

# DEVELOPMENT REGULATIONS 2025-2035



## Town of Steady Brook



### CONTACT INFORMATION

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# TRACT



URBAN AND RURAL PLANNING ACT, 2000

**RESOLUTION TO APPROVE**

**THE TOWN OF STEADY BROOK**

**DEVELOPMENT REGULATIONS, 2025-2035**

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

- adopted the Development Regulations for the Town of Steady Brook on the \_\_\_\_\_ day of \_\_\_\_\_ month, 20.
- gave notice of the adoption of the Development Regulations for the Town of Steady Brook by advertisement inserted on the \_\_\_\_\_ day of \_\_\_\_\_, and the \_\_\_\_\_ day of \_\_\_\_\_ 20 in the local newspaper, the
- set the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ at the Town Hall, 20, for the holding of a public hearing to consider objections and submissions.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Steady Brook approves the Development Regulations for the Town of Steady Brook as adopted (or as amended as follows).

SIGNED AND SEALED this \_\_\_\_\_ day of \_\_\_\_\_, 20.

Mayor: \_\_\_\_\_

Town Manager/Clerk: \_\_\_\_\_

Development Regulations/Amendment	
<b><u>REGISTERED</u></b>	
Number	_____
Date	_____
Signature	_____

(Council Seal)



URBAN AND RURAL PLANNING ACT, 2000

**RESOLUTION TO ADOPT**

**TOWN OF STEADY BROOK**

**DEVELOPMENT REGULATIONS, 2025-2035**

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Steady Brook adopts the Steady Brook Development Regulations, 2052-2035.

The Development Regulations (2025-2035) were adopted by the Town Council of Steady Brook on the \_\_\_\_ day of \_\_\_\_\_, 20.

Signed and sealed this \_\_\_\_ day of \_\_\_\_\_, 20.

Mayor: \_\_\_\_\_

Municipal Clerk: \_\_\_\_\_

Town of Steady Brook seal

**CANADIAN INSTITUTE OF PLANNERS (CIP) CERTIFICATION**

I certify that the Town of Steady Brook Development Regulations, 2025-2035 have been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000* of the Province of Newfoundland and Labrador.



Member of Canadian Institute of Planners (MCIP)





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## **1.0 AUTHORITIES AND RESPONSIBILITIES**

### **1.1 Applicability**

These Development Regulations apply to:

- all persons proposing to undertake a land use and/or development within the Municipal Planning Area boundary, whether residents or non-residents; and,
- the Mayor and Councillors and their delegates as they make land use and development decisions.

All development, including the subdivision/severance of land, change of use of land, and accessory uses and accessory buildings, carried out within the Municipal Planning Area must have a permit issued by Council in accordance with the Municipal Plan and these Development Regulations.

The Town of Steady Brook Development Regulations, 2025-2033, are prepared pursuant to the authority of Section 35 of the *Urban and Rural Planning Act, 2000*.

### **1.2 Compliance with statutes, regulations, policy and guidelines**

Even though an applicant may receive a municipal permit, the applicant is responsible for ensuring compliance with all relevant Federal and Provincial legislation, regulations, policies and guidelines prior, and Municipal regulations under the *Town and Local Service District Act, 2023*, to commencing a land use or development approved under these Development Regulations. Council may require proof of compliance prior to approval.

The applicant must undertake any requirements set out by the Town as conditions to approval of the permit prior to the issuance of an occupancy permit.

The applicant is also responsible for ensuring compliance with all other Town regulations and policies.

The Development Regulations shall be subject to all Federal and Provincial legislation, regulations, policies and guidelines, as amended from time to time. Notwithstanding this requirement, these Development Regulations shall incorporate specific compliance requirements as set out in Schedule A-Provincial and federal interests and requirements.

The National Building Code, and associated codes, such as the Plumbing Code, the Fire Code, the Electrical Code, the Life Safety Code, and any other ancillary code and other municipal regulations or bylaws regulating or controlling the development, conservation, and use of land shall, under these Regulations, apply to the entire Municipal Planning Area.

### **1.3 Legal Effect**

Upon publication of the notice of registration of these Development Regulations in the Newfoundland and Labrador Gazette, the previous Development Regulations are hereby repealed and replaced. Similarly, for amendments, publication in the Newfoundland and Labrador Gazette is required before they are in legal effect.

These Regulations may be cited as the “Town of Steady Brook Development Regulations 2025”, prepared under the authority of Section 35 of the *Urban and Rural Planning Act, 2000*.

To assist interpretation of the Municipal Plan and Development Regulations, technical planning definitions are found in Schedule A. The definitions from the *Urban and Rural Planning Act, 2000* and the (Minister’s) *Development Regulations 03/01* cannot be amended by the Council.

As required under Section 36 of the *Urban and Rural Planning Act, 2000*, the Ministerial *Development Regulations 03/01* are included in these regulations (Schedule B).

### **1.4 Delegation of Authority for implementation of Development Regulations**

Under Section 109 (2) of the *Urban and Rural Planning Act, 2000*, a council may appoint/designate an employee of Council to approve or reject applications to develop land in accordance with the plan and regulations and that employee may outline the conditions applicable to that development. Council shall make that designation in writing.

## 2.0 ADMINISTRATION OF THE REGULATIONS

This Chapter deals with the administration of processing applications for proposed land use and developments. It outlines: when a permit is required, the process for making an application for a permit, the decision-making process by Council or its delegate, including the conditions and requirements that may be attached to the permit, the appeal process, and the enforcement responsibilities of the Council.

### 2.1 WHEN IS A PERMIT REQUIRED

All development including the subdivision (severance) of land carried out within the Municipal Planning Area shall have a permit issued by Council in accordance with these Regulations, and any other by-law or regulation enacted by Council. No site work (clearing or grubbing) shall commence until a development permit is issued. The definition of development and subdivision are provided below:

**Development** means: (*Urban and Rural Planning Act, 2000*)

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

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

and excludes the

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

**“Subdivision** means the dividing of land, whether in single or joint ownership into 2 or more pieces for the purpose of development” (*Urban and Rural Planning Act, 2000*)

For further clarification, no land over which there is an existing structure shall be subdivided for the purpose of creating distinct title to different dwelling units unless:

- i. Each dwelling unit is entirely comprised within the new title and self-contained within the new lot with no common spaces or shared services;
- ii. The fire separation for each dwelling unit is confirmed (for zero lot line);
- iii. A permit for the subdivision is first obtained from the Town;
- iv. A subsidiary apartment cannot be subdivided from the self-contained dwelling that it is constructed within.

## **2.2 APPLICATION FOR A PERMIT**

### **2.2.1 Who can apply and how**

An application for a *Permit* or for *Approval in Principle* (see 2.4.6) shall be made only by the owner, or by a person authorized by the owner, to Council on such form as may be prescribed by Council.

Council shall, on request, supply to every applicant a copy of the application forms and a description of the plans, specifications, and drawings required to be provided with the application. Council shall provide all available information and requirements to assist in the preparation of the application (Section 35 (1) (f) of the *Urban and Rural Planning Act, 2000*).

