meanings indicated in this section

- (a) "access" means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street;
- (b) "accessory building" includes
 - (i) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,

- (ii) for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television antennae,
 - (iii) for commercial uses, workshops or garages, and
 - (iv) for industrial uses, garages, offices, raised ramps and docks;
- (c) "accessory use" means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use;
- (d) "building height" means the vertical distance, measured in metres from the established grade to the
 - (i) highest point of the roof surface of a flat roof,
 - (ii) deck line of a mansard roof, and
 - (iii) mean height level between the eave and the ridge of a gable, hip or gambrel roof,and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof;
- (e) "building line" means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed;
- (f) "discretionary use" means a use that is listed within the discretionary use classes established in the use zone tables of an authority's development regulations;
- (g) "established grade" means,
 - (i) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or

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

announcement or direction and excludes those things employed wholly as a memorial, advertisements of local government, utilities and boarding or similar structures used for the display of advertisements;

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

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

Notice of right to
appeal

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

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

Appeal
requirements

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

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

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

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

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

Appeal registration

7. (1) Upon receipt of an appeal and fee as required under the Act and these regulations, the secretary of the board as referred to in subsections 6(1) and (2), shall immediately register the appeal.

(2) Where an appeal has been registered the secretary of the board shall notify the appropriate authority of the appeal and shall provide to the authority a copy of the appeal and the documentation related to the appeal.

(3) Where an authority has been notified of an appeal that authority shall forward to the appropriate board a copy of the application being appealed, all correspondence, council minutes, plans and other relevant information relating to the appeal including the names and addresses of the applicant and other interested persons of whom the authority has knowledge.

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

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

Development
prohibited

8. (1) Immediately upon notice of the registration of an appeal the appropriate authority shall ensure that any development upon the property that is the subject of the appeal ceases.

(2) Sections 102 and 104 of the Act apply to an authority acting under subsection (1).

(3) Upon receipt of a notification of the registration of an appeal with respect to an order under section 102 of the Act, an authority shall not carry out work related to the matter being appealed.

Hearing notice and
meetings

9. (1) A board shall notify the appellant, applicant, authority and other persons affected by the subject of an appeal of the date, time and place for the appeal not fewer than 7 days before the date scheduled for the hearing of the appeal.

(2) A board may meet as often as is necessary to conduct its work in an expeditious manner.

Hearing of evidence

10. (1) A board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under subsection 9(1) or their representative may appear before the board and make representations with respect to the matter being appealed.

(2) A board shall hear an appeal in accordance with section 43 of the Act and these regulations.

(3) A written report submitted under subsection 43(2) of the Act respecting a visit to and viewing of a property shall be considered to have been provided in the same manner as evidence directly provided at the hearing of the board.

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

Board decision

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

Variances

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

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

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

Notice of variance

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

Residential non conformity

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

Notice and hearings on change of use

15. Where considering a non conforming building, structure or development under paragraph 108(3)(d) of the Act and before making a

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

Non-conformance
with standards

16. Where a building, structure or development does not meet the development standards included in development regulations, the building, structure or development shall not be expanded if the expansion would increase the non-conformity and an expansion must comply with the development standards applicable to that building, structure or development.

Discontinuance of
non-conforming use

17. An authority may make development regulations providing for a greater period of time than is provided under subsection 108(2) of the Act with respect to the time by which a discontinued non-conforming use may resume operation.

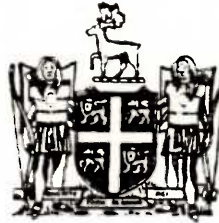
Delegation of
powers

18. An authority shall, where designating employees to whom a power is to be delegated under subsection 109(3) of the Act, make that designation in writing.

Commencement

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

©Earl G. Tucker, Queen's Printer



Published by Authority

NEWFOUNDLAND REGULATION 3/01

Development Regulations
under the
Urban and Rural Planning Act, 2000

(Filed January 2, 2001)

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- (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,
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 - (iii) mean height level between the eave and the ridge of a gable, hip or gambrel roof,
- and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof;
- (e) "building line" means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed;
- (f) "discretionary use" means a use that is listed within the discretionary use classes established in the use zone tables of an authority's development regulations;
- (g) "established grade" means,
- (i) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or

- (ii) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment;
- (h) "floor area" means the total area of all floors in a building measured to the outside face of exterior walls;
- (i) "frontage" means the horizontal distance between side lot lines measured at the building line;
- (j) "lot" means a plot, tract or parcel of land which can be considered as a unit of land for a particular use or building;
- (k) "lot area" means the total horizontal area within the lines of the lot;
- (l) "lot coverage" means the combined area of all building on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot;
- (m) "non-conforming use" means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone;
- (n) "owner" means a person or an organization of persons owning or having the legal right to use the land under consideration;
- (o) "permitted use" means a use that is listed within the permitted use classes set out in the use zone tables of an authority's development regulations;
- (p) "prohibited use" means a use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that an authority specifies as not permitted within a use zone;
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- (u) "street line" means the edge of a street reservation as defined by the authority having jurisdiction;
- (v) "use" means a building or activity situated on a lot or a development permitted on a lot;
- (w) "use zone" or "zone" means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply;
- (x) "variance" means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the authority's regulations; and
- (y) "zoning map" means the map or maps attached to and forming a part of the authority's regulations.

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

Notice of right to
appeal

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

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

Appeal
requirements

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

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

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

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

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

Appeal registration

7. (1) Upon receipt of an appeal and fee as required under the Act and these regulations, the secretary of the board as referred to in subsections 6(1) and (2), shall immediately register the appeal.

(2) Where an appeal has been registered the secretary of the board shall notify the appropriate authority of the appeal and shall provide to the authority a copy of the appeal and the documentation related to the appeal.

(3) Where an authority has been notified of an appeal that authority shall forward to the appropriate board a copy of the application being appealed, all correspondence, council minutes, plans and other relevant information relating to the appeal including the names and addresses of the applicant and other interested persons of whom the authority has knowledge.

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

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

Development
prohibited

8. (1) Immediately upon notice of the registration of an appeal the appropriate authority shall ensure that any development upon the property that is the subject of the appeal ceases.

(2) Sections 102 and 104 of the Act apply to an authority acting under subsection (1).

(3) Upon receipt of a notification of the registration of an appeal with respect to an order under section 102 of the Act, an authority shall not carry out work related to the matter being appealed.

Hearing notice and
meetings

9. (1) A board shall notify the appellant, applicant, authority and other persons affected by the subject of an appeal of the date, time and place for the appeal not fewer than 7 days before the date scheduled for the hearing of the appeal.

(2) A board may meet as often as is necessary to conduct its work in an expeditious manner.

Hearing of evidence

10. (1) A board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under subsection 9(1) or their representative may appear before the board and make representations with respect to the matter being appealed.

(2) A board shall hear an appeal in accordance with section 43 of the Act and these regulations.

(3) A written report submitted under subsection 43(2) of the Act respecting a visit to and viewing of a property shall be considered to have been provided in the same manner as evidence directly provided at the hearing of the board.

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

Board decision

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

Variances

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

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

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

Notice of variance

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

Residential non conformity

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

Notice and hearings on change of use

15. Where considering a non conforming building, structure or development under paragraph 108(3)(d) of the Act and before making a

TOWN OF SUNNYSIDE MUNICIPAL PLAN

(DEVELOPMENT REGULATIONS)

APPLICATION

1. Short Title

These Regulations may be cited as the Sunnyside Development Regulations.

2. Interpretation

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

3. Commencement

These Regulations come into effect throughout the Sunnyside Municipal Planning Area, hereinafter referred to as the Planning Area, on the date of publication of a notice to that effect in the Newfoundland Gazette.

4. Development Regulations Under the Urban and Rural Planning Act 2000 - "Ministerial Regulations"

The Ministerial Regulations enacted under Section 36 of the Act shall apply to development within the Planning Area. Where there is conflict between these and the Sunnyside Development Regulations, the Ministerial Regulations shall prevail. The Ministerial Regulations are included with the Sunnyside Development Regulations.

5. Municipal Code and Regulations

The Building Code including the Plumbing Code, the Fire Code, the Electrical Code, and any other ancillary code and any Building Regulations, Waste Disposal Regulation and/or any other municipal regulations regulating or controlling the development, conservation and use of land in force in the Town of Sunnyside, shall, under these Regulations apply to the entire Planning Area.

6. Town

In these Regulations, "Town" means the Council of the Town of Sunnyside.

PART I - GENERAL REGULATIONS

7. Compliance With Regulations

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

8. 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 Town.

9. Permit to be Issued

Subject to Regulations 10 and 11, a permit shall be issued for development within the Planning Area that conforms to the requirements of these regulations.

10. Permit Not to be Issued in Certain Cases Unless Developer Pays Costs

Neither a permit nor approval in principle shall be issued for development within the Planning Area when in the opinion of the Town 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 Town and such cost shall attach to and upon the property in respect of which it is imposed.

11. Discretionary Powers of Town

In considering an application for a permit or for approval in principle to carry out development, the Town 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 Town 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.

12. Variances by Town (see Ministerial Development Regulations, Section 12)

13. Service Levy

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

14. Financial Guarantees by Developer

- (1) The Town 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 engineering and other consultants' fees, service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit or licence.
- (2) The financial provisions pursuant to Regulation 14(1) may be made in the form of:

- a) a cash deposit from the developer, to be held by the Town, or;
- b) a guarantee by a bank, or other institution acceptable to the Town, for expenditures by the developer, or;
- c) a performance bond provided by an insurance company or a bank, or;
- d) an annual contribution to a sinking fund held by the Town.

15. Dedication of Land for Public Use

In addition to the requirements for dedication of land under Part III (Subdivisions), the Town may require the dedication of a percentage of the land area of any subdivision or other development for public use, and such land shall be conveyed to the Town in accordance with the provisions of the Act.

16. Reinstatement of Land

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

17. Form of Application

- (1) An application for a development permit or for approval in principle shall be made only by the owner or by a person authorized by the owner to the Town on such form as may be prescribed by the Town, and every application shall include such plans, specifications and drawings as the Town may require, and be accompanied by the permit fee required by the Town.
- (2) The Town shall, on request, supply to every applicant a copy of the application forms referred to in Regulation 17(1) and a description of the plans, specifications and drawings required to be provided with the application.

