

# Trans Labrador Highway

Phase III Protected Road  
Zoning Plan

November 2021

Prepared for  
Department of Municipal and Provincial Affairs

Prepared by  
CBCL Limited  
Resource Innovations Inc.



**URBAN AND RURAL PLANNING ACT, 2000**  
**RESOLUTION TO APPROVE**  
**TRANS LABRADOR HIGHWAY (PHASE III)**  
**PROTECTED ROAD ZONING PLAN**

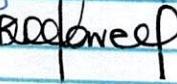
Under the authority of section 33 of the *Urban and Rural Planning Act, 2000*, the Minister of Municipal and Provincial Affairs:

- a) gave notice of the public hearing by:
  - a. advertisement inserted on the 4<sup>th</sup> day of June, 2022 and on the 11<sup>th</sup> day of June, 2022 in *The Telegram* newspaper;
  - b. a post on the Department of Municipal and Provincial Affairs website including background information, final Trans Labrador Highway (Phase III) Protected Road Zoning Plan and maps;
  - c. posters placed in prominent locations in Happy Valley-Goose Bay; and
  - d. informing municipalities and indigenous governments and organizations by letter.
- b) set the 22<sup>nd</sup> day of June 2022, at 2:00 pm, at Nunacor Development Corporation Building located at 169 Hamilton River Road, Happy Valley-Goose Bay for the holding of a public hearing to consider objections and submissions;
- c) made arrangements for individuals to participate in the public hearing virtually; and
- d) received the Commissioner's report on July 14, 2022.

The Honorable Krista Lynn Howell, Minister of Municipal and Provincial Affairs hereby approves the Trans Labrador Highway (Phase III) Protected Road Zoning Plan.

  
\_\_\_\_\_  
Minister of Municipal and Provincial Affairs

Signed and sealed before me at St. John's, Newfoundland and Labrador  
this 21 day of August, 2022.

Protected Road Zoning Plan / Amendment	
<b>REGISTERED</b>	
Number	<u>PR501-2022-000</u>
Date	<u>August 22, 2022</u>
Signature	

URBAN AND RURAL PLANNING ACT, 2000  
TRANS LABRADOR HIGHWAY PHASE III  
PROTECTED ROAD ZONING PLAN  
CARTWRIGHT JUNCTION TO HAPPY VALLEY-GOOSE BAY

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Protected Road Zoning Plan has been prepared in accordance with the requirements of the *Urban and Rural Planning Act 2000*.

MCIP:

(MCIP Seal)

Mary Bishop





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## **APPENDIX A: Provincial Development Regulations**

## **APPENDIX B: Protected Road Zoning Maps**



# 1. INTRODUCTION

## 1.1 Purpose and Planning Period

The Trans Labrador Highway is designated a Protected Road under Section 32 of the *Urban and Rural Planning Act, 2000* and as such, requires that a plan be prepared, the purpose of which is to control land use along the highway. Protected Road Zonings Plans have been prepared for sections of the Trans Labrador Highway from Red Bay to Cartwright Junction, and from Happy Valley Goose Bay to Labrador City and west to the Quebec border. This Plan covers the remaining area of the Trans Labrador Highway between Cartwright Junction and Happy Valley-Goose Bay. The Plan provides for the management of land use and development along the highway over a ten-year planning period. The Plan is meant to ensure the safe and efficient movement of goods and people, opportunities for development of services for the travelling public, protection of environmentally sensitive areas and scenic views.

Prepared under the Authority of the *Urban and Rural Planning Act, 2000*, and in accordance with the Protected Road Zoning Regulations made under the Act, the Plan will be used to manage land use and development within the highway's Building Control Lines which extend 400 meters from the highway centreline creating an 800m wide corridor - along the highway. The Protected Road Zoning Plan for the Trans Labrador Highway: Cartwright Junction to Happy Valley-Goose Bay (referred to hereafter as the Protected Road Zoning Plan or Plan) consists of written text, regulations, and a zoning map.

## 1.2 Provincial Protected Road Zoning Regulations

The *Urban and Rural Planning Act, 2000* enables the establishment of Protected Roads for the purpose of controlling adjacent development. Protected Road Zoning Regulations made under the Act set out conditions for Protected Road Zoning Plans, the administration of such plans, zones that can be applied in rural and urban contexts, development standards for all zones and descriptions of permitted uses within each zone. These Provincial Regulations apply within the Protected Road Zoning Area for the Trans Labrador Highway: Cartwright Junction to Happy Valley-Goose Bay. Certain components of the Provincial Protected Road Zoning Regulations have been copied into this Protected Road Zoning Plan for ease of use

and interpretation. The Provincial Protected Road Regulations outline categories of protected roads and certain regulations are specific to different categories; the Trans Labrador Highway is a Class II Highway, the prime purpose of which is a transportation link for large outlying areas of the province.

### 1.3 Provincial Development Regulations

Provincial Development Regulations prepared under Part V of the *Urban and Rural Planning Act, 2000* apply to all planning areas established under the Act, including Protected Road Zoning Areas. The Provincial Development Regulations establish requirements for appeals of decisions of an Authority, the consideration of variances to prescribed development standards and changes to non-conforming uses. Appendix A includes the Provincial Development Regulations.

Where there is a conflict between the Provincial Development Regulations and the Protected Road Zoning Regulations, the Provincial Development Regulations shall apply.

### 1.4 Protected Road Zoning Area

The Protected Road Zoning Area is established according to Protected Road Zoning Regulations. The area is bound by building control lines measured 400m perpendicular from the centre line of the protected road. These building control lines establish an 800m corridor extending 400m on both sides of the Trans Labrador Highway between the Cartwright Junction and its intersection with Route 500, just west of Happy Valley-Goose Bay. The Protected Road Zoning Area is shown on Figure 1.



Figure 1 - Phase III, Trans Labrador Highway

## 1.5 Plan Preparation & Public Consultation Process

In 2011, the then Department of Municipal Affairs initiated the preparation of a Protected Road Zoning Plan for the Trans Labrador Highway. Figure 2 outlines the process that was followed to establish the Protected Road Zoning Plan in accordance with the *Urban and Rural Planning Act, 2000*. The first steps of the process included research on past and current land uses and interests in the area, followed by an inventory of current land use along the highway using GIS mapping and GPS enabled video and photography technology. Two public meetings were held in June 2011; one in Cartwright and the second in Happy Valley-Goose Bay. Additional meetings were held in person and by phone and writing with provincial agencies, Indigenous governments and organizations, municipalities, local organizations and other highway stakeholders. Details and results from the public consultation are outlined in the Background Report to this Plan.

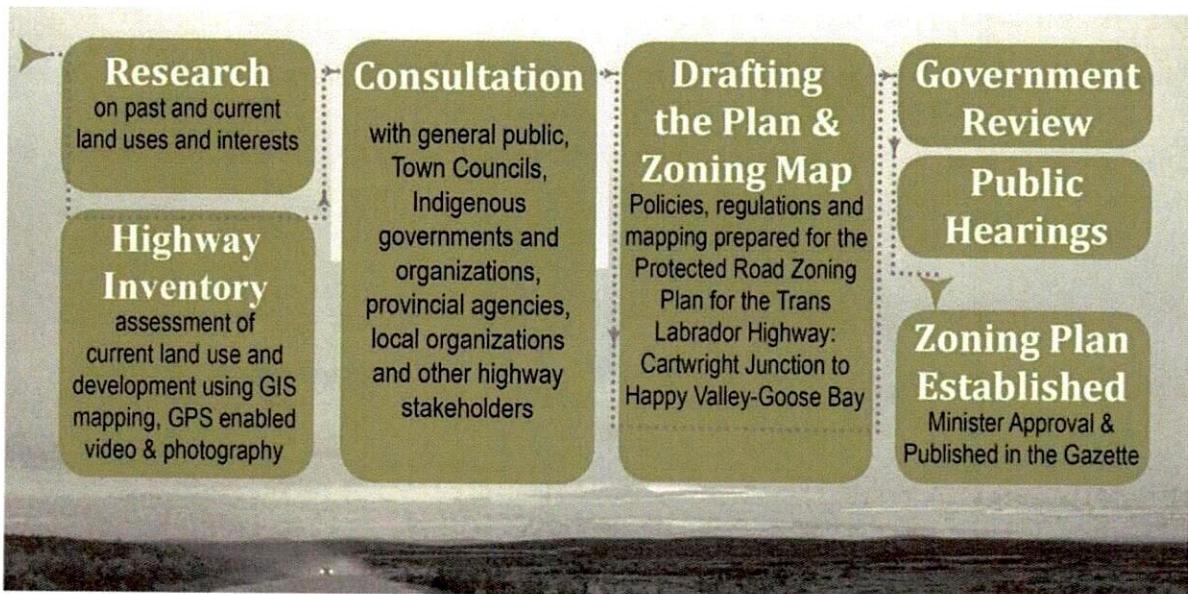


Figure 2 - Protected Road Zoning Plan Preparation and Public Consultant Process

Following the drafting of the Protected Road Zoning Plan and Map, these were reviewed through the Provincial Interdepartmental Land Use Committee. In 2021, the Minister of Municipal and Provincial Affairs directed that steps be taken to bring the Plan to a Public Hearing prior to consideration for approval. The document has been revised to reflect current conditions and government processes.