### **2.2.2 Application Requirements for all Applications**

An application for a Development Permit shall contain the information needed to satisfy the applicable requirements in these Regulations. Every application shall include:

- a. such plans, specifications and drawings as Council may require, including a preliminary survey prepared by a professional surveyor in good standing with the Association of Newfoundland Land Surveyors;
- b. the permit fee required by Council; and,
- c. all information required to process the application in accordance with these Regulations, such information shall include at least the following:
  - a. For the proposed land, such information shall include at least the following:
    - i. location of the site on a map;
    - ii. details of proposed use: type, size and scale of operation, landscaping;
    - iii. lot area, lot frontage, siting of structures;
    - iv. contours and significant natural features such as wetlands, watercourses, drainage channels, and slopes that exceed 15 percent, existing vegetation, trees, and any other environmentally sensitive features;
    - v. existing streets, buildings, and land uses in the vicinity of the site;
    - vi. a conceptual layout of proposed streets, trails, other main elements of the development;
    - vii. proposed access/egress, parking, loading requirements;
    - viii. a landscaping plan, including buffers and/or separation distances;
    - ix. if applicable, access to shorelines or waterbodies and implications of any infilling on such access;
    - x. proposed water supply, waste disposal and storm water drainage services;
    - xi. a legal survey plan prepared by a registered Newfoundland and Labrador land surveyor or other proof of ownership acceptable to Council.

If the application involves a *building*, the following information should be added, as appropriate (see Regulation 4.2):

- i. siting of building on the lot, including building line setback and yards;
  - ii. bulk and height, in terms of floor area and building height;
  - iii. off-street parking, circulation, and loading;
- iv. proposed access/egress, parking, loading requirements;
- v. a landscaping plan and buffers;

### **2.2.3 Application Information Requirements for Discretionary Uses**

Discretionary Uses may only be considered for an application to develop where:

- a. the Discretionary Use is stated in the applicable Use Zone table (Chapter 3); and,
- b. Council has, at the applicant's expense, published a notice in a newspaper circulating in the area or provided other suitable notification (posting of notices in buildings, Social media, Town website) of the application and considered any representations or submissions received in response to that advertisement. It is recommended that Council notify the neighbouring property owners directly regarding the proposed discretionary use.

In addition to the information requirements for lots and buildings in 2.2.2, an application for a Discretionary Use shall contain the following information relating to Discretionary Uses involving operation of a business/service, if applicable:

- a. floor area to be used for Discretionary Use,
- b. number of employees employed on site, and
- c. hours of operation.

### **2.2.4 Application Information Requirements for Planned Unit Developments**

**Definition:** Planned Unit Development means an integrated planned development which may involve a single use class or mix of use classes of a mix of uses that responds to a unique market opportunity and involves special development standards not otherwise permitted in the zone. The most common example of a Planned Unit Development is a vacant land condominium/bare strata development consisting of a contiguous area to be planned, developed, operated, and maintained as a single entity and containing one or more structures with common areas that belong to them, such as a box store complex, resort, multi-unit residential. A Planned Unit Development may be approved by Council in any zone as a development and/or subdivision on public or private services.

#### **Conditions:**

- 1) Required to submit a Planned Unit Development application (2.2.2 & 2.2.4);
- 2) A Planned Unit Development shall front on to a publicly maintained road and comply with use requirements of the Zone within which it is located. Notwithstanding the requirement for serviced development, if municipal services are not feasible to the standard required by the Town, the provision of on-site services shall meet requirement of provincial agencies, in particular, Water Resource Management Division and Service NL;
- 3) Roads and services provided in a Planned Unit Development whether they are publicly or privately owned, may be treated as if they were public roads, public services and public utilities for the purpose of approvals by the Authority and other agencies.
- 4) The development and/or subdivision shall comply with the requirements of the Municipal Plan or any scheme adopted under it, and with the zoning for the site as it pertains to land use, height, and have a suitable relationship to nearby land uses in respect to appearance, traffic requirements, and demands on municipal services; and, the Planned Unit Development would be prepared and reviewed by the Council according to its regular development approval process.
- 5) In a Planned Unit Development, the Council may also, at its discretion, approve the erection of buildings which are designed to form part of a zero lot line development provided that the buildings are designed to provide both privacy and reasonable access to natural daylight, and the overall density conforms to standard set out in the Use Zone Table, and Service NL requirements.



**Planned Unit Development Application:**

In addition to the information in 2.2.2, the following requirements shall apply to all proposed Planned Unit developments applications involving new street construction or development of large sites for commercial (including commercial recreational), industrial, residential and public institutional development.

A Planned Unit development application would normally contain the following:

- a. Goals, objectives and land use policies for the development area;
- b. Identification of developable area of site, indicating accommodation of site conditions such as:
  - i. poor drainage, steep slopes, flooding potential and rocky ground;
  - ii. Proposed siting of new buildings, or additions, including building square footage area size, building height, and setback distances to property lines;
  - iii. Building lot area coverage where applicable;
  - iv. Total number of proposed multi-unit residential dwellings, or strata unit commercial and/or industrial units, and interior floor plans;
  - v. Layout drawing of proposed parking area, total number and size of parking spaces and manoeuvring aisles, access and egress locations to parking area, provisions for bicycle parking where applicable, landscape screening for parking areas and storm water drainage management;
  - vi. Identification of outdoor amenity and open space and recreation areas;
  - vii. Identification of unenclosed storage areas and area size; and,
  - viii. Overview of landscaping treatment and approach for the site development.
  - ix. phasing of the development;
- c. Street and servicing layout, including on-site road pattern and traffic and relation to surrounding community in conformance with Town standards;
- d. Indicate any issues related to the long-term maintenance of streets and other services;
- e. if required, an amendment to the Municipal Plan and Development Regulations where the Planned Unit Development is not listed in the Use Zone table for the zone in which it occurs.

## **2.3 WHERE PROPOSED DEVELOPMENT DOES NOT MEET DEVELOPMENT REGULATIONS REQUIREMENTS**

If a proposed application does not meet the requirements of these Development Regulations, there are three options to consider:

- If a variance under the Minister's Development Regulations can be applied;
- Whether the existing use/development is non-conforming and subject to associated provisions under the *Urban and Rural Planning Act, 2000* or the Minister's Development Regulations; and,
- Whether the applicant wishes to request an amendment to the Development Regulations (which may require an associated amendment to the Municipal Plan).

### **2.3.1 Variances**

- 1) Where a permit cannot be granted because the proposed development does not comply with these Regulations, the Authority may in its discretion vary the requirements to literal conformity with the Regulations if, in the Authority's opinion, the requirements would prejudice the proper development of the land, building or structure in question, or be contrary to the public interest.
- 2) Variance from these Regulations pursuant to Regulation 2.3.1 (1) shall only be authorized in the following circumstances:
  - a. if, in the opinion of the Authority, such variance is not contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme, plan or regulation pursuant thereto, and the public interest;
  - b. if, prior to authorization of such variance, the Authority has considered its effect on adjoining properties;
  - c. if the variance does not change the permitted use of the property;
  - d. if the Authority is satisfied that the variance has not become necessary due to the intentional or negligent conduct of the owner or some other party acting with the owner's knowledge or consent;
  - e. if, prior to authorization of such variance, the Authority has given notice of the application in accordance with regulation 2.4.4 and has considered any objections or representations which may have been received on the matter.
- 3) Variance from these Regulations pursuant to Regulation 2.3.1 (1) shall not be authorized if such variance, when considered together with other variances made or to be made in respect of the same land, building or structure, would have a cumulative effect contrary to the general intent of these Regulations, the Municipal Plan, or any further scheme, plan or regulation pursuant thereto, even though the variances individually would not have such effect.
- 4) The requirements regarding Variances are set out in Section 36 (1) (b) of the *Urban and Rural Planning Act, 2000* and Sections 12 and 13 of the Minister's *Development Regulations 3/01*, which are binding upon municipalities. Where the proposed development does not comply with any numeric requirement in the applicable use zone table set out in these Regulations for the zone in which the site occurs, Council may, in its discretion, provide a variance to the requirement to a maximum of ten percent (10%) if, in Council'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 The applicant may request the variance.

