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# Town of Spaniard's Bay

## DEVELOPMENT REGULATIONS 2020 – 2030

Draft

**PLAN-TECH**



**ENVIRONMENT**

**MARCH 2020**

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**TOWN OF SPANIARD'S BAY MUNICIPAL PLAN  
DEVELOPMENT REGULATIONS**

**APPLICATION**

**1. Short Title**

These Regulations may be cited as the Spaniard's Bay Development Regulations.

**2. Interpretation**

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

**3. Commencement**

These Regulations come into effect throughout the Spaniard's Bay Municipal Planning Area, hereinafter referred to as the Planning Area, on the date of publication of a notice to that effect in the Newfoundland and Labrador Gazette.

**4. Municipal Code and Regulations**

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

**5. Authority**

In these Regulations, "Authority" means the Council of the Town of Spaniard's Bay.

## **PART I - GENERAL REGULATIONS**

### **6. Compliance with Regulations**

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

### **7. Permit Required**

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

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

Subject to Regulations 9 and 10, a permit shall be issued for development within the Planning Area that conforms to:

- (a) the general development standards set out in Part II of these Regulations, the requirements of Part V of these Regulations, and the use classes, standards, requirements, and conditions prescribed in Schedule C of these Regulations for the use zone in which the proposed development is located;
- (b) the standards set out in the Building Code and/or other ancillary codes, and any Building Regulations, Waste Disposal Regulations, and/or any other municipal regulation in force in the Planning Area regulating or controlling development, conservation and use of land and buildings;
- (c) the standards set out in Part III of these Regulations in the case of advertisement;
- (d) the standards set out in Part IV of these Regulations in the case of subdivision;
- (e) the standards of design and appearance established by the Authority.

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

Neither a permit nor approval in principle shall be issued for development within the Planning Area when, in the opinion of the Authority, it is premature by reason of the site lacking adequate road access, power, sanitary facilities, or domestic water supply, or being beyond the natural development of the area at the time of application unless the applicant contracts to pay the full cost of construction of the services deemed necessary by the Authority and such cost shall attach to and upon the property in respect of which it is imposed.

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

- (1) In considering an application for a permit or for approval in principle to carry out development, the Authority shall take into account the policies expressed in the Municipal Plan and any further scheme, plan or regulations pursuant thereto, and shall assess the general appearance of the development of the area, the amenity of the surroundings,

availability of utilities, public safety and convenience, and any other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of these Regulations, the Authority may, in its discretion, and as a result of its consideration of the matters set out in this Regulation, conditionally approve or refuse the application.

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

#### **11. Variances**

- (1) Where an approval or permit cannot be given by the Authority because a proposed development does not comply with development standards set out in development regulations, the Authority may, in its discretion, vary the applicable development standards to a maximum of 10% if, in the authority's opinion, compliance with the development standards would prejudice the proper development of the land, building or structure in question or would be contrary to public interest.
- (2) The Authority shall not allow a variance from 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) The Authority shall not permit a variance from development standards where the proposed development would increase the non-conformity of an existing development.

#### **12. Notice of Variance**

Where the Authority is to consider a proposed variance, the Authority shall give written notice of the proposed variance from development standards to all persons whose land is in the immediate vicinity of the land that is the subject of the variance and allow a minimum period of 7 days for response.

#### **13. Service Levy**

- (1) The Authority may require a developer to pay a service levy where development is made possible or where the density of potential development is increased, or where the value of property is enhanced by the carrying out of public works either on or off the site of the development.



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

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

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

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

In addition to the requirements for dedication of land under Regulation 78, the Authority may require the dedication of not more than 10% of the land area of any subdivision or other development for public use, and such land shall be conveyed to the Authority in accordance with the provisions of the Act.

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

Where the use of land is discontinued or the intensity of its use is decreased, the Authority may order the developer, the occupier of the site, or the owner or all of them to reinstate the site, to remove all or any buildings or erections, to cover or fill all wells or excavations, and to close all or

any accesses, or to do any of these things or all of them, as the case may be, and the developer, occupier or owner shall carry out the order of the Authority and shall put the site in a clean and sanitary condition to the satisfaction of the Authority.

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

- (1) An application for a development permit or for approval in principle shall be made only by the owner or by a person authorized by the owner in writing and signed by the owner to the Authority on such form as may be prescribed by the Authority. The ownership information must be sufficient to meet the satisfaction of Council. Every application shall include a property description and the location of the proposed development, and such plans, specifications and drawings as the Authority may require, and be accompanied by the permit fee required by the Authority.
- (2) The Authority shall supply to every applicant a copy of the application forms referred to in Regulation 17(1) and a description of the plans, specifications and drawings required to be provided with the application and any information or requirements applicable to the application.

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

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

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

- (1) An application properly submitted in accordance with these Regulations shall be determined within eight (8) weeks of receipt of the application by Council.
- (2) The Council may defer consideration of an application where additional information or consideration is required.
- (3) Where no decision on an application has been made within eight (8) weeks of its submission, the application shall be deemed to be refused.

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

- (1) An application for Approval in Principle shall include;
  - a) a description of the proposed development,
  - b) a description of the limits of the land to be used with the proposed development, and may include a survey description of the subject lands, and
  - c) submission of any pertinent information that may be required by the Council.
- (2) The Council may issue an Approval in Principle if it determines the application conforms to the Municipal Plan and these Regulations.

- (3) An Approval in Principle shall be valid for a period of 1 year and may be extended 1 year (must be requested by applicant), up to a total maximum period of 2 years.
- (4) No development shall be carried out under an Approval in Principle.
- (5) Council may revoke an Approval in Principle if it determines the applicant has changed the proposed development in a way that significantly alters the original intent of the applications.

## **21. Development Permit**

- (1) A written Permit to Develop, including a temporary Permit to Develop, issued by the Council shall be permission to develop. This permission shall not relieve the applicant from full responsibility of obtaining all other approvals, prior to the commencement of development, and complying with the requirements of all other regulations and statutes during development.
- (2) The Council may attach conditions to a Permit to Develop to ensure compliance with the Municipal Plan and these Regulations, and the permit holder shall be responsible for full compliance with the permit conditions.
- (3) A Permit to Develop is valid for a period of 1 year and may be extended twice up to a total maximum period of 3 years.
- (4) The issuance of a Permit to Develop shall not prevent the Council from requiring the correction of errors, or ordering the cessation, removal of, or remedial work on any development being carried out that is in violation of the Municipal Plan and these Regulations.
- (5) The Council may revoke a Permit to Develop for failure by the developer to comply with the Municipal Plan and these Regulations, or any condition attached to the Permit to Develop, or where it was issued in error or was issued on the basis of incorrect information.
- (6) No person shall change the application for which a Permit to Develop has been issued unless the change has been approved by a resolution of the Council, and written approval has been issued.
- (7) A copy of the Permit to Develop, and the plans and specifications, shall be kept on the site until completion of the development.

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

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

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

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

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

#### **24. Appeal Requirements**

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

#### **25. Appeal Registration**

- (1) Upon receipt of an appeal and fee as required under the Act and these regulations, the secretary of the Appeal Board as referred to in subsections 24(1) and (2), shall immediately register the appeal.
- (2) Where an appeal has been registered the secretary of the Appeal Board shall notify the Authority of the appeal and shall provide to the Authority a copy of the appeal and the documentation related to the appeal.
- (3) Where the Authority has been notified of an appeal that Authority shall within one week of notification forward to the appropriate board a copy of the application being appealed, all correspondence, council minutes, plans and other relevant information relating to the appeal including the names and addresses of the applicant and other interested persons of whom the authority has knowledge.
- (4) Upon receipt of the information under subsection (3), the secretary of the board shall

publish in a newspaper circulated in the area of the appropriate authority, a notice that the appeal has been registered.

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

## **26. Development Prohibited**

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

## **27. Appeal Board**

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

## **28. Appeals**

- (1) A person or an association of persons aggrieved of a decision that, under the regulations, may be appealed, may appeal that decision to the appropriate Appeal Board where the decision is with respect to
  - (a) an application to undertake a development;
  - (b) a revocation of an approval or a permit to undertake a development;
  - (c) the issuance of a stop work order; and
  - (d) a decision permitted under the Act or another Act to be appealed to the board.
- (2) A decision of the Authority to adopt, approve or proceed with a municipal plan, a scheme, development regulations and amendments and revisions of them is final and not subject to an appeal.
- (3) An Appeal Board shall not make a decision that does not comply with the municipal plan, a scheme and development regulations that apply to the matter being appealed.
- (4) An appeal shall be filed with the Appeal Board not more than 14 days after the person who made the original application appealed from has received the decision being

appealed.

- (5) An appeal shall be made in writing and shall include
  - (a) a summary of the decision appealed from;
  - (b) the grounds for the appeal; and
  - (c) the required fee.
- (6) A person or group of persons affected by the subject of an appeal or their representatives may appear before an Appeal Board and make representations concerning the matter under appeal.
- (7) An Appeal Board may inform itself of the subject matter of the appeal in the manner it considers necessary to reach a decision.
- (8) An Appeal Board shall consider and determine appeals in accordance with the Act and the municipal plan, scheme and regulations that have been registered under section 24, of the Act, and having regard to the circumstances and merits of the case.
- (9) A decision of the Appeal Board must comply with the plan, scheme or development regulations that apply to the matter that has been appealed to that board.
- (10) In determining an appeal, an Appeal Board may confirm, reverse or vary the decision appealed from and may impose those conditions that the board considers appropriate in the circumstances and may direct the Authority to carry out its decision or make the necessary order to have its decision implemented.
- (11) Notwithstanding subsection (10), where the Authority may, in its discretion, make a decision, an Appeal Board shall not make another decision that overrules the discretionary decision.
- (12) The decision of a majority of the members of an Appeal Board present at the hearing of an appeal shall be the decision of the Appeal Board.
- (13) An Appeal Board shall, in writing notify the appellant and the appropriate Authority of the decision of the Appeal Board.

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

- (1) An Appeal Board shall notify the appellant, applicant, authority and other persons affected by the subject of an appeal of the date, time and place for the appeal not fewer

than 7 days before the date scheduled for the hearing of the appeal.

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

### **30. Hearing of Evidence**

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

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

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

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

The Authority may, and when a variance is necessary under Regulation 11 and the Authority wishes to consider whether to authorize such a variance, when a change in nonconforming use is to be considered under Regulation 49, or when the development proposed is listed as a discretionary use in Schedule C of the Regulations shall, at the expense of the applicant, give notice of an application for a permit or for approval in principle, by public advertisement in a newspaper circulating in the area or by any other means deemed necessary, and under Regulation 12 and the Authority shall give written notice of the proposed variance from development standards to all persons whose land is in the immediate vicinity of the land that is the subject of the variance, and allow a minimum period of 7 days for response.

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

The Authority, the Director, or any inspector may enter upon any public or private land and may

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

**34. Record of Violations**

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

**35. Stop Work Order and Prosecution**

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

**36. Delegation of Powers**

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



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

### **37. Accesses and Service Streets**

- (1) Access shall be located to the specification of the Authority so as to ensure the greatest possible convenience and safety of the street system and the Authority may prescribe the construction of service streets to reduce the number of accesses to collector and arterial streets.
- (2) No vehicular access shall be closer than 9 metres to the street line of any street intersection.

### **38. Accessory Buildings**

- (1) Accessory buildings shall be clearly incidental and complementary to the use of the main buildings in character, use and size, and shall be contained on the same lot.
- (2) An accessory building may only be located in front of a building line at the discretion of Council after consultation has taken place with neighbouring property owners.
- (3) The side-yard requirements set out in the use zone tables in these Regulations shall apply to accessory buildings wherever they are located on the lot.

### **39. Advertisements**

Advertisements shall not be erected or displayed except in accordance with Part III of these Regulations.

### **40. Buffer Strips**

Where any industrial development permitted in any Use Zone abuts an existing or proposed residential area, or is separated from it by a road only, the owner of the site of the industrial development shall provide a buffer strip not less than ten (10) metres wide between any residential activity and the industrial area. The buffer shall include the provision of such natural or structural barrier as may be required by the Authority and shall be maintained by the owner or occupier to the satisfaction of the Authority.

### **41. Building Height**

The Authority may permit the erection of buildings of a height greater than that specified in Schedule C, but in such cases the building line setback and rear-yard requirements shall be varied as follows:

- (1) The building line setback shall be increased by 2 metres for every 1 metre increase in

height.

- (2) The rear-yard shall not be less than the minimum building line setback calculated as described in (1) above plus 6 metres.

#### **42. Building Line and Setback**

- (1) The Council, by resolution, may establish building lines on an existing street and may require any new buildings to be located on those building lines, whether or not such building lines conform to the standards set out in the tables in Schedule C of these Regulations.
- (2) A building situated on a corner lot shall be required to observe the building line setback set out in Schedule C of these Regulations on both the primary and flanking (secondary) streets.

#### **43. Family and Group Care Centres**

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

#### **44. Height Exceptions**

- (1) The height requirements prescribed in Schedule C of these Regulations may be waived in the case of communication masts and antennae, flagpoles, water towers, spires, belfries, or chimneys, but any such waiver which results in an increase of more than 10% of the permitted height of the structure shall only be authorized under the provisions of Regulation 11.
- (2) Industry Canada regulates the placement of cellular towers and other communication antennae as described in (1) above.

#### **45. Livestock Structures and Uses**

- (1) No structure designed to contain more than five animal units shall be erected or used unless it complies with the following requirements:
  - (a) The structure shall be at least 600 m from a residence, (except a farm residence or a residence which is a non-conforming use in any zone in which agriculture is a permitted use class in the Use Zone Tables in Schedule C of these Regulations), and, from an area designated for residential use

in an approved Plan, and, from a Provincial or Federal Park.

- (b) The structure shall be at least 60 m from the boundary of the property on which it is to be erected.
  - (c) The structure shall be at least 90 m from the centre line of a street.
  - (d) The erection of the structure shall be approved by the Department of Fisheries and Land Resources and the Department of Municipal Affairs and Environment.
- (2) No development for residential use shall be permitted within 600 m of an existing structure designed to contain more than five animal units unless the development is first approved by the Department of Fisheries and Land Resources.