18. Register of Application

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

19. Deferment of Application

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

20. Approval in Principle

- (1) The Town may grant approval in principle for a subdivision or any other development if, after considering an application for approval in principle made under these Regulations, it is satisfied that the proposed development is, subject to the approval of detailed plans, in compliance with these Regulations.
- (2) Where approval in principle is granted under this Regulation, it shall be subject to the subsequent approval by the Town of such details as may be listed in the approval in principle, which shall also specify that further application for approval of these details shall be received not later than two years from the grant of approval in principle.
- (3) Where applicable, the Approval In Principle shall include:
 - a) the development standards to be followed for the development;
 - b) the development plan with phasing and costs, showing land use, lotting and building location, public and private open spaces and buffers, roads, water and sewer services, and other relevant information and this development plan shall set out the general specifications of the roads, services and other relevant elements;
 - c) the permitting requirements - what permits are required and when;

- d) when construction drawings are to be required – in general, construction drawings may only be required prior to the start of a phase or element of the development plan;
- e) the responsibility for the maintenance and upgrading of services, and the provision of other services, such as garbage collection and street lighting;
- f) the financial guarantees in respect of municipal water, sewer, road and related works to ensure that each phase of the work will be done in accordance with the Approval;
- g) the financial and other obligations of the parties to the agreement;
- h) the legal survey of the property.

21. Development Permit

- (1) A plan or drawing which has been approved by the Town and which bears a mark and/or signature indicating such approval together with a permit shall be deemed to be permission to develop land in accordance with these Regulations but such permission shall not relieve the applicant from full responsibility for obtaining permits or approvals under any other regulation or statute prior to commencing the development; from having the work carried out in accordance with these Regulations or any other regulations or statutes; and from compliance with all conditions imposed thereunder.
- (2) The Town may attach to a permit or to approval in principle such conditions as it deems fit in order to ensure that the proposed development will be in accordance with the purposes and intent of these Regulations.
- (3) Where the Town 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 Town for further periods not exceeding two years.
- (4) A permit is valid for such period, not in excess of two years, as may be stated therein, and if the development has not commenced, the permit may be renewed for a further period not in excess of one year, but a permit shall not be renewed more than once, except in the case of a permit for an advertisement, which may be renewed in accordance with Regulation 32 of these Regulations.
- (5) The approval of any application and plans or drawings or the issue of a permit shall not prevent the Town from thereafter requiring the correction of errors, or from ordering the cessation, removal of, or remedial work on any

development being carried out in the event that the same is in violation of this or any other regulations or statute.

- (6) The Town may revoke a permit for failure by the holder of it to comply with these Regulations or any condition attached to the permit or where the permit was issued in error or was issued on the basis of incorrect information.
- (7) No person shall erase, alter or modify any drawing or specifications upon which a permit to develop has been issued by the Town.
- (8) 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.

22. Reasons for Refusing Permit

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

23. Notice of Application

When a change in nonconforming use is to be considered (see also Ministerial Regulations), or when the development proposed is listed as a discretionary use in Schedule C of the Regulations the Town shall, at the expense of the applicant, give notice of an application for a permit or for approval in principle, by public advertisement in a newspaper circulating in the area or by any other means deemed necessary.

When a variance is necessary under Regulation 12 (see also Ministerial Regulations), the Town shall, at the expense of the applicant, give written notice to the property owners in the immediate vicinity of the proposed variance.

24. Right of Entry

The Town, the Director, or any inspector may enter upon any public or private land and may at all reasonable times enter any development or building upon the land for the purpose of making surveys or examinations or obtaining information relative

to the carrying out of any development, construction, alteration, repair, or any other works whatsoever which the Town is empowered to regulate.

25. Record of Violations

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

26. Stop Work Order and Prosecution

- (1) Where a person begins a development contrary or apparently contrary to these Regulations, the Town may order that person to stop the development or work connected therewith pending final adjudication in any prosecution arising out of the development.
- (2) A person who does not comply with an order made under Regulation 26(1) is guilty of an offence under the provisions of the Act.

27. Appeals

See Ministerial Regulations- Sections 5 to 11 and Sections 40 to 48 of the Urban and Rural Act 2000..

Where an appeal lodged under Section 42 of the Urban and Rural Planning Act has been successful, the fee paid by the appellant shall be reimbursed by the Town.

PART II - GENERAL DEVELOPMENT STANDARDS

28. Access Ramps

An access ramp for a wheel chair, may, at the discretion of the Town after consultation with abutting property owners, be erected in a minimum front, rear or side yard if there is no alternative means of providing the access ramp and it does not create a safety hazard or block sight lines.

29. Accesses and Service Streets

- (1) Access shall be located to the specification of the Town so as to ensure the greatest possible convenience and safety of the street system and the Town may prescribe the construction of service streets to reduce the number of accesses to collector and arterial streets.
- (2) Any access to a Provincial Highway must be approved by the Department of Transportation and Works.
- (3) No vehicular access shall be closer than 10 metres to the street line of any street intersection.

30. Accessory Buildings (see also Subsidiary Dwellings)

This regulation only applies to single dwelling, double dwelling, row dwelling, apartment building, boarding house - bed and breakfast and seasonal residential use classes accessory buildings. Accessory buildings for all other use classes are treated in the same manner as the principal or main buildings.

- (1) General - 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 as the main building or buildings.
- (2) Building Line - The minimum building line (distance from the front lot line) for an accessory building shall be 8 metres.
- (3) Side Yard - Except for row and double dwellings where an accessory building can be built to the side lot line provided that the wall adjoining the side lot line is of fire resistant construction, the minimum side yards (distance from the side lot lines) are as follows:

- a) Minimum Side Yard - building up to 4 metres in height 1 metre
 - b) Minimum Side Yard - building exceeds 4 metres height 2 metres
 - c) Minimum Side Yard Flanking Road (Corner Lot) 8 metres.
- (4) Rear Yard - The minimum rear yard (distance from the rear lot line) of an accessory building shall be 1 metre for any building up to 4 metres in height, and 2 metres for any building more than 4 metres in height up to the maximum allowable height of 6 metres.
- (5) Separation Distance from Dwelling - Accessory buildings shall maintain a minimum separation distance of 3 metres from a dwelling.
- (6) Lot Coverage - The combined lot coverage of all accessory buildings, including accessory dwellings, together **with principal and other buildings** on a lot shall not be greater than 33%.
- (7) Floor Area - No floor area requirements are set out for accessory buildings.
- (8) Height - The maximum allowable height of any accessory building shall not exceed 6 metres, unless it is two metres or closer to the side or rear lot line, in which case the maximum allowable height shall not exceed 4 metres.

31. Accessory Uses

See also Schedule A - Definitions.

Subject to the other requirements of these Regulations, including those of Schedule C, uses accessory to the permitted or discretionary uses are allowed.

Subject to Schedule C, examples of accessory uses include, but are not limited to:

- a) facilities for the serving of food and alcoholic beverages in an arena or other place of assembly, marina, or hotel (commercial - residential) and/or a gift or souvenir shop in a museum, hotel or other establishment;
- b) a general garage attached to or forming part of a car-dealership or other major retail-wholesale outlet;
- c) an office, convenience store and/or catering establishment in a campground;
- d) a marina, dock or wharf in a residential or other zone;
- e) an accessory dwelling, accessory dwelling unit;

- f) a business carried out in a dwelling or residential accessory building by a resident of the dwelling;
- g) a dwelling accessory to a non-residential permitted or discretionary use - for example, a farm dwelling or a caretaker's dwelling.

These accessory uses shall be clearly subsidiary to and controlled so as to be compatible with the primary use and the use of nearby properties.

32. Advertisements and Signs

The terms "advertisement" and "sign" are interchangeable.

- (1) Permit Required – Unless specifically exempted, no advertisement shall be erected or displayed in the Planning Area unless a permit for the advertisement is first obtained from the Town, and, where necessary, from the Department of Government Services.
- (2) Form of Application - Application for a permit to erect or display an advertisement shall be made to the Town in accordance with Regulation 17.
- (3) Advertisements in Street Reservation - No advertisement shall be erected or displayed within, on or over any highway or street reservation unless it is a premises sign (advertisement relating to onsite uses) and where applicable, unless this sign has been approved by the Town and the Department of Government Services and/or the Department of Transportation and Works.
- (4) Permit Valid for Limited Period
 - a) A permit shall be valid for a period of one year and failure by the applicant to initiate construction before expiration of the first permit year shall require reapplication to the Town.
 - b) Where, upon expiration of the first permit year a person wants the continued placement of that sign, that person shall apply to the Town for a renewed permit.
 - c) The Town may issue a renewed permit and that renewed permit shall be valid for a period of three years, and this must subsequently be renewed for further three year periods if the sign is to remain in place.

- d) A renewed permit shall not be issued until the Town is satisfied that the sign has been maintained to its satisfaction and conforms to these Regulations and the conditions attached to the permit.
- (5) Removal of Advertisements - Notwithstanding the provisions of these Regulations, the Town may require the removal of any advertisement which, in its opinion, is:
- a) hazardous to road traffic by reason of its siting, colour, illumination, maintenance or structural condition; or,
 - b) detrimental to the amenities of the surrounding area.
- (6) Signs - Non-Conforming Uses - A permit may be used for the erection or display of advertisements 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 advertisement does not exceed the size and type of advertisement 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 Town.
- (7) Prohibition - A sign shall not be erected, posted or placed:
- a) where in the opinion of the Town, that sign would be hazardous to road traffic by reason of its siting, illumination or structural condition;
 - b) where in the opinion of the Town that sign would be detrimental to the amenities of surrounding areas or length of highway or road;
 - c) where that sign is not maintained to the satisfaction of the Town;
 - d) within or over a highway or street intersection unless otherwise approved by the Town for Town roads, or by the Department of Transportation and Works for roads under Provincial jurisdiction;
 - e) with the exception of premises advertisements, within 300 metres, or a distance specified by the Department of Transportation and Works, or the Town of the intersection of two or more highways and/or for Town roads, or from the crossing of a public road;
 - f) at a location that is objectionable to residents of the immediate area; and
 - g) on a sign erected by the Department of Transportation and Works.
- (8) Signs or Advertisements Not Specifically Covered - If for some reason an application is received for a sign or advertisement that does not fall into one of the categories set out under these Regulations, then subject to the other

applicable requirements of these Regulations, the Town may approve, approve with conditions, or refuse to approve the sign or advertisement.