- 5) Council shall not allow a variance from development standards set out in the zone in these 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 ten percent (10%) variance even though the individual variances are separately no more than ten percent (10%).
- 6) Council shall not permit a variance from the development standards where the proposed use would increase the non-conformity of an existing development or would result in the creation of non-conformity of any existing legal development.
- 7) Where Council is to consider a proposed variance, Council 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 seven (7) days for response.

### **2.3.2 Non-Conforming Uses & Non-Conforming Development**

- 1) Any legal use of buildings or land at the date of the coming into effect of these Regulations may although not conforming with the Regulations of the Use Zone in which they are located:
  - a. be continued, or;
  - b. be changed to another non-conforming use if after notice of an application to change the use has been given in accordance with regulation 2.4.4 and consideration given to any objections or representations which may have been received on the matter, it is the Authority's opinion, that the new use is more compatible with the permitted use(s) in the Use Zone in which the building is located.
- 2) Where the building or structure is primarily zoned and used for residential purposes, may, in accordance with the appropriate plan and regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed.
- 3) A building, which is legally used for a purpose not permissible within the zone in which it is located, shall not be enlarged, extended, reconstructed, or altered structurally, unless such building is thereafter to be used for a purpose permitted within that zone, provided that:
  - a. the interior of such building may be permitted by the Authority to be reconstructed or altered, in order to render it more convenient or commodious for the same purpose for which such building is legally used;
  - b. any building which at the date of the coming into effect of these Regulations is being used in a zone where such use is not permissible may be permitted by the Authority to be altered structurally or extended by not more than fifty percent of its original floor area if such alterations or extensions conform to all the requirements of these Regulations except those pertaining to land use, and are confined to the existing lot.
- 4) A building which is legally used for any purpose but which does not conform to the Regulations of the Use Zone in which it is located, and which subsequently suffers damage or deterioration to an extent greater than fifty percent of its replacement value, excluding land, shall not be reconstructed

except in conformity with the Regulations for the Use Zone in which such building is located, provided that:

- a. the owner of such building may within two years of such damage taking place make application to the Authority for a permit to reconstruct the building for the same purpose for which it was legally used.
- b. the Authority shall before the expiration of sixty (60) days from the day on which a complete application is received to construct such a building:
  - i. serve a notice of expropriation in accordance with the Act, or;
  - ii. indicate its willingness to issue a permit to develop providing that the reconstruction of the building conforms to all the requirements of these Regulations except those pertaining to land use, and that any such development takes place within the existing curtilage of the lot.

5) When an application involves a non-conforming use or non-conforming development, the appropriate sections of the *Urban and Rural Planning Act, 2000* (Part XII) and *Minister's Development Regulations 03/01* (Section 14-17) apply.

- 6) For the purpose of this regulation, discontinuance of a non-conforming use or non-conforming development begins when any one of the following conditions are met:
- a. The building or use is clearly vacated or the building is demolished;
  - b. The owner or tenant has stated in writing that the use has ceased.

### **2.3.3 Amendment to Development Regulations**

An amendment to these Development Regulations may be requested by any person and shall be submitted to the Council. This might also require an associated amendment to the Municipal Plan.

All costs for the amendment are to be borne by the person requesting the amendment, (Section 27, the *Urban and Rural Planning Act, 2000*) except when initiated by Council.

A person requesting an amendment application shall be the property owner or a person operating under the owner's written consent. A copy of this written consent must accompany the application for an amendment to the text of the Development Regulations or rezoning of the Land Use Zoning Map.

An amendment to the text of the Development Regulations and/or the Land Use Zoning Map which requires an associated amendment to the Municipal Plan must follow the amendment process set out in Sections 14 – 25 of the *Urban and Rural Planning Act, 2000*.

An amendment to the text of the Development Regulations and/or the Land Use Zoning Map which **does not** requires an associated amendment to the Municipal Plan does not require a Section 15 review or Sections 17 to 23 of the *Urban and Rural Planning Act, 2000*; however, section 14 public consultation is required as part of the Council review process. Council then must adopt the amendment by resolution at a Regular Meeting of Council as per Section 35 (5) of the *Urban and Rural Planning Act, 2000*.

Where a Plan amendment and/or Development Regulation amendment is requested, all, or some, of the following criteria may be considered:

- a. all of the criteria listed in the policies of the Plan;

- b. the height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;
- c. the location of vehicular access points the likely impact of traffic generated by the proposal on streets, pedestrian and vehicular safety, and on surrounding properties;
- d. the exterior design in terms of bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area;
- e. the potential impact of the development on surrounding natural features and heritage resources;
- f. constraints posed by the environment, including but not limited to locations where adverse effects from landfill sites, sewage treatment plants, methane gas, contaminated soils, noise, ground borne vibration, and rail safety may limit development;
- g. compliance of the proposed development with the provisions of the Town's Municipal Plan and Development Regulations; and,
- h. measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis.

An applicant for a proposed change in land use may be required to provide information and details on the development and its likely impacts.

## **2.4 COUNCIL DECISION-MAKING**

### **2.4.1 Discretionary Decision-making Powers of Council**

In considering an application for a permit to carry out development, Council shall take into account the policies expressed in the Municipal Plan and any further scheme, plan or Regulations pursuant thereto, and shall assess the general appearance of the 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, Council may, in its discretion, and as a result of its consideration of the matters set out in this Regulation, approve, approve with conditions, or refuse the application, and shall inform the applicant in writing.

### **2.4.2 Timely Decision-making**

Applications properly submitted in accordance with these Regulations which have not been determined by Council and on which a decision has not been communicated to the applicant within eighty (80) days of the application being received by Council (with information complete to the satisfaction of Council), shall be deemed to be refused or deferred.

### **2.4.3 Deferment of Application:**

Council may, with the written agreement of the applicant, defer consideration of an application. Council may defer decisions on an application for a Development Permit and/or an application for an amendment to these Regulations within a specified area where Council has directed that a planning study or other similar study pertaining to the future use and development of the specified area be undertaken. The applicant shall be provided reasons in writing.

If the application is not deferred within 80 (eighty) days of submission and no decision is made by Council, the application shall be deemed refused.

An application may be withdrawn only on receipt of a written request from the applicant.

#### **2.4.4 Public Notice**

Council shall, at the applicant's expense (Section 35 (1) of the *Urban and Rural Planning Act, 2000*), undertake notification as per Section 110 of the Urban and Rural Planning Act, 2000, and consider any representations or submissions received in response to that advertisement. The requirements for notification are set out in Section 110 of the Urban and Rural Planning Act, 2000. The minimum timelines for persons to respond for the following types of notification are set out below:

- 1) Change in a non-conforming use; a minimum of seven (7) days - Minister's Development Regulations 3/01-see Schedule B;
- 2) Discretionary use: a minimum of seven (7) days; Council shall provide notice directly to persons whose land is in the immediate vicinity of the land that is subject to the proposed discretionary use;
- 3) Planned Unit Development: a minimum of fourteen (14) days for persons to respond;
- 4) Planning Impact Analysis: a minimum of fourteen (14) days for persons to respond;
- 5) Variance: a minimum of seven (7) days; Council shall provide notice directly to persons whose land is in the immediate vicinity of the land that is subject to the proposed variance;
- 6) Briefing Sessions: a minimum of ten (10) days notice.