#### **46. Lot Area**

- (1) No lot shall be reduced in area, either by the conveyance or alienation of any portion thereof or otherwise, so that any building or structure on such lot shall have a lot coverage that exceeds, or a front yard, rear yard, side yard, frontage or lot area that is less than that permitted by these Regulations for the zone in which such lot is located.
- (2) Where any part of a lot is required by these Regulations to be reserved as a yard, it shall continue to be so used regardless of any change in the ownership of the lot or any part thereof and shall not be deemed to form part of an adjacent lot for the purpose of computing the area thereof available for building purposes.

#### **47. Lot Area and Size Exceptions**

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

#### **48. Lot Frontage**

Except where specifically provided for in the Use Zone Tables in Schedule C of these Regulations, no residential or commercial building shall be erected unless the lot on which it is situated fronts directly onto a street or forms part of a Comprehensive Development Scheme.

#### **49. Non-Conforming Use**

- (1) Notwithstanding the Municipal Plan, scheme or regulations made under the *Urban and Rural Planning Act, 2000*, the Authority shall, in accordance with regulations made under this Act, allow a development or use of land to continue in a manner that does not

conform with a regulation, scheme, or plan that applies to that land provided that the non-conforming use legally existed before the registration of this Plan and these Development Regulations under section 24 of the Act, scheme or regulations made with respect to that kind of development or use.

- (2) Notwithstanding subsection (1), a right to resume a discontinued non-conforming use of land shall not exceed 12 months after that discontinuance.
- (3) A building, structure or development that does not conform to a scheme, plan or regulations made under the Act that is allowed to continue under subsection (1)
  - (a) shall not be internally or externally varied, extended or expanded unless otherwise approved by the Authority;
  - (b) shall not be structurally modified except as required for the safety of the building, structure or development;
  - (c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50% or more of the value of that building, structure or development has been destroyed;
  - (d) may have the existing use for that building, structure or development varied by the Authority to a use that is, in the Authority's opinion, more compatible with the plan and regulations applicable to it;
  - (e) may have the existing building extended by approval of the Authority where, in the Authority's opinion, the extension is not more than 50% of the existing building;
  - (f) where the non-conformance is with respect to the standards included in these development regulations, shall not be expanded if the expansion would increase the non-conformity;
  - (g) where a building, structure or development does not meet the development standards included in the 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.
  - (h) where the building or structure is primarily zoned and used for residential purposes, may, in accordance with the municipal plan and regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed.

Where considering a non-conforming building, structure or development and before making a decision to vary an existing use of that non-conforming building, structure or development, the Authority, at the applicant's expense, shall 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.

#### **50. Offensive and Dangerous Uses**

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

#### **51. Off-street Parking Requirements**

- (1) For every building, structure or use to be erected, enlarged or established, there shall be provided and maintained a quantity of off-street parking spaces sufficient to ensure that the flow of traffic on adjacent streets is not impeded by the on-street parking of vehicles associated with that building, structure or use.
- (2) The number of parking spaces to be provided for any building, structure, use of occupancy shall conform to the standards set out in Schedule D of these Regulations.
- (3) Each parking space, except in the case of one or two-family dwellings, shall be made accessible by means of a hard-surfaced right-of-way at least 3 m in width. Parking required in a Residential Zone shall be provided on the same lot as the dwelling or dwellings. Parking space for apartments shall be provided in the rear yard where possible. In a Non-Residential Zone, parking spaces shall be provided within the limits of the zone in which the use is situated and not more than 200 m distance from the use concerned.
- (4) The parking facilities required by this Regulation shall, except in the case of single or attached dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.
- (5) Where, in these Regulations, parking facilities for more than four vehicles are required or permitted:
  - (a) parking space shall mean an area of land, not less than 15 m<sup>2</sup> in size, capable of being used for the parking of a vehicle without the need to move other vehicles on adjacent areas;
  - (b) the parking area shall be constructed and maintained to the specifications of the Authority;
  - (c) the lights used for illumination of the parking area shall be so arranged as to divert

- the light away from adjacent development;
- (d) a structure, not more than 3 m in height and more than 5 m<sup>2</sup> in area may be erected in the parking area for the use of attendants in the area;
  - (e) except in zones in which a service station is a permitted use, no gasoline pump or other service station equipment shall be located or maintained on a parking area;
  - (f) no part of any off-street parking area shall be closer than 1.5 m to the front lot line in any zone;
  - (g) access to parking areas in non-residential zones shall not be by way of residential zones;
  - (h) where a parking area is in or abuts a residential zone, a natural or structural barrier at least 1 m in height shall be erected and maintained along all lot lines;
  - (i) where, in the opinion of the Authority, strict application of the above parking requirements is impractical or undesirable, the Authority may as a condition of a permit require the developer to pay a service levy in accordance with these Regulations in lieu of the provision of a parking area, and the full amount of the levy charged shall be used by the Authority for the provision and upkeep of alternative parking facilities within the general vicinity of the development.

#### **52. Off-Street Loading Requirements**

- (1) For every building, structure or use to be erected, enlarged or established requiring the shipping, loading or unloading of animals, goods, wares or merchandise, there shall be provided and maintained for the premises loading facilities on land that is not part of a street comprised of one or more loading spaces, 15 m long, 4 m wide, and having a vertical clearance of at least 4 m with direct access to a street or with access by a driveway of a minimum width of 6 m to a street.
- (2) The number of loading spaces to be provided shall be determined by the Authority.
- (3) The loading facilities required by this Regulation shall be so arranged that vehicles can manoeuvre clear of any street and so that it is not necessary for any vehicle to reverse onto or from a street.

#### **53. Parks and Playgrounds, and Conservation Uses**

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

#### **54. Screening and Landscaping**

The Authority may, in the case of existing unsightly development, order the owner or occupier to provide adequate and suitable landscaping or screening; and for this purpose, may require the submission of an application giving details of the landscaping or screening, and these Regulations shall then apply to that application. The provision of adequate and suitable landscaping or screening may be made a condition of any development permit where, in the opinion of the Authority, the landscaping or screening is desirable to preserve amenity, or protect the environment.

#### **55. Services and Public Utilities**

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

#### **56. Service Stations**

The following requirements shall apply to all proposed service stations:

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

#### **57. Side Yards**

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

#### **58. Street Construction Standards**

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

#### **59. Subsidiary Apartments**

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

#### **60. Un-subdivided Land**

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

#### **61. Zero Lot Line and Other Comprehensive Development**

The Authority may, at its discretion, approve the erection of dwellings which are designed to form part of a zero lot line development or other comprehensive layout which does not, with the exception of dwelling unit floor area, meet the requirements of the Use Zone Table in Schedule C, provided that the dwellings are designed to provide both privacy and reasonable access to natural daylight and the overall density within the layout conforms to the regulations and standards set out in the Use Zone Table apply where the layout adjoins other development.

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### **PART III - ADVERTISEMENTS**

#### **62. Permit Required**

Subject to the provisions of Regulation 67, no advertisement shall be erected or displayed in the Planning Area unless a permit for the advertisement is first obtained from the Authority. Permit for erection or display of advertisement on Provincial Highways shall be obtain from the Government Service Centre.

#### **63. Form of Application**

Application for a permit to erect or display an advertisement shall be made to the authority in accordance with Regulation 17.

#### **64. Advertisements Prohibited in Street Reservation**

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

#### **65. Permit Valid for Limited Period**

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

#### **66. Removal of Advertisements**

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

- (a) Hazardous to road traffic by reason of its siting, colour, illumination, or structural Condition; or
- (b) Detrimental to the amenities of the surrounding area.

#### **67. Advertisements Exempt from Control**

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

- (a) on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.2 m<sup>2</sup> in area;
- (b) on an agricultural holding or farm, a notice board not exceeding 1 m<sup>2</sup> in area and relating to the operations being conducted on the land;
- (c) on land used for forestry purposes, signs or notices not exceeding 1 m<sup>2</sup> in area and relating to forestry operations or the location of logging operations conducted on the land;

- (d) on land used for mining or quarrying operations, a notice board not exceeding 1 m<sup>2</sup> in area relating to the operation conducted on the land;
- (e) on a dwelling or within the curtilage of a dwelling, one nameplate not exceeding 0.2 m<sup>2</sup> in area in connection with the practice of a professional person carried on in the premises;
- (f) on any site occupied by a place of worship, school, library, art gallery, museum, institution or cemetery, one notice board not exceeding 1 m<sup>2</sup> in area;
- (g) on the principal facade of any commercial, industrial or public building, the name of the building or the name of the occupants of the building, in letters not exceeding one-tenth of the height of that facade or 3 m, whichever is the lesser;
- (h) on any parking lot directional signs and one sign not exceeding 1 m<sup>2</sup> in size, identifying the parking lot.

#### **68. Approval Subject to Conditions**

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

#### **69. Non-Conforming Uses**

Notwithstanding the provisions of Regulation 62, a permit may be used for the erection or display of advertisements on a building or within the courtyard of a building or on a parcel of land, the use of which is a non-conforming use, provided that the advertisement does not exceed the size and type of advertisement which could be permitted if the development was in a Use Zone appropriate to its use, and subject to any other conditions deemed appropriate by the Authority.

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

### **70. Permit Required**

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

### **71. Services to be Provided**

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

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

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

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

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

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

### **74. Building Permits Required**

Notwithstanding the approval of a subdivision by the Authority, a separate building permit shall

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

#### **75. Form of Application**

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

#### **76. Subdivision Subject to Zoning**

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

#### **77. Building Lines**

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

#### **78. Land for Public Open Space**

(1) Before a development commences, the developer shall, if required, dedicate to the Authority, at no cost to the Authority, an area of land equivalent of not more than 10% of the gross area of the subdivision or 25 m<sup>2</sup> for every dwelling unit permitted in the subdivision, whichever is the greater, for public open space, provided that:

(a) Where land is subdivided for any purpose other than residential use, the Authority shall determine the percentage of land to be dedicated;

(b) If, in the opinion of the Authority, no public open space is required, the land may be used for such other public use as the Authority may determine;

(c) The location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of the Authority but in any case, the Authority shall not accept land which, in its opinion is incapable of development for any purpose;

(d) The Authority may accept from the developer in lieu of such area or areas of land the payment of a sum of money equal to the value of the land which would otherwise be required to be dedicated;

(e) Money received by the Authority in accordance with Regulation 78(1)(d) above, shall be reserved by the Authority for the purpose of the acquisition or development of land for public open space or other public purpose.

(2) Land dedicated for public use in accordance with this Regulation shall be conveyed to the Authority and may be sold or leased by the Authority for the purposes of

any development that conforms with the requirements of these Regulations, and the proceeds of any sale or other disposition of land shall be applied against the cost of acquisition or development of any other land for the purposes of public open space or other public purposes.

(3) The Authority may require a strip of land to be reserved and remain undeveloped along the banks of any river, brook or pond, and this land may, at the discretion of the Authority, constitute the requirement of land for public use under Regulation 78(1).

#### **79. Structure in Street Reservation**

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

#### **80. Subdivision Design Standards**

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

- (a) The finished grade of streets shall not exceed 10 percent.
- (b) Every cul-de-sac shall be provided with a turning circle of a diameter of not less than 30 m.
- (c) The maximum length of any cul-de-sac shall be:
  - (i) 200m in areas served by or planned to be served by municipal piped water and sewer services, as shown in the map and letter of agreement signed by the Municipality and the Minister of Municipal and Provincial Affairs in connection with municipal five-year capital works program eligibility.
  - (ii) 300m in areas not served by or planned to be served by municipal piped water and sewer services.
- (d) Emergency vehicle access to a cul-de-sac shall be not less than 3 m wide and shall connect the head of the cul-de-sac with an adjacent street.
- (e) No cul-de-sac shall be located so as to appear to terminate a collector street.
- (f) New subdivisions shall have street connections with an existing street or streets.
- (g) All street intersections shall be constructed within 5° of a right angle and this alignment shall be maintained for 30 m from the intersection.
- (h) No street intersection shall be closer than 60 m to any other street intersection.
  - (i) No more than four streets shall join at any street intersection.
  - (j) No residential street block shall be longer than 490 m between street intersections.
  - (k) Streets in residential subdivisions shall be designed in accordance with the Town's

Engineering Design Guidelines for Subdivisions, a guiding document for these Regulations.

- (l) No lot intended for residential purposes shall have a depth exceeding four times the frontage.
- (m) Residential lots shall not be permitted which abut a local street at both front and rear lot lines.
- (n) The Authority may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed.
- (o) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land.

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

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

(2) Upon approval by the Authority of the proposed subdivision, the Engineer shall certify all work of construction layout preliminary to the construction of the works and thereupon the developer shall proceed to the construction and installation, at his own cost and in accordance with the approved designs and specifications and the construction layout certified by the Engineer, of all such water mains, hydrants, sanitary sewers and all appurtenances and of all such streets and other works deemed necessary by the Authority to service the said area.

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

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

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

The construction and installation of all curbs and gutters, catch basins, sidewalks and paving specified by the Authority as being necessary, may, at the Authority's discretion, be deferred until a later stage of the work on the development of the subdivision but the developer shall deposit with the Authority before approval of his application, an amount estimated by the Engineer as

reasonably sufficient to cover the cost of construction and installation of the works. In the later stage of the work of development, the Authority shall call for tenders for the work of construction and installation of the works, and the amount so deposited by the developer shall be applied towards payment of the contract cost. If the contract cost exceeds the deposit, the developer shall pay to the Authority the amount of the excess. If the contract price is less than the deposit, the Authority shall refund the amount by which the deposit exceeds the contract price. Any amount so deposited with the Authority by the developer shall be placed in a separate savings account in a bank and all interest earned thereon shall be credited to the developer.

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

(1) The developer shall, following the approval of the subdivision of land and upon request of the Authority, transfer to the Authority, at no cost to the Authority, and clear of all liens and encumbrances:

(a) all lands in the area proposed to be developed or subdivided which are approved and designated by the Authority for public uses as streets, or other rights-of-way, or for other public use;

(b) all services or public works including streets, water supply and distribution and sanitary a storm drainage system installed in the subdivision that are normally owned and operated by the Authority.

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

(3) The Authority shall not provide maintenance for any street, service or public work in any subdivision until such time as such street, service or public work has been transferred to and accepted by the Authority.

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

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

(1) The lot can be served with satisfactory water supply and sewage disposal systems, and;

(2) Satisfactory access to a street is provided for the lots.