33. Advertisements Exempt from Control

The following advertisements may be erected or displayed in the Planning Area without application to the Town:

- a) a posting of a candidate in a federal, provincial or municipal election or a regional school board election;
- b) a temporary sign relating to federal, provincial or municipal public works;
- c) a notice required by law to be posted;
- d) a regulatory, warning, directional, guide or informational sign erected by the Department of Transportation and Works;
- e) a sign placed by a telephone, telegraph or electric power company to indicate danger;
- f) a sign, not exceeding 0.5 square metres, advertising the sale or rental of a building or lot upon which the sign is located;
- g) a flag, emblem or insignia of a nation, country or province;
- h) one temporary sign related to building construction located on a site on which the work is being carried out;
- i) on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.28 m² in area;
- j) on an agricultural holding or farm, a notice board not exceeding 1.5 m² in area and relating to the operations being conducted on the land;
- k) 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;
- l) 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;
- m) on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.28 m² in area in connection with the practice of a business carried on in the premises;
- n) on any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board placed no closer than 3 metres from a street line;
- o) 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;

- p) on any parking lot directional signs and one sign not exceeding 1 m² in size, identifying the parking lot; and,
- q) a sign indicating the location of a municipal or municipal planning area boundary, located beyond the back slope of a highway ditching.

34. Advertisements - Temporary and/or Portable Signs

A temporary and/or portable sign may be permitted in any zone for a period not exceeding 30 consecutive days, provided the sign:

- a) does not exceed 4 square metres in area;
- b) does not create or aggravate a traffic hazard, such as by blocking a sight-line;
- c) does not interfere with other lawful signs, including directional signs;
- d) is of a location, materials, design and colour in keeping with the character and appearance of the area;
- e) if necessary, is approved by the Department of Government Services, together with the Town.

The sign shall be immediately removed upon expiry of the permit.

A renewal permit for a temporary and/or portable sign may only be issued thirty days after the expiry of the original permit.

35. Advertisements and Signs near Highways

Pursuant to Newfoundland Regulation 85/99 as amended, the Provincial Government has designated "control lines" alongside each provincially maintained route. These lines extend 400 metres from the highway centre lines, except that the control area is reduced within the within Municipal Boundaries and built up areas of incorporated communities to 100 metres from the centre line of a provincial highway. Advertisements and signs falling within the designated control lines of any highway must be referred to and approved or exempted by the Government Services office serving the area.

36. Advertisements Relating to Onsite Uses

The conditions which shall apply to the erection or display of an advertisement, including premises signs, on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone, shall be as follows:

- a) the size, shape, illumination and material construction of the advertisement shall meet the requirements of the Town, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area;
- b) unless it is a sign affixed to the wall or canopy of a building the advertisement shall not exceed 5 square metres in area on any side.

37. Advertisements Relating to Offsite Uses

The conditions to be applied to the erection or display of an advertisement on any site, relating to a use permitted in this or another zone, or not relating to a specific land use, shall be as follows:

- a) which advertisement shall not exceed three square metres in area;
- b) when the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to the premises to which they relate;
- c) the location, siting and illumination of each advertisement shall be to the satisfaction of the Town, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

38. Agriculture

- (1) Agricultural uses are regulated by the Town and the Provincial Government, subject to the Farm Practices Act and other relevant legislation. Agricultural uses shall be approved by both the Agrifoods Development Branch of the Department of Natural Resources and the Town, together with other appropriate agencies.
- (2) Except for infill development any *residential development* within 600 metres of structure containing more than five animal units must be referred to the Agrifoods Development Branch for a recommendation. The Town shall not issue a permit contrary to the recommendation.
- (3) Any *livestock structure (barn)* containing five or more animal units must be located at least 600 metres from a non-farm dwelling, unless otherwise determined after referral to, and upon recommendation of, the Agrifoods Branch. The structure shall be at least 60 m from the boundary of the property on which it is to be erected and shall be at least 90 m from the

centre line of a street. The erection of the structure shall be approved by the Agrifoods Branch before a permit is issued by the Town.

- (4) Subject to the approval of the Agrifoods Development Branch, including the principal farm residence, two dwellings can be allowed on a farm provided they are located on the same parcel of land and the second dwelling is located in such a way as not to prejudice the farm operation.

39. Archaeological Resources and Heritage Sites and Areas

- (1) If an archaeological site or historical artifacts are discovered during construction, development shall stop and the Provincial Archaeology Office of the Department of Tourism, Culture and Recreation consulted. Development shall not proceed until the Provincial Archaeology Office has evaluated the site.
- (2) Any development proposal for McKay Island (Frenchman's Island) and areas along the shoreline of Little Mosquito Cove and the southern shore of Bull Arm shall be referred to the Provincial Archaeology office in the planning stages to ensure that potential historic resources are not disturbed or destroyed. The Town may also submit proposals in other areas to the Provincial Archaeology Office for review before a permit or approval is granted.
- (3) Before approval is granted for a major development, such as a subdivision, or a new commercial or public building, the application shall be referred to the Provincial Archaeology Office for investigation.
- (4) After proper notification and consultation, the Town may designate any property or structure a heritage property or building and require that certain conditions pertaining to appearance and upkeep be maintained.
- (5) The Town may designate an entire area containing groupings of archaeological and/or heritage sites a heritage area under which certain conditions designed to protect and best develop the resources are put into place.

40. Buffers - Non-Residential

Where any non-residential use abuts a residential use or area, the owner of the site of the non-residential development may be required to provide a buffer strip

between any non-residential building or activity and the residential use. The buffer shall include the provision of grass strips, hedges, trees or shrubs, or structural barriers as may be required by the Town, and shall be maintained by the owner or occupier to the satisfaction of the Town.

41. Building Line and Setback

- (1) The Town, by resolution, may establish building lines on an existing or proposed street or service street and may require any new buildings to be located on those building lines, whether or not such building lines conform to the standards set out in the tables in Schedule C of these Regulations.
- (2) The building line setback is measured from the front property line.
- (3) In accordance with the Building Near Highways Regulations 1997, the building line along Provincial highways shall not be less than that specified under the Building Near Highways Regulations. The minimum building line is 10 metres from the centre-line of Sunnyside Road to Centre Cove and 45 metres from the centre-line of the Trans Canada Highway.

42. Buildings on a Lot

- (1) More than one apartment building, double dwelling, and/or row dwelling can be allowed on a lot, provided that the requirements of Schedule C and other parts of these regulations are satisfied.
- (2) More than one single dwelling can be allowed on a lot provided that the requirements of Schedule C and other parts of these regulations are satisfied and provided the dwellings are located and serviced in such a way that should it be necessary, the property can be subdivided to create two or more that the lots, dwellings and accessory buildings located on these lots can meet the requirements of the Use Zone in which they are located.
- (3) Other Use Classes - two or more buildings can be erected on a lot provided that the yard and setback and other requirements of Schedule C and other parts of these regulations are satisfied.

43. Campground

A plan of the campground shall be submitted in a format satisfactory to the Town, showing and specifying the number and location of campsites and all facilities,

services, internal roads and measures for buffering and/or screening. The approved plan, together with any other approvals and conditions shall form part of the permit.

44. Child Care

Where allowed, a child care facility shall be compatible with the residential or other area within which it is located. In a residential area there shall be no visible indication that such a use is occurring, except for a small identification sign. The approval of the Department of Government Services is required before a permit for a child care facility is issued by the Town.

45. Comprehensive Development

At its discretion the Town may approve a comprehensive development that only in its overall density and land use complies with the development standards of a Use Zone. Provided that the comprehensive development itself fronts on a public road and there is adequate access, dwellings and other buildings within the Comprehensive Development need not directly front on a public road. A comprehensive development is subject to an Approval in Principle.

46. Decks

An open or partially enclosed deck attached to the dwelling shall not extend into the minimum permissible front and side yards and flanking road setback and shall not be closer to the rear lot line than 1 metre. A deck is not included in the calculation of lot coverage under Schedule C. Decks attached to non-dwelling buildings shall not extend into the minimum rear yard for the use.

47. Discretionary Use Classes

The discretionary use classes listed in Schedule C may be permitted at the discretion of the Town provided that they are 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.

48. Entrance and Window Wells

An entrance well or a window well is permitted in the minimum front, rear or side yard under Schedule C provided it does not extend more than 0.3 metres above grade.

49. Family and Group Care Centres

Family 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 Town, 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 Town may require special access and safety features to be provided for the occupants before occupancy is permitted.

50. Fences

- (1) Applicability - Except as otherwise set out in Schedule C or in a Fence Regulation adopted under the Municipalities Act, the requirements of this Section shall apply to all fences.
- (2) Fence - For the purpose of this Section a fence includes a vertical physical barrier constructed out of typical fencing materials, and includes hedges, shrubs and landscaping features used for these purposes, and, that portion of a retaining wall which projects above the surface of the ground which it supports.
- (3) Public Authorities - These Regulations shall apply to all public authorities except in those cases where an exception from the Regulations is required to respond to an emergency or for a public purpose.
- (4) Damages - The Town shall not be liable for any damages for the repair of any fence whatsoever where the Town, its employees or agents or otherwise have acted without negligence. In particular, the Town shall not be liable for any damages or repairs of any fence whatsoever during the normal operation of snow clearing on streets or sidewalks located within the Municipal Planning Area.
- (5) Order to Remove Fence - When in the opinion of the Town, a fence creates a safety hazard or obstruction or impedes snow-clearing due to its location, height or construction material, the Town may issue an order to the property owner stating that the fence or portions thereof be removed, reconstructed or repaired within a specified time in order to correct the safety hazard or obstruction and the cost to remove, construct or repair said fence or part thereof will be at the owner's expense. In the event that the property owner

does not remove the fence within the specified time as ordered, the Town may remove the fence and the cost to remove, reconstruct or repair said fence will be at the owner's expense.

- (6) Fence Materials - The material or materials used in the erection and repair of a fence, shall only be of a type which meets the approval of the Council.
- (7) Sight Lines - No fence shall be erected which can block vision at an intersection by virtue of its location or height.
- (8) Maximum Height - The maximum height of a fence shall not exceed 1.8 metres except where additional height is required by the Town for screening or security, in which case the maximum height of a fence shall not exceed 2.4 metres.

51. Forestry

Approvals for woodcutting or other forestry related activities must be obtained from the provincial Department of Natural Resources - Forest Management Unit. Development applications within the Rural Zone must be referred to the applicable Forest Management Unit in order to ensure that productive forests and domestic cutting areas are not negatively impacted.

52. Home Business

A Home Business can only be permitted as an accessory use (Regulation 31) if:

- a) the primary use of the property remains residential and the scope and intensity of the use classes is entirely compatible with the residential uses of the property and neighbourhood, and the business is operated by a resident of the dwelling;
- b) mechanical equipment used is reasonably consistent with the use of a dwelling.

53. Lot Area

- (1) No lot shall be reduced in area, either by the conveyance or alienation of any portion thereof or otherwise, so that any building or structure on such lot shall have a lot coverage that exceeds, or a 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.