#### **2.4.5 Briefing Sessions**

Council may require a public meeting to be held in respect of any matter arising under these Regulations. An elected member of Council shall act as Chairperson of the briefing session.

A briefing session shall be advertised according the requirements of section 110 of the Urban and Rural Planning Act, 2000, a minimum of ten (10) calendar days prior to the holding of a briefing session where the application shall be discussed.

The notice shall: (a) contain a general description of the application; (b) specify the date set for the briefing session at which the application is to be discussed; (c) specify the date set for receipt of written representation on the application by the Town; (d) identify the place and time where the application can be viewed by the public; and (e) specify that Council shall cancel the briefing session if no written response is received by the deadline for the receipt of responses.

Council may make such effort as it deems reasonable to provide that written notices are mailed to the addresses of property owners, as identified on the current Town's assessment role, within a radius of at least one hundred and fifty metres (150 metres) from the application site, a minimum of fourteen (14) calendar days prior to a briefing session where such application is discussed.

Notes of the proceedings of the briefing session shall be recorded and these notes, together with any written representations, shall be considered by Council when it makes its decision on the matter, which is the subject of the briefing session.

#### **2.4.6 Approval in Principle**

Council may grant an approval in principle if it determines that the proposed development complies generally with the intent and purposes of the Municipal Plan and these Regulations.

Council shall attach to the approval in principle such conditions that it deems necessary to ensure the proposed development shall be in accordance with the Municipal Plan and these Regulations. It shall also outline such details that the applicant shall be required to address before a final development permit shall be granted.

An approval in principle shall be valid for a period of one (1) year and may be extended for one (1) additional year, up to a maximum of two (2) years.

Where Approval in Principle is granted under these Regulations, it shall be subject to the subsequent approval by Council of the details and conditions as listed in the Approval in Principle, which shall be received ***not later than one year*** from the issuance of the Approval in Principle. If the details and conditions are not received, and there is no request for an extension, then the Approval in Principle is void and the application is rejected.

*Approval in principle shall not constitute permission to commence development.* No form of development shall commence until Council has issued a proper development permit.

Council may revoke approval in principle if it determines that the applicant has changed the proposed development in a way that significantly alters the original intent of the application or has not adequately addressed conditions or details stipulated in the approval in principle.

#### **2.4.7 Approval of Development Permit**

- 1) A written development permit issued by Council or its designated staff shall constitute permission to develop in accordance with these Regulations.
- 2) The final approval by the Town of Steady Brook requires that the applicant submits a Real Property Report.
- 3) This permission shall not relieve the applicant from full responsibility for obtaining all other permits or approvals prior to commencement of development and complying with all other regulations and statutes during development.
- 4) Council may attach conditions in writing to a development permit to ensure compliance with the Municipal Plan and these Regulations, and the permit holder shall be responsible for full compliance with these conditions.
- 5) A permit is valid for such period, not in excess of two years, as may be stated therein, and if the development has not commenced, the permit may be renewed for a further period not in excess of one year, but a permit shall not be renewed more than three years; except for Signs (Regulation 4.6).

- 6) No person shall change the application for which a development permit was issued unless written approval of the change has been issued by Council.
- 7) A copy of the development permit, along with plans and specifications, shall be kept on the site until the development is completed.
- 8) A decision by Council on an application to undertake development can be appealed in accordance with Section 41 of the *Urban and Rural Planning Act, 2000*.

#### **2.4.8 Permit responsibilities of the applicant**

The applicant shall meet the requirements of the Regulations and conditions attached to the permit to develop. Even though an applicant may receive a municipal development permit, the applicant is responsible for ensuring compliance with all relevant federal and provincial legislation, regulations, policies and guidelines prior to commencing a land use or development approved under these Development Regulations. Council may require proof of compliance with federal or provincial requirements before issuing municipal approval.

#### **2.4.9 Temporary Use Permit**

**Definition:** A temporary use permit means a permit for a development or the use of land that is limited in scope, duration, and frequency and is allowed to operate on a short-term basis, such as, a temporary outdoor market.

**Conditions:**

- 1) At its discretion, Council may issue a development permit for a temporary use, which shall comply with the Municipal Plan and these Regulations.
- 2) The permit may be for a period not exceeding 1 year of continuous occupation, and may be extended at the request of the applicant for 1 additional year, up to a maximum of 2 years.
- 3) The permit may be issued for a shorter period of time on an annual basis.

#### **2.4.10 Correction of Errors and Remedial Work**

The approval of any plans or drawings or the issuance of a Development Permit or permit shall not prevent Council or any officer from thereafter requiring the correction of errors or from ordering the cessation of, or remedial work on any development being carried out in the event that the same is in violation of these or any other regulations or statutes.

#### **2.4.11 Revoke Permit**

Council or any designated officer may revoke an approval and any subsequent permits for (1) failure by the holder, to comply with these Regulations or any condition attached to the permit or (2) where the permit was issued contrary to the applicable regulations or (3) was issued on the basis of incorrect information or issued in error.

#### **2.4.12 Fee for Permit**

Council may charge a fee for a development permit in accordance with the annual schedule of fees adopted by Council.



#### **2.4.13 Written Reasons for Refusing a Permit or Setting Conditions on a Permit**

- 1) Council shall, when refusing to issue a permit or attaching conditions to a permit:
  - a. state the reasons for so doing; and,
  - b. advise the applicant of their right to appeal (Section 41 of the *Urban and Rural Planning Act, 2000*;
  - c. provide the decision in writing.
- 2) Where a development application for a land or building development or for an amendment to the Development Regulations has been refused by resolution of Council, an application for the same development, building or amendment shall not be considered within 12 months of the date of the previous refusal.

#### **2.4.14 Refusal: Premature development**

No permit shall be issued for development within the Municipal Planning Area when in the opinion of Council, it is premature by reason of the site lacking adequate road access, power, drainage, sanitary facilities, or domestic water supply, or being beyond the natural development of the area at the time of application, unless the applicant contracts to pay the full cost of construction of the services deemed necessary by Council and such cost shall attach to and upon the property in respect of which it is imposed.

#### **2.4.15 Appeal**

The person to whom a Town's decision applies shall have the right to appeal that decision in accordance with the provisions of Part VI of the *Urban and Rural Planning Act, 2000*.

The applicant shall be informed of the right to appeal in the letter of refusal.

#### **2.4.16 Register**

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

### **2.5 SPECIAL REQUIREMENTS FOR DEVELOPMENT**

#### **2.5.1 Development Agreement**

**Definition:** A development agreement is a voluntary contract between a local jurisdiction and a person who owns or controls property within the jurisdiction, detailing the obligations of both parties and specifying the standards and conditions that shall govern development of the property.

These agreements can specify various elements of the development process ranging from phasing of a larger comprehensively planned community, to tax-sharing for retail development, to critical infrastructure responsibilities. Development agreements are sometimes used in combination with a Planned Unit Development (Regulation 2.2.4) Development Scheme, Section 29 of the *Urban and Rural*

*Planning Act, 2000*, in the form of a binding agreement that specifies the negotiated terms of the development.

Where a Development Agreement is required as a condition of a Development Permit or Approval-in-Principle, the Development Agreement set out the terms specific to that agreement and shall be signed by the applicant and Council within one year of the approval granted by Council.

Development cannot proceed until all conditions of the Development Permit are met and the Development Agreement is signed by the applicant and Council.

### **2.5.2 Planning Impact Analysis**

Council may require a Planning Impact Analysis to evaluate any proposed land use, development and/or situation that affects the implementation of policies contained in the Municipal Plan.