**86. Grouping of Buildings and Landscaping**

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

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## **PART V - USE ZONES**

### **87. Use Zones**

- (1) For the purpose of these Regulations, the Planning Area is divided into Use Zones which are shown on the Zoning Map attached to and forming part of these Regulations.
- (2) Subject to Regulation 87(3), the permitted use classes, discretionary use classes, standards, requirements and conditions applicable to each Use Zone are set out in the Use Zone Tables in Schedule C of these Regulations.
- (3) Where standards, requirements and conditions applicable in a Use Zone are not set out in the Use Zone Tables in Schedule C, the Authority may in its discretion, determine the standards, requirements and conditions which shall apply.

### **88. Use Classes**

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

### **89. Permitted Uses**

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

### **90. Discretionary Uses**

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone Table in Schedule C may be permitted in that Use Zone if the Authority is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if the Authority has given notice of the application in accordance with Regulation 32 and has considered any objections or representations which may have been received on the matter.

### **91. Uses Not Permitted**

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

## NEWFOUNDLAND REGULATION 3/01

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

(Filed January 2, 2001)

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

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

**Joan Marie Aylward**  
Minister of Municipal and Provincial Affairs

#### MINISTER'S REGULATIONS

##### Analysis

1. Short title
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#### 1. Short title

These regulations may be cited as the Development Regulations.

## 2. Definitions

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.

## 3. Application

- (1) These regulations shall be included in the development regulations of an authority and shall apply to all planning areas.
- (2) Where there is a conflict between these regulations and development regulations or other regulations of an authority, these regulations shall apply.
- (3) Where another Act of the province provides a right of appeal to the board, these regulations shall apply to that appeal.

## 4. Interpretation

- (1) In development regulations and other regulations made with respect to a planning area the following terms shall have the meanings indicated in this section
  - (a) "access" means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street;
  - (b) "accessory building" includes
    - (i) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,
    - (ii) for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television antennae,
    - (iii) for commercial uses, workshops or garages, and
    - (iv) for industrial uses, garages, offices, raised ramps and docks;
  - (c) "accessory use" means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use;
  - (d) "building height" means the vertical distance, measured in metres from the established grade to the
    - (i) highest point of the roof surface of a flat roof,
    - (ii) deck line of a mansard roof, and

- (iii) mean height level between the eave and the ridge of a gable, hip or gambrel roof, and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof;
- (e) "building line" means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed;
- (f) "discretionary use" means a use that is listed within the discretionary use classes established in the use zone tables of an authority's development regulations;
- (g) "established grade" means,
  - (i) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or
  - (ii) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment;
- (h) "floor area" means the total area of all floors in a building measured to the outside face of exterior walls;
- (i) "frontage" means the horizontal distance between side lot lines measured at the building line;
- (j) "lot" means a plot, tract or parcel of land which can be considered as a unit of land for a particular use or building;
- (k) "lot area" means the total horizontal area within the lines of the lot;
- (l) "lot coverage" means the combined area of all 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.

#### **5. Notice of right to appeal**

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

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

#### **6. Appeal requirements**

- (1) The secretary of the board at the Department of Municipal Affairs and Environment, P.O. Box 8700, St. John's, NL, A1B 4J6, is the secretary to all boards in the province and an appeal filed with that secretary within the time period referred to in subsection 42(4) of the Act shall be considered to have been filed with the appropriate board.
- (2) Notwithstanding subsection (1), where the City of Corner Brook, City of Mount Pearl or City of St. John's appoints an appeal board under subsection 40(2) of the Act, an appeal shall be filed with the secretary of that appointed board.
- (3) The fee required under section 44 of the Act shall be paid to the board that hears the decision being appealed by filing it with the secretary referred to in subsection (1) or (2) within the 14 days referred to in subsection 42(4) of the Act.

- (4) The board that hears the decision being appealed shall, subject to subsection 44(3) of the Act, retain the fee paid to the board.
- (5) Where an appeal of a decision and the required fee is not received by a board in accordance with this section and Part VI of the Act, the right to appeal that decision shall be considered to have been forfeited.

#### **7. Appeal registration**

- (1) Upon receipt of an appeal and fee as required under the Act and these regulations, the secretary of the board as referred to in subsections 6(1) and (2), shall immediately register the appeal.
- (2) Where an appeal has been registered the secretary of the board shall notify the appropriate authority of the appeal and shall provide to the authority a copy of the appeal and the documentation related to the appeal.
- (3) Where an authority has been notified of an appeal that authority shall forward to the appropriate board a copy of the application being appealed, all correspondence, council minutes, plans and other relevant information relating to the appeal including the names and addresses of the applicant and other interested persons of whom the authority has knowledge.
- (4) Upon receipt of the information under subsection (3), the secretary of the board shall publish in a newspaper circulated in the area of the appropriate authority, a notice that the appeal has been registered.
- (5) A notice published under subsection (4) shall be published not fewer than 2 weeks before the date upon which the appeal is to be heard by the board.

#### **8. Development prohibited**

- (1) Immediately upon notice of the registration of an appeal the appropriate authority shall ensure that any development upon the property that is the subject of the appeal ceases.
- (2) Sections 102 and 104 of the Act apply to an authority acting under 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.

#### **9. Hearing notice and meetings**

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

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

#### **10. Hearing of evidence**

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

#### **11. Board decision**

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

#### **12. Variances**

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

#### **13. Notice of variance**

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

#### **14. Residential non-conformity**

A residential building or structure referred to in 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.

**15. Notice and hearings on change of use**

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

**16. Non-conformance with standards**

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

**17. Discontinuance of non-conforming use**

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

**18. Delegation of powers**

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

**19. Commencement**

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

## SCHEDULE A - DEFINITIONS

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

**ACCESSORY BUILDING** means:

- (a) A detached subordinate building not used as a dwelling, located on the same lot as the main building or use to which it is accessory, and which has a use which is customarily incidental or complimentary to the main use of the building or land:
- (b) for residential uses such as domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetable storage cellars, shelters for domestic pets, or radio and television antennae,
- (c) for commercial uses such as workshops, garages; and
- (d) for industrial uses such as garages, offices, raised ramps and docks.

**ACCESSORY DWELLING UNIT** means a separate dwelling unit constructed within and subsidiary to the main use. The main use shall not be a single dwelling, double dwelling, row dwelling, and apartment building.

**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.

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

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

**AGRICULTURE** means an agricultural operation that is carried on for personal use, or for commercial gain and includes:

- (a) the clearing, draining, irrigating or cultivation of land,
- (b) the raising of livestock, including poultry,
- (c) the raising of fur-bearing animals,
- (d) the raising of bees,
- (e) the production of agricultural field crops,
- (f) the production of fruit and vegetables and other specialty horticultural crops,
- (g) the production of eggs and milk,
- (h) the operation of agricultural machinery and equipment, including irrigation,
- (i) storage, use or disposal of organic wastes (manure) for farm purposes, and
- (j) any other agricultural activity or process prescribed by Provincial regulation that is carried on for gain or reward.

**AMUSEMENT USE** means the use of land or buildings equipped for the playing of electronic, mechanical, or

other games and amusements including electronic games, pinball games and slot machine arcades and billiard and pool halls.

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

- (a) 1 dairy cow, bull, sow
- (b) 2 heifers, beef cattle
- (c) 3 sows, boars
- (d) 5 veal
- (e) 6 hogs
- (f) 7 goats
- (g) 8 sheep (ewe)
- (h) 16 sheep (lamb)
- (i) 40 foxes (w/liter)
- (j) 150 mink
- (k) 200 rabbits

**ANTENNA** means a system that involves the transmission or receiving of data through radio waves, air monitoring, weather collection devices or other sources, typically forming part of a mast or tower which may be several hundred metres tall, either guyed or freestanding. Small monitoring structures are typically located near the base.

**APARTMENT BUILDING** means a building containing three or more dwelling units but does not include a row dwelling or a single dwelling with a subsidiary apartment.

**APPLICANT** means a person who has applied to Council for approval to carry out development.

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

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

**APPROVAL IN PRINCIPLE** means that Council when considering a development application shall evaluate the application to the development requirements within the Town. If the proposed development meets the development requirements of the Town an approval in principle maybe given to the application. Final approval and issuance of a permit to commence development are subject to the agreement by the applicant to meet specified conditions as outlined by Council.

**AUTHORITY** means the Town Council of Spaniard's Bay, authorized administrator or regional authority.

**BACKLOT** means a lot characterized by the location of the residential lot generally at the rear of another residential lot, or otherwise separated from the public street which provides access, and by a narrower area extending from the rear residential lot to the public street.

**BED AND BREAKFAST** means a home occupation in a detached single family dwelling that is occupied by the property owner as a primary residence, in which not more than 3 rooms are rented and breakfast served to overnight guests as a commercial enterprise.

**BUFFER** means a berm, row of trees or shrubs, hedge, fence, or distance separation that provides a barrier between incompatible sites, uses or districts.

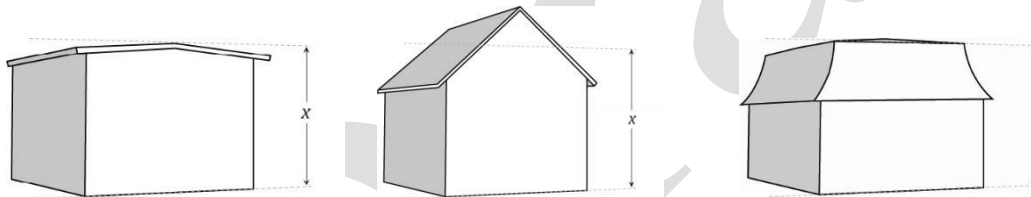
**BUILDING** means:

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

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

- a) highest point of the roof surface of a flat roof;
- b) deck line of a mansard roof; and
- c) mean height level between the eave and ridge of a gable, hip or gambrel roof.

In any case, a Building Height shall not include mechanical structures, smokestacks, steeples, and purely ornamental structures above a roof.



**BUILDING LINE** means a line established by the Council that runs parallel to the street line and is set at the closest point to a street that a building may be placed. A corner lot is deemed to have a building line setback on both the primary and flanking streets.

**CHILD CARE FACILITY** means a building or part of a building in which services and care are regularly provided to children or adults but does not include a school as defined by the Schools Act.

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

**CORNER LOT** means a lot deemed to have street frontages on both a primary and a flanking (secondary) street.

**CORNER LOT SIGHT TRIANGLE** means a corner lot, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height greater than 1 metres above grade of the streets that abut the lot within the triangular area included within the street lines for a

distance of 6 metres from the point of intersection.

**COTTAGE, REMOTE** means a seasonal cottage in a remote location that is inaccessible or very difficult to access by passenger vehicles, or is situated where construction of an access road as determined by council is unfeasible. The provision of on-site water and waste disposal systems for a remote cottage shall be the responsibility of the owner and approved by Service NL.

**COUNCIL** means the Municipal Council of the Town of Spaniard's Bay.

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

- (a) making of an access onto a highway, road or way,
- (b) erection of an advertisement or sign,
- (c) construction of a building,
- (d) 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,
- (e) 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,
- (f) 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,
- (g) the carrying out by a local authority or statutory undertaker of works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of streets or other land for that purpose,
- (h) the use of a building or land within the courtyard of a dwelling house for a purpose incidental to the enjoyment of a dwelling house as a dwelling.

**DEVELOPMENT AGREEMENT** means a written agreement between the municipality and a developer which establishes particular circumstances and conditions under which a development may be carried out.

**DEVELOPMENT REGULATIONS** means Regulations, pursuant to the Act, and by-laws respecting development that have been enacted by Council.

**DISCRETIONARY USE** means a use that is listed within the discretionary use classes established in the use zone tables of the Council's Development Regulations.

**DOUBLE DWELLING** means one building containing two dwelling units, placed one above the other, side by side, or joined by a carport with separate lot areas dedicated to each unit, but does not include a single dwelling containing a subsidiary apartment.

**DRIVEWAY** means a private road for vehicles that connects a house, garage, or other building with a public road.

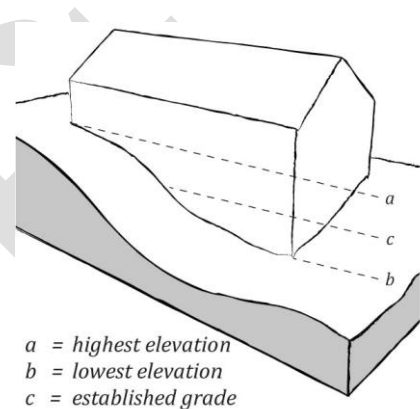
**DWELLING UNIT** means a self-contained unit consisting of one or more habitable rooms used or designed as the living quarters for one or more persons.

**ENGINEER** means an engineer who is a member of the Association of Professional Engineers and Geoscientists of Newfoundland, employed or retained by the Council.

**ESTABLISHED BUILDING LINE** means the average distance from the street line of existing buildings in any block where more than half the frontage has been built upon in the past.

**ESTABLISHED GRADE** means

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



**FAMILY CHILD CARE USE** means a building or part of a building in which services and activities are regularly provided for up to six (6) children as defined in the *Child Care Services Act*, but do not include a school as defined by the *Schools Act*.

**FLANKING STREET** means the secondary street bordering a corner lot.

**FLOODWAY** means the inner portion of a flood risk area where the risk of flood is greatest, on average once in twenty years and where the flood depths and water velocities are greatest.

**FLOODWAY FRINGE** means the outer portion of a flood risk area, between the floodway and the outer boundary of the flood risk area, where the risk of flooding is lower, on average once in one hundred years, and flood waters are shallower and slower.

**FLOOD PROOFING** means structural and/or non-structural measures incorporated in the design of a building or structure which reduce or eliminate the risk of flood damage by ensuring that the ground floor elevation is higher than the projected flood level and that the building can be exited without hindrance in the event of a flood.

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

**FORESTRY** means the use of land for the purpose of forest and woodland management including the felling, cutting, trimming and thinning of forest or woodland for the extraction of timber, and includes reforestation and silviculture.

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

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

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

**GENERAL GARAGE** means land or buildings used for the repair, maintenance and storage of motor vehicles and may include the sale of petroleum products.

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

**GROUP CHILD CARE USE** means a building or part of a building in which services and activities are regularly provided for seven (7) or more children as defined in the *Child Care Services Act*, but do not include a school as defined by the *Schools Act*.

**GROUP HOME** means a dwelling unit accommodating not more than 6 persons, exclusive of staff, in a home-like setting where staff provide care and supervision. This definition includes, but is not limited to, the facilities called "Transition House" and "Foster Home."