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

54. Lot Area and Size Exceptions

Where, at the time of coming into effect of these Regulations, one or more lots already exist in any zone, with insufficient frontage or area to permit the owner or purchaser of such a lot or lots to comply with the provisions of these Regulations, then these Regulations shall not prevent the issuing of a permit by the Town 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.

55. Lot Frontage

No residential or commercial building shall be erected unless the lot on which it is situated fronts directly onto a street or forms part of a Comprehensive Development.

56. Mineral Exploration

- (1) Subject to the other provisions of these Development Regulations, mineral exploration which is not classed as development by virtue of appreciable soil disturbance, construction of access roads, noise, odour and appearance can be permitted anywhere in the Town, provided that adequate notification is provided to the Town.
- (2) Mineral exploration which is classed as development shall or may only be permitted where it is set out as a permitted or discretionary use in a use zone under Schedule C and provided that:
 - a) adequate provision is made for buffering and/or other means of reducing or eliminating the impacts of the exploration on other uses, the environment and waterways and wetlands;
 - b) where there is soil disturbance, the developer shall provide a site restoration or landscaping surety and/or other satisfactory guarantees of site restoration or landscaping to the Town.

- (3) No permit shall be issued by the Town for mineral exploration until the necessary permits and approvals have been obtained from the Departments of Natural Resources, Government Services, and Environment and Conservation, together with any other relevant Provincial agencies.

57. Mineral Working

Where permitted, mineral workings are subject to this Regulation, any other applicable regulations and the approval of the Department of Mines and Energy.

No residential development shall be permitted closer than 300 metres to a mineral working unless the Town and the Department of Mines and Energy are satisfied that such development will not adversely affect the operations of the existing or proposed mineral working.

- (1) Separation from Adjacent Uses - Unless the Town 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:

- | | | |
|----|--|-------------|
| a) | Existing or Proposed Residential Development | |
| | i) where no blasting is involved | 300 metres |
| | ii) where blasting is involved | 1000 metres |
| b) | Any Other Existing or Proposed Development | 150 metres |
| c) | Public Highway or street | 50 metres |
| d) | Protected Road | 90 metres |
| e) | Body of water or watercourse | 50 metres |

- (2) Screening - A mineral working shall be screened in the manner described below where it is visible from a public street or highway, developed area, or area likely to be developed during the life of the use.

- a) Where tree screens exist between the mineral working and adjacent public highways and streets or other land uses (excepting forestry and agriculture), the tree screens shall be retained in a 30-metre wide strip of vegetation so that visibility of any part of the use from the surrounding uses or streets will be prevented. The tree screens must be maintained by the owner or occupier of the use to retain 30 metres in

a forested appearance. Where vegetation dies or is removed from the 30-metre strip, the Town may require new trees of a minimum height of 1 metre be planted to fill in the areas affected to the satisfaction of the Town or, at the discretion of the Town, condition (2)(b) must be undertaken.

- b) Where no tree screens exist of sufficient width and density to constitute a visual screen, earthen berms shall be constructed to a height sufficient to prevent visibility of any part of the mineral working from adjacent uses (excepting forestry and agriculture), or adjacent public highways and streets. The berms shall be landscaped to the Town's satisfaction.
 - c) Where natural topography creates a visual screen between mineral workings and adjacent public highways and streets or other land uses (excepting forestry and agriculture), additional screening may not be required.
 - d) Where effective screening for any mineral working or associated processing or manufacturing use cannot be installed or located as required above, the Town may refuse to permit the use or associated activity.
- (3) Fencing - The Town may require the mineral working site or excavated areas of a pit or quarry working to be enclosed by a fence designed and constructed to its specifications and no less than 1.8 metres in height.
- (4) Water Pollution - No mineral working or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any body of water or watercourse. Any access road to a pit or quarry working which crosses a brook or stream shall be bridged or culverted at the crossing in accordance with the Regulations of the Department of Environment and Conservation.
- (5) Water Ponding - No mineral working or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any body of water or watercourse. Any access road to a pit or quarry working which crosses a brook or stream shall be bridged or culverted at the crossing in accordance with the Acts and Regulations of the Department of Environment and Conservation.
- (6) Erosion Control - No mineral working shall be carried out in a manner so as

to cause erosion of erosion of adjacent land.

- (7) Site Maintenance - The mineral working shall be kept clean of refuse, abandoned vehicles, and abandoned equipment and any derelict buildings.
- (8) Access Roads - During extended periods of shutdown, access roads to a mineral working shall be ditched or barred to the satisfaction of the Town.
- (9) Stockpiling Cover Material - All stumps, organic material and topsoil, including the rusty coloured and iron stained layer, shall be stripped and stockpiled at least 5 metres from active quarry or stockpile areas. The owner or operator shall ensure that the quality of the topsoil is not affected by dilution with other materials.
- (10) Operating Plant and Associated Processing and Manufacturing
 - a) The Town may permit processing and manufacturing use associated with mineral workings provided that, in the opinion of the Town, 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.
 - b) 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.
 - c) the Town 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.
- (11) 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° or to the slope conforming to that existing prior to the mineral working;
 - c) topsoil and any organic materials shall be re-spread over the entire quarried area;

- d) the access road to the working shall be ditched or barred to the satisfaction of the Town;
- e) if the mineral working contains reserves of material sufficient to support further extraction operations, the Town may require the work described above to be carried out only in areas of the site where extraction has depleted aggregate reserves.

58. NALCOR Corridor

Notwithstanding the zone, within the NALCOR Corridor overlay on the Land Use Zoning Maps before a permit is issued by the Town, the Town shall consult with NALCOR.

59. Non-Conforming Uses

- (1) See Section 108 of the Urban and Rural Planning Act and Sections 14, 15, and 16 of the Ministerial Development Regulations.
- (2) Discontinuance - Subject to Section 17 of the Ministerial Development Regulations and Section 108 (2) of the Urban and Rural Planning Act:
 - a) a non-conforming use of land may be resumed within **one year** of its discontinuance;
 - b) for the purpose of this Regulation, discontinuance of a non-conforming use begins when any one of the following conditions is met:
 - (i) the building or use of land is clearly vacated or the building is demolished;
 - (ii) the owner or tenant has ceased paying taxes for that use;
 - (iii) the owner or tenant has stated in writing that the use has ceased.

60. 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 Town and any other authority having jurisdiction.

61. Parks and Playgrounds

Parks and playgrounds are permitted in any zone, provided however, that such parks and playgrounds are not located in areas which may be hazardous to their use and are not operated for commercial purposes.

62. Public Services and Public Utilities

Public services and public utilities and roads accesses are allowed in all zones provided that the design and location of such facilities shall take into consideration their impact on nearby land uses and persons, the environment and archaeological resources within the Town, along with other matters that the Town may deem to be significant.

63. Road Frontage

Unless otherwise set out in these Development Regulations, all use classes except marinas and transportation uses, must front onto an existing public road or a subdivision road built in conformity with the standards in these Regulations.

64. Screening and Landscaping

The provision of adequate and suitable landscaping or screening may be made a condition of any development permit where, in the opinion of the Town, the landscaping or screening is desirable to preserve amenity, or protect the environment.

65. Site Development

- (1) Before approving the development of any site, the Town shall take into consideration the adequacy of site grading, drainage and landscaping and the potential of the development to cause erosion onto and pollution of adjacent development and lands and bodies of water receiving drainage from the site, along with other similar matters.
- (2) The Town shall ensure that the proposal is not inappropriate by reason of:
 - a) precipitating or contributing to a pollution problem in the area; or,
 - b) causing erosion and/or sedimentation.

66. Site Development Quarry and Soil Removal

- (1) If, as part of another development, quarry material is to be removed and sold or otherwise disposed of, then a separate quarry permit shall be issued once development approval is granted by the Town. A copy of this permit must be forwarded to the Department of Natural Resources, Mineral Lands Division.
- (2) A site development quarry under this section is permitted wherever the use that the quarry is associated with is permitted.
- (3) A quarry permit issued under this section shall only be valid for the term of the site development.
- (4) When the work is completed, the area affected shall be suitably landscaped and drained in accordance with a plan approved by the Town.
- (5) If the site work is extensive, the Town may require the deposit of a surety in the amount of \$500.00 which shall be returned to the developer upon satisfactory completion of the work.

67. Street Construction Standards

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

68. Subsidiary Apartments

Subsidiary apartments may be permitted in single dwellings only, and for the purposes of calculating lot area and yard requirements, shall be considered part of the self-contained dwelling.

69. Subsidiary Dwelling (see also Regulation 31 - Accessory Buildings)

A subsidiary dwelling is permitted in the rear yard of a single dwelling in a building separate from the single dwelling, subject to the following requirements:

- a) the subsidiary dwelling is located in the rear yard of the single dwelling;
- b) fire and other safety issues are properly addressed in the location, access and design of the subsidiary dwelling, and this may entail the provision of a completely unobstructed side yard wide enough to provide access for emergencies which is greater than the minimum side yard for single

- dwelling in this zone;
- c) unless it is only used as a separate sleeping quarters, the subsidiary dwelling shall be connected to municipal water and sewer services;
- d) the maximum floor area shall be 60 square metres;
- e) the minimum distance from the side and rear property boundaries is 3 metres;
- f) maximum height is 6 metres.

70. Trails

The Centre Hill Trail and a portion of the old Cabot Highway are protected by a 200 metre wide buffer - 100 metres in each direction from the centre of the trail - within which no development is allowed to occur until the Town has determined that the use and appearance of the trail is not negatively affected. The buffer along the Old Cabot Highway is designated on Land Use Zoning Map 2 as Environmental Protection. The Centre Hill Trail is not shown.

Other trails deemed significant by the Town shall be protected by a suitable buffer.

71. Trans Canada Highway Protected Road Zoning Plan

Development within 100 metres of the centre-line of the Trans Canada Highway, (Highway 1) is subject to review by the Government Service Centre of the Department of Government Services before a permit is issued by the Town.

72. Unserved Development

Development lacking one or both of municipal water and sewer services shall be approved by the Department of Government Services before a permit is issued by the Town.

73. Unsubdivided Land

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

74. Waterways and Wetlands

- (1) Except as otherwise shown on the Land Use Zoning Maps, the minimum

width of a buffer along a waterway or wetland shall be 15 m from the highwater mark of the stream, river, pond or other body of water. If the embankment is steep, then the buffer shall be measured from the top of the embankment.

- (2) Unless it is infill development or the area is otherwise developed, development within 200 metres of a licenced salmon river, must be reviewed by the Department of Fisheries and Oceans Canada before approval is granted by the Town.
- (3) The only uses that may be permitted in the buffer area of a waterway are trails, and trail related accessory uses, and uses requiring direct access to a body of water.