A Planning Impact Analysis (PIA) may be required by Council to evaluate applications to determine the appropriateness of a proposed change in land use, and to identify potential issues and provide proposals for mitigation. The PIA shall document the criteria used in the application review process.

The Terms of Reference for a Planning Impact Analysis shall be approved by Council prior to its execution and shall become an integral part of the report itself. The PIA shall be prepared by qualified individuals/consultants. The report and any supporting studies may be prepared at the expense of the applicant, at Council's discretion. The report shall identify significant impacts, evaluate their importance, and recommend a Mitigation Plan indicating measures of control or mitigation, where appropriate.

Prior to the approval of a Planning Impact Analysis, Council shall provide adequate time for a public review of the report, using the procedures for public notification as outlined in Regulation 2.4.4.

### **2.5.3 Financial Guarantees by Developer**

Council may require a developer, before commencing a development, to make such financial provisions and/or enter into such agreements as may be required to guarantee the payment of service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit (including landscaping). The financial provisions may be made in the form of:

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

The financial guarantee shall be returned when the site has been restored and any conditions attached to the development permit have been carried out to Council's satisfaction.

### **2.5.4 Service Levy**

Council 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 real property is enhanced by the

carrying out of public works either on or off the site of the development (Section 136 (e) *Town and Local Service District Act, 2023*).

A service levy shall not exceed the cost, or estimated cost, including finance charges to Council of constructing or improving the public works referred to above that are necessary for the real property to be developed in accordance with these Regulations.

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.

Council 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 Council may decide.

#### **2.5.5 Require Land Conveyed for Public Work Purpose**

Under the authority of Section 37 (8) of the *Urban and Rural Planning Act, 2000*, a Council may, for a development that is not involving a subdivision, require a portion of the land to be developed to be conveyed to the Town for a public purpose where public works are required to accommodate the proposed development. An example would include an extension of an existing road.

#### **2.5.6 Restoration of Land**

Where the use of a site is discontinued, the intensity of its use is decreased, a development permit has been revoked or has expired, or a temporary development permit has expired, Council may order the developer, the occupier of the site, the owner, or all of them to restore the site, remove all or any buildings or erections, cover or fill all wells or excavations, and close all or any accesses, or to do any or all of these things, as the case may be, and the developer, occupier or owner shall carry out the order of Council and shall put the site in a clean and sanitary condition to Council's satisfaction.

### **2.6 ENFORCEMENT**

#### **2.6.1 Delegation of Authority**

The *Urban and Rural Planning Act, 2000* provides for delegation of enforcement responsibilities under Section 109 where council may appoint an employee to issue an order under section 102 of the *Urban and Rural Planning Act, 2000* (stop work order); this order shall be confirmed by a majority vote of the members of the council at the next meeting of that council after the order is made, and if the order is not confirmed in this manner, it shall be considered to be cancelled.

#### **2.6.2 Right of Entry for inspections or enforcement**

Council or an officer 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 Council is empowered to regulate (Section 105 of *Urban and Rural Planning Act, 2000*).

### **2.6.3 Enforcement Authorities**

1. Where it is determined that a use of land or development is contrary, or apparently contrary, to the Municipal Plan and Development Regulations, Council may initiate enforcement measures by issuing a stop work order.
2. A stop work order requires that person to stop the development or work connected therewith pending the final adjudication in any prosecution arising out the of the development.
3. Every inspector shall keep a record of any violation of these Regulations and report that violation to Council.
4. A person who does not comply with an Order is guilty of an offence under the provisions of the *Urban and Rural Planning Act, 2000*.

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### **3.0 LAND USE ZONES, ACCESSORY USES & BUILDINGS, AND HOME BUSINESSES**

#### **3.1 INTERPRETATION OF LAND USE ZONING AND DEVELOPMENT STANDARDS**

##### **3.1.1 Land Use Zones and Interpretation**

1. The Municipal Planning Area is divided into Land Use Zones which are shown on the Land Use Zoning Maps attached to, and forming part of, these Regulations. For each zone, the intent and governing policies are set out in Chapter 3 of the Municipal Plan.
2. The boundaries of the Use Zones shown on the Land Use Zoning Maps are general only and, except where they coincide with roads, shorelines, or other prominent physical features, are not intended to define exact limits. No Development Regulation amendment shall be required in order to accommodate minor adjustments of the Use Zone boundaries.
3. Other than such minor boundary adjustments, no development shall be permitted that does not conform to the Use Zone delineated on the Land Use Zoning Maps.
4. Where there is uncertainty regarding the existence of a watercourse identified on the zoning map, this can be confirmed in the field.

##### **3.1.2 Land Use Zone Tables: Permitted and Discretionary uses**

This Chapter provides a Use Zone Tables which sets out the permitted, and discretionary uses for each Zone. The development standards are set out for each zone. Regulations 2.4.1 and 2.4.14 provide Council with discretion regarding decisions for both permitted and discretionary uses.

Subject to these Regulations, Permitted Uses set out in the Use Zone Table shall be permitted by the Council in that Use Zone provided that it meets the requirements of the Development Regulations.

Council shall be satisfied that the development of a discretionary use 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. The discretionary use shall be complimentary to uses within the permitted use class.

Council is required to provide public notice of the application in accordance with regulation 2.4.4. Council shall consider any objections or representations which may have been received on the matter.

##### **3.1.3 Accessory Uses& Accessory Buildings and Home Businesses**

A permit is required for accessory uses & accessory buildings and home businesses. Definitions and examples of an are provided in Regulation 3.4 and 3.5.

##### **3.1.4 Uses Not Permitted**

Uses that are not listed as Permitted or Discretionary Use on a Use Zone Table shall not be permitted in that Use Zone.

### **3.1.5 Uses Permitted in all Zones and requirements that apply in all zones**

- 1) The following uses shall be permitted in all land use zone.
  - a) 'Environmental protection' and 'Open space, park, & trail'-related uses (as set out in Regulation 5.5);
  - b) Mineral exploration not classed as 'Development' (5.4.5);
  - c) Accessory uses and buildings (3.3); and
  - d) wharves/boathouses/slipways/breakwaters, subject to 3.4.2.4 where they are accessory to a principal use.
  - e) Communications (5.8.1), Utilities (5.8.2) & Civil engineering infrastructure (5.8.5)

### **3.1.6 Development Requirements**

- 2) All Development within the Municipal Planning Area shall conform to:
  - a. Policies set out in the Municipal Plan;
  - b. Development standards and conditions set out in the Development Regulations.
  - c. Any other municipal regulation or bylaw in force in the Municipal Planning Area regulating or controlling development, conservation, heritage, fences, and use of land and buildings under the *Town and Local Service District Act, 2023*;
  - d. Requirements of Federal and Provincial legislation, regulations, policies and guidelines.
    - i. If Council is aware that a proposed development may not comply with Provincial or Federal legislation, it may require the applicant to provide confirmation that necessary government approvals have been obtained before issuing a development permit.
    - ii. Where these Regulations are more stringent than Provincial or Federal legislation, these Regulations shall apply.
- 3) Archaeological Sites
  - a. All applications for development involving ground disturbance shall be referred to the Provincial Archaeological Office, Department of Tourism, Culture, Arts and Recreation before a development permit is issued.
  - b. An archaeological survey shall be required in areas with high archaeological potential.
  - c. If an archaeological site is accidentally discovered, work cease immediately, and the Town shall contact the Provincial Archaeological Office.
- 4) Geological Hazards and Climate Change
  - a. Development may only occur on suitable land.
  - b. No development shall be permitted on land with a slope greater than 15 percent unless a study prepared by a qualified individual, such as an engineer or geoscientist licensed to practice in the Province of Newfoundland Labrador.
  - c. No development shall be permitted on unstable land, land with poor drainage, land with a highwater table, wetlands, or land subject to erosion or flooding unless a study prepared by a qualified engineer or geoscientist licensed to practice in the Provincial of Newfoundland Labrador. The study shall address site grading, drainage, and landscaping and identify the potential of the development of being impacted by, or causing, erosion or flooding to adjacent properties. The study shall propose mitigation measures which may include site grading, drainage easements, flood proofing or other actions.