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

**HOME OCCUPATION** means the use of part of a dwelling or an accessory building for pursuits compatible with a domestic household and which is carried on by members of the one family residing in the dwelling house provided that the uses permitted in a residential area are: office including services performed by a professional lawyer, accountant, architect, engineer, planner, insurance agent, realtor; salon including services provided by a hairdresser, barber, esthetician, beautician; medical such as services provided by a massage therapist, chiropractor, psychologist; light industrial uses related to arts, crafts and culture, including dressmaking, weaving, knitting, painting, sculpting, photography; small repair, woodworking and sign making; dog/cat grooming; instruction in arts, crafts, music and dance; and bed and breakfast operation. Other uses may be permitted at the discretion of council.

**HOBBY FARMING** means a small-scale farm plot or kitchen garden or barn associated with a residence for bee keeping, growing root crops or keeping of livestock without being a primary source of income. Livestock on a hobby farm shall be limited to one animal unit.

**INFILL LOT** means a typical empty lot between existing dwellings on a residential street. An infill lot may also mean land available between existing buildings.

**INSPECTOR** means a person appointed as an inspector by the Council.

**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.

**LANDSCAPING** means the development of land by altering the topography and ground cover and may include the use of turf, plants, shrubs, trees, retaining walls and fences.

**LANDSCAPE PLAN** means a two-dimensional scaled concept plan showing the land or lot boundaries which would include proposed development of the land by using turf, plants, shrubs, trees, retaining walls and fences for aesthetic or practical purposes. A Landscape Plan may include, but not limited to, the arrangement or modifying land features, such as tree retention or planting, garden edging or retaining, planting, screening, fencing or earthwork (alteration or drainage).

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

**LIVESTOCK OPERATION** means a livestock operation of agricultural animals confined in one location which consists of 5 or more animal units at a given point in time.

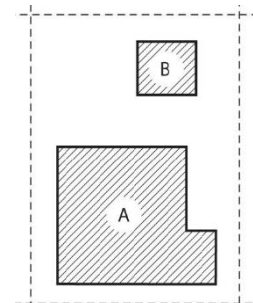
**LOCAL STREET** means a street designed primarily to provide access to adjoining land and which is not designated as a collector street or arterial street in the Municipal Plan, or on the Zoning Map.

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

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

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

$$\text{Lot coverage} = \frac{\text{Area of A} + \text{Area of B}}{\text{Lot area}}$$



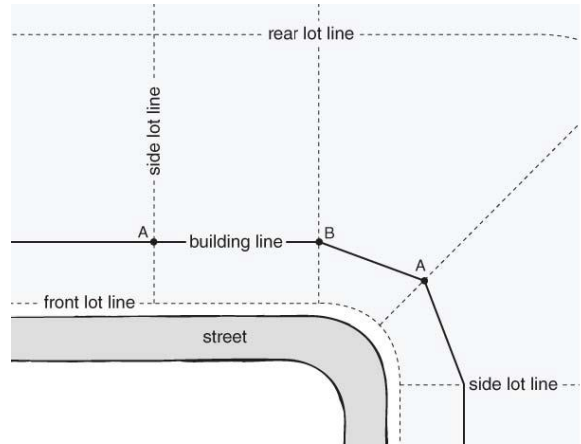


**LOT FRONTAGE** means the horizontal distance between side lot lines measured at the building line (the distance between points **A** and **B** in illustration at right).

**LOT LINE, REAR** means the lot line on the opposite side of the front lot line.

**LOT LINE, SIDE** means the lot lines perpendicular to the front and rear lot lines.

**LOT LINE, FLANKING** means a lot line which abuts the street on a corner lot.



**MINERAL EXPLORATION** means the search for and sampling of minerals or quarry materials where the activity or activities involved meet the definition of “development” under the *Urban and Rural Planning Act, 2000*. “Mineral” and “quarry material” for the purpose of interpreting the definition of mineral exploration (development) are as defined in the provincial *Mineral Act* and *Quarry Materials Act, 1998*, respectively. Mineral exploration does not include mining or mineral working (e.g., quarrying). Activities which meet the definition of mineral exploration (development) are to be contrasted with mineral exploration activities that do not meet the definition of development, examples of which typically include traditional prospecting, geochemical sampling surveys (of rock, soil, sediment, water, or vegetation), ground-based and airborne geophysical surveys, and the cutting of survey lines.

**MINERAL WORKING** means an operation consisting of one or more of the following activities: the digging for, excavation, and removal of quarry materials (i.e., quarrying) (may involve blasting), the removal of quarry materials previously excavated, the removal of quarry materials previously deposited on site, the stockpiling of quarry materials, the processing of quarry materials (e.g., crushing, screening, washing), the production of civil construction materials which use quarry materials in their natural form (e.g., asphalt, concrete), the re-processing of quarry materials including from reclaimed civil construction materials (e.g., reclaimed asphalt, concrete), the production of soil by blending organic materials with quarry materials, or the treatment or remediation of soil. “Quarry material” for the purpose of interpreting the definition of mineral working is as defined in the provincial *Quarry Materials Act, 1998*. Mineral working does not include mining but may include mineral exploration (development) as a secondary activity. Mineral working does not include the excavation and removal of quarry materials as a by-product of an approved development.

**MINING** means an operation involving the extraction of a mineral for sale and for which a mining lease is required under the provincial *Mineral Act* administered by the Department of Natural Resources. “Mineral” for the purpose of interpreting the definition of mining is as defined under the *Mineral Act*. Mining may include, as secondary activities, mineral exploration (development) and mineral working. Note that under the *Mineral Act* dimension stone (i.e., stone used for building facades, gravestones, etc.)

is considered a mineral in Newfoundland (but a quarry material in Labrador) and therefore extraction of dimension stone within the Town of the Spaniard's Bay Municipal Planning Area would be considered mining.

**MINI HOME** means a factory produced single dwelling complying with the National Building Code and having the appearance of a mobile home.

**MINISTER** shall mean the Minister of Municipal Affairs and Environment, unless otherwise specified.

**MODULAR HOME** means a residential dwelling built in modules in a factory complete with kitchen, bedrooms, bath, etc., as may be pre-set in a house and transported to the building site for joining and placement on a foundation. Modular home construction shall conform to the National Building Code and the Town of Spaniard's Bay Development Regulations.

**MUNICIPAL PLAN** means a plan adopted by the Council as a Municipal Plan pursuant to the *Urban and Rural Planning Act, 2000*.

**NON-CONFORMING USE** means a legally existing use that is not listed as a permitted use or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone.

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

**PERMIT TO DEVELOP** means the general term referring to all permits or licenses approved by Council and shall include all conditions, agreements or provisions attached thereto.

**PERMITTED USE** means a use that is listed within the permitted use classes set out in the use zone tables of these Development Regulations.

**PLANNING AREA** means a regional planning area and a municipal planning area established under section 6 and 11 of the *Act*. For the purpose and context of these regulations, the Planning Area shall mean the area within the municipal boundaries of the Town of Spaniard's Bay.

**PRIMARY STREET** means the street on which a development fronts and is referenced in the civic address.

**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 Council specifies as not permitted within a use zone.

**PUBLIC STREET** means a main road or thoroughfare owned and maintained by the Authority, such as a provincial highway or local street, available to the public for pedestrian use or vehicular transportation.

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

**RESTAURANT** means a building or part of a building licensed for the purpose of serving meals and includes a snack bar or take out.

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

**SEASONAL RESIDENCE** means a dwelling, with on-site services, which is designed or intended for seasonal or recreational use and is not intended for use as permanent living quarters. A Remote Cottage shall have the same meaning.

**SCREENING** means a fence, berm, trees, hedge, wall or building used to separate areas or functions which detract from the appearance of the streetscape and the view from the surrounding areas.

**SERVICE STATION** means a building, including gas pumps, used for the sale of petroleum products, and may include general merchandise, minor automotive repairs, and washing of vehicles.

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

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

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

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

**SIDEYARD WIDTH** means the distance between a side lot line and the nearest side wall of a building on the lot.

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

**SINGLE DWELLING** means one building containing a single dwelling unit for the use of one family, placed on its own lot, and can include a subsidiary apartment.

**SITE PERMIT** means a permit issued by the Town of Spaniard's Bay for any earth disturbance or other earthwork including, but not limited to, clearing and grubbing, grading, excavations, embankments, land development, road maintenance, and the moving, depositing, stockpiling or storing of soil, rock, or earth materials.

**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.

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

**STREET RESERVATION** means an area determined by Council that is reserved for a street, a future street or future street improvements.

**SUBDIVISION** means the dividing of land, whether in single or joint ownership, into 2 or more pieces (including lots), for the purpose of development.

**SUBDIVISION (RESIDENTIAL)** means a concept proposal to subdivide property into building lots. It generally shows topographic information, natural features, such as rivers and vegetation, and the proposed lots and streets. It typically involves the construction of new streets and infrastructure for public use and may require a development agreement.

**SUBSIDIARY APARTMENT** means a separate dwelling unit constructed within and subsidiary to a single dwelling.

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

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

**USE ZONE or ZONE** means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply.

**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 Council's regulations.

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

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

**YARD, SIDE** means the distance between the side lot line and the nearest side wall of a building on the lot.

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

**YARD, FLANKING** means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flanking lot line and the nearest main wall of any main building or structure

**YARD, ABUTTING** means the yard of an abutting lot which shares a lot line of subject property. (see

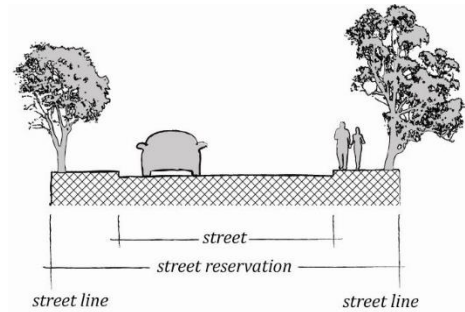
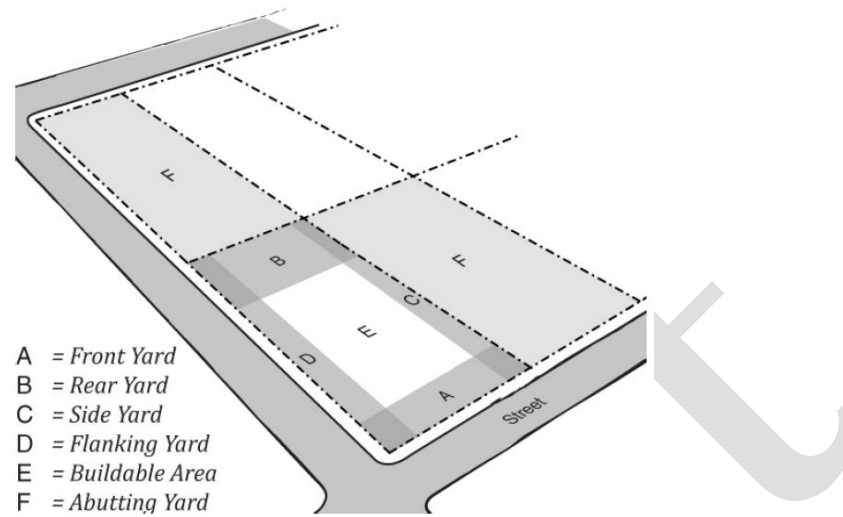


diagram)



**ZONING MAP** means the map or maps attached to and forming part of the Town of Spaniard's Bay Development Regulations.

**SCHEDULE B: CLASSIFICATION OF USES OF LAND AND BUILDINGS**

GROUP	DIVISION	CLASS	EXAMPLES
A. ASSEMBLY USES	1. Assembly Uses for the production & viewing of the performing arts.	(a) Theatre	Motion Picture Theatres T.V. Studios admitting an audience.
	2. General Assembly Uses	(a) Cultural and Civic	Libraries Museums Art Galleries Court Rooms Meeting Rooms Council Chambers
		(b) General Assembly	Community Halls, Lodge Halls, Dance Halls, Gymnasias, Auditoria Bowling Alleys
		(c) Educational	Schools Colleges (non- residential)
		(d) Place of Worship	Churches and similar places of worship. And Church Halls
		(e) Passenger Assembly	Passenger Terminals
		(f) Club and Lodge	Private Clubs and Lodges (non-residential)
		(g) Catering	Restaurants, Bars, Lounges
		(h) Funeral Home	Funeral Homes and Chapels
		(i) Child Care	Day Care Centres
(j) Amusement	Electronic Games Arcades Pinball Parlours Poolrooms		
A. ASSEMBLY USES (continued)	3. Arena-type Uses	(a) Indoor Assembly	Arenas Armouries Ice Rinks Indoor Swimming Pools Gymnasium Community/Fitness Centre

GROUP	DIVISION	CLASS	EXAMPLES
	4. Open-air Assembly Uses	(a) Outdoor Assembly	Bleachers Grandstands Outdoor Ice Rinks Outdoor Concert Area Swimming Pools Amusement Parks Fair-grounds/Exhibition Grounds Splash Pad Playground Outdoor Play Courts Camping Grounds R. V. Camping Parks
B. INSTITUTIONAL USES	1. Penal and Correctional Institutional Uses	(a) Penal and Correctional Detention	Jails, Penitentiaries, Prisons Police Stations (with detention quarters) Psychiatric Hospitals (with detention quarters) Reformatories
	2. Special Care Institutional Uses	(a) Medical Treatment and Special Care	Children's Homes Convalescent Homes Homes for Aged Hospitals Infirmarys Orphanages Psychiatric Hospitals Sanatoria
C. RESIDENTIAL USES	1. Residential Dwelling Uses	(a) Single Dwelling	Single Detached Dwellings Family & Group Homes
		(b) Double Dwelling	Semi-detached Dwelling Duplex Dwellings Family & Group Homes In-Law Suites
		(c) Row Dwelling	Row Houses Town Houses Family & Group Homes
		(d) Apartment Building	Apartments Family & Group Homes

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



GROUP	DIVISION	CLASS	EXAMPLES
(continued)	Service Uses (continued)	(g) Taxi Stand	Taxi Stands
		(h) Take-out Food Service	Take-out Food Service
		(i) Veterinary	Veterinary Surgeries
E. MERCANTILE USES	1. Retail Sale and Display Uses	(a) Shopping Centre	Shopping Centres
		(b) Shop	Retail Shops, Stores, Showrooms Department Stores
		(c) Indoor Market	Market Halls Auction Halls
		(d) Outdoor Market	Market Grounds Animal Markets Produce and Fruit Stands Fish Stalls Sale of Firewood Sale of Garbage Box Sale of New or Used Automobiles
		(e) Convenience Store	Confectionary Stores Corner Stores Gift Shops Specialty Shops
INDUSTRIAL USES	1. Industrial uses involving highly combustible and hazardous substances and processes.	(a) Hazardous Industry	Bulk Storage of hazardous liquids and substances. Chemical Plants Distilleries Feed Mills Lacquer, Mattress, Paint, Varnish, and Rubber Factories Spray Painting