These uses are subject to the approval of the Water Resources Division of the Department of Environment and Conservation, Department of Fisheries and Oceans Canada and where applicable, the Government Service Centre of the Department of Government Services for Crown Lands and referrals.

- (4) The Town or the Provincial Government may subject development within the buffer area of a waterway to an environmental review, and may approve, approve subject to conditions, or refuse such development. The matter of adequate and usable legal public access to the waterway shall be a consideration in the review of an application for a structure within a buffer and/or waterway.
- (5) Any development within a waterway or involving the alteration of a waterway must be approved by or exempted by the following agencies:
 - Department of Environment and Conservation for Crown Lands and referrals;
 - Coast Guard Canada of the Department of Fisheries and Oceans - Navigable Waters Act;
 - Fish Habitat Division of the Department of Fisheries and Oceans;
 - Water Resources Division of the Department of Environment and Conservation.
- (6) If a waterway or wetland is deemed to be minor (intermittent and/or a drainage course and/or no evidence of fish and/or not apparently significant for flood control or water management), such waterways and wetlands shall wherever possible remain undeveloped and protected by a buffer. If a site

is to be developed, alternatives to covering over or eliminating such waterways and wetlands shall be explored, including relocation of the waterway or wetland and/or redesign of the development.

75. Wind Mills, Wind Turbines, Wind Farms

Utilities (Schedule B), which include wind mill, wind turbines, wind farms, together with access roads and associated facilities, are subject to the approval of relevant provincial and federal departments and agencies and public utilities.

The design and location of such utilities shall take into consideration their impact on nearby land uses and persons, the environment and archaeological resources within the Town, along with other matters that the Town may deem to be significant.

Utilities within the built-up areas are limited to single wind mills or wind turbines designed and sized to serve particular properties.

To prevent damage to persons and properties due to the failure of windmill or any of its components or the shedding of ice, the Town shall ensure that there is adequate separation distance between the windmill and nearby structures and properties.

The design, construction and location of a windmill shall be certified by a competent professional who has consulted with the required agencies.

PART III - SUBDIVISION OF LAND

76. 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 Town.

77. Building Permits Required

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

78. Subdivision Subject to Zoning

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

79. Issue of Permit Subject to Considerations

A permit shall not be issued when, in the opinion of the Town, 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 Town shall, without limiting the generality of the foregoing, consider:

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

80. Concept Plan and Final Plan - Approval

- (1) Where there is a larger subdivision of land and/or subdivision of land entailing the construction of new roads, the Town must grant Approval in Principle (Part I, Regulation 20) for a concept plan and the arrangements for construction guarantees before the developer can proceed to the preparation of construction (final) drawings and a permit is issued for the subdivision.
- (2) The concept plan shall contain the following:
 - a) a legal survey of the land included within the subdivision;
 - b) a detailed description of the types and standards of development and services proposed for the subdivision;
 - c) the layout of roads, lots, open spaces and other pertinent features of the development;
 - d) the phasing of the development;
 - e) the estimated cost of the works in the development by phase as certified by a professional engineer and verified by the Town's Engineer.

Upon approval of the Concept Plan the Final Plan (construction drawings and final lot and road layout, costings for the design and construction of works, etc.) shall be prepared and approved by the Town and other relevant agencies before construction is allowed to proceed.

81. Developer to Pay Engineer's Fees and Charges

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

82. 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 Town for connection to public services, public utilities and streets deemed necessary for the proper development of the subdivision, and all service levies and other charges imposed under these Regulations.

83. Construction and Town Engineer Costs Guarantees

Construction Guarantees - The developer shall deposit with the Town a cash equivalent surety before the commencement of any phase of the development sufficient to cover:

- a) the estimated cost of the Town's Engineer for supervision and inspections, etc. before the commencement of each phase of the development;
- b) 40% of the cost of the completion of any phase of the development - which shall be returned to the developer with accrued interest upon satisfactory completion (full completion of roads and services, etc. to the Town's specifications as certified by the Town's Engineer) of the phase.

84. Services to be Provided

No permit shall be issued for the development of a subdivision unless provisions satisfactory to the Town 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.

85. Building Lines

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

86. Land for Public Open Space

- (1) Before a development commences, the developer shall, if required, dedicate to the Town, at no cost to the Town, an area of land equivalent to not more than 10% of the gross area of the subdivision for public open space, provided that:
 - a) where land is subdivided for any purpose other than residential use, the Town shall determine the percentage of land to be dedicated;
 - b) if, in the opinion of the Town, no public open space is required, the land may be used for such other public use as the Town may determine;
 - c) the location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of the Town but in any case, the Town shall not accept land which, in its opinion is incapable of development for any purpose;
 - d) the Town 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;
- e) money received by the Town in accordance with this Regulation shall be reserved by the Town for the purpose of the acquisition or development of land for public open space or other public purpose.
- (2) Land dedicated for public use in accordance with this Regulation shall be conveyed to the Town and may be sold or leased by the Town 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.
- (3) The Town 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 Town, constitute the requirement of land for public use under Clause (1) of this regulation.

87. 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 Town which shall be satisfied on the question of safe construction and relationship to the adjoining buildings and other structures within the street reservation.

88. Subdivision Design Standards

- (1) The standard for the design and construction of all work related to Subdivision development shall be the Government of Newfoundland and Labrador Municipal Water, Sewer, and Roads Specifications.
- (2) Except as otherwise provided under Schedule C no permit shall be issued for the development of a subdivision under these Regulations unless the design of the subdivision conforms to the standards below.
- a) The finished grade of streets shall not exceed 12 percent.
- b) Every cul de sac ("dead end street") 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 300 metres. Where

a road loops back to itself, such as in a P loop, the distance is measured to the start of the loop.

- d) After review by the Town's Fire Chief the length of a cul de sac may be extended beyond 300 metres, provided that the Town is satisfied that this will not create additional fire or other hazard risks or unduly increase maintenance costs.
- f) No cul de sac shall be located so as to appear to terminate a collector street.
- g) New subdivisions shall have street connections with an existing street or streets.
- h) All street intersections shall be constructed within 5° of a right angle and this alignment shall be maintained for 30 m from the intersection.
- i) No street intersection shall be closer than 60 m to any other street intersection.
- j) No more than four streets shall join at any street intersection.
 - i) Collector Street
 - Reservation (minimum) 15 metres
 - Pavement Width (minimum) 9 metres
 - Walkways See clause k)
 - ii) Local Street
 - Reservation (minimum) 15 or 12.5 metres (see clause n))
 - Pavement Width (minimum) 6 metres
 - Walkways See clause k).
- k) Walkways - adequate pedestrian access shall be provided along roads and incorporated into subdivision planning.
- l) The Town may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed.
- m) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land.

- n) Where there is potential for additional development, a road reserve of 15 metres (12.5 metres optional) shall be provided, and a reserve of 15 or 12.5 metres shall be provided along the entire length of a cul de sac.

89. Engineer to Design Works and Certify Construction Layout

- (1) Plans and specifications for all water mains, hydrants, sanitary sewers, storm sewers and all appurtenances thereto and all streets, paving, curbs, gutters and catch basins and all other utilities deemed necessary by the Town to service the area proposed to be developed or subdivided shall be designed and prepared by or approved by the Engineer. Such designs and specifications shall, upon approval by the Town, be incorporated in the plan of subdivision.
- (2) Upon approval by the Town 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 Town to service the said area.

90. Street Works May Be Deferred

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

91. Transfer of Streets and Utilities to Town

- (1) The developer shall, following the approval of the subdivision of land and upon request of the Town, transfer to the Town, at no cost to the Town, and clear of all liens and encumbrances:
 - a) all lands in the area proposed to be developed or subdivided which are approved and designated by the Town for public uses as streets, or other rights-of-way, or for other public use;
 - b) all services or public works including streets, water supply and distribution and sanitary and storm drainage systems installed in the subdivision that are normally owned and operated by the Town.
- (2) Before the Town 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.
- (3) The Town 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 Town.

92. 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 Town 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.

93. Grouping of Buildings and Landscaping

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

PART IV - USE ZONES

94. Use Zones

- (1) For the purpose of these Regulations, the Planning Area is divided into Use Zones which are shown on the Zoning Map attached to and forming part of these Regulations.
- (2) Subject to Regulation 83(3), the permitted use classes, discretionary use classes, standards, requirements and conditions applicable to each Use Zone are set out in the Use Zone Tables in Schedule C of these Regulations.
- (3) Where standards, requirements and conditions applicable in a Use Zone are not set out in the Use Zone Tables in Schedule C, the Town may in its discretion, determine the standards, requirements and conditions which shall apply.

95. Use Classes

The specific uses to be included in each Use Class set out in the Use Zone Tables in Schedule C shall be determined by the Town in accordance with the classification and examples set out in Schedule B.

96. Permitted Uses

Subject to these Regulations, the uses that fall within the Permitted Use Classes set out in the appropriate Use Zone Table in Schedule C shall be permitted by the Town in that Use Zone.

97. Discretionary Uses

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone Table in Schedule C may be permitted in that Use Zone if the Town 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 Town has given notice of the application in accordance with Regulation 23 and has considered any objections or representations which may have been received on the matter.

98. Uses Not Permitted - Prohibited Uses

Uses that do not fall within the Permitted Use Classes or Discretionary Use Classes set out in the appropriate Use Zone Tables in Schedule C, shall not be permitted in that Use Zone and are deemed to be prohibited uses.

SCHEDULE A

DEFINITIONS

A definition marked with an asterix is also included in the Urban and Rural Planning Act and/or in the Ministerial Development Regulations. Where there is a conflict, the Act or Ministerial Development Regulations prevail.

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

ACCESSORY BUILDING* includes:

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

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

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

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

AGRICULTURE means 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, osier 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. "Agricultural" shall be construed accordingly.

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

ANIMAL UNIT means any one of the following animals or groups of animals:

- 1 bull;
- 1000 broiler chickens or roosters (1.8 - 2.3 kg each);
- 1 cow (including calf);
- 100 female mink (including associated males and kits);
- 4 goats;
- X hogs (based on 453.6 kg = 1 unit);
- 1 horse (including foal);
- 125 laying hens;
- 4 sheep (including lambs);
- 1 sow or breed sow (including weaners and growers based on 453.6 kg = 1 unit);
- X turkeys, ducks, geese (based on 2,268 kg = 1 unit).

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

APPEAL BOARD means the appropriate Appeal Board established under the Act.