- d. Council may impose conditions to mitigate site hazards and any potential impacts on neighbouring properties, Town land and/or infrastructure.
  - e. Below the 4.0 metre contour, where there is no established development pattern, no structures and building shall be permitted. Where there is an established development pattern below the 4 metre contour, an application for new land uses and buildings, or the repair or extension of existing buildings or land uses, may be approved subject to conditions imposed by Council.
  - f. No development permit shall be issued for any land use or building within 30 metres of a cliff edge, unless there is an established development pattern.
- 5) Scheduled Salmon River  
Development within 200 meters of the high water mark the scheduled salmon river, Humber River & tributary streams (Class 6 Scheduled Salmon River), shall be referred to the Environmental Assessment Division. Exemptions from this referral are only with the permission of the Environmental Assessment Division.
- 6) Survey Control Markers
- a. Any application for development in the vicinity of a survey control marker shall be referred to the GIS and Mapping Division, Department of Fisheries, Forestry and Agriculture.
  - b. Any disturbance of a survey control marker shall be referred to the GIS and Mapping Division, Department of Fisheries, Forestry and Agriculture.
- 7) Water Resources Management Division
- a. Infilling Within 15 metres of a Body of Water  
No development permit shall be issued for any development involving infilling within 15 metres of a body of water unless a permit has been issued by the Water Resources Management Division, Department of Environment and Climate Change
  - b. Flood Risk  
The provincial designated 1:20 and 1:100 flood risk areas are incorporated into the land use zoning as the Floodway zone and Floodway Fringe zone. Any development in a designated flood risk area is subject to Water Resources Management Policy W.E. 96-1-Policy for Flood Management and requires a permit from the Water Resources Management Division, Department of Environment and Climate Change before work proceeds.
  - c. Non-Domestic Water Use  
No development permit shall be issued for an application involving non-domestic water use from any water source unless a license from the Water Resources Management Division, Department of Environment and Climate Change is provided to the Town.
  - d. On-Site Sewerage Disposal
    - i. An on-site sewerage disposal system shall be located at minimum of 30 metres from a waterbody, wetland, or water course.
    - ii. Approval for an on-site sewerage disposal system issued by the Government Service Centre, Department of Digital Government and Service NL must be provided to the Town before the Town shall issue a development permit.



- e. Shore Water Zones
    - i. No development shall be permitted in a shore water zone without a permit issued by the Water Resources Management Division, Department of Environment and Climate Change.
    - ii. Any development shall comply with the requirements of the applicable zone shown on the Land Use Zoning Map and the Department of Environment and Climate Change “Policy for Development in Shore Water Zones”.
  - f. Water Course and Water Body Buffer
    - i. 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 or wetlands, with the exception of conservation structures such as those designed to control flooding and erosion, the construction of ditches, streets, culverts, bridges, trails, transmission lines or other utilities, or trails and recreational open uses.
    - ii. Development of marine or water related uses such as wharfs, slipways, boathouse, breakwaters and docks may be permitted within 15-metres of a water body or water course subject to approval from Crown Land.
    - iii. Any infilling shall require approval from the Water Resources Management, Department of Environment and Climate Change
  - g. Wetland Protection
    - i. No development involving infilling, drainage, dredging, channelization, removal of vegetation, soil or organic cover of wetlands which could aggravate flooding or adverse water quality, water quality or hydrological impacts shall be permitted.
    - ii. Development affecting wetlands must be approved by the Water Resources Management Division, Department of Environment and Climate Change.
- 8) Wildlife Protection
- a. Wetland Stewardship Management Areas
 

Any application for development in the Wetland Stewardship Management areas located in the Floodway zone shall be referred to the Wildlife Division, Department of Fisheries, Forestry and Agriculture.
  - b. Endangered and Vulnerable Species
 

No development shall disturb, harass, injure, or kill a Red Crossbill which is an endangered species under the provincial Endangered Species Act and the federal Species at Risk Act.

## **3.2 LAND USE ZONES**

### **3.2.1 Land Use Zones in Steady Brook**

The following zones were established for the Town of Steady Brook:

1. Commercial
2. Commercial Tourism
3. Floodway
4. Floodway Fringe
5. Flood Risk
6. Open Space, Park & Trails
7. Open Space Recreation
8. Residential
9. Mixed-High Density Residential
10. Town Centre
11. Transportation

These zones are shown on the Land Use Zoning map found in Appendix E.

### 3.2.2 Commercial zone

USE ZONE TABLE : COMMERCIAL ZONE	
PERMITTED USES	DISCRETIONARY USES
<ul style="list-style-type: none"> <li>-Amusement Establishment/Use (5.3.1)</li> <li>-Auto Body Shop (5.3.3)</li> <li>-Automotive Repair (5.3.4)</li> <li>-Bar/Licensed Liquor Establishment (5.3.6)</li> <li>-Building Supply Store (5.3.7)</li> <li>-Child Care – Non-residential (5.3.10)</li> <li>-Club and Lodge (5.3.11)</li> <li>-Contractor, Limited (Small) (5.3.12)</li> <li>-Convenience Store (5.3.13)</li> <li>-Custom Manufacturing Service and Sales (small/artisan) (5.3.14)</li> <li>-General Service/Repair Shop (5.3.16)</li> <li>-Hotel or Inn (5.3.17)</li> <li>-Medical or Dental Clinic/Office (5.3.19)</li> <li>-Motel (5.3.20)</li> <li>-Outdoor Market (5.3.22)</li> <li>-Personal Service (5.3.23)</li> <li>-Offices: Professional, Financial and Associated Support Services (5.3.24)</li> <li>-Resort – Tourist Establishment -Accommodation only (5.3.25.1)</li> <li>-Restaurants (5.3.26) <ul style="list-style-type: none"> <li>a. Drive-Through and Take-Out (5.3.26.1)</li> <li>b. Full-Service Restaurant (5.3.26.2)</li> <li>c. Mobile Take-Out/Canteen or Street Vendor (5.3.26.3)</li> </ul> </li> <li>-Retail (5.3.27)</li> <li>-Service Station (5.3.29)</li> <li>-Service Station (5.3.29.2)</li> <li>-Veterinarian Clinic (5.3.30)</li> <li>-Mobile Street Vendor (non-food) or office (5.3.31)</li> <li>-Hostel (5.3.32)</li> <li>-Institutional Use (5.6.1)</li> <li>-Protective and Emergency Services (5.6.2)</li> <li>-Public Gathering Places -Indoor (5.6.3)</li> <li>-Public Gathering Places – Outdoor (5.6.4)</li> <li>-Sports and Recreation Facilities (5.6.5)</li> </ul>	<ul style="list-style-type: none"> <li>-Light Industrial (5.4.10)</li> <li>-Outdoor Market (5.3.22)</li> <li>-Outdoor Storage (3.3.1.2)</li> </ul>