GROUP	DIVISION	CLASS	EXAMPLES
	2. General Industrial Uses involving Limited Hazardous Substances and Processes.	(a) General Industry	Factories Cold Storage Plants Freight Depots General Garages Warehouses Workshops Laboratories Laundries Planing Mills Printing Plants Contractors' Yards Outdoor Storage Heavy Equipment Storage Temporary Workers Housing
		(b) Service Station	Gasoline Service Stations Gas Bars
		(c) Rural Industrial	Industrial uses associated with rural activities, such as equipment storage and repair
	3. Light, Non-hazardous or Non-intrusive Industrial Uses.	(a) Light Industry	Light Industry Parking Garages Indoor Storage Warehouses and Workshops
G. NON-BUILDING USES 1. Uses not directly related to building.		(a) Agriculture	Commercial Farms Hobby Farms Market Gardens & Nurseries
		(b) Forestry	Tree Nurseries, Silviculture
		(c) Mineral Working	Quarries and Pits Mines Oil Wells Mineral Exploration (development) Mining
		(d) Recreational Open Space	Playing Fields Sports Grounds Parks, including RV Parks Playgrounds

GROUP	DIVISION	CLASS	EXAMPLES
		(e) Conservation	Watersheds Buffer Strips Flood Plains Architectural, Historical & Scenic Sites Steep Slopes Wildlife Sanctuaries
		(f) Cemetery	Cemeteries and Graveyards
		(g) Scrap Yard	Car Wrecking Yards Junk Yards Scrap Dealers
		(h) Wind Power	Wind Turbine(s)
		(i) Solid Waste	Solid Waste Disposal Sanitary Land Fill Incinerators
		(j) Animal	Animal Pounds Kennels Zoos Dog Grooming
		(k) Antenna	TV, Radio and Communications Transmitting, Receiving Masts and Antennae
		(l) Transportation	Airfields Railway Yards Docks and Harbours
		(m) Sewerage treatment	Sewerage Treatment Plant Sewerage Outfall

# TOWN OF SPANIARD'S BAY

## SCHEDULE "C"

### STANDARD CONDITIONS FOR ALL USE ZONES

The following conditions shall apply to all use zones listed under these Development Regulations.

**1. General Development Regulations**

An Approval in Principle or a Permit to Develop shall not be issued until the development application has been reviewed for compliance with the General Development Regulations, Parts I-V.

**2. Interpretation of Zone Boundaries**

Where possible the boundaries of the use zones follow identified features such as streets, fences, watercourses, transmission lines, or lot lines. Where there is any uncertainty, contradiction, or conflict concerning the intended location of a zoning boundary, the Authority shall interpret the exact location of the zoning boundary in a manner that is consistent with the intent and policies of the Municipal Plan without amendment to the Land Use Zoning Map.

**3. Discretionary Uses**

The discretionary uses listed in the use zone tables may be permitted at the discretion of Council, provided that they are complimentary to uses within the permitted use class, or that their development will not inhibit or prejudice the existence or the development of such uses. Reference should be made to the General Development Standards.

**4. Referrals - General Approvals by Provincial and Federal Government Agencies and Departments**

Prior to the issuance of a development permit for the foregoing developments, approvals must be obtained from the various agencies noted below:

**a) Agriculture and Farming**

Approvals must be obtained from the Department of Fisheries and Land Resources for any commercial farming operation. Service NL must approve all manure systems.

**Crown Land**

Approvals must be obtained from the Crown Lands Administration Division, Department of Fisheries and Land Resources. Applications are made to the Eastern Regional Lands Office in St. John's.

**On-Site Services)**

Approvals involving installation of on-site water and on-site sewer systems must be obtained from the Service NL.

New subdivisions containing five or more lots shall require a groundwater assessment to determine the quality and quantity of drinking water. The Water Resources Management Division, Department of Municipal Affairs and Environment should be contacted prior to new residential subdivision development.

#### **Environmental Assessment**

Approvals for any development that may have an environmental impact must be referred to Service NL, and/or the Environmental Assessment Division, Department of Municipal Affairs and Environment.

#### **Forestry**

Permits for commercial and domestic woodcutting or other forestry related activities must be obtained from the Department of Fisheries and Land Resources, Forest Management Unit 1, Paddy's Pond.

#### **Mineral Workings, Mining and Mineral Exploration**

Approvals and permits involving mining and quarrying and other development proposed to take place within 50 metres of a reserved sand or gravel pit or quarry; within 300 metres of an operational sand or gravel pit or quarry; or within 1000 meters of a quarry in which blasting may take place must be obtained from the Mineral Lands Division, Department of Natural Resources.

#### **Archaeology Discovery**

During site excavation any artifacts or physical structures found of a historical nature shall be reported to the Provincial Archaeology Office, Department of Tourism, Culture, Industry and Innovation.

#### **Waterbodies**

Any development within a body of water involving alteration of a body of water must be approved or exempted by the Department of Municipal Affairs and Environment, Water Resources Management Division – for any development within fifteen (15) metres of a body of water or the defined high water mark of a body and/or Department of Fisheries and Oceans, Coast Guard Canada – Navigable Waters Act, Fish Habitat Division

#### **5. Development over Easements**

No permanent building shall be constructed over any known easement, whether that easement has been assigned to the Town of Spaniard's Bay, a department of the provincial or federal government, or any utility company (ie: Newfoundland Power, telephone, cable television, Crown land). Permanent buildings include, but are not limited to, all dwellings and accessory buildings.

#### **6. Conservation of Natural Environment and Aesthetic Areas**

Council may require agreements with developers and property owners aimed at preserving sensitive environmental areas and natural scenic areas. These areas may include sensitive vegetation, fish habitat, or water quality. Such agreements may include provisions such as designating of local conservation areas, maintenance of tree cover and maintenance of tree cover

along rear yards, rivers, streams and shorelines.

**7. Shoreline Buffers**

Generally, no development will be permitted within 15 metres of rivers or streams, or shoreline of lakes and ponds. Certain public works and passive recreational open space uses may be permitted as long as they will not be detrimental to the environmental and aesthetic quality of the area. Development of these areas will be subject to the approval of the federal Department of Fisheries and Oceans, and/or the Water Resources Management Division, Department of Municipal Affairs and Environment.

**8. Transmission Lines and Power Corridor Easements**

Transmission lines and power corridor easements shall be permitted in all land use zones.

**9. Transportation Uses**

Transportation uses such as roads associated with the construction and maintenance of transmission lines and power lines and other permitted or discretionary uses associated within the land use zone shall be at the discretion of Council.

**10. Land Use Zones**

The schedule contains tables for the following Land Use Zones:

<b>Land Use Zone</b>	<b>Abbreviation</b>	<b>Page</b>
<b>Residential Medium Density</b>	<b>RMD</b>	<b>58</b>
<b>Residential Infill</b>	<b>RI</b>	<b>64</b>
<b>Residential Subdivision Area</b>	<b>RSA</b>	<b>69</b>
<b>Mixed Use</b>	<b>MU</b>	<b>70</b>
<b>Commercial General</b>	<b>CG</b>	<b>74</b>
<b>Industrial General</b>	<b>IG</b>	<b>77</b>
<b>Public Use</b>	<b>PU</b>	<b>80</b>
<b>Open Space Recreation</b>	<b>OSR</b>	<b>82</b>
<b>Open Space Conservation</b>	<b>OSC</b>	<b>83</b>
<b>Transportation Highway</b>	<b>TH</b>	<b>85</b>
<b>Watershed</b>	<b>W</b>	<b>86</b>
<b>Rural</b>	<b>RUR</b>	<b>87</b>

## RESIDENTIAL MEDIUM DENSITY ZONE

RESIDENTIAL MEDIUM DENSITY (RMD) - Use Zone Table							
<b>PERMITTED USE CLASSES</b> - (see Regulation 89) Single dwelling, Double dwelling and recreation open space.							
<b>DISCRETIONARY USE CLASSES</b> - (see Regulations 32 and 90) Row dwelling, apartment, mini home and modular home, boarding house residential, place of worship, educational, convenience store, catering, child care, bed and breakfast, home occupation (see Schedule A), cultural and civic uses, special care institutional uses (seniors living and long term care home), light industry, utilities, antenna, traditional agriculture (see condition), cemetery.							
STANDARDS	Dwelling			APARTMENT BUILDING (#bedrooms)			
	Single	Double	Row	1	2	3	4
MINIMUM							
Lot area (m <sup>2</sup> )	450	390*	270* (average)	300*	400*	450*	500*
Floor area (m <sup>2</sup> )	74	74*	65*	50*	60*	70*	80*
Frontage (m) minimum	15	26*	12* (av)	36			
Building Line (m)	6	6	8	8			
Side-yard Width (m)	2	2	2	5			
Rear-yard Depth (m)	9	9	9	14			
Lot Coverage (%)	33	33	33	33			
Height (m)	9	9	10	10			
* Per dwelling unit							

### CONDITIONS FOR RESIDENTIAL MEDIUM DENSITY ZONE

- 1. Municipal Service Requirement**  
 All permitted and discretionary uses shall be connected to the Town's municipal water and sewer and all development shall front onto a public road.
- 2. Discretionary Use Class**  
 The discretionary use class listed in this table may be permitted at the discretion of the Council provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses
- 3. Subsidiary Apartments**

- (a) One subsidiary apartment may be permitted in a single dwelling.
- (b) For the purpose of calculating lot area and yard requirements, the apartment shall be considered part of the single dwelling.
- (c) A minimum of one additional off-street parking spaces shall be required for the apartment or more at the discretion of Council.
- (d) The minimum floor area required is 40m<sup>2</sup> for a one-bedroom subsidiary apartment, plus 10m<sup>2</sup> for each additional bedroom.
- (e) For lots without municipal water and sewer services, Service NL shall determine water and sewerage disposal requirements and a permit will be issued subject to its approval.

**4. Corner Lots**

Properties situated on existing or proposed corner lots shall be deemed to have two street frontages and shall be required to maintain the minimum building line setback on both the primary and flanking streets as prescribed in the use zone table.

**5. Discretionary Uses - Site Standards**

Discretionary uses, such as place of worship, convenience store, personal services, child care, cultural and civic uses shall conform to the frontage, building line setback, sideyard, lot coverage and height requirements specified for a single dwelling.

**6. Apartment Building, Row Dwelling, Boarding House Residential and Long Term Care Home**

Apartment buildings, row dwellings, boarding houses and personal care homes may be permitted as a discretionary use under the following conditions:

- (a) The proposed development shall front onto and have direct access to a through street;
- (b) The proposed building shall have an exterior design which is sensitive to the residential character of the area and the scale and density of the surrounding land uses; and
- (c) The proposed development shall be landscaped in a manner compatible with the surrounding residential area.

**7. Dwelling Frontage**

The front wall of a dwelling shall be parallel to the street on which it is fronting and has a civic number.

**8. Special Care and Institutional Uses**

- (a) Special Care and Institutional Uses shall only be permitted at the discretion of Council.
- (b) Special Care and Institutional Uses shall be limited to apartment style residence, cottage, or duplex style buildings for independent seniors living and homes for the aged.
- (c) Off street parking space shall be provided at the discretion of Council; however, a minimum of one parking space for every four (4) for every dwelling units is required.
- (d) Development shall be designed and maintained to a high standard with regard to safety and appearance.
- (e) Access points to the street shall be limited in number and designed for maximum safety of pedestrians and vehicles.



- (f) Where necessary, screening shall be required through the provision of trees, shrubs, berms, landscaping or fencing between uses that are non-compatible.

**9. Accessory Buildings**

- (a) All accessory buildings shall have a maximum combined floor area of 84m<sup>2</sup> (900 sq ft).
- (b) Accessory buildings shall be located on the same lot as the residential dwelling and shall be complementary to the main use of the residential dwelling in character, use, style and exterior finish.
- (c) Accessory buildings shall have a maximum height of 6 metres with a minimum of 1m from any property line and 2m from the nearest corner of a residential dwelling.
- (d) Accessory buildings (private garages only) may be permitted in the sideyard at Council discretion, but not in the flanking sideyard of a corner lot.
- (e) Residential lots may have more than one accessory building provided that the maximum combined floor area of all buildings shall not be greater than the maximum area as set out in the General Development Regulations and this Land Use Zone Table.
- (f) Accessory buildings shall be strictly prohibited for use as performing motor vehicle or heavy equipment repairs, auto painting, dismantling or scrapping of vehicles or other machinery.

**10. Advertisements Relating to Onsite Uses**

The conditions for the erection or display of an advertisement on any lot or site occupied by a permitted use or a legal non-conforming use shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (b) No advertisement shall exceed 1.5 m<sup>2</sup> in area.
- (c) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential area.

**11. Advertisements Relating to Offsite Uses**

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

- (a) No advertisement shall exceed 1.5 m<sup>2</sup> in area.
- (b) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to, the premises to which they relate.
- (c) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential area.
- (d) The location, siting and illumination of each advertisement shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions and nearby buildings, and amenities of the surrounding area.

**12. Place of Worship, Educational Use, Cultural and Civic Uses**

Where permitted, a place of worship, an educational use and cultural or civic use shall conform to the frontage, building line setback, side-yard, rear-yard, lot coverage and height requirements

specified for a single dwelling.

**13. Convenience Store**

A convenience store shall only be permitted as a discretionary use under the following conditions:

- (a) A convenience Store may form part of the residential dwelling or be a stand-alone building.
- (b) The retail use shall be subsidiary to the residential character of the area and shall not affect residential amenities of adjoining properties.
- (c) Adequate onsite parking, loading, buffering and landscaping shall be provided.
- (d) Council may require fencing or other screening to protect the amenity of abutting residential uses.

**14. Catering**

Catering uses such as a restaurant may be permitted as a discretionary use within the Residential Medium Density land use zone and shall be subject to the following conditions:

- (a) Restaurant uses shall be a minor use and be located within the permitted use building;
- (b) Uses shall be limited to small restaurant and coffee shops;
- (c) Off-street parking shall be provided as per Schedule D of these Regulations; and
- (d) The development and operation of the restaurant use shall be as specified by Council and subject to the conditions as outlined in the Development Permit issued by Council.