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

ARTERIAL STREET means the streets in the Planning Area constituting the main traffic arteries of the area and defined as arterial streets or highways in the Municipal Plan or on the Zoning Map.

AUTHORITY* means a council, authorized administrator or regional authority.

BED AND BREAKFAST means an owner-occupied or owner-managed establishment for paid temporary accommodation for up to sixteen (16) overnight guests that may include a dining room for the use of overnight guests and their invitees. The establishment must be registered with and receive a rating from Canada Select and also must be approved by the Provincial Department of Tourism, Culture and Recreation as a Bed and Breakfast operation.

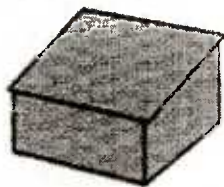
BOARDING HOUSE means a dwelling in which at least 2 rooms are regularly rented to persons other than the immediate family of the owner or tenant.

BUILDING* means

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

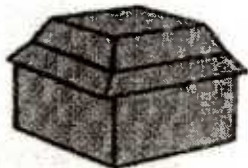
BUILDING HEIGHT* means the vertical distance, measured in metres, from the established grade to:

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



Flat Roof

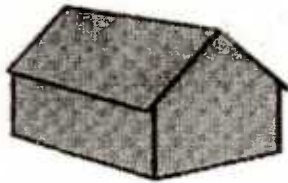
- (ii) the deck line of a mansard roof



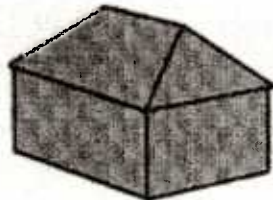
Mansard Roof

and

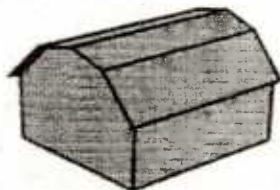
- (iii) the mean height level between eave and ridge of a gable, hip or gambrel roof,



Gable Roof



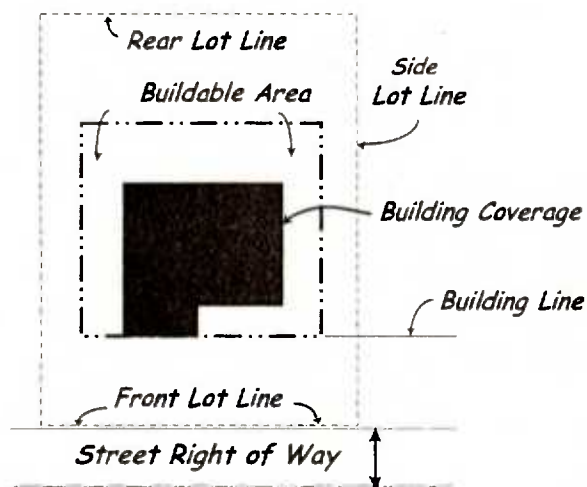
Simple Hip Roof



Gambrel Roof

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

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



CAMPGROUND means the use of land for the accommodation of travel trailers, recreational vehicles, and/or tents.

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

DAYCARE CENTRE or **DAY NURSERY** means a building or part of a building in which services and activities are regularly provided to children of pre-school age during the full daytime period as defined under the Day Nurseries Act, but does not include a school as defined by the Schools Act.

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

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

and shall exclude:

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

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

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.

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

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

ENGINEER means a professional engineer employed or retained by the Town.

ESTABLISHED GRADE* means,

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

FAMILY AND GROUP CARE CENTRE means a dwelling accommodating up to but no more than six (6) persons exclusive of staff in a home-like setting. Subject to the size limitation, this definition includes, but is not limited to, the facilities called "Group Homes",

"Halfway House", and "Foster Home".

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

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

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

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

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

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

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

HOME BUSINESS means a secondary use of a dwelling and/or its accessory building by at least one of the residents of the dwelling to conduct a gainful occupation or business activity.

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

INSTITUTION means a building or part thereof occupied or used by persons who:

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

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

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

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

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

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

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

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

MARINA means a dock or basin together with associated facilities where slips, moorings, supplies, repairs, and other services that are typically available for boats and other watercraft, including storage, sales and rentals, with or without a club house and catering facilities. It can also include a fishing stage or shed associated with a dock or wharf.

MINERAL EXPLORATION means the activity of searching for minerals or mineral occurrences, including oil exploration, wherein, for the purposes of these Regulations it takes the form of development - that is visible and appreciable disturbance to soil.

MINERAL WORKING means land or buildings used for the working or extraction of construction aggregates.

MINING means land or buildings used for the extraction of ores, salts, oil and/or natural gas.

MOBILE HOME means a transportable factory-built single family dwelling unit:

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

Municipal Codes and;

- b) which is designed to be:
 - (i) transported on its own wheels and chassis to a mobile home lot, and subsequently supported on its own wheels, jacks, posts or piers, or on a permanent foundation and;
 - (ii) connected to exterior public utilities approved by the Town, namely, piped water, piped sewer, electricity and telephone, in order for such mobile home unit to be suitable for year round term occupancy.

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

MOBILE HOME SUBDIVISION means a mobile home development requiring the subdivision of land whether in single or joint ownership into two or more pieces or parcels of land for the purpose of locating thereon mobile home units under either freehold or leasehold tenure and where the maintenance of streets and services is the responsibility of a municipality or public authority, and where the mobile home development is classified as a mobile home subdivision by the Town.

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.

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

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

PIT AND QUARRY WORKING carries the same meaning as Mineral Working.

PROHIBITED USE* means a use that is not listed within the permitted use classes set out in the use zone tables of an authority's development regulations.

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

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

ROW DWELLING means a dwelling containing three or more dwelling units at ground level in one building, each unit separated vertically from the others.

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

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

SERVICE STREET means a street constructed parallel to or close to another street for the purpose of limiting direct access to that street.

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

SHOPPING CENTRE means a group of shops and complementary uses with integrated parking and which is planned, developed and designed as a unit containing a minimum of 5 retail establishments.

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

SIDE YARD DEPTH* means the distance between the side lot line and the nearest side wall of a building on the lot. See also Building Line and Yards.

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.

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

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

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

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

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

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

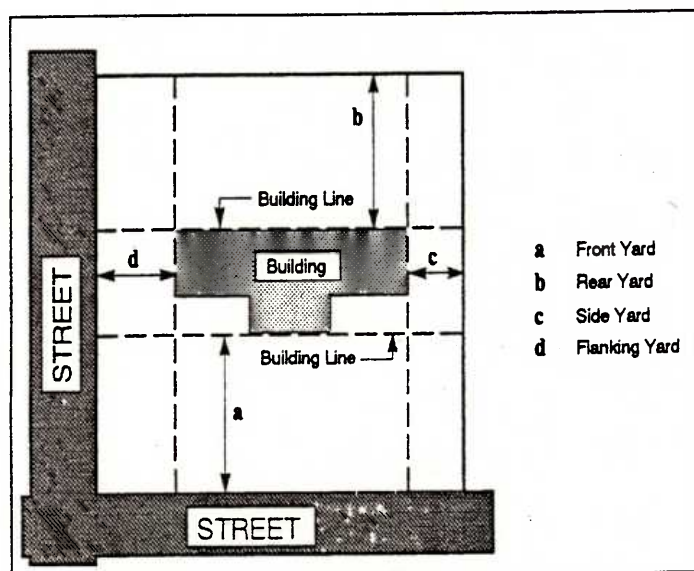
USE* means a building or activity situated on a lot or a development permitted on a lot.

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 in Schedule C of the Regulations relate.

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.

WETLAND means an area which is saturated by surface or ground water sufficient to support, and which under normal circumstances supports a prevalence of vegetation typically adapted for life in the saturated soil conditions, and includes swamps, marshes, bogs, fens and similar areas.

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



Regulations.

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

SCHEDULE B
CLASSIFICATION OF USES OF LAND AND BUILDINGS

GROUP	CLASS	EXAMPLES
ASSEMBLY USES	Theatre	Motion Picture Theatres T.V. Studios admitting an audience.
ASSEMBLY USES	Cultural and Civic	Libraries, Museums, Art Galleries, Court Rooms, Meeting Rooms, Council Chambers
ASSEMBLY USES	Protection	Police and Fire Stations
ASSEMBLY USES	General Assembly	Community Halls, Lodge Halls, Dance Halls, Gymnasias, Auditoria, Bowling Alleys
ASSEMBLY USES	Educational	Schools, Colleges (non-residential)
ASSEMBLY USES	Place of Worship	Churches and similar places of worship, Church Halls
ASSEMBLY USES	Passenger Assembly	Passenger Terminals
ASSEMBLY USES	Club and Lodge	Private Clubs and Lodges (non-residential)
ASSEMBLY USES	Catering	Restaurants, Bars, Lounges
ASSEMBLY USES	Funeral Home	Funeral Homes and Chapels
ASSEMBLY USES	Child Care	Day Care Centres
ASSEMBLY USES	Amusement	Electronic Games Arcades, Pinball Parlours, Poolrooms
ASSEMBLY USES	Indoor Assembly	Arenas, Armouries, Ice Rinks, Indoor Swimming Pools

SCHEDULE B CLASSIFICATION OF USES OF LAND AND BUILDINGS		
GROUP	CLASS	EXAMPLES
ASSEMBLY USES	Outdoor Assembly	Bleachers, Grandstands, Outdoor Ice Rinks and Swimming Pools, Amusement Parks and Fairgrounds, Exhibition Grounds, Drive-in Theatres
ASSEMBLY USES	Campground	Campgrounds, Recreational Vehicle and Travel Trailer Campgrounds
INSTITUTIONAL USES	Penal and Correctional Detention	Jails, Penitentiaries, Police Stations (with detention quarters), Prisons, Psychiatric Hospitals (with detention quarters), Reformatories
INSTITUTIONAL USES	Medical Treatment and Special Care	Children's Homes, Convalescent Homes, Homes for Aged, Hospitals, Infirmarys
RESIDENTIAL USES	Single Dwelling	Single Detached Dwellings, Family & Group Homes
RESIDENTIAL USES	Double Dwelling	Semi-detached Dwelling, Duplex Dwellings, Family & Group Homes
RESIDENTIAL USES	Row Dwelling	Row Houses, Town Houses, Family & Group Homes
RESIDENTIAL USES	Apartment Building	Apartments, Family & Group Homes