## 1.6 Effect

The Protected Road Zoning Plan is a provincial plan, and is binding upon provincial agencies, organizations and individuals undertaking a development within the Protected Road Zoning Area. The Plan comes into effect on the date on which notice of its registration is published in the Newfoundland and Labrador Gazette.

## 1.7 Implementation

As the Authority, the Department of Municipal and Provincial Affairs will be responsible for monitoring the implementation, preparing and processing amendments, and overseeing periodic reviews of this Plan in accordance with the *Urban and Rural Planning Act, 2000*. The Department of Digital Government and Service NL, through its Government Service Centre will administer the implementation of the Protected Road Zoning Plan through review of applications for development and the issuing of development permits. Various provincial departments and agencies responsible for such things as the maintenance of the highway and the management of Crown Lands will continue their own planning processes, consistent with the Protected Road Zoning Plan.

Any person, corporation, partnership, association, or other organization is required to obtain a development permit from the Government Service Centre before carrying out development of land within the Protected Road Zoning Area, bounded by the established building control lines. Development must be in accordance with this Plan and the Provincial Protected Road Zoning Regulations and conditions set out in a development permit issued by the Authority.

## 1.8 Reviewing and Amending the Plan

In accordance with Section 8 (5) of the Protected Road Zoning Regulations, the Minister will require a report on the effectiveness of the Plan to be prepared every 5 years from the date on which the plan comes into effect. The report will include recommendations for revisions to the Plan and upon consideration of the recommendations the minister may cause the Plan to be amended.

The Plan may be amended in the same manner in which it was brought into effect. Amendments shall be read together with and form part of the Plan.

## 2. PLANNING CONTEXT

This section provides a context for the Protected Road Zoning Plan and the application of the land use zones as they are presented on the Land Use Zoning Map. More detailed information is included in a Background Report prepared as part of the planning process.

### 2.1 Location

The Trans Labrador Highway is an important part of the provincial road network, spanning approximately 1,150 km from Labrador West to Southern Labrador. The final 300km phase of construction (Phase III) between Cartwright Junction and Happy Valley-Goose Bay was completed in December 2009. Paving of the highway has been underway since then and is scheduled for completion in 2022.

Designated a Class II highway by the Department of Transportation and Infrastructure, the prime purpose of the Trans Labrador Highway is to provide a transportation link to large outlying areas of the province. The highway now provides an alternate route for the movement of goods and people by road from mainland Canada to the island of Newfoundland, and an alternative to shipping for the movement of goods and services from the island of Newfoundland to communities of southern Labrador and Happy Valley-Goose Bay.

There are no communities or pockets of development along the 350km of highway between Cartwright Junction and Happy Valley-Goose Bay. The only development that has occurred is a highway depot at Crooks Lake, and evidence of former borrow pits and construction camps established during highway construction, at numerous locations along the highway. Most of the pits have been closed and access cut off from the highway. In some areas, such as at Canoe Lake, campers, which appear to be left year-round have been set up, but this is not a common occurrence along the route.

A map inventory of land use within the Protected Road Building Control Line corridor is included in Appendix B of the Background Report.

## 2.2 Current Land Uses & Interests

### 2.2.1 Fish and Wildlife

Phase III of the Trans Labrador Highway passes through five watersheds: Paradise River, Eagle River, Traverspine River, Kenamu River, and the Churchill River watersheds. These watersheds support wildlife and fish populations that provided food for the early inhabitants of the region, and later attracted recreational hunters and fishers from around the world to remote hunting and fishing lodges established in the region. Today, residents of communities in Cartwright, Happy Valley-Goose Bay, Northwest River, Sheshatshiu and Mud Lake trap and fish in the region, gather country food, or use the area for recreation.

With the completion of the highway, fish and wildlife populations of southern Labrador are much more accessible to recreational hunters and fishers. As a result, enforcement agencies have increased resources to monitor and enforce measures to protect fish and wildlife.

### 2.2.2 Community Life

The completion of the highway has opened up opportunities for increased interaction between communities of southern Labrador with Happy Valley-Goose Bay and the island portion of the province. Community consultations indicated that there is increased travel between communities for such things as school trips and sports, community group travel, and travel to larger centres to access health services, education and shopping.

### 2.2.3 Indigenous Interests

Phase 3 of the Trans Labrador Highway is geographically located within the land claim area of Innu Nation and the land claim area of NunatuKavut Community Council Inc. Innu Nation has a negotiated land claims agreement in principle, and is currently in final agreement negotiations, with the Provincial and Federal governments. Once the final Labrador Innu Land Claims Agreement is finalized and becomes effective, all related provisions of that treaty will apply to this plan.

Indigenous governments and organizations are consulted, as appropriate, when Government contemplates making land and resource development decisions that have the potential to adversely impact asserted Aboriginal or treaty rights. Such consultation is implemented by the respective permitting authorities.

Comments received throughout the planning process from consultations with Innu Nation and NunatuKavut Community Council Inc. have been carefully considered in the drafting of this Plan and included as appropriate.

## 2.3 Long-term Development Interests & Opportunities

### 2.3.1 Mealy Mountains National Park

The Highway corridor runs to the south of the proposed Mealy Mountain National Park which includes the range of the threatened Mealy Mountain Caribou herd. The park is currently being established but at the time this Plan was being prepared, details regarding the exact boundaries of the park, the type and location of park services, and whether access from the Trans Labrador Highway will be needed had not been determined. Discussions with Parks Canada officials indicate that it is unlikely an access to the Park from the Trans Labrador Highway will be required.

### 2.3.2 Proposed Provincial Park - Eagle River Watershed

On February 5, 2010, the Province of Newfoundland and Labrador announced its intent to establish a Waterway Provincial Park in the Eagle River watershed, including a conceptual boundary for the proposed park. Approximately 90km of the Trans Labrador Highway passes through the park. The Parks Division of the Department of Tourism, Culture, Arts and Recreation will be responsible for the planning, establishment and management of this proposed park, the boundaries of which remain to be confirmed.<sup>1</sup> As the park is only in the early stages of park planning, there are no specific plans for road access from the highway into the park, or for facilities within the park.

### 2.3.3 Tourism and Economic Development

The completion of the Trans Labrador Highway has opened a second vehicle route to and from the Province. The tourism industry, recognizing the potential economic benefits of this route, is actively promoting travel to and from the island to Labrador via the highway and expects both resident and non-resident tourist travel along the highway to increase. From a tourism perspective, the highway offers a travel experience, an opportunity for many to visit parts of Labrador previously inaccessible by road. As such, the objective is to ensure that travel over the highway is comfortable, convenient, and safe. However, at present there are no basic facilities or services available along the Phase III segment of the highway. The provincial government, Destination Labrador, and other partners are working to identify and plan for services along the highway that will cater to the needs of the travelling public.

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<sup>1</sup> Final delineation of the boundary may exclude the Park from the Protected Road Zoning Building Control Line corridor.

Specific locations have been identified for highway services such as signage, basic comfort stations, vehicle pull offs, communications infrastructure and rest stops at sites of scenic value. These locations include:

- Potential comfort station, rest stop close to the Cartwright Junction
- Potential pull off at former work camp site, Canoe Lake
- Potential comfort station, Crooks Lake, north side of highway across from the Department of Transportation and Infrastructure Highway Depot
- Kenamu River crossing, improve existing pull off, construct interpretive signage.