**15. Personal Service and Light Industrial Uses**

Personal service and light industrial uses may be permitted as a discretionary use in the form of personal services, small business services, small appliance repair, workshops and similar uses provided that:

- (a) The use is clearly subsidiary to the residential use and the primary use of the property remains residential;
- (b) The use shall not change the outside appearance of the dwelling;
- (c) The use shall be entirely enclosed within the dwelling or inside an accessory building on the residential property;
- (d) No outdoor activities or storage associated with the use shall be permitted;
- (e) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust or fumes, or inconvenience and are not a nuisance to the occupants of adjoining residences;
- (f) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use, and that no repairs to vehicles or heavy equipment are carried out; and
- (g) The proposed use shall be located in an area which Council deems appropriate and capable of accommodating the proposed use.

**16. Home Occupation**

A Home Occupation is defined as an accessory use to a residential dwelling consisting of an occupation or profession which generates revenue for the resident. Businesses operating in the dwelling, or in a building subsidiary to the dwelling on the same lot, by the occupants of the

dwelling, shall meet the following requirements.

- (a) Home occupation uses shall be limited to small business offices, professional and personal services, light industrial uses, repairs and woodworking, and bed and breakfast uses, as defined in Schedule A - Definitions.
- (b) The use is clearly subsidiary to the residential use, does not alter the residential character of the dwelling unit, and does not detract from the residential character of the neighbourhood.
- (c) Activities associated with the use shall be carried on inside the dwelling or in a building separate from the dwelling.
- (d) One building only, separate from the dwelling, may be used in connection with a service use and shall conform to the Accessory Buildings condition height and floor area limit for this zone. Child care use shall be carried out in the dwelling unit or be attached to the dwelling unit.
- (e) Except for child care and bed and breakfast, no more than 25% of the total gross floor area of the dwelling is devoted to the use.
- (f) There is no visible evidence of the conduct of such home occupation other than one sign, not exceeding 1m<sup>2</sup> in area, non-illuminated and mounted flat against the wall of the principal building.
- (g) Additional staff is limited to one employee who is not a resident of the dwelling unit.
- (h) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use.
- (i) The residential lot has sufficient area to accommodate the parking requirements of the dwelling unit and the home occupation.
- (j) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, or inconvenience to occupants of adjoining residences.

## **12. Child Care**

A child care operation, in which services are regularly provided to children, is subject to the following conditions:

- (a) The operation is in accordance with all applicable provincial laws and regulations.
- (b) The use will not occupy more than 70 m<sup>2</sup> or 40% of the floor area, whichever is less.
- (c) Provision for off-street parking will be required as per the off-street parking requirements of these Regulations.
- (d) The drop-off and pick-up of children will not interfere with the free flow of vehicular traffic.
- (e) The use is not located adjacent to or near hazardous, dangerous, or incompatible uses such as heavy industrial uses, service stations, garages, night clubs, and amusement uses.

## **13. Bed and Breakfast**

A bed and breakfast use in a dwelling may be permitted as a discretionary use to provide room and board for the travelling public, under the following conditions:

- (a) The use does not detract from the residential character of the neighbourhood;
- (b) The use is carried out by the owner of the dwelling unit;

- (c) One parking space shall be provided for each guest room on the lot;
- (e) Council may require the parking area to be screened by a fence, hedge, or other landscaping;
- (f) The maximum number of guest rooms shall be three (3), and
- (g) The establishment shall be licensed under the Tourist Establishment Regulations, as amended from time to time.

**14. Buffer (around waterways and waterbodies)**

No development will be permitted within 15 metres of the high-water mark of rivers or streams, or within 15 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services. Development of marine or water related uses such as wharfs, slipways, boathouse, etc. may be permitted. All development occurring within these limits is subject to the approval of Council and the Department of Municipal Affairs and Environment.

**15. Mini homes and Modular homes**

Mini homes and/or Modular homes shall:

- (a) be CSA approved;
- (b) conform to the National Building Code; and
- (c) be erected on a fixed foundation.

**16. Traditional Agricultural Use**

- (a) Traditional small-scale hobby and subsistence agricultural uses may be permitted within this zone. The minimum lot area required for a particular use shall be determined by Council considering factors outlined in the Spaniard’s Bay Municipal Plan.
- (b) Land uses such as the keeping of livestock (farm animals), shall be at the discretion of Council. Existing livestock uses associated with traditional farming shall be allowed to continue as a non-conforming use.
- (b) Traditional agricultural uses such as root cellars may be permitted as stand-alone structures and at the discretion of Council, provided it can be clearly demonstrated that the root cellar is ancillary to an existing small-scale hobby and/or subsistence agricultural use. The height of traditional root cellars shall be no more than 2 m with a floor area of no more than 12 m<sup>2</sup>.
- (c) Agricultural uses such as the keeping of chickens for personal use may be permitted at the discretion of Council. The number of egg laying chickens shall be limited to six (6) and confined in a chicken coop or fenced enclosure. Roosters shall be prohibited.

**RESIDENTIAL INFILL USE ZONE**

<b>RESIDENTIAL INFILL (RI) - Use Zone Table</b>
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<b>PERMITTED USE CLASSES</b> - (see Regulation 89) Single dwelling, double dwelling, recreational open space and antenna.		
<b>DISCRETIONARY USE CLASSES</b> - (see Regulations 32 and 90) Child care, bed and breakfast operation, personal service, light industry, convenience store, agriculture and cemetery.		
STANDARDS	WHERE PERMITTED	
	Single Dwelling	Double Dwelling
Lot Area m <sup>2</sup> (minimum)	See Conditions	See Conditions
Floor area m <sup>2</sup> (minimum)	74	74
Frontage m (minimum)	30	35
Building line setback m	10 minimum 15 maximum	10 minimum 15 maximum
Sideyard width m (minimum)	2	2
Rearyard Depth m (minimum)	9	9
Lot Coverage (%) (maximum)	33	33
Height m (maximum)	9	9
(See Conditions)		

### CONDITIONS FOR RESIDENTIAL MEDIUM DENSITY ZONE

1. **Municipal Service Requirement**  
All permitted and discretionary uses shall be connected to the Town's municipal water and sewer and all development shall front onto a public road.
2. **Discretionary Use Class**  
The discretionary use class listed in this table may be permitted at the discretion of the Council provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses
3. **Subsidiary Apartments**

- (a) One subsidiary apartment may be permitted in a single dwelling.
- (b) For the purpose of calculating lot area and yard requirements, the apartment shall be considered part of the single dwelling.
- (c) A minimum of one additional off-street parking spaces shall be required for the apartment or more at the discretion of Council.
- (d) The minimum floor area required is 40m<sup>2</sup> for a one-bedroom subsidiary apartment, plus 10m<sup>2</sup> for each additional bedroom.
- (f) For lots without municipal water and sewer services, Service NL shall determine water and sewerage disposal requirements and a permit will be issued subject to its approval.

**4. Corner Lots**

Properties situated on existing or proposed corner lots shall be deemed to have two street frontages and shall be required to maintain the minimum building line setback on both the primary and flanking streets as prescribed in the use zone table.

**5. Lot Area**

Subject to the requirements of the Service NL, the minimum area of land required for an unserviced lot shall be 1860 m<sup>2</sup>.

**6. Accessory Buildings**

- (a) All accessory buildings shall have a maximum combined floor area of 84m<sup>2</sup> (900 sq ft).
- (b) Accessory buildings shall be located on the same lot as the residential dwelling and shall be complementary to the main use of the residential dwelling in character, use, style and exterior finish.
- (c) Accessory buildings shall have a maximum height of 6 metres with a minimum of 1m from any property line and 2m from the nearest corner of a residential dwelling.
- (d) Accessory buildings (private garages only) may be permitted in the sideyard at Council discretion, but not in the flanking sideyard of a corner lot.
- (e) Residential lots may have more than one accessory building provided that the maximum combined floor area of all buildings shall not be greater than the maximum area as set out in the General Development Regulations and this Land Use Zone Table.
- (f) Accessory buildings shall be strictly prohibited for use as performing motor vehicle or heavy equipment repairs, auto painting, dismantling or scrapping of vehicles or other machinery.

**7. Discretionary Uses - Site Standards**

Discretionary uses, such as convenience store, personal services and child care shall conform to the frontage, building line setback, sideyard, lot coverage and height requirements specified for a single dwelling.

## **8. Personal Service and Light Industrial Uses**

Personal service and light industrial uses may be permitted as a discretionary use in the form of personal services, small business services, small appliance repair, workshops and similar uses provided that:

- (a) The use is clearly subsidiary to the residential use and the primary use of the property remains residential;
- (b) The use shall not change the outside appearance of the dwelling;
- (c) The use shall be entirely enclosed within the dwelling or inside an accessory building on the residential property;
- (d) No outdoor activities or storage associated with the use shall be permitted;
- (e) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust or fumes, or inconvenience and are not a nuisance to the occupants of adjoining residences;
- (f) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use, and that no repairs to vehicles or heavy equipment are carried out; and
- (g) The proposed use shall be located in an area which Council deems appropriate and capable of accommodating the proposed use.

## **9. Convenience Store**

A convenience store shall only be permitted as a discretionary use under the following conditions:

- (a) A convenience Store may form part of the residential dwelling or be a stand-alone building.
- (b) The retail use shall be subsidiary to the residential character of the area and shall not affect residential amenities of adjoining properties.
- (c) Adequate onsite parking, loading, buffering and landscaping shall be provided.
- (d) Council may require fencing or other screening to protect the amenity of abutting residential uses.

## **10. Home Occupation**

A Home Occupation is defined as an accessory use to a residential dwelling consisting of an occupation or profession which generates revenue for the resident. Businesses operating in the dwelling, or in a building subsidiary to the dwelling on the same lot, by the occupants of the dwelling, shall meet the following requirements.

- (a) Home occupation uses shall be limited to small business offices, professional and personal services, light industrial uses, repairs and woodworking, and bed and breakfast uses, as defined in Schedule A - Definitions.
- (b) The use is clearly subsidiary to the residential use, does not alter the residential character of the dwelling and does not detract from the residential character of the neighbourhood.
- (c) Activities associated with the use shall be carried on inside the dwelling or in a building separate from the dwelling.
- (d) One building only, separate from the dwelling, may be used in connection with a service use and shall conform to the Accessory Buildings condition height and floor area limit for this zone. Child care use shall be carried out in the dwelling unit or be attached to the dwelling unit.

- (e) Except for child care and bed and breakfast, no more than 25% of the total gross floor area of the dwelling is devoted to the use.
- (f) There is no visible evidence of the conduct of such home occupation other than one sign, not exceeding 1m<sup>2</sup> in area, non-illuminated and mounted flat against the wall of the principal building.
- (g) Additional staff is limited to one employee who is not a resident of the dwelling unit.
- (h) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use.
- (i) The residential lot has sufficient area to accommodate the parking requirements of the dwelling unit and the home occupation.
- (k) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, or inconvenience to occupants of adjoining residences.

#### **12. Child Care**

A child care operation, in which services are regularly provided to children, is subject to the following conditions:

- (a) The operation is in accordance with all applicable provincial laws and regulations.
- (b) The use will not occupy more than 70 m<sup>2</sup> or 40% of the floor area, whichever is less.
- (c) Provision for off-street parking will be required as per the off-street parking requirements of these Regulations.
- (d) The drop-off and pick-up of children will not interfere with the free flow of vehicular traffic.
- (e) The use is not located adjacent to or near hazardous, dangerous, or incompatible uses such as heavy industrial uses, service stations, garages, night clubs, and amusement uses.

#### **13. Bed and Breakfast**

A bed and breakfast use in a dwelling may be permitted as a discretionary use to provide room and board for the travelling public, under the following conditions:

- (a) The use does not detract from the residential character of the neighbourhood;
- (b) The use is carried out by the owner of the dwelling unit;
- (c) One parking space shall be provided for each guest room on the lot;
- (e) Council may require the parking area to be screened by a fence, hedge, or other landscaping;
- (f) The maximum number of guest rooms shall be three (3), and
- (g) The establishment shall be licensed under the Tourist Establishment Regulations, as amended from time to time.

#### **14. Buffer (around waterways and waterbodies)**

No development will be permitted within 15 metres of the high-water mark of rivers or streams, or within 15 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services. Development of marine or water related uses such as wharfs, slipways, boathouse, etc. may be permitted. All development occurring within these limits is subject to the approval of Council and the Department of Municipal Affairs and Environment.



**15. Mini homes and Modular homes**

Mini homes and/or Modular homes shall:

- (a) be CSA approved;
- (b) conform to the National Building Code; and
- (c) be erected on a fixed foundation.

**16. Traditional Agricultural Use**

- (a) Traditional small-scale hobby and subsistence agricultural uses may be permitted within this zone. The minimum lot area required for a particular use shall be determined by Council considering factors outlined in the Spaniard’s Bay Municipal Plan.
- (b) Land uses such as the keeping of livestock (farm animals), shall be at the discretion of Council. Existing livestock uses associated with traditional farming shall be allowed to continue as a non-conforming use.
- (d) Traditional agricultural uses such as root cellars may be permitted as stand-alone structures and at the discretion of Council, provided it can be clearly demonstrated that the root cellar is ancillary to an existing small-scale hobby and/or subsistence agricultural use. The height of traditional root cellars shall be no more than 2 m with a floor area of no more than 12 m<sup>2</sup>.
- (e) Agricultural uses such as the keeping of chickens for personal use may be permitted at the discretion of Council. The number of egg laying chickens shall be limited to six (6) and confined in a chicken coop or fenced enclosure. Roosters shall be prohibited.

**RESIDENTIAL SUBDIVISION AREA USE ZONE**

<b>RESIDENTIAL SUBDIVISION AREA (RSA) - Use Zone Table</b>
<b>PERMITTED USE CLASSES</b> - (see Regulation 89) None except maintenance and operation of existing uses.

**CONDITIONS FOR RESIDENTIAL SUBDIVISION AREA ZONE**

**1. Purpose of the Residential Subdivision Area Zone**

Lands in the Residential Subdivision Area are intended to be developed for residential uses. Before any residential development is permitted, a Comprehensive Development Scheme shall be prepared in conformity with section 3.4.2.3 of the Spaniard’s Bay Municipal Plan

In Residential Subdivision Area zones which require municipal water and sewage, the developer shall submit a plan of subdivision for all or a part of the Residential Subdivision zone, showing how the proposed development will connect to the remainder of the Residential Subdivision Area zone and to adjacent development.