SCHEDULE B CLASSIFICATION OF USES OF LAND AND BUILDINGS		
GROUP	CLASS	EXAMPLE
RESIDENTIAL	Collective Residential	Residential Colleges & Schools, University & College Halls of Residence, Convents & Monasteries, Nurses and Hospital Residences
RESIDENTIAL	Boarding House Residential and/or Bed and Breakfast	Boarding Houses, Lodging Houses, Bed and Breakfast
RESIDENTIAL	Commercial Residential	Hotels & Motels, Hostels, Residential Clubs
RESIDENTIAL	Seasonal Residential	Summer Homes & Cabins, Hunting & Fishing Cabins
RESIDENTIAL	Mobile Homes	Mobile Homes
BUSINESS & PERSONAL SERVICE	Office	Offices (including Government Offices), Banks
BUSINESS & PERSONAL SERVICE	Medical and Professional	Medical Offices and Consulting Rooms, Dental Offices & Surgeries, Legal Offices & Similar Professional Offices
BUSINESS & PERSONAL SERVICE	Personal Service	Barbers, Hairdressers, Beauty Parlours, Small Appliance Repairs
BUSINESS & PERSONAL SERVICE	General Service	Self-service Laundries, Dry Cleaners (not using flammable or explosive substances), Small Tool and Appliance Rentals, Travel Agents

SCHEDULE B CLASSIFICATION OF USES OF LAND AND BUILDINGS		
GROUP	CLASS	EXAMPLES
BUSINESS & PERSONAL SERVICE	Communications	Radio Stations, Telephone Exchanges
BUSINESS & PERSONAL SERVICE	Police Station	Police Stations without detention quarters
BUSINESS & PERSONAL SERVICE	Taxi Stand	Taxi Stands
BUSINESS & PERSONAL SERVICE	Take-out Food Service	Take-out Food Service
BUSINESS & PERSONAL SERVICE	Veterinary	Veterinary Surgeries
MERCANTILE	Shopping Centre	Shopping Centres
MERCANTILE	Shop	Retail Shops and Stores and Showrooms, Department Stores
MERCANTILE	Indoor Market	Market Halls, Auction Halls
MERCANTILE	Outdoor Market	Market Grounds, Animal Markets, Produce and Fruit Stands, Fish Stalls
MERCANTILE	Convenience Store	Confectionary Stores, Corner Stores, Gift Shops, Specialty Shops

SCHEDULE B CLASSIFICATION OF USES OF LAND AND BUILDINGS		
GROUP	CLASS	EXAMPLES
INDUSTRIAL	Hazardous Industry	Bulk Storage of hazardous liquids and substances, Chemical Plants, Distilleries, Feed Mills, & Lacquer, Mattress, Paint, Varnish, and Rubber Factories, Spray Painting
INDUSTRIAL	General Industry	Factories, Cold Storage Plants, Freight Depots, General Garages, Warehouses, Workshops, Laboratories, Laundries, Planing Mills, Printing Plants, Contractors' Yards
INDUSTRIAL	Service Station	Gasoline Service Stations, Gas Bars
INDUSTRIAL	Light Industry	Light Industry, Parking Garages, Indoor Storage, Warehouses, Workshops
NON-BUILDING	Agriculture	Commercial Farms, Hobby Farms, Market Gardens & Nurseries
NON-BUILDING	Forestry	Tree Nurseries, Silviculture
NON-BUILDING	Mineral Exploration	Mineral Exploration
NON-BUILDING	Mineral Working	Quarries, Pits
NON-BUILDING	Mining	Mining, Oil Wells

SCHEDULE B CLASSIFICATION OF USES OF LAND AND BUILDINGS		
GROUP	CLASS	EXAMPLES
NON-BUILDING	Recreational Open Space	Playing Fields, Sports Grounds, Parks, Playgrounds, Recreational Trails
NON-BUILDING	Conservation	Watersheds, Buffer Strips, Flood Plains, Architectural, Historical and Scenic Sites, Steep Slopes, Wildlife Sanctuaries
NON-BUILDING	Cemetery	Cemeteries, Graveyards
NON-BUILDING	Scrap Yard	Car Wrecking Yards, Junk Yards, Scrap Dealers
NON-BUILDING	Solid Waste	Solid Waste Disposal, Sanitary Land Fill, Incinerators
NON-BUILDING	Animal	Animal Pounds, Kennels, Zoos
NON-BUILDING USES	Antenna	TV, Radio and Communications Transmitting and Receiving Masts and Antennae
NON-BUILDING	Utilities	Wind Mills, Wind Turbines, Wind Farms, & related facilities
NON-BUILDING	Transportation	Airfields, Docks and Harbours
NON-BUILDING	Marina	Marina, Yacht Club, Boating Club, Boat House, Fishing Stage

**SCHEDULE C
USE ZONE TABLES**

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

The schedule contains tables for the following Use Zones:

Town (TN)
Solid Waste Disposal (SWD)
Rural (RU)
Trans Canada Highway (TCH)
Protected Water Supply (PWS)
Environmental Protection (EP)
Seasonal Residential (SR)
Public Utility (PU)

**USE ZONE TABLE
 TOWN(TN) ZONE**

ZONE TITLE	TOWN (TN)	(Sunnyside)
PERMITTED USE CLASSES - (see Regulation 96)		
Antenna, Bed and Breakfast and Boarding House, Cemetery, Child Care, Communications, Conservation, Cultural and Civic, Double Dwelling, Family and Group Care Centre, Fire Station, General Service, Medical and Professional, Mobile Home, Office, Personal Services, Place of Worship, Public Services and Public Utilities, Recreational Open Space, Shop, Single Dwelling,		
DISCRETIONARY USE CLASSES (see Regulations 23 and 97)		
Apartment Building, Catering, Commercial-Residential (eg. hotel, motel, inn), Convenience Store, Funeral Home, General Assembly, General Industry, Indoor Assembly, Indoor Market, Light Industry, Marina, Medical Treatment and Special Care, Outdoor Assembly, Outdoor Market, Service Station, Take-out Food Service, Taxi Stand, Transportation and Utilities (eg. windmills, wind turbines).		

CONDITIONS FOR THE TOWN ZONE

Including the standards contained in this part, Sections 1 to 6 and Parts I, II, III, IV and Schedules A and B must be considered when reviewing an application for development and/or a subdivision.

1. Development Standards - Municipal Water Supply and Piped Sewage

Lot area (minimum)	450 m ²
Frontage (minimum)..	15 m
Building Line Setback (minimum).	8 m
Side Yard Width (minimum)..	1.5 m
Side Yard Width Flanking Road (minimum)	8 m
Rear Yard Depth (minimum).	6 m
Lot Coverage (maximum - all buildings combined).	33%

**2. Development Standards - Private Water Supply and/or Waste Disposal
 (Unserviced and Semi-Serviced Development)**

Lot area (minimum).	as determined by the Department of Government Services, Government Service Centre
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Frontage (minimum).	as determined by the Department of Government Services, Government Service Centre
Building Line Setback (minimum).	8 m
Side Yard Width (minimum).	1.5 m
Side Yard Width Flanking Road (minimum)	8 m
Rear Yard Depth (minimum).	10 m
Lot Coverage (maximum - all buildings combined).	33%

3. Commercial and Public and Other Non-Residential Development

Commercial and public development and other non-residential development shall be designed and located in such a way as to be compatible with nearby residential development.

4. Municipal Services

Where feasible all development shall be connected to the municipal water and sewer services, except that subject to the Town's approval and the Department of Environment and Conservation approval, sewage may be disposed through a private outfall where it is not deemed feasible to connect to the Town's sewage disposal system.

Development on private water supply and septic tank waste disposal shall be approved by the Government Service Centre before approval issued by the Town.

5. Outdoor Storage

The Town may permit open storage of materials, goods and machinery associated with a permitted use provided the open storage is not located in front of the building and the storage area is fenced or otherwise screened from view.

Scrap, scrapped vehicles, machinery parts, oil drums and tanks and so forth shall not be allowed in outdoor storage areas.

USE ZONE TABLE
SOLID WASTE DISPOSAL (SWD) ZONE

ZONE TITLE	SOLID WASTE DISPOSAL (SWD)	(Sunnyside)
PERMITTED USE CLASSES - (see Regulation 96)		
Animal, Antenna, Conservation, General Industry, Hazardous Industry, Light Industry, Mineral Exploration, Mineral Working, Public Services and Public Utilities, Recreational Open Space, Scrap Yard, Solid Waste Disposal, Transportation and Utilities.		

CONDITIONS FOR THE SOLID WASTE DISPOSAL ZONE

Including the standards contained in this part, Sections 1 to 6 and Parts I, II, III, IV and Schedules A and B must be considered when reviewing an application for development and/or a subdivision.

1. General Development Standards

All development in this zone must be reviewed and approved by the Department of Environment and Conservation, and other departments, including where necessary, Natural Resources and the Government Services before an approval is issued by the Town.

2. Access

Development can only occur along the access road to the Sunnyside Waste Management Site as shown on the zoning map.

3. Appearance and Maintenance

In order to present a tidy appearance and contribute to the orderliness of the area, facilities and businesses located within this zone shall be properly landscaped with a landscaped area of at least 6 metres extending back from the road allowance. This landscaped area shall not be used for parking or storage.

Outdoor storage areas between the main building and the landscaped area shall be screened or otherwise kept tidy. Scrap, scrapped vehicles, machinery parts, oil drums and tanks and so forth shall not be stored in front of the main building unless screened by a screen fence.

Premises visible from the Trans Canada Highway, Highway 1, shall be designed and maintained in such a way as to present an attractive appearance.

4. Industrial Uses - General Industry, Light Industry, Hazardous Industry

Industrial uses are permitted in this zone provided that it can be established to the satisfaction of the Town and the Provincial Government that site conditions are satisfactory, environmental and other regulations are satisfied and that the Town and other parties do not incur liability due to circumstances arising out of the prior and current operations of waste disposal facilities in this area.

5. Solid Waste Disposal Site and Scrap Yard

- (1) Solid Waste Disposal Site Buffer- The solid waste disposal site buffer is shown on the zoning map. Development within this buffer shall be referred to the Department of Environment and Conservation for approval before a permit is issued by the Town.
- (2) Separation from Adjacent Uses - Unless the Town is satisfied that the solid waste site or scrap yard will not create a nuisance and will not adversely affect the amenity of the specified development or natural feature, no solid waste site or scrap yard shall be located closer than the minimum distances set out below to the specified development or natural feature:

Type of Development	Minimum Distance from Solid Waste Site or Scrap Yard
Existing or proposed residential development	300 metres
Any other developable area or area likely to be developed during the life of the mineral working	150 metres
Public highway or street	50 metres
Watercourse or waterbody	50 metres
Protected Road	90 metres

- (3) Screening - A solid waste site or scrap yard shall be screened in the following manner where it is visible from a public street or highway, developed area, or area likely to be developed during the life of the use:
 - a) Where tree screens exist between the solid waste site or scrap yard and adjacent public highways and streets or other land uses (except-

ing forestry and agriculture), the tree screens shall be retained in a 30-metre wide strip of vegetation so that visibility of any part of the use from the surrounding uses or streets will be prevented. The tree screens must be maintained by the owner or occupier of the use to retain 30 metres in a forested appearance. Where vegetation dies or is removed from the 30-metre strip, the Town may require new trees of a minimum height of 1 metre be planted to fill in the areas affected to the satisfaction of the Town or, at the discretion of the Town, condition 2(ii) must be undertaken.