Generally, sites that have been identified include those that have already been disturbed such as former construction camp sites and marshalling yards. An objective is to provide opportunities for vehicles to pull off the highway at approximately 50km intervals, provide wireless communications coverage at intervals along the highway, and to provide at least one comfort station that would include basic washroom facilities.

#### 2.3.4 Recreation

The Lands Branch of the Department of Fisheries, Forestry and Agriculture has identified 16 areas along the Highway that could have some potential for future cabin/cottage development. Each cottage area would require an access road from the highway with no direct access from individual cottages onto the highway. During field surveys of the highway corridor, these areas were reviewed in the field and considered further in relation to other jurisdictional, land use or environmental conditions. Some concerns were expressed during the public consultations on the Plan that cottage development could increase pressure on fish and wildlife populations in the region. Some members of the public expressed that there was little demand for such development along the Phase III highway segment.

An area within the Protected Road Zoning Building Control Lines just south of Crooks Lake was identified as an area used as a seasonal encampment, but no permanent structures were present at this site.

During consultations, the possibility of recreational vehicle parks within the Protected Road corridor was raised. Such development would require potable water, onsite wastewater treatment and an energy source to provide electricity to the camping sites. No specific location for such an enterprise was suggested during the public consultations.

#### 2.3.5 Lower Churchill Hydroelectric Development

A component of the proposed Lower Churchill Hydroelectric Project at Gull Island and Muskrat Falls includes development of a 1,100 km long transmission line beginning at Muskrat Falls. The line runs parallel to the Trans Labrador Highway from approximately the Traverspine River to the St. Augustin River, before turning south towards the Labrador

Straits. The route is indicated on the Protected Road Zoning Plan Maps in Appendix B. Nalcor, the agency responsible for planning and developing the Lower Churchill Project, indicates that access from the Highway may be required in key locations to facilitate access to the transmission line corridor for workers and equipment during construction and operation.

### 2.3.6 Natural Resource Development

There has been no major mining or forestry activity in the area in the vicinity of Phase III of the Trans Labrador Highway. Labrador's most productive forests are found to the west of Phase III, and North and South of the Churchill River (Jacques Whitford Environment Limited and Innu Environmental Ltd. Partnership, 2003).

Within the Protected Road corridor, numerous pits and quarries were created to provide aggregate material used to construct the road. With completion of the highway these have now been rehabilitated and closed although some are still under a quarry permit. Most could be reactivated for future highway maintenance or upgrading work as many still have resource material remaining. From data provided by the Departments of Transportation and Infrastructure, Mining and Mineral Development Branch of the Department of Industry, Energy and Technology, and field observations, there are 92 former gravel pits and quarry sites along the highway. A shortage of suitable sand and gravel sources in Happy Valley-Goose Bay will likely result in increased demand for this resource in locations adjacent to the Highway closest to the town.

Portions of the Trans Labrador Highway are currently being actively explored for minerals. It is expected that this activity will continue to increase along this portion of the Highway.<sup>2</sup>

## 2.4 Development Constraints

A significant constraint to development along the Highway is a lack of power. Small-scale commercial developments would have to rely on generators or alternative forms of energy to provide electricity. Communications access is also a constraint to development as there is currently no cellular phone reception between Cartwright Junction and Happy Valley-Goose Bay. However, there are currently efforts by local development organizations to have cellular service and wireless internet made available at intervals along the highway.

Traffic volume is currently a constraint to commercial development along the Highway corridor. For services such as service stations, convenience stores or restaurants that rely on passing traffic, the volume of daily traffic is not sufficient to support an economically viable commercial enterprise at the present time.

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<sup>2</sup>Pers. Comm. Director, Mineral Lands Division, Department of Industry, Energy and Technology.

## 2.5 Safety Considerations

During the consultations for the Plan, safety emerged as a primary concern for users of the highway, including residents, visitors and trucking companies. While road conditions and construction standards are beyond the scope of a Protected Road Zoning Plan to address, uses along the highway that would support improved safety are within the realm of what a Protected Road Zoning Plan can address. The need for highway pull-offs was a significant issue raised during the consultations. As a long road through hundreds of kilometres of natural landscape, there is a need for pull off spaces for drivers to rest, and allow vehicles to pass. Comfort stations are needed to provide shelter to travellers who may have encountered vehicle problems, accidents, or, during winter, situations where the road becomes impassable. Washroom facilities will ensure that human waste is properly disposed of. Finally, signage indicating travel distances, where the next services are available, precautions travellers should take before embarking on the highway and what to expect is needed.

## 3. GOALS AND OBJECTIVES

The following goals and objectives shall apply to the management of land within the Phase III Trans Labrador Highway Protected Road Zoning Building Control Lines:

### 3.1 Ensure Efficient Movement of Vehicles

As a key transportation link between the island portion of Newfoundland and Labrador and inland Labrador, it is essential that the Trans Labrador Highway function as an efficient highway for the movement of goods and people. Managing land use and the control of access points on and off the highway will ensure the continued functioning of the highway.

### 3.2 Improve Travel Safety & Service

Traveller safety and convenience is a priority. As a long stretch of highway with no communities, settlements or highway services along the way, it is important that safety and service points are planned for appropriate locations to improve the comfort and convenience of travellers. An objective of the Plan is to identify areas for highway services.

### 3.3 Ensure a High Level of Environmental Protection

Phase III of the Trans Labrador Highway passes through significant ecological areas that provide habitat for fish and wildlife. Managing land use to ensure a high level of environmental protection associated with new development is an objective of this Plan.

### 3.4 Encourage and Support Tourism and Economic Development

The Trans Labrador Highway is important infrastructure serving the regional tourism industry. It is an objective of the Plan to provide for highway services and facilities catering to the tourism industry in a manner that ensures safe and enjoyable travel. Protecting the visual amenity and attractive views from the highway is important for safeguarding the tourism value of the highway and the protected road corridor.



## 4. MANAGING LAND USE

The Protected Road Zoning Regulations define nine standard land use zones that can be applied to land within a Protected Road Zoning Plan. For the purposes of managing land within the Building Control Lines along Phase III of the Trans Labrador Highway, the following land use zones have been applied as described below and shown on the Protected Road Zoning Maps in Appendix B:

- Rural Conservation
- Highway Service Centre
- Cottage

Specific development standards and requirements for each zone are set out in Section 5.

### 4.1 Land Use Zone Policies

In applying these zones to areas along the highway it is recognized that not all uses listed will necessarily occur or will be appropriate in the context of Phase III of the Trans Labrador Highway. The following sections outline specific land use policies that set out the intent and requirements relevant to each land use zone applied within the Building Control Lines along Phase III of the Highway.

### 4.2 General Policies Applying to Development

#### 4.2.1 Interpretation of Zones

The boundaries between the different land use zones shown on the Protected Road Zoning Maps are meant to be general. Where a proposal for development appears to be located across the boundary of more than one zone, the Authority may interpret the land that is the subject of the application to be included entirely within one use zone. Where a use zone is applied to one side of the Protected Road, the use zone shall not be interpreted or varied so as to extend the use zone to apply across the highway.

#### 4.2.2 Development Consistent with Standards

Development, where permitted within any land use zone within the Protected Road Zoning Area shall be consistent with the general standards set out in Section 5.2 of these Regulations and any conditions on a development as may be required by the Authority.

#### 4.2.3 Environmental Protection

All development shall be required to ensure a high level of environmental protection. Development may be refused where, in the opinion of the authority, the development will result in pollution of waterways or wetlands, or destroy areas of sensitive plant or wildlife habitat. Development within 15m of the high-water mark of any body of water appearing on the 1:50,000 series topographic mapping shall be approved in accordance with Section 48 of the Water Resources Act.

#### 4.2.4 Non-conforming Uses

Uses that legally exist at the time of coming into effect of this Protected Road Zoning Plan shall be permitted to continue in accordance with Section 108 of the *Urban and Rural Planning Act, 2000*.