USE ZONE TABLE : COMMERCIAL ZONE	
PERMITTED USES	DISCRETIONARY USES
<p><i>-Uses set out in 3.1.5:</i></p> <ul style="list-style-type: none"> <li>a. 'Environmental protection' measure and 'Open space, park, &amp; trail'-related uses (5.5);</li> <li>b. Mineral exploration not classed as 'Development' (5.4.5);</li> <li>c. Accessory uses and buildings (3.3);</li> <li>d. wharves/boathouses/slipways/breakwaters (3.3.2.4 )where they are accessory to a principal use;</li> <li>e. Communications (5.8.1), Utilities (5.8.2) &amp; Civil engineering infrastructure (5.8.5).</li> </ul>	

DEVELOPMENT STANDARDS: COMMERCIAL (m=metres)	
<b>Minimum Standards:</b>	
Front yard (building line) (m)	8 (Subject to condition 2)
Side yard (m) (See Condition 4)	4
Flanking yard (m)	4
Rear yard (m)	8
<b>Maximum Standards</b>	
Height (m)	At discretion of Council

#### Conditions

- 1) Development shall conform to the requirements of Regulation 3.1.6;
- 2) Notwithstanding the standards in the Use Zone Table, Council may require the building line setbacks (building line) of new building to complement the setbacks of existing conforming buildings on adjoining or nearby lots on the same street and may allow buildings be permitted to abut existing sidewalks.
- 3) Unimpeded emergency vehicle access of 4 metres between buildings, except where buildings are built with adjoining party walls.

### 3.2.3 Commercial-Tourism zone

USE ZONE TABLE : COMMERCIAL-TOURISM ZONE	
PERMITTED USES	DISCRETIONARY USES
<p>-Hotel (5.3.17)  -Motel (5.3.20)  -Retail (5.3.27)-(Subject to Condition 4  -Personal Service (5.3.23) subject to Condition 4  -Apartment building (5.7.4) Subject to Condition 5</p> <p>-Uses set out in 3.1.5</p> <ol style="list-style-type: none"> <li>'Environmental protection' measure and 'Open space, park, &amp; trail'-related uses (5.5);</li> <li>Mineral exploration not classed as 'Development' (5.4.5);</li> <li>Accessory uses and buildings (3.3);</li> <li>wharves/boathouses/slipways/breakwaters (3.3.2.4 )where they are accessory to a principal use;</li> <li>Communications (5.8.1), Utilities (5.8.2) &amp; Civil engineering infrastructure (5.8.5).</li> </ol>	<p>-Hostel (5.3.31)  -Outdoor Market (5.3.22)  -Outdoor Storage (3.3.1.2)  -Public Gathering – Indoor (5.6.3) subject to Condition 4</p>

DEVELOPMENT STANDARDS: COMMERCIAL (m=metres)	
<b>Minimum Standards:</b>	
Front yard (building line) (m)	8 (Subject to condition 2)
Side yard (m) (See Condition 4)	4 (Subject to condition 3)
Flanking yard (m)	4
Rear yard (m)	8
<b>Maximum Standards</b>	
Height (m)	At discretion of Council

#### Conditions

- 1) Development shall conform to the requirements of Regulation 3.1.6;
- 2) Notwithstanding the standards in the Use Zone Table, Council may require the building line setbacks (building line) of new building to complement the setbacks of existing conforming buildings on adjoining or nearby lots on the same street and may allow buildings be permitted to abut existing sidewalks.
- 3) Unimpeded emergency vehicle access of 4 metres between buildings, except where buildings are built with adjoining party walls.
- 4) This use shall only be permitted in this zone provided that it is accessory to the tourist accommodation use.
- 5) These would only be for tourism accommodation use

### 3.2.4 Floodway zone

USE ZONE TABLE: FLOODWAY ZONE	
PERMITTED USES	DISCRETIONARY USES
<p><i>-Environmental protection measures (5.5.1) -see conditions 2&amp;3</i></p> <p><i>-Open Space, Parks &amp; Trails-related development (5.5.2)</i></p> <p><i>-Uses set out in 3.1.5:</i></p> <ul style="list-style-type: none"> <li>a. 'Environmental protection' and 'Open space, park, &amp; trail' uses (5.5);</li> <li>b. Mineral exploration not classed as 'Development' (5.4.5);</li> <li>c. Development associated with public infrastructure and services, including public transportation infrastructure and utilities (5.8);</li> <li>d. Accessory uses and buildings <b>to existing primary buildings</b> only; and</li> <li>e. wharves/boathouses/slipways/breakwaters, subject to 3.4.2.4</li> <li>f. Communications (5.8.1), Utilities (5.8.2) &amp; Civil engineering infrastructure (5.8.5)</li> </ul>	

#### Conditions

- 1) Development shall conform to the requirements of Regulation 3.1.6;
- 2) All development or activities, including modifications to existing structures shall be compliant with the Water Resources Management Policy Directive regarding Flood Plain Management Policy, W.R. 96-1(Schedule D) ) and all applications shall be referred to the Water Resources Management Division for approval including a section 48 permit under the Water Resources Act, 2002.
- 3) Hydraulic structures such as dams, bridges, causeways, dykes, canals etc., are by their own needs and characteristics constructed in buffer zones and flood plains. However, every effort must be made to ensure that such structures do not adversely affect the capability of the body of water to convey flow. In the case of dams, new areas of flooding and the impact of that flooding must be fully assessed by the proponent.
- 4) Additions and Modifications to Existing Development shall not result in an increase the footprint of any existing residential or institutional structure.

### 3.2.5 Floodway Fringe Climate Change zone

USE ZONE TABLE: FLOODWAY FRINGE CLIMATE CHANGE ZONE	
PERMITTED USES	DISCRETIONARY USES
<p><i>-Environmental protection measures (5.5.1) -see condition 2</i></p> <p><i>-Open Space, Parks &amp; Trails-related development (5.5.2- Home Business (3.4)-see condition 8</i></p> <p><i>-Uses set out in 3.1.5:</i></p> <ul style="list-style-type: none"> <li>a. 'Environmental protection' and 'Open space, park, &amp; trail' uses (5.5);</li> <li>b. Mineral exploration not classed as 'Development' (5.4.5);</li> <li>c. Development associated with public infrastructure and services, including public transportation infrastructure and utilities (5.8);</li> <li>d. Accessory uses and buildings (3.3);and</li> <li>e. wharves/boathouses/slipways/breakwaters, subject to 3.3.2.4</li> <li>f. Communications (5.8.1), Utilities (5.8.2) &amp; Civil engineering infrastructure (5.8.5)</li> </ul>	<p><i>-Single Detached Dwelling (5.7.1)</i></p> <p><i>-Subsidiary Apartment (3.3.1.2) – see condition 4</i></p> <p><i>-Home business (3.4) see condition 8</i></p>

#### Conditions

- 1) Development shall conform to the requirements of Regulation 3.1.6;
- 2) Development standards shall be consistent with the Residential zone requirements;
- 3) All development or activities, including modifications to existing structures shall be compliant with the Water Resources Management Policy Directive regarding Flood Plain Management Policy, W.R. 96-1 (Schedule D) ) and all applications shall be referred to the Water Resources Management Division for approval including a section 48 permit under the Water Resources Act, 2002;
- 4) In addition to the requirements of regulation 3.3.1.1, a subsidiary apartment is only permitted above ground (i.e. not in a basement).
- 5) A structure in Floodway Fringe zone can only be permitted where:
  - a. The ground floor elevation of the structure is higher than the 1 in 100-year flood level;
  - b. The structure will not interfere with the flow of water or displace water such that it creates a worse flooding situation for other properties;
  - c. The structure and the associated utilities have been designed and constructed in accordance with the approved flood proofing requirements of the Water Resources Management Division, including but not limited to providing entrances and exits from the building can be safely used without hindrance in the event of a flood;