- b) Where no tree screens exist of sufficient width and density to constitute a visual screen, earthen berms shall be constructed to a height sufficient to prevent visibility of any part of the solid waste site or scrap yard from adjacent uses (excepting forestry and agriculture), or adjacent public highways and streets. The berms shall be landscaped to the Town's satisfaction.
 - c) Where natural topography creates a visual screen between a solid waste site or scrap yard and adjacent public highways and streets or other land uses (excepting forestry and agriculture), additional screening may not be required.
 - d) Where effective screening for any solid waste site, scrap yard or associated processing or manufacturing use cannot be installed or located as required in clauses a) to c) above, the Town may refuse to permit the use or associated activity.
- (4) Fencing - The Town may require the solid waste site or scrap yard to be enclosed by a fence designed and constructed to its specifications.

USE ZONE TABLE
RURAL (RU) ZONE

ZONE TITLE	Rural (RU)	(Sunnyside)
PERMITTED USE CLASSES - (see Regulation 96)		
Agriculture, Animal, Antenna, Campground, Cemetery, Conservation, Forestry, Marina, Mineral Exploration, Public Services and Public Utilities, Recreational Open Space, Transportation and Utilities.		
DISCRETIONARY USE CLASSES - (see Regulations 23 and 97)		
Mineral Working, Seasonal Residential and Solid Waste Disposal.		

CONDITIONS FOR THE RURAL ZONE

Including the standards contained in this part, Sections 1 to 6 and Parts I, II, III, IV and Schedules A and B must be considered when reviewing an application for development and/or a subdivision.

Development in this zone is subject to the approvals of the various branches and divisions the Department of Natural Resources and the Government Service Centre. Applications shall also be referred to other departments and agencies as required.

Solid Waste Disposal discretionary use may only be allowed in this Zone if it is an extension to the Sunnyside Waste Management site and the conditions pertaining to solid waste disposal sites in the Solid Waste Disposal Zone shall apply.

USE ZONE TABLE
TRANS CANADA HIGHWAY (TCH) ZONE

ZONE TITLE	Trans Canada Highway (TCH)	(Sunnyside)
PERMITTED USE CLASSES - (see Regulation 96)		
Conservation, Public Services and Public Utilities and Transportation (Road).		

CONDITIONS FOR THE TRANS CANADA HIGHWAY ZONE

Including the standards contained in this part, Sections 1 to 6 and Parts I, II, III, IV and Schedules A and B must be considered when reviewing an application for development and/or a subdivision.

Any development within this zone must be approved by the Department of Transportation and Works.

The only transportation use permitted in this zone is road and road buffer.

USE ZONE TABLE
PROTECTED WATER SUPPLY (PWS) ZONE

ZONE TITLE	PROTECTED WATER SUPPLY (PWS) ZONE	(Sunnyside)
PERMITTED USE CLASSES - (see Regulation 96)		
Antenna, Conservation, Public Services and Public Utilities, Recreational Open Space and Utilities.		
DISCRETIONARY USE CLASSES - (see Regulations 23 and 97)		
Agriculture and Forestry		

CONDITIONS FOR THE PROTECTED WATER SUPPLY ZONE

Including the standards contained in this part, Sections 1 to 6 and Parts I, II, III, IV and Schedules A and B must be considered when reviewing an application for development and/or a subdivision.

1. General Conditions and Referrals

In addition to any other approvals or requirements by the Town, all development in this zone shall be subject to the approval of the Minister of Environment and Conservation.

Conditions 1, 2, 3, 4 and 5 are based upon Department of Environment and Conservation Policy Directive W.R. 95-01 - Water Resources Management Division as modified.

- (1) Existing activities will be allowed to continue unless it is established that these are impairing water quality or have the potential to impair water quality.
- (2) The Minister of Environment and Conservation may require proponents of existing activities, which have the potential to impair water quality, to obtain his/her approval.
- (3) No development shall be carried out in the protected water supply area/zone except in accordance with this policy.

- (4) No person shall carry out any development in the protected water supply area/zone without obtaining prior approval in writing from the Minister.

2. Activities Not Permitted in the Zone

The following activities shall not be permitted in the Protected Water Supply Zone:

- a) placing, depositing or discharging or permitting the placing, depositing or discharging into a body of water any sewage, refuse, chemicals, municipal and industrial wastes or any other material which impairs or has potential to impair water quality;
- b) using an intake, pond, lake, river or specified buffer zones for any activity detrimental to water quality, and not permitted in the Water Resources Act;
- c) using ice covered water body for transporting logs or wood, riding skidoos/motor vehicles/all terrain vehicles, leading animals, or any other activity, including littering, which impairs or has potential to impair water quality;
- d) using or operating existing facilities in such a manner that impairs or has potential to impair water quality;
- e) vehicle maintenance facilities, warehouses and chemicals and salt storage depots;
- f) storage and disposal of pesticides and manure, application of manure and chemicals in specified buffer zones, extensive land clearing, and peat land drainage without adequate treatment;
- g) clear-cutting of forest in sensitive areas, establishment of camps and camp facilities, storage of chemicals, application of pesticides, drainage of peat land for afforestation, and application of toxic fire retardants;
- h) activities, operations or facilities associated with aggregate extraction and mineral exploration such as work camps, vehicle parking and maintenance facilities, washing of aggregates, asphalt plants, discharge or deposit of waste material into a body of water, and significant disturbance to land for mineral exploration purposes;
- i) application of herbicides in the right-of-way, and use of chemically treated utility poles and other related structures;

- j) aquaculture development and associated activities having potential to impair water quality;
- k) processing and manufacturing plants having potential to impair water quality; and,
- l) waste disposal facilities, and any other storage or disposal facilities that the Minister of Environment and Conservation considers environmentally unacceptable.

3. Activities Regulated in the Zone

Subject to the other provisions of these Regulations, in this zone no person shall, including the permitted and discretionary use classes, undertake any of the following activities without obtaining prior written approval from the Minister of Environment and Conservation and a permit from the Town:

- a) expansion and upgrading of the existing activities, operations or facilities;
- b) land clearing or drainage, construction of access roads, servicing of lands for subsequent use, or extension and upgrading of existing buildings or facilities;
- c) installation of storm or sanitary sewer pipelines, pipelines for transmission of water for hydroelectric generation, agriculture uses, or any other purposes;
- d) construction of roads, bridges, culverts, and other stream crossings, and installation of power and telecommunication transmission lines;
- e) modification to intake structures, pump house, reservoir; and
- f) any other development or activity which, in the opinion of the Minister of Environment and Conservation, has caused impairment or has potential to impair water quality.

4. Approval Process

- (1) The proponent shall submit a detailed development plan along with maps, drawings and specifications and other information as required by the Town and the Minister of Environment and Conservation for approval.
- (2) The Minister of Environment and Conservation may, on the recommendation of his/her officials, issue a certificate of approval for the proposed

development on such terms and conditions as the Minister considers necessary to protect water quality.

- (3) The proponent shall obtain separate approvals under Section 48 of the Water Resources Act from the Minister and Conservation for all permanent or temporary stream crossings or for alteration to bodies of water that may be necessary to carry out the approved development.
- (4) The proponent shall also obtain licences, permits or approvals under other Acts and Regulations, including the Development Regulations as required prior to commencing the approved work.
- (5) The proponent of the approved development shall notify the Town by providing a copy of the approval issued under this policy before commencing the work.
- (6) The proponent shall maintain adequate liaison and consultation with the person or authority responsible for the operation and maintenance of the waterworks during the implementation and operation of the approved work.
- (7) The Minister of Environment and Conservation may require the inspection of the approved development from time to time by his/her officials to ensure that the development is carried out in an environmentally acceptable manner and the proponent is complying with the terms and conditions of the approval.
- (8) The Minister of Environment and Conservation may require a proponent to monitor water quality according to a monitoring program approved by the Minister in order to evaluate the impact of the approved development on public water supply.

5. Buffer Zones

The proponents shall provide the following widths of buffer zones along and around water bodies from the high water mark in a designated area:

Water Body	Width of Buffer Zones
Intake pond or lake	a minimum of 150 metres
River intake	a minimum of 150 metres for a distance of one kilometre upstream and 100 metres downstream
Main river channel	a minimum of 75 metres

Major tributaries, lakes or ponds	a minimum of 50 metres
Other water bodies	a minimum of 30 metres

No development activity shall be permitted in buffer zones except those that are intended to promote vegetation.

6. Discretionary Use Classes

The discretionary use classes 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 quality of water for domestic purposes which in future would flow or which flows into the Town water pipes from sources within the Protected Water Supply Zone.

USE ZONE TABLE
ENVIRONMENTAL PROTECTION (EP) ZONE

ZONE TITLE	ENVIRONMENTAL PROTECTION (EP)	(Sunnyside)
PERMITTED USE CLASSES - (see Regulation 96)		
Conservation.		
DISCRETIONARY USE CLASSES - (see Regulations 23 and 97)		
Public Services and Public Utilities, Recreational Open Space and Trails and Utilities.		

CONDITIONS FOR THE ENVIRONMENTAL PROTECTION ZONE

Including the standards contained in this part, Sections 1 to 6 and Parts I, II, III, IV and Schedules A and B must be considered when reviewing an application for development and/or a subdivision.

Development in this zone is subject to the approval of the Department of Environment and Conservation.

USE ZONE
PUBLIC UTILITY (PU) ZONE

ZONE TITLE	Public Utility (PU)	(Sunnyside)
PERMITTED USE CLASSES - (see Regulation 96)		
Antenna, Conservation		
DISCRETIONARY USE CLASSES - (see Regulations 23 and 97)		
Recreational Open Space and Solid Waste		

CONDITIONS
PUBLIC UTILITY ZONE

All development in this zone shall be approved by the Department of Environment and Conservation, the Department of Government Services, Newfoundland Power and NALCOR Energy before a permit is issued by the Town.

Solid Waste is limited to the existing Sunnyside Solid Waste Management site.