#### 4.2.5 Continuation of Traditional Uses, Hunting and Trapping

Nothing in this Plan shall prevent the use of land for hunting, fishing, and trapping, provided such uses are carried out in accordance with the requirements of any applicable federal or provincial legislation.

#### 4.2.6 Development within the Protected Road Zone

All development within the Protected Road Zone will be conducted in accordance with this Plan and all applicable federal or provincial legislation.

#### 4.2.7 Telecommunications Uses

The importance of access to telecommunications services to the safety and security of highway users is recognized. Nothing in this Plan shall prevent the development of telecommunications infrastructure in any use zone provided that such services are properly sited in accordance with applicable federal and provincial regulations.

#### 4.2.8 Lower Churchill Hydroelectric Transmission Line

Proposals for development on the south side of the highway generally between the Kenamu and St. Augustine Rivers shall be referred to Nalcor for review and consideration of the implications of the proposed development may have for the operation of the transmission line.

## 4.3 Rural Conservation

The Rural Conservation Land Use Zone has been applied to the majority of lands along the highway. Lands zoned Rural Conservation include the area within the Building Control Lines that is within the proposed Waterway Provincial Park in the Eagle River Watershed.

### 4.3.1 Rural Resource Uses

For the purposes of this Plan, a rural resource use includes forestry and mining and may also include uses of the land for hunting, fishing and the gathering of country food. As such, structures such as small trapline shelters<sup>3</sup> may be considered as an accessory use where they are associated with an established trapline. Other resource-based cabins such as those associated with logging or mining may also be considered as accessory uses provided they do not exceed 10 m<sup>2</sup>. Outfitter's lodges or camps shall not be permitted.

### 4.3.2 Mining

Nothing in this plan shall prevent the re-opening of pits or quarries established during construction of the highway. New quarries shall only be permitted where the Department of Industry, Energy and Technology is satisfied that development of the new site is justified with respect to resource management considerations. All accesses to pits and quarry areas shall be approved by the Department of Transportation and Infrastructure.

### 4.3.3 Mineral Exploration

Mineral exploration shall be permitted activity within the Rural Conservation Use Zone where land is available for staking, subject to a permit from the Department of Industry, Energy and Technology. Egress off and onto the road for mineral exploration activities will be subject to approval by the Department of Transportation and Infrastructure.

### 4.3.4 Forestry Uses

Forestry uses such as commercial and domestic harvesting, thinning, planting and construction of forest access roads shall be in accordance with Forest Management Plans prepared by the Department of Fisheries, Forestry and Agriculture for Forest Management District (FMD) 19a and 20 and any future plan prepared for FMD 19c. Consistent with current plans, no commercial or domestic cutting shall be permitted within 100m of the highway centreline.

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<sup>3</sup> For the purposes of this Plan, "trapline shelter" means a small, ancillary building, or other temporary structure used for shelter, accommodation and safety, and for the storage of trapping supplies and pelts, and on Crown lands shall be subject to a Permit to Occupy.

### 4.3.5 Recreation Uses

#### 4.3.5.1 HIGHWAY REST AREAS

Recreation uses in the form of public rest areas, shall be located in existing disturbed sites having safe access, but shall not be located in any existing or former rock quarries where high steep rock faces may pose a risk to public safety.

#### 4.3.5.2 CAMPGROUNDS OR TRAVEL TRAILER PARKS

Recreation uses in the form of campgrounds or travel trailer parks, shall not be permitted in the Rural Conservation Zone in or adjacent to the proposed Watershed Provincial Park in the Eagle River Watershed, without approval from the Department of Tourism, Culture, Arts and Recreation, Parks Division.

## 4.4 Highway Service Centre

The Highway Service Centre land use zone has been applied in several locations where existing or future highway services are or could be developed. Generally, such locations are provided for around the Cartwright Junction intersection, and on the south side of the highway overlooking Canoe Lake where there is a large area formerly used as a temporary work camp during construction of the highway. A third area zoned as Highway Service Centre is located in the area of the Crooks Lake highway depot. Here the zone has been applied to an area on the north side of the highway where highway service uses could be developed without interfering with the operation of the highway depot. The zone has also been applied to the south side of the highway to include the depot.

#### 4.4.1 Highway Service Uses

Within areas zoned for Highway Service Centre uses, the Protected Road Zoning Regulations allow consideration of uses such as motels, restaurants, service stations, tourist chalets, craft shops, tourist cabins, travel trailer park, camping parks, and marinas. Other associated uses, such as lounges, snack bars and other markets, living quarters, accessory buildings, and truck stops may also be considered.

#### 4.4.2 Land Use in the Area of the Crooks Lake Highway Depot

Lands zoned for Highway Service Uses on the north side of the highway will require appropriate provincial approvals. On the south side of the highway adjacent to the Crooks Lake Highway Depot, development shall be designed to not interfere with the operation of the Depot to monitor and maintain the highway.

#### 4.4.3 Development Adjacent to Paradise River

Highway service uses located near the Paradise River shall be developed in a manner that will not have a negative impact on the quality of water or fish habitat of Paradise River. Development will be required to provide a separation buffer of sufficient distance to ensure

that stormwater runoff from the development is prevented.

#### 4.4.4 Commercial Uses

It is recognized that at the time this Plan comes into effect, that there is insufficient vehicular traffic to support development of viable commercial accommodations, food service, and service station uses along the highway. As such, the level of highway services in areas zoned for Highway Service uses is expected to consist primarily of publicly maintained uses such as comfort stations<sup>4</sup> with rudimentary washrooms, parking area, informational signage, and potentially wireless communication uses. Commercial uses will be limited to temporary/seasonal uses that could be mobile/removable structures.

### 4.5 Cottage Uses

A limited number of cottage zones have been applied to five locations within the highway corridor. These are areas identified by the Crown Lands Branch, Department of Fisheries, Forestry and Agriculture, and verified as part of the field investigation during the preparation of this plan. The areas identified are outside the proposed Waterway Provincial Park in the Eagle River Watershed.

Generally, they are applied in areas adjacent to ponds rather than near rivers and streams.

#### 4.5.1 Recreational Cottage Developments

Within areas zoned for cottages, the intent of the zone is to allow small clusters of seasonal cabins with shared common access driveways to the highway. Such developments will be designed and developed in a manner that reduces visibility of the development from the highway.

#### 4.5.2 Services

No cottage development shall be permitted where it could result in a need for public services such as snow clearing, fire protection, garbage collection, electrical power or maintenance of access roads. Cottage developments shall have adequate and sustainable systems for the onsite treatment of wastewater and will be required to demonstrate sufficient quantity and quality of groundwater to support the development in accordance with provincial policy.

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<sup>4</sup> For the purposes of this Plan, a “comfort station” (or rest area) means a designated area beside a main road that offers amenities for motorists to use, such as a restroom.



## 5. PROTECTED ROAD ZONING REGULATIONS

These regulations have been reproduced and re-formatted from the official version available online at <http://www.assembly.nl.ca/legislation/sr/regulations/rc960996.htm> and are current at the time of registration of this Plan. As the regulations may be amended, an official printed or electronic version provided by the Newfoundland and Labrador House of Assembly shall supersede those provided below.