In Residential Subdivision Area zones which may permit unserviced development, the developer shall submit a development scheme for the entire Residential Subdivision zone, showing how the proposed development will connect to adjacent development. Unserved lot sizes shall conform to standards of the Residential Large Lot zone.

Development shall not be permitted in a Residential Subdivision Area zone until the land has been appropriately rezoned.

**2. Advertisements**

The conditions for the erection or display of an advertisement on any site shall conform to the General Development Regulations, Part III, Advertisements, Sections 62-69 inclusive.

**MIXED USE ZONE**

<b>MIXED USE (MU) - Use Zone Table</b>
<b>PERMITTED USE CLASSES</b> - (see Regulation 89) single dwelling, double dwelling, row dwelling, apartment building; office, medical and professional, personal service, general service, communications, police station, taxi stand, take-out food service, veterinary, shop, indoor market, outdoor market and convenience store.
<b>DISCRETIONARY USE CLASSES</b> - (see Regulations 32 and 90) Light industry.

## CONDITIONS FOR MIXED USE ZONE

### 1. Development Standards

The development standards for this zone shall be as follows:

i)	Minimum Building Line Setback	8 metres
ii)	Minimum Sideyards Width	5 metres
iii)	Minimum Rearyard Dept.	10 metres
(iv)	Maximum Height	10 metres

Residential development shall conform to the standards of the Residential Medium Density Land Use Zone.

### 2. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council, provided that they are complementary to permitted uses and will not inhibit or prejudice the existence or development of permitted uses.

### 3. Dwelling Frontage

The front wall of a dwelling shall be parallel to the street on which it is fronting and has a civic number.

### 4. Accessory Buildings for Residential Use

- (a) All accessory buildings shall have a maximum combined floor area of 84m<sup>2</sup> (900 sq ft).
- (b) Accessory buildings shall be located on the same lot as the residential dwelling and shall be complementary to the main use of the residential dwelling in character, use, style and exterior finish.
- (c) Accessory buildings shall have a maximum height of 6 metres with a minimum of 1m from any property line and 2m from the nearest corner of a residential dwelling.
- (d) Accessory buildings (private garages only) may be permitted in the sideyard at Council discretion, but not in the flanking sideyard of a corner lot.
- (e) Residential lots may have more than one accessory building provided that the maximum combined floor area of all buildings shall not be greater than the maximum area as set out in the General Development Regulations and this Land Use Zone Table.
- (f) Accessory buildings shall be strictly prohibited for use as performing motor vehicle or

heavy equipment repairs, auto painting, dismantling or scrapping of vehicles or other machinery.

*(See also General Development Regulation 38, Accessory Buildings)*

## **5. Buffer for Residential Uses**

Where a non-residential use abuts a residential use, Council may require a screen or barrier such as a fence, landscaped embankment, or trees to be erected on the non-residential site along the lot lines, consistent with the visibility requirements for traffic safety. Alternatively, Council may increase the sideyard and rearyard requirements on the non-residential site to provide additional separation from the abutting residential use.

## **6. Home Occupation**

A Home Occupation is defined as an accessory use to a residential dwelling consisting of an occupation or profession which generates revenue for the resident. Businesses operating in the dwelling, or in a building subsidiary to the dwelling on the same lot, by the occupants of the dwelling, shall meet the following requirements.

- (a) Home occupation uses shall be limited to small business offices, professional and personal services, light industrial uses, repairs and woodworking, and bed and breakfast uses, as defined in Schedule A - Definitions.
- (b) The use is clearly subsidiary to the residential use, does not alter the residential character of the dwelling and does not detract from the residential character of the neighbourhood.
- (c) Activities associated with the use shall be carried on inside the dwelling or in a building separate from the dwelling.
- (d) One building only, separate from the dwelling, may be used in connection with a service use and shall conform to the Accessory Buildings condition height and floor area limit for this zone. Child care use shall be carried out in the dwelling unit or be attached to the dwelling unit.
- (e) Except for child care and bed and breakfast, no more than 25% of the total gross floor area of the dwelling is devoted to the use.
- (f) There is no visible evidence of the conduct of such home occupation other than one sign, not exceeding 1m<sup>2</sup> in area, non-illuminated and mounted flat against the wall of the principal building.
- (g) Additional staff is limited to one employee who is not a resident of the dwelling unit.
- (h) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use.
- (i) The residential lot has sufficient area to accommodate the parking requirements of the dwelling unit and the home occupation.
- (k) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, or inconvenience to occupants of adjoining residences.

**7. Outdoor Storage**

Outdoor storage will not be permitted in frontyards. It may be permitted in sideyards and rear yards. Council may require fencing or other forms of screening to prevent an unsightly appearance.

**8. Outdoor Market**

An outdoor market may include a used car lot, provided due consideration is given to the size and scale of the development relative to the site and to surrounding uses. Due consideration shall also be given to buffering, off-street parking, traffic movement, congestion, and safe access.

**9. Other Requirements**

Other standards or conditions attached to residential or commercial zones in these Development Regulations may be applied by Council to uses permitted in the Mixed Use zone.

**10. Light Industry Uses**

Light industry uses may be permitted as a discretionary use under the following conditions:

- (a) The light industry use will not have a negative affect on adjacent residential uses because of noise, smoke, odour, dust, vibrations or unsightly appearance;
- (b) The use shall be designed and built to be compatible with the scale and density of surrounding land uses; and
- (c) A buffer strip not less than 10 meters wide shall be provided between the light industry use and residential development. The buffer shall include the provision of grass strips, hedges, trees or shrubs or structural barrier as may be required by the Council, and shall be maintained by the owner or occupier to the satisfaction of Council.

**11. Advertisements for Onsite and Offsite Uses**

The conditions for the erection or display of an advertisement on any site shall conform to the General Development Regulations, Part III, Advertisements, Sections 62-69 inclusive.

**12. Residential Buffer**

Council may require a buffer strip, fencing or other screening to protect the amenity of adjacent residential uses. The buffer or screening shall be provided and maintained by the owner or occupier.

**13. Parking and Loading**

Adequate off-street and loading facilities shall be provided on the site of commercial and light industry uses for all employees; vehicles likely to be used in or associated with the activity carried out on the site; and for vehicles of customers, clients, or other persons who visit the establishment.

**14. Outdoor Storage**

Outdoor storage shall be located in the rearyard of commercial and light industry uses so as to have minimum visual impact from the street.

**15. Landscaping and Surfacing**

Commercial and light industry lots shall be landscaped and provided with a stable surface to prevent raising or movement of dust, clay, mud and loose particles.

**16. Waterbody Buffers**

A 15 metre conservation buffer of undisturbed vegetation shall be required along the shoreline of all water bodies. No development shall be located within 30 metres of a waterbody.

**COMMERCIAL GENERAL USE ZONE**

<b>COMMERCIAL GENERAL (CG) - Use Zone Table</b>
<b>PERMITTED USE CLASSES</b> - (see Regulation 89) Theatre, cultural and civic, general assembly, educational, place of workshop, passenger assembly, club and lodge, catering, funeral home, child care, amusement, indoor assembly, outdoor assembly, office, medical and professional, personal service, general service, communications, police station, veterinary, shopping centre, shop, indoor market, convenience store, commercial residential, light industry, service station, medical treatment and special care, transportation, single dwelling, and apartment building
<b>DISCRETIONARY USE CLASSES</b> - (see Regulations 32 and 90) Outdoor market, supplementary attached residence, antenna, taxi stand, take-out food service, and general industry

## CONDITIONS FOR COMMERCIAL GENERAL ZONE

### 1. Development Standards

The development standards for this zone shall be as follows:

i)	Minimum Building Line Setback	8 metres
ii)	Minimum Sideyards Width	5 metres
iii)	Minimum Rearyard Dept.	10 metres
(iv)	Maximum Height	15 metres

### 2. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council, provided that they are complementary to permitted uses and will not inhibit or prejudice the existence or development of permitted uses.

### 3. Residential Uses

Residential uses shall be limited to apartments over commercial premises, caretaker's dwellings and single dwellings on lots of inadequate size to accommodate commercial or industrial uses. Existing residential uses shall be treated as conforming land uses. Any extension or reconstruction of an existing dwelling and any single dwelling shall be governed by the requirements of the Residential Medium Density Land Use Zone.

### 4. Buffer and Residential Uses

Where a non-residential use abuts a residential use, Council may require a screen or barrier such as a fence, landscaped embankment, or trees to be erected on the non-residential site along the lot lines, consistent with the visibility requirements for traffic safety.

### 5. Parking and Loading

Adequate off-street and loading facilities shall be provided on the site for all employees, vehicles likely to be used in or associated with the activity carried out on the site, and for vehicles of customers, clients, or other persons who visit the establishment.

## **6. Protection of Adjacent Uses**

Adverse effects of any proposed development on adjacent uses shall be prevented or minimized through proper site planning and the provision of buffering by the developer to the satisfaction of Council. The buffer may consist of the provision of grass strips, hedges, trees or shrubs, or fences or walls as may be required by Council, and shall be provided and maintained by the owner or occupier to the satisfaction of Council.

## **7. Advertisements Relating to Onsite Uses**

The conditions for the erection or display of an advertisement on any lot or site occupied by a permitted use or a legal non-conforming use shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (b) No advertisement shall exceed 1.5 m<sup>2</sup> in area.
- (c) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in residential areas.

## **8. Advertisements Relating to Offsite Uses**

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

- (a) No advertisement shall exceed 1.5 m<sup>2</sup> in area.
- (b) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to, the premises to which they relate.
- (c) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential area.

## **9. Building Height**

Council may permit the erection of buildings of a height greater than that specified in the use zone table. In cases where the building line and rear yard require variance from these



standards, then the building line shall be increased by two (2) metres for every one (1) metre increase in height

**10. General Industry**

Council may consider a general industry use within this Land Use Zone provided that the proposed use is associated with an existing commercial property.

**11. Open Storage**

No open storage shall be permitted in the front or side yards of any commercial property. Property owners will be required to keep their premises well maintained and tidy. Council may require screening from the Conception Bay Highway or adjacent uses. Material and equipment stored or parked outside shall be located and arranged to the satisfaction of Council.

**12. Screening and Buffers**

Where a proposed commercial use abuts a non-industrial use, Council may require adequate buffering, screening and/or separation distance. Such buffering and screening requirements and/or separation distances may vary from use to use by Council.

**13. Convenience Stores and Shops**

- (a) A convenience store or shop in this zone shall front directly onto a publicly maintained road.
- (b) Convenience stores shall not negatively affect amenities of adjoining properties. Outside storage shall be prohibited, except for that incidental and related to the direct use.
- (c) Landscaping and adequate off street parking with clearly defined entrance and exit points shall be provided.

**14. Catering**

Catering uses such as restaurants and coffee shops are a permitted use within this zone. Lounges, clubs and take-out food service may be permitted at the discretion of Council.

**15. Landscaping**

- (a) Landscaping of the lot shall be as specified by Council.
- (b) Parking areas shall be paved with a asphalt or concrete surface or other approved material, providing adequate drainage.
- (c) Council may require fencing along the side and rear boundaries to protect the privacy of adjacent property.

**16. Commercial/industrial Park-Veteran’s memorial Drive**

A new commercial/industrial park is proposed at the end of Brown’s Road where it intersects with Veteran’s Memorial Drive. Approval of the Department Transportation and Works shall be required prior to any development permit being issued by the Town.

**INDUSTRIAL GENERAL USE ZONE**

<b>INDUSTRIAL GENERAL (IG) - Use Zone Table</b>
<b>PERMITTED USE CLASSES</b> - (see Regulation 89) General industry and light Industry.
<b>DISCRETIONARY USE CLASSES</b> - (see Regulations 32 and 90) Scrap yard, animal (kennel), veterinary, and antenna

**CONDITIONS FOR INDUSTRIAL GENERAL ZONE**

**1. Development Standards**

The development standards for this zone shall be as follows:

i)	Minimum Building Line Setback	10 metres
ii)	Minimum Sideyards Width	5 metres
iii)	Minimum Rearyard Dept.	15 metres
(iv)	Maximum Height	15 metres

## 2. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council, provided that they are complementary to permitted uses and will not inhibit or prejudice the existence or development of permitted uses.

## 3. Buffer and Residential Uses

Where a non-residential use abuts a residential use, Council may require a screen or barrier such as a fence, landscaped embankment, or trees to be erected on the non-residential site along the lot lines, consistent with the visibility requirements for traffic safety.

## 4. General Industry Uses

General Industry uses shall consist of saw mills, lumber yards and cement batching plants. General Industry uses shall be restricted to the maintenance and repair of equipment, processing and storage such as contractor's yards, and heavy equipment storage and maintenance.

## 5. Scrap Yards

- (a) Scrap Yards shall require a minimum distance of 300 m from any residential area.
- (b) Scrap yards shall be screened from a public street or highway, or developed area.

## 6. Advertisements Relating to Onsite Uses

The conditions for the erection or display of an advertisement on any lot or site occupied by a permitted use or a legal non-conforming use shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (b) No advertisement shall exceed 1.5 m<sup>2</sup> in area.
- (c) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in residential areas.

**7. Advertisements Relating to Offsite Uses**

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

- (a) No advertisement shall exceed 1.5 m<sup>2</sup> in area.
- (b) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to, the premises to which they relate.
- (c) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential area.

**8. Building Height**

Council may permit the erection of buildings of a height greater than that specified in the use zone table. In cases where the building line and rear yard require variance from these standards, then the building line shall be increased by two (2) metres for every one (1) metre increase in height

**9. Open Storage**

No open storage shall be permitted in the front or side yards of any commercial property. Property owners will be required to keep their premises well maintained and tidy.

**10. Storage of Flammable Liquids**

All uses and structures for the bulk storage of flammable liquids shall conform to the requirements of the Provincial Fire Commissioner and shall be surrounded by such buffers and landscaping as

Council may require to prevent damage to adjacent uses by fire, explosion, or spills of flammable liquid.

**11. Screening and Buffers**

Where a proposed commercial use abuts a non-industrial use, Council may require adequate buffering, screening and/or separation distance. Such buffering and screening requirements and/or separation distances may vary from use to use by Council.