### 5.1 Definitions

**"access"**<sup>5</sup> means a street, road, lane, driveway, path, walk, gateway, culvert, bridge or other way, whether of the above kind or not, whether existing or proposed, intended for use by vehicles, pedestrians or animals as a means of going from a highway or road to land adjacent to the highway or road, whether or not that land lies within the building control lines;

**"Act"** means the *Urban and Rural Planning Act, 2000*;

**"advertisement"** means a word, letter, model, sign, placard, board, 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 things employed wholly as a memorial, functional advertisement of local government, statutory undertakers and public transport undertakers, and includes boarding or similar structure used or adopted for use for the display of advertisements;

**"agricultural use"** means horticulture, fruit growing, dairy farming, the breeding or keeping of livestock including a creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land, the use of land as grazing land, meadow land, market gardens and nursery grounds and the use of land for woodlands where that use is ancillary to the farming of land for other purposes;

**"approval in principle"** means the preliminary approval of an application relating to the use of land only and shall be followed by a detailed application and building plans before a permit to develop can be issued;

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<sup>5</sup> See Provincial Development Regulations, Section 4(1) (a), Appendix A

**"authority"** means the body or person designated by the minister to administer these regulations;

**"building"**<sup>6</sup> means a structure, erection, excavation, alteration or improvement placed on, over or under land, or attached, anchored or moored to land, and includes mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other similar uses, and a part of a building as so defined and fixtures that form part of a building;

**"building control line"** means a conceptual line paralleling the centre line of a protected road at a distance perpendicular to the centre line;

**"commercial use"** means the occupancy or use of land or building for the purpose of selling or offering for sale goods, wares, merchandise or services, and includes the storage or warehousing of these goods, wares or merchandise;

**"cottage"** means a dwelling containing one or more sleeping units, with or without cooking facilities, which is intended and designed for use and occupancy for recreational purposes and occasional living;

**"development"**<sup>7</sup> means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of a material change in the use, or the intensity of use of land, buildings or premises and specifically includes

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

and excludes

- (d) the carrying out of works for the maintenance, improvement or other alteration of a building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building,
- (e) 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,
- (f) the carrying out by a local authority or statutory undertakers of works for the purpose of inspecting, repairing or renewing sewers, mains, pipes, cables or other apparatus, including the breaking open of a street or other land for that purpose,
- (g) the use of a building or land within the courtyard of a dwelling house for a purpose incidental to the enjoyment of the dwelling house as a dwelling;

**"dwelling unit"** means a dwelling containing one or more habitable rooms used or intended to be used together for living and sleeping purposes for not more than one family, plus toilet and cooking facilities, where the whole is a self-contained unit;

**"fishery use"** means an activity for the production, storage and maintenance of fishery products or equipment including aquaculture, all ancillary structures to the main

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<sup>6</sup> See *Urban and Rural Planning Act, 2000* Section 2(c)

<sup>7</sup> See *Urban and Rural Planning Act, 2000* Section 2(g)

structure and all structures or areas designed for the curing of fish or fishery by-products and shall include structures or areas designated for the building, launching, docking or storage of a commercial fishing vessel and equipment related to the function of the vessel;

"**floor area**"<sup>8</sup> means the area of a building measured to the outside face of the exterior walls and in the case of a dwelling excludes a garage, undeveloped basement, balcony or attached porch;

"**forestry use**" means the use of land for the purpose of forest and woodland management and includes the felling, cutting, trimming and thinning of forest or woodland for the extraction of timber from it or the reforestation of it;

"**frontage**"<sup>9</sup> means the horizontal distance between side lot lines measured at the street line;

"**garage**" means a building erected solely for the storage of motor vehicles as an ancillary use to the main building on the lot;

"**hospitality home**" means a family dwelling where rooms are rented to the public for periods of short duration and which is licensed or licensable under the Tourist Establishment Regulations and "Bed and Breakfast" accommodations shall have the same connotation;

"**industrial use**" means use of land or buildings for the purpose of altering, repairing, manufacturing, fabricating, canning, preparing, breaking up or demolishing, storing or treating of an article or commodity, or substances whatsoever;

"**infilling limits**" means the geographic boundaries within which development may take place;

"**institution**" means a building or part of it occupied or used by persons who are

- a) involuntarily detained, or detained for penal or correctional purposes, or 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 those buildings and structures;

"**light industrial use**" means use of land or buildings for the purpose of manufacturing, assembling, repairing, reconditioning, processing, storing or preparing of foods, clothing, appliances, vehicles, machinery, equipment or other goods that can be carried out without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust, grit or appearance;

"**limited access highway**" means a road where accesses shall be limited to public road intersections or interchanges;

"**minister**" means the minister appointed under the Executive Council Act to administer the Act;

"**mobile home**" means a transportable, factory assembled family dwelling unit which is designed to be transported on its own wheels and chassis and, for the purpose of these regulations, 'mini-home' shall be construed accordingly;

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<sup>8</sup> See Provincial Development Regulations, Section 4(1) (h) in Appendix A.

<sup>9</sup> See Provincial Development Regulations, Section 4(1) (i) in Appendix A.

**"non-conforming use"**<sup>10</sup> means use or occupancy of land, buildings or premises or part of it that does not conform to the permitted land use or associated standards of these regulations;

**"private recreational travel trailer park"** means an area of land specially designated for an incorporated group of travel trailer owners who buy or lease the land jointly for the purpose of recreational travel trailer occupation;

**"protected road"** means a road designated under section 61 (now Section 32) of the Act for the purpose of controlling development;

**"protected road zoning plan"** means a plan designating the land use permitted along a given portion of a protected road;

**"reconstruction"** means the replacement of a structure substantially the same in floor area, volume and appearance to the one destroyed or removed;

**"roadway"** means that part of the road designed or intended for use by vehicular traffic;

**"service station"** means land or building used exclusively for the sale of petroleum products, and may include greasing and oiling and washing and polishing of motor vehicles, minor adjustment or repair to vehicles, automotive accessories and temporary repairs of tires and tubes, and may in particular cases be associated with a convenience store or a snack bar;

**"setback"** means the perpendicular distance measured horizontally from the centre line of a highway, street or road to the nearest part of a building on the land adjoining the highway, street or road;

**"subdivision"** means the dividing of land, whether in single or joint ownership, into 2 or more pieces for the purpose of development;

**"tourist cabin"** means a building designed or intended to be used for residential use or occupation by the travelling public for a stay of short duration and containing one or more sleeping units in which guests are permitted to prepare and cook food;

**"travel trailer"** includes a camper trailer, a tent trailer or a recreational camper having a maximum width of 2.6 metres, a maximum length of 8.5 metres which is licensable under the Highway Traffic Act.

## 5.2 General Standards for All Zones

The general standards for all Use Zones have been re-formatted from the official version of the Protected Road Zoning Regulations (Part V) which can be found at:

<http://www.assembly.nl.ca/legislation/sr/regulations/rc960996.htm#12>

### 5.2.1 Accesses and Service Streets

- (1) Accesses to protected roads shall be located and constructed to the specifications of the authority and the Department of Transportation and Infrastructure.<sup>11</sup>

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<sup>10</sup> See Provincial Development Regulations, Section 1(h) (m) in Appendix A.

<sup>11</sup> Formerly the Department of Works, Services and Transportation

- (2) The authority may require the construction of service roads to reduce to a minimum the number of access points to the protected road, and in making its decision the authority shall consider the recommendations of the Department of Transportation and Infrastructure.
- (3) The authority may, where it considers it necessary, limit the number of accesses to a development and, where practical, require that access to the development be by means other than the protected road.

#### 5.2.2 Accessory Buildings and Extensions to Conforming Uses

- (1) Accessory buildings, ancillary to the principal land use may be permitted on a site provided the total floor area of the accessory building does not exceed 10% of the total lot coverage or 55 square metres, whichever is greater, and complies with sections 5.2.3 and 5.2.11.
- (2) Extensions to the principal building may be permitted provided there is no change of use, and the resulting development complies with the standards set out in these regulations.

#### 5.2.3 Setbacks

Within building control lines, and other than provided in paragraphs (d) and (e), the setback for a structure shall conform to the following specifications:

- (a) On Class I protected roads the minimum setback shall be 45 metres from the centre line of the roadway except within highway service centres zones and highway commercial zones, as set out in Schedule A, where the minimum setback shall be 60 metres, unless specified otherwise;
- (b) On Class II and III protected roads the minimum setback shall be 30 metres from the centre line of the roadway and within highway service centres zones and highway commercial zones as set out in Schedule A, the minimum setback shall be 45 metres, unless specified otherwise;
- (c) On local roads the minimum setback shall be 18 metres from the centre line of the roadway;
- (d) in the case of divided highways, or highways having more than 2 lanes, the setback shall be as designated by the authority. Development shall be maintained at a similar distance from the edge of the adjacent roadway as described in paragraphs (a) and (b); and
- (e) notwithstanding paragraphs (a), (b), (c) and (d), the authority may, in the case of an infilling lot, permit development in conformity with the existing building line on the adjacent property.

#### 5.2.4 Construction Standards

- (1) A building shall not be constructed except in accordance with the standards prescribed by the National Building Code of Canada and ancillary codes, or other standards of construction approved by the Lieutenant-Governor in Council.

(2) In every case the minimum floor area of a dwelling unit shall be 55 square metres.

#### 5.2.5 **Frontage**

- (1) A residential, commercial, or public building shall not be erected unless the lot fronts directly upon a highway or other publicly maintained road.
- (2) Notwithstanding subsection (1), the Lieutenant-Governor in Council may, in exceptional circumstances, approve the issuance of a permit by the authority for the erection of a residential, commercial, or public building on a lot that does not front directly upon a highway or other publicly maintained road.

#### 5.2.6 **Non-conforming Use<sup>12</sup>**

- (1) Any non-conforming use, existing at the date of designation of the highway as a protected road, or which becomes non-conforming at a later date, may continue without conforming with the land use requirements and associated standards.
- (2) Where a person desires to extend the floor area of a non-conforming building, that extension may be granted provided that the total extension does not exceed 50% of the floor area of the building as existing when it became non-conforming.
- (3) Other than in subsection (2) and subject to section 5.2.7, a structure which is used for a purpose not permissible within the use zone in which it is located shall not be additionally enlarged, extended, reconstructed or altered unless, at the discretion of the authority, that action is considered necessary in order that the structure may conform to a part of these regulations.
- (4) Where the owner of a building containing a non-conforming use desires to change that use the authority may at its discretion allow that change provided that, in the authority's opinion, the new use is more compatible with the use zone in which it is located.

#### 5.2.7 **Replacement of Non-conforming Building**

- (1) Where a non-conforming building suffers damage to an extent greater than 50% of its replacement value, the building shall not be reconstructed until it is made to conform in all respects with the requirements of the applicable land use zone, unless the owner of the building, within one year of that damage taking place, files an application for a permit to reconstruct for the same purpose as its original use, or to a less offensive non-conforming use, and initiates the construction of the building within the first permit year.
- (2) Where the owner of a non-conforming building under subsection (1) fails to file an application requesting the restoration or replacement of a damaged building within one year of which the damage occurred, or where the damaged building

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<sup>12</sup> Section 108 of the *Urban and Rural Planning Act 2000* applies.

poses a threat to human safety and welfare, the authority may order the removal of the building and restoration of the site.

(3) Where a non-conforming building is replaced, the new building may have a floor area 50% larger than the floor area of the building as existing when it became non-conforming.

#### 5.2.8 Parks, Playgrounds and Conservation Areas

Nothing in these regulations shall prevent the designation of conservation areas, or the establishment of parks and playgrounds, in zones provided that the parks and playgrounds are not located in areas which may be hazardous to their use and are not operated for commercial purposes.

#### 5.2.9 Parking Requirements

(1) Development shall be provided with adequate parking space in accordance with the following and conditions imposed by the authority and parking provisions shall be made clear of a road right-of-way:

Type or Nature of Building or Structure	Minimum Required Parking Facilities
Place of residence	one parking space for each dwelling unit
Institution or hospital	one parking space for each 3 beds and one parking space for each 5 employees or less
Hotel, guest house, hostel, boarding house or residential club	one parking space for each 3 guest rooms and one parking space for each 5 employees or less
Motel, tourist lodge or cabins	one parking space for each sleeping room and one parking space for each 5 employees or less
Tavern, night club, lounge or eating place	one parking space for each 4 persons that can be accommodated at one time and one parking space for each 5 employees or less
Retail shop or show room	one parking space for each 20 square metres of floor area and one parking space for each 5 employees or less
Business, professional office or bank	one parking space for each 20 square metres of floor area and one parking space for each 5 employees or less
Church, church hall, theatre, auditorium or other place of assembly	one parking space for each 10 persons that may be accommodated at one time
Place of recreation	one parking space for each 3 persons able to participate in the recreational pursuit provided and one parking space for each 5 spectators or less
Service station or tourist chalet	parking space for vehicles not less in area than 5 times the area of the proposed floor space on the ground floor
Industrial or manufacturing establishment	one parking space for each 40 square metres of floor area or each 5 employees whichever is the greater

Warehousing	one parking space for each 460 square metres of floor area or each 5 employees whichever is the greater
For every building or structure not specified above	one parking space for every 50 square metres of floor area

(2) Parking space shall be an area of land suitable for the parking of a vehicle, not less than 19 square metres in area, accessible to vehicles without the need to move or remove other vehicles on adjacent areas and, with the exception of single residences, arranged so that it is not necessary for a vehicle to reverse onto or from a street or road.

#### 5.2.10 Public Services and Public Utilities

The authority may, within a zone, permit land to be used in conjunction with the provision of public services and public utilities, if the use of that land is necessary for the proper operation of the public service or utility concerned, provided that the design and landscaping of a development of land so used is, in the opinion of the authority, in keeping with the character and appearance of the area.

#### 5.2.11 Site Dimensions

The location of a development on a lot shall be in accordance with the lot dimension standards set out in Schedule A and conditions required by the authority.

#### 5.2.12 Street Design

(1) A Street shall not be constructed with a finished grade in excess of 10%, except where the street intersects with a highway or road, where the specification of the finished grade shall be subject to the requirements of the Department of Transportation and Infrastructure.

(2) A dead-end street shall have a turning space at the end with a diameter of not less than 30 metres and shall be constructed to a maximum length of

- (a) 200 metres in areas served by, or planned to be served by, municipal piped water and sewer services as shown in the map and letter of agreement signed by the particular municipality and the Minister of Municipal and Provincial Affairs in connection with municipal 5-year capital works program eligibility;
- (b) 300 metres in areas not served by, or planned to be served by, municipal piped water and sewer services.

(3) The authority may permit a dead-end street in the form of a P-loop which shall have a single access point with an entrance leg not exceeding 230 metres and the overall length of the P-loop shall not exceed 850 metres. An emergency access, a minimum of 3 metres in width, shall connect to the P-loop at a point farthest from the entrance leg or at a point specified by the authority.

- (4) Street junctions shall be within 5° of a right angle and that angle shall be maintained for a distance of at least 30 metres from the junction.
- (5) Where possible, street junctions shall be T-junctions.
- (6) No part of a street junction shall be closer than 60 metres to another street junction unless a crossroads is formed.
- (7) The minimum width of the street allowance for a collector street shall be 20 metres, with the driving surface a minimum of 9 metres.
- (8) The minimum width of the street allowance for a local residential street shall be 15 metres, with the driving surface a minimum of 6 metres.

#### 5.2.13 Subdivided Land

- (1) Land within the building control lines of a protected road shall not be subdivided unless a permit for that subdivision is first obtained from the authority.
- (2) All new subdivisions shall have approved street connections with an existing highway or street.
- (3) The authority may require the dedication for public use, other than streets, of 10% of the total area to be subdivided.
- (4) At the discretion of the authority the reservation referred to in section 5.2.16 may constitute the requirement of land for public use under subsection (3).
- (5) The authority may require an existing natural, historical or architectural feature, or part of it, to be retained when a subdivision is developed.
- (6) The authority may establish building lines on an existing or proposed street and may require new buildings to locate at those lines.
- (7) Following the approval of a subdivision, a building shall not be commenced until the developer has
  - (a) installed the approved streets to the specifications provided in section 5.2.12;
  - (b) installed the necessary electrical, water, sewer and drainage systems, if applicable, to the satisfaction of the appropriate authority; and
  - (c) complied with a condition specified in the development permit.
- (8) A permit shall be required for each building proposed within the subdivision.

#### 5.2.14 Development Not Involving Subdivision

- (1) The authority may require that buildings be located so as not to prevent the future subdivision of land.
- (2) The authority shall not permit development unless sufficient area is reserved to satisfy lot requirements and other allowances called for in the use zone in which it is located, and these allowances shall be retained when the adjacent land is developed.

#### 5.2.15 Unsightly Areas

- (1) The authority may in the case of existing or anticipated unsightly development order the owner or occupier to provide adequate and suitable screening, and for this purpose may require the submission of an application giving details of the screening.
- (2) The provision of adequate and suitable screening may be made a condition of a development permit where, in the opinion of the authority, the screening is necessary to preserve visual quality.
- (3) The authority may, where a development is unsightly or dangerous to health or safety, order the owner or occupier of the site to remove and dispose of unsightly or dangerous materials or buildings, or restore the unsightly or dangerous materials or buildings to a more acceptable and pleasing condition.