**12. Waterbody Buffers**

A 15 metre conservation buffer of undisturbed vegetation shall be required along the shoreline of all water bodies. No development shall be located within 30 metres of a waterbody.

**PUBLIC USE ZONE**

<b>PUBLIC USE (PU) - Use Zone Table</b>
<b>PERMITTED USE CLASSES</b> - (see Regulation 89) Cultural and civic, general assembly, educational, place of worship, childcare, recreational open space, and indoor and outdoor assembly
<b>DISCRETIONARY USE CLASSES</b> - (see Regulations 32 and 90) Theatre, passenger assembly, catering, amusement, collective residential, taxi stand, club or lodge, medical and professional, funeral home, cemetery, and take-out food service, Indoor assembly, outdoor assembly, child care and antenna.

**CONDITIONS FOR PUBLIC USE ZONE**

**1. Development Standards**

The development standards for this zone shall be as follows:

(a) Minimum Building Line Setback	10 metres
(b) Minimum Side-yards	5 metres
(c) Minimum Rear-yard	15 metres
(d) Maximum Height	15 metres

**2. Discretionary Use Classes**

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

**3. Offices**

Government offices, banks, and other offices of a public nature shall be permitted in this zone. Commercial offices or offices associated with a business operation shall not be permitted.

**4. Advertisements Relating to Onsite Uses**

The conditions for the erection or display of an advertisement on any lot or site occupied by a permitted use or a legal non-conforming use shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (b) No advertisement shall exceed 1.5 m<sup>2</sup> in area.
- (c) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in residential areas.

**5. Advertisements Relating to Offsite Uses**

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

- (a) No advertisement shall exceed 1.5 m<sup>2</sup> in area.
- (b) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to, the premises to which they relate.
- (c) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential area.

## **6. Child Care**

A child care operation, in which services are regularly provided to children, is subject to the following conditions:

- (a) The operation is in accordance with all applicable provincial laws and regulations.
- (b) The use will not occupy more than 70 m<sup>2</sup> or 40% of the floor area, whichever is less.
- (c) Provision for off-street parking will be required as per the off-street parking requirements of these Regulations.
- (d) The drop-off and pick-up of children will not interfere with the free flow of vehicular traffic.
- (e) The use is not located adjacent to or near hazardous, dangerous, or incompatible uses such as heavy industrial uses, service stations, garages, night clubs, and amusement uses.

## **7. Water Body Buffers**

A 15 metre conservation buffer of undisturbed vegetation shall be required along the shoreline of all water bodies. No development shall be located within 30 metres of a waterbody.

## OPEN SPACE RECREATION ZONE

OPEN SPACE RECREATION (OSR) - Use Zone Table
<b>PERMITTED USE CLASSES</b> - (see Regulation 89) Recreation open space and outdoor assembly.
<b>DISCRETIONARY USE CLASSES</b> - (see Regulations 32 and 90) Convenience store, take-out food service, catering, antenna and indoor assembly.

### CONDITIONS FOR OPEN SPACE RECREATION ZONE

- 1. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at the discretion of Council provided that they are complementary to permitted uses and will not inhibit or prejudice the existence or development of permitted uses.
- 2. Accessory Building**

Accessory buildings, associated with a recreation use, shall be located a minimum of 3 metres from the nearest part of the main building and a minimum of 1 metre from a side and rear lot line and a maximum height of an accessory building shall be 5 metres.
- 3. Take-Out Food Service**

A take-out food service use may be considered on a discretionary basis provided it serves recreational activities only.
- 4. Buffer (around waterways and waterbodies)**

No development shall be permitted within 15 metres of the high-water mark of rivers or streams, or within 15 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services.
- 5. Recreation Development Criteria**
  - (a) Sites for commercial accommodations facilities and attractions shall have good vehicular access and parking.
  - (b) Compatibility of adjacent land uses will be considered in evaluating development proposals in this area. Conflicting land uses shall be separated by a vegetative buffer strip no less than 30 metres wide.
  - (c) Adequate water and waste disposal services shall be mandatory at proposed sites to accommodate the specific needs of each development.



## OPEN SPACE CONSERVATION ZONE

OPEN SPACE CONSERVATION (OSC) - Use Zone Table
<b>PERMITTED USE CLASSES</b> - (see Regulation 89) Conservation.
<b>DISCRETIONARY USE CLASSES</b> - (see Regulations 32 and 90) Cemetery, transportation and antenna.

### CONDITIONS FOR OPEN SPACE CONSERVATION ZONE

- 1. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at the discretion of Council provided that they are complementary to permitted uses and will not inhibit or prejudice the existence or development of permitted uses.
- 2. Transportation**

At the discretion of Council, transportation uses such as sheds and wharves maybe developed along the coastline provided they are marine related and small scale in nature.
- 3. Accessory Building**

An accessory building may be permitted in association with a cemetery and shall have a maximum floor area of 20 m<sup>2</sup>. Accessory buildings shall be located a minimum of 3 metres from the nearest part of the main building and a minimum of 1 metre from a side and rear lot line and a maximum height of an accessory building shall be 4 metres.
- 4. Buffer (around waterways and waterbodies)**

No development shall be permitted within 15 metres of the high-water mark of rivers or streams, or within 15 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services.
- 5. Permanent Structures**

No permanent buildings or structures shall be permitted on lands within this zone except for those necessary for conservation of the natural environment.
- 6. Public Access**

Public access will be preserved, where possible, to Open Space Conservation areas.

## TRANSPORTATION HIGHWAY ZONE

<b>TRANSPORTATION HIGHWAY (TH) - Use Zone Table</b>
<b>PERMITTED USE CLASSES</b> - (see Regulation 89) Highway
<b>DISCRETIONARY USE CLASSES</b> - (see Regulations 32 and 90) None

### CONDITIONS FOR TRANSPORTATION HIGHWAY ZONE

- 1. Veteran's Memorial Highway**  
Lands within this zone are reserved for maintenance of the Veteran's Memorial Highway.
- 2. Access**  
New access onto the Veteran's Memorial Highway shall be prohibited unless approved by the Department of Transportation and Works.

## WATERSHED ZONE

<b>WATERSHED (W) - Use Zone Table</b>
<b>PERMITTED USE CLASSES</b> - (see Regulation 89) Conservation
<b>DISCRETIONARY USE CLASSES</b> - (see Regulations 32 and 90) Mineral exploration.

### CONDITIONS FOR WATERSHED ZONE

#### 1. Discretionary Uses

Council may permit discretionary uses provided it is satisfied that those uses will not jeopardize domestic water quality and quantity. All development applications within the Watershed Land Use Zone shall be referred to the Water Resources Management Division, Department of Environment and Conservation.

#### 2. Water Body Buffers

A 15 metre conservation buffer of undisturbed vegetation shall be required along the shoreline of all water bodies. No development shall be located within 30 metres of a waterbody.

#### 3. Mineral Workings

Mineral workings shall be subject to the appropriate conditions set out in the Rural zone.

## RURAL ZONE

<b>RURAL (RUR) - Use Zone Table</b>
<b>PERMITTED USE CLASSES</b> - (see Regulation 89) Agriculture, forestry, mineral exploration and mineral working, recreational open space, and Conservation.
<b>DISCRETIONARY USE CLASSES</b> - (see Regulations 32 and 90) Single dwelling (subject to conditions), seasonal residential, mineral working, general industry, scrap yard, solid waste, recreational open space, cemetery and antenna.

### CONDITIONS FOR RURAL ZONE

**1. Discretionary Use Classes**

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

**2. Development Standards**

The development standards for uses in this zone shall be determined case-by-case and shall conform to the standards for the same uses in other zones.

**3. Single Dwellings**

Single residential dwellings may be permitted only in conjunction with agricultural uses or mineral workings uses as a discretionary use. The commercial operation shall be in operation for a minimum of two years before a permit from Council is required to approve any residential development.

**4. General Industry**

General industry uses shall be restricted to the maintenance and repair of equipment, processing and storage related to agriculture, forestry or mineral working uses.

**5. General Industry - Separation from Adjacent Uses**

Unless Council is satisfied that the general industry use will not create a nuisance and will not adversely affect the amenity of the surrounding area, Council shall require the provision of buffering by the developer to the satisfaction of Council

## **6. Mineral Working**

Council may permit mineral working subject to the following conditions:

- (a) Effective tree screens shall be maintained around the periphery of any mineral working. Where trees are not present to create an effective screen, Council may require the installation of a landscaped embankment or fence.
- (b) Topsoil removed for mineral working shall be retained for restoration of the site.
- (c) No mineral working shall be conducted which causes danger or nuisance to the public.
- (d) Proposed mineral working operations will be evaluated carefully by Council in conjunction with the Department of Natural Resources.
- (e) No mineral working shall unacceptably reduce the quality of water in a watercourse or waterbody. Any access road which crosses a watercourse shall have a bridge or culvert according to the regulations of the Department of Municipal Affairs and Environment.
- (f) No mineral working shall result in the excavation of land below the level of the water table nor cause the ponding of water. However, settling ponds may be permitted with the approval of the Department of Municipal Affairs and Environment.
- (g) No mineral working shall be carried out in a manner which causes the erosion of adjacent land.
- (h) The mineral working shall be kept clean of refuse, abandoned vehicles and equipment, and derelict buildings.
- (i) Upon completion of mineral working, and when there is no intention to re-open such operations, all buildings and machinery shall be removed from the site and the site restored so as not to constitute a danger to the public or present an unsightly appearance.
- (j) A 300m buffer shall be maintained between a mineral working and other incompatible land uses such as residential development. Council shall prohibit any development from expansion or encroachment into the buffer.

## **7. Advertisements Relating to Onsite Uses**

The conditions for the erection or display of an advertisement on any lot or site occupied by a permitted use or a legal non-conforming use shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (b) No advertisement shall exceed 5 m<sup>2</sup> in area.

## **8. Advertisements Relating to Offsite Uses**

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

- (a) No advertisement shall exceed 3 m<sup>2</sup> in area.
- (b) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to, the premises to which they relate.
- (c) The location, siting and illumination of each advertisement shall be to the satisfaction of

Council, having regard to the grade and alignment of streets, the location of street junctions and nearby buildings, and the amenities of the surrounding area.

**9. Permit Refusal**

Council may refuse to issue a permit where it is of the opinion that the proposal will have an adverse or detrimental effect on adjacent lands.

**10. Waterbody Buffers**

A 15 metre conservation buffer of undisturbed vegetation shall be required along the shoreline of all water bodies. No development shall be located within 30 metres of a waterbody.

**11. Seasonal Residential**

Seasonal Residential uses shall be at the discretion of Council and shall be limited to the north shore of Swile Pond area as approved by the Department of Fisheries and Land Resources, Crown Lands Administration Division.

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## SCHEDULE D: OFF-STREET PARKING REQUIREMENTS

<b>ASSEMBLY USE CLASS</b>	
(a) Theatre	Two spaces for every 5 seats
(b) Cultural and Civic	One space for every 50m <sup>2</sup> of gross floor area
(c) Educational	K - 12 - 3 spaces for every classroom. Other facilities - 1 space for every 5 persons using the facilities (students, faculty and staff)
(d) Place of Worship	Two spaces for every 5 seats
(e) Passenger Assembly	As specified by the Council
(f) Private Club	One space for every 3 persons that may be accommodated at one time
(g) Catering	One space for every 3 persons that may be accommodated at one time
(h) Lounges and Bars	One space for every 3 persons that may be accommodated at one time
(i) Funeral Home	One space for every 10m <sup>2</sup> of gross floor area
(j) Child Care	One space for every 20m <sup>2</sup> of gross floor area
(k) Amusement	One space for every 10m <sup>2</sup> of gross floor area
(l) Indoor Assembly	One space for every 10 persons that may be accommodated at one time
(m) Outdoor Assembly	As specified by the Council

<b>INSTITUTIONAL USE CLASS</b>	
(a) Detention Centre	As specified by the Council.
(b) Medical Treatment and Special Care	One space for every 20m <sup>2</sup> of gross floor area
(c) Special Care	One space for every bed
(d) Collective Residential	As specified by the Council



<b>RESIDENTIAL USE CLASS</b>	
(a) Single Dwelling	Two spaces for every dwelling unit
(b) Double Dwelling	Two spaces for every dwelling unit
(c) Row Dwelling	Two spaces for every dwelling unit
(d) Apartment Building	Three spaces for every 2-dwelling units
(e) Subsidiary Apartment	One space for every apartment unit
(f) Hospitality Home	As specified by the Council
(g) Boarding House Residential	One space for every residential unit
(h) Mobile Home	Two spaces for every residential unit

<b>BUSINESS AND PERSONAL SERVICES USE CLASS</b>	
(a) Office	One space for every 20m <sup>2</sup> of gross floor area
(b) Professional Service	One space for every 20m <sup>2</sup> of gross floor area
(c) Personal Service	One space for every 20m <sup>2</sup> of gross floor area
(d) General Service	One space for every 20m <sup>2</sup> of gross floor area
(e) Communications	As specified by the Council
(f) Home Occupation	Minimum of 1 space per non-resident employee

<b>COMMERCIAL USE CLASS</b>	
(a) Shopping Centre	One space for every 20m <sup>2</sup> of gross floor area
(b) Shop	Min. of 2 spaces plus one space for every 20m <sup>2</sup> of gross floor area
(c) Convenience Store	Min. of 2 spaces plus one space for every 20m <sup>2</sup> of gross floor area
(d) Take-Out Food	Min. of 2 spaces plus one space for every 15m <sup>2</sup> of gross floor area
(e) Vending Stand	Minimum of 2 spaces plus additional as specified by the Council
(f) Indoor Market	As specified by the Council
(g) Outdoor Market	As specified by the Council
(h) Service Station	One space for every 20m <sup>2</sup> of gross floor area
(i) Commercial Residential	One space for every rental room

<b>INDUSTRIAL USE CLASS</b>	
(a) Hazardous Industry	One space for every employee, plus 3
(b) General Industry	One space for every employee, plus 3
(c) Light Industry	One space for every employee, plus 3

<b>NON-BUILDING USES</b>	
(a) Outdoor Recreation	As specified by the Council
(b) Conservation	As specified by the Council
(c) Cemetery	As specified by the Council
(d) Scrap Yard	As specified by the Council
(e) Animal	Min. of 2 spaces plus one space for every 20m <sup>2</sup> of gross floor area
(f) Transportation	As specified by the Council