#### 5.2.16 Waterbody Reservation

The authority shall require a strip of land, a minimum of 15 metres wide, to be reserved and remain undeveloped with the exception of water related uses for instance, wharves, boathouses or public works along the banks of a water body.

### 5.3 Use Zone Tables

The following use zone tables have been re-formatted from the official version of the Protected Road Zoning Regulations which can be found online at:  
<http://www.assembly.nl.ca/legislation/sr/regulations/rc960996.htm>.

### 5.3.1 Rural Conservation Zone (RC)

#### Rural Conservation Zone (RC) Permitted Uses and Requirements:

Agricultural use	<ul style="list-style-type: none"><li>(1) Any agricultural operation may be permitted in a rural conservation zone, subject to the approval and conditions imposed by the Department of Fisheries, Forestry and Agriculture, the Department of Transportation and Infrastructure, the Department of Environment and Climate Change<sup>13</sup> and the authority.</li><li>(2) Developments shall, where possible, be screened from highway view to the satisfaction of the authority.</li><li>(3) A residential unit may only be erected in conjunction with an agricultural use in a rural conservation zone if the residence is subsidiary to the agricultural use, which must be a full time commercial operation as described by the Department of Fisheries, Forestry and Agriculture, and if the occupier of the residence is actively engaged in agricultural activity on the same parcel of land upon which the residence is proposed.</li><li>(4) Notwithstanding the above, a residential unit will only be permitted provided the farm development shows a demonstrated market to the satisfaction of the Department of Fisheries, Forestry and Agriculture and has one or more of the following minimum operations:<ul style="list-style-type: none"><li>(a) greenhouse production, permanent greenhouse structures of a minimum of 370 metres squared in operation with adequate land base for subsidiary cropping;</li><li>(b) root crops, 8 hectares of land with 4 hectares in production plus required ancillary buildings, adequate storage and cropping, washing and packaging equipment;</li><li>(c) strawberries, raspberries, 8 hectares of land with 3 hectares in production plus required ancillary buildings and cropping and handling equipment;</li><li>(d) livestock or poultry operations, provided the development is operational, the number of animal units is to a standard required by the Department of Fisheries, Forestry and Agriculture, and suitable structures designed to accommodate the livestock or poultry have been completed and the required land base is in production; and</li><li>(e) an equivalent combination of the above or other types of agriculture as approved by the Department of Fisheries, Forestry and Agriculture.</li></ul></li><li>(5) With the exception of residences and fruit and vegetable stands, which must conform to section 21, agricultural buildings shall be restricted to in excess of 90 metres from the highway centre line, unless mitigating factors require a somewhat lesser setback, in which case the discretion of the authority can be utilized.</li></ul>
Forestry use	<ul style="list-style-type: none"><li>(1) Any use directly associated with the harvesting of timber may be permitted in a rural conservation zone.</li><li>(2) Residences ancillary to the main use may conditionally be permitted in accordance with the requirements of section 21, while all other uses will be restricted to in excess of 90 metres from the highway centre line.</li><li>(3) Development shall, where possible, be screened from highway view to the satisfaction of the authority, and where excessive noise is generated it shall be located a minimum of 90 metres from any other development.</li></ul>

<sup>13</sup> Formerly the Department of Environment and Labour

Fisheries use	(1) Any development associated directly with the harvesting of fish may be permitted in a rural conservation zone. (2) Structures shall not be located within 45 metres of the highway centre line.
Mining and quarrying use	(1) Any development associated with mineral extraction may be permitted in a rural conservation zone. (2) All developments of this nature shall be maintained at a distance of 90 metres from the highway centre line, and shall be screened from highway view to the satisfaction of the authority. (3) Upon conclusion of operations all refuse shall be removed, rough landscaping carried out and all accesses removed.
Public recreation use	(1) The following developments may be permitted in a rural conservation zone: (a) provincial and municipal parks, these contain rest and camping parks, marinas, public conveniences and accessory buildings; (b) recreational clubs, including golf courses, ski clubs, boating, swimming and those structures associated directly with recreational clubs and where essential, dwelling units and accessory buildings may be permitted; (c) public rest parks, may include natural reserves, historical sites and monuments, scenic routes, viewpoints, picnic tables, fireplaces and public conveniences; and (d) natural reserves may only have scenic routes and viewpoints.
Commercial recreational uses	(1) Uses which, because of their nature and large land requirements, would not normally be compatible with urban uses of highway service centre developments may be permitted in this zone, including travel trailer parks, golf courses and driving ranges, ski slopes, recreational resorts, theme parks, including amusement parks, etc. (2) Amusement parks must have a minimum of 3 attractions, i.e. bumper boats, go cart tracks, mini golf, etc. (3) Developments in these classes shall be set back on minimum of 55 metres from the centre line of the highway, and adequate parking shall be provided.
Rural industrial uses	(1) Only industrial developments which, because of their nature, would be considered hazardous and incompatible to urban uses will be permitted in this zone. (2) Developments of a rural industrial nature shall be set back a minimum of 100 metres from the centre line of the highway with a tree screen of not less than 50 metres, and shall be separated from adjacent incompatible developments by a minimum of 150 metres with a tree screen of not less than 100 metres. (3) Development located in these areas shall be so designed and located as to preserve the natural amenities of the area, and adequate parking, as prescribed by the authority, shall be provided.
Private recreational travel trailer parks	(1) Only travel trailers as defined in these regulations may be permitted in these areas. (2) There shall be a minimum of 10 trailer lots in a park and a maximum of 100, and each trailer owner shall be assigned a specific lot. (3) Lots shall be of a size approved by the Department of Digital Government and Service NL, and not inconsistent with lot sizes associated with commercial travel trailer parks or sites within provincial parks. (4) Each park shall have adequate bathroom facilities, suitable children's playgrounds and a road network acceptable to the authority and any other concerned departments and waste disposal shall be as per conditions specified by the Department of Environment and Climate Change. (5) Travel trailer lots shall be set back a minimum of 60 metres from the centre line of the highway, and adequate screening must be provided between the highway and all sites.
Cemeteries	(6) Cemeteries

### 5.3.2 Highway Service Centre (HS)

#### Highway Service Centre Zone (HS) Permitted Uses and Remarks:

Permitted Uses	Minimum Lot Frontage	Minimum Building Line	Minimum Sideyard	Remarks
a) Motel	90m	See Remark 1)	6m	
b) Restaurant	60m	See Remark 1)	6m	
c) Service station	60m	See Remark 1)	6m	
d) Tourist chalet	60m	See Remark 1)	6m	
e) Craft shop	60m	See Remark 1)	6m	
f) Tourist cabins	60m	As required	6m	
g) Travel trailer park (2)	As required	90m	As required	
h) Camping park (2)	As required	90m	As required	
i) Marina	As required	90m	As required	

#### Highway Service Centre Zone (HS) Further Requirements:

1. Lounges	1) Lounges shall only be permitted in conjunction with motels, hotels and tourist lodges, having a minimum of 6 sleeping units.
2. Snack bars and other markets	1) Snack bars, convenience stores and farmers/fish markets subject to (3) above will only be permitted in conjunction with a principle use. 2) Where permitted they shall be subordinate to, while forming an integral part of the principle use.
3. Living quarters	1) Living quarters may be permitted in a highway service centre, subject to approval by the authority. 2) If permitted, living quarters shall only be occupied by a person and his or her family where continuous residence on the premises is essential. 3) Where possible, living quarters referred to above shall be architecturally

	<p>similar, and take a subordinate role to the main structure.</p> <p>4) At the discretion of the authority, a mobile home may be permitted instead of permanent living quarters, provided it is adequately screened from the highway, and its occupation is only intended to be of a temporary duration.</p>
4. Accessory buildings	<p>1) Other buildings ancillary to the principle use may be permitted, however, they shall be sited so as to preserve the amenities of the area and form an integral and architecturally compatible part of the overall development.</p>
5. Truck stops	<p>1) Truck stops, being an area of a building set aside for the temporary use of truckers and which may include sleeping units, showers and washrooms and a television room, shall only be permitted in conjunction with a motel, restaurant or service station.</p> <p>2) The area within the building shall be so located as not to interfere with the normal services of the establishment.</p>

### 5.3.3 Cottage Zone (C)

#### Cottage Zone (C) Permitted Uses and Remarks:

Permitted Uses	Lot Requirements	Remarks
Cottages	<p>(a) Minimum lot area – 3000 square metres</p> <p>(b) Maximum lot area – 4000 square metres</p> <p>(c) Minimum lot frontage – 30 m (1)</p> <p>(d) Maximum lot frontage – 45 m</p> <p>(e) Minimum sideyard distance - 7.5 m</p> <p>(f) Minimum setback – 15 m</p> <p>(g) Minimum rearyard – 15 m</p> <p>(h) Minimum floor area – 20 square metres</p>	<p>1) In the case of irregular shaped lots the minimum lot frontage shall apply at the building line.</p> <p>2) Setbacks refer to the distance from the front lot line bordering on the road to the property.</p> <p>3) Only one retail store shall be permitted for every 50 cottages, or part of them within the cottage zone.</p> <p>4) In general, retail stores shall be located away from existing or proposed private cottages. However, where they can only be accommodated in close proximity to cottages, the written consent of the affected cottage owners must be obtained prior to a development permit being issued.</p> <p>5) Retail stores shall cater to the cottage development and not the highway trade. In no circumstances shall they front on a protected road nor shall they be permitted to erect a sign on a protected road.</p>
Accessory Structures	<p>(a) Minimum setback – 7.5 m (2)</p> <p>(b) Minimum rearyard (excluding boathouses) – 15 m</p>	
Retail Stores	<p>(a) See remarks (3),(4) and (5)</p> <p>(b) Lot dimensions as per cottage standard</p>	

# 6. Implementation

## 6.1 Application Forms

- (1) An application for a development permit shall be made to the authority on the forms it prescribes, and every applicant shall provide with his or her application those plans and specifications that the authority may require.
- (2) The authority shall, on request, supply to every applicant a copy of the application form referred to in subsection (1) and a description of the plans, specifications and drawings required to be provided with the application.

## 6.2 Approval in Principle/Permit to Develop

- (1) The authority may grant approval in principle or a permit to develop for the proposed development if, after considering an application, the authority is satisfied that it conforms to these regulations and the protected road zoning plan where one exists, and shall consider:
  - (a) the topography, physical condition, amenity and natural features of the land;
  - (b) the provision or future provision of services;
  - (c) the use or the proposed use of the land and the use of the land in the immediate vicinity;
  - (d) the number, location, convenience and safety of accesses;
  - (e) the protection of the highway as a safe and convenient traffic way;
  - (f) the design, location and construction of the proposed development;
  - (g) the adequacy of the method, and the suitability of the land for the type of water and sewage disposal proposed;
  - (h) the adequacy and suitability of the methods proposed for the disposal of waste material; and
  - (i) the shape and size of each lot or parcel of land,

and shall consult with all government departments, agencies, officials and persons considered necessary with respect to these or other considerations.

- (2) Where approval in principle is granted under these regulations, it shall be subject to the subsequent approval by the authority of the details and conditions 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 one year from the grant of this approval in principle.
- (3) The authority may attach to approval in principle, or a permit to develop, those conditions required to ensure that the proposed development shall be made suitable for the purpose it is intended to serve and may permit development for a limited time as considered necessary.
- (4) The authority may require an applicant to give notice of his or her application for a permit to develop by public advertisement in a newspaper circulating in the area or by other means considered necessary.
- (5) A permit to develop is valid for a period of one year and may be renewed twice, for a maximum duration of 3 years, provided construction of the development is initiated before the expiration of the first permit year, and complies with the conditions stipulated in the permit.
- (6) Failure of the applicant to initiate construction before the expiration of the first permit year shall require reapplication to the authority.
- (7) The authority may cancel a permit for failure by the holder to comply with these regulations or conditions attached to the permit.
- (8) Where the authority considers necessary, a permit may be issued on a temporary basis for a period not exceeding 2 years which may be extended in writing by the authority for further periods not exceeding 2 years at a time.
- (9) Development shall be carried out in accordance with the plans approved by the authority and all conditions attached to it and a person shall not erase, alter or modify a drawing or specifications for which a permit to develop has been issued, unless the modification has been approved by the authority.
- (10) There shall be posted in a conspicuous place on the premises where a work, matter or thing is being done for which a permit has been issued a permit card as supplied by the authority during the entire progress of the work, or the doing of the matter or thing, until completed.
- (11) Where a permit to develop has been issued by the authority but development discontinues prematurely, is not fully executed according to the conditions of the permit, is cancelled due to a contravention of these regulations or where a temporary permit expires, the authority may order the developer, or the owner, to remove all buildings or erections above ground, to cover or fill all wells or excavations, landscape as may be necessary to prevent erosion and to remove all accesses, or to do any of these things, and the developer, or the owner, shall carry out the order of the authority and shall put the site in a clean and sanitary

condition to the satisfaction of the authority and associated government departments or agencies.

### 6.3 Minor Variance<sup>14</sup>

- (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 nonconformity of an existing development.

### 6.4 Right to Appeal

- (1) A person may appeal a decision of the authority to the appropriate appeal board as established and defined under section 7<sup>15</sup> of the Act.
- (2) A person intending to appeal to the appeal board shall deposit with the secretary of the board, within 30<sup>16</sup> days after the date of the decision of the authority, a notice of appeal indicating the grounds of the appeal and stating the name and address of the appellant together with 3 copies of a plan of the land or buildings concerned.
- (3) Where an appeal is taken from a decision of the authority, development shall not proceed pending a decision on the appeal and, if granted, the subsequent issuing of all required permits.
- (4) The decision of the appeal board shall be communicated in writing to the appellant and the authority and is final and binding upon all parties subject only to an appeal to the Court of Appeal on a question of jurisdiction or a question of law.

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<sup>14</sup> Section 12, Provincial Development Regulations supersedes Section 14, Protected Road Zoning Regulations.

<sup>15</sup> Now Part VI, Section 40 of the *Urban and Rural Planning Act 2000*.

<sup>16</sup> Section 42(4) of the Act now requires appeals to be made not more than 14 days after the person who made the original application has received the decision being appealed.

## 6.5 Prior Development

Nothing in these regulations shall apply

- (a) to prevent the use of any land, building or structure for any purpose prohibited by the application of these regulations if the land, building or structure was lawfully used for that purpose on the day these regulations come into effect, as long as it continues to be used for that purpose; or
- (b) to prevent the authority from issuing a permit for the completion of a structure, or the use of land, provided development was lawfully commenced before the application of these regulations, and provided that development is completed within a reasonable time after commencement.

## 6.6 Site Inspections

- (1) The authority, or an inspector designated by the authority to administer these regulations, may enter upon public or private land, and may at all reasonable times enter a building upon the land for the purpose of making surveys or inspections or obtaining information relative to the carrying out of works which the authority regulates.
- (2) Inspectors shall record a violation of the regulations which come to their attention, and report infractions to the authority.

## 6.7 Offence

- (1) Where a violation has occurred, the authority shall notify the developer of the nature of the infraction and shall prescribe remedial action.
- (2) Where the developer does not comply with the direction given in subsection (1), the authority shall take action as prescribed in section 102 or 104 of the Act.

## APPENDIX A

## PROVINCIAL DEVELOPMENT REGULATIONS



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**Important Information**

(Includes details about the availability of printed and electronic versions of the Statutes.)

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**NEWFOUNDLAND AND LABRADOR  
REGULATION 3/01**

Development Regulations  
under the  
Urban and Rural Planning Act, 2000

(Filed January 2, 2001 )

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

Dated at St. Johns , January 2, 2001 .

Joan Marie Aylward  
Minister of Municipal and Provincial Affairs

**REGULATIONS**

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## **Short title**

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

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## **Definitions**

**2.** In these regulations,

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

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## **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.

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## **Interpretation**

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**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;<sup>38</sup>
- (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.

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

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

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

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### **Appeal requirements**

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

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

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

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

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

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### **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.

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**(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.

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### **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.

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### **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.

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### **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.

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### **Board decision**

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**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.

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## **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.

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## **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.

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## **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.

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## **Notice and hearings on change of use**

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

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## **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.

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**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.

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**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.

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**Commencement**

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

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## APPENDIX B

### PROTECTED ROAD ZONING MAPS