- d. The proposed use of the facility and site will not involve any storage of pollutants such as fuels, chemicals, pesticides etc.
  - e. Additional conditions which may be set out for specific projects and included in a permit issued under section 48 of the Water Resources.
  - f. All structures within the Flood Risk zone shall be certified as compliant by a qualified professional to ensure flood mitigation requirements are met.
- 6) Hydraulic structures such as dams, bridges, causeways, dykes, canals, etc., are by their own needs and characteristics constructed in buffer zones and flood plains. However, every effort must be made to ensure that such structures do not adversely affect the capability of the body of water to convey flow. In the case of dams, new areas of flooding and the impact of that flooding must be fully assessed by the proponent.
- 7) Additions and Modifications to Existing Development - Additions, modifications, enhancements and improvements to existing structures where there is an increase in the floor area within any of the flood risk.
- 8) Home businesses:
- a. Home businesses that are a permitted use in the Floodway Fringe zone:
    - i. Office uses such as professions, such as an accountant, architect, auditor, engineer, realtor, insurance agent, planner, lawyer; which do not create assembly of large groups of people;
    - ii. Light industry uses shall be limited to the production of baked goods, handmade articles such as clothing, and arts and crafts objects., such as Artisan and other home crafts;
    - iii. Educational tutoring;
  - b. Home businesses that are a discretionary use in the Floodway Fringe zone, including but not limited to:
    - i. Food preparation for catering services and baking;
    - ii. Music and dance lessons, and educational tutoring
    - iii. Personal service that do not disrupt the residential character of the neighbourhood, such as a hairdressing, tailor, photographer, pet groomer, caterer's establishment, shoe repair, dressmaking, sewing repairs and tailor shop, small appliance, clock/watch, bicycle, ski and snowboard and computer repair, locksmiths, manicurists;
    - iv. Care services, such as child care, or home-care; and similar occupations or businesses.
    - v. Art gallery and framing shop;
    - vi. Bed and Breakfasts;
    - vii. Home care-residential
    - viii. Furniture repair and upholstery;
    - ix. Sale of bedding plants and trees grown on the same lot;



### **3.2.6 Climate Change Referral zone**

The Climate Change Referral zone on the Land Use Zoning map indicates the extreme extent of future flooding risk due to climate change as provided by the Water Resources Management Division of the Government of Newfoundland and Labrador, 2024. The Climate Change Referral zone is a referral overlay superimposed on the land use zones which requires that all development allowed as a permitted or discretionary use in the zone in which the parcel occurs must be referred to the Water Resources Management Division for review prior to approval.

It represents the Climate Change Flood zone as referred to in the WRMD Policy for Flood Plain Management, W.R. 96-1.

Development that falls within this referral overlay shall:

- comply with the Land Use Zone as set out on the Land Use Zoning map of the Development Regulations ; and,
- be referred to the Water Resources Management Division for review under Policy W.R. 96-1 and assessment for whether a section 48 permit under the Water Resources Act, 2002 is required.

### 3.2.7 Open Space, Parks and Trails zone

The intent of this zone is to protect these lands for the purpose of the enhancing the aesthetics of the community, providing parks for the enjoyment of the natural environment, and protecting trails and trail assets and ensuring the safety of trail users.

USE ZONE TABLE: OPEN SPACE, PARKS AND TRAILS ZONE	
PERMITTED USES	DISCRETIONARY USES
<i>-Conservation – All uses (5.5)</i> <i>-Uses set out in 3.1.5</i> a. ‘Environmental protection’ measure and ‘Open space, park, & trail’-related uses (5.5); b. Mineral exploration not classed as ‘Development’ (5.4.5); c. Accessory uses and buildings (3.3); d. wharves/boathouses/slipways/breakwaters (3.3.2.4 )where they are accessory to a principal use; e. Communications (5.8.1), Utilities (5.8.2) & Civil engineering infrastructure (5.8.5).	<i>-Public gathering places-outdoor (5.6.4)</i> <i>-Restaurant-mobile take-out/street vendor only (5.3.26)</i> <i>-Outdoor Market (5.3.22)</i>

#### Conditions

- 1) Development shall conform to the requirements of Regulation 3.1.6;
- 2) Development standards for Open Space, Parks and Trails are at the discretion of Council;
- 3) Community trails designated by Council shall have a buffer to protect the integrity of the route and safety of trail users; the width of the buffer shall be set at the discretion of Council;

### 3.2.8 Open Space Recreation Zone

The intent of this zone is to protect these lands for the purpose of the providing recreation opportunities as well as enhancing the aesthetics of the community, providing parks for the enjoyment of the natural environment for residents and protecting community investment in infrastructure to provide these opportunities.

USE ZONE TABLE: OPEN SPACE RECREATION ZONE	
PERMITTED USES	DISCRETIONARY USES
<i>-Conservation – All uses (5.5)</i> <i>-Sport and Recreation facilities (5.6.5)</i> <i>-Public institutional -related to recreation facilities only (5.6.1)</i> <i>-Uses set out in 3.1.5</i> a. 'Environmental protection' measure and 'Open space, park, & trail'-related uses (5.5); b. Mineral exploration not classed as 'Development' (5.4.5); c. Accessory uses and buildings (3.3); d. wharves/boathouses/slipways/breakwaters (3.3.2.4 )where they are accessory to a principal use; e. Communications (5.8.1), Utilities (5.8.2) & Civil engineering infrastructure (5.8.5).	<i>-Public gathering places-indoor (5.6.3)</i> <i>-Public gathering places-outdoor (5.6.4)</i> <i>-Restaurant-mobile take-out/street vendor only (5.3.26)</i> <i>-Outdoor Market (5.3.22)</i>

#### Conditions

- 1) Development shall conform to the requirements of Regulation 3.1.6;
- 2) Development standards for Open Space Recreation are at the discretion of Council;
- 3) Council may require at their discretion for community trails designated by Council, a buffer to protect the integrity of the route and safety of trail users;

### 3.2.9 Residential zone

USE ZONE TABLE: RESIDENTIAL ZONE	
PERMITTED USES	DISCRETIONARY USES
<p><i>Single detached dwelling (5.7.1)</i>  <i>-Home businesses (Refer to Regulation 3.4 for conditions) – only those uses as set out in Condition 3 are permitted home businesses</i>  <i>-Uses set out in 3.1.5</i></p> <ul style="list-style-type: none"> <li>a. 'Environmental protection' measure and 'Open space, park, &amp; trail'-related uses (5.5);</li> <li>b. Mineral exploration not classed as 'Development' (5.4.5);</li> <li>c. Accessory uses and buildings (3.3);</li> <li>d. wharves/boathouses/slipways/breakwaters (3.3.2.4) where they are accessory to a principal use;</li> <li>e. Communications (5.8.1), Utilities (5.8.2) &amp; Civil engineering infrastructure (5.8.5).</li> </ul>	<p><i>-Short Term Residential Rentals (3.4.2.3)</i>  <i>-Garden Suite (5.7.9)</i>  <i>-Subsidiary apartment (3.3.1.2)</i>  <i>-Urban agriculture (5.2.2)</i>  <i>-Home businesses (Refer to Regulation 3.4 for conditions) -only those uses as set out in Condition 4 are discretionary home businesses</i></p>
Prohibited: mobile homes or similar structures, town homes and apartment buildings	

#### Conditions

- 1) Development shall conform to the requirements of Regulation 3.1.6.
- 2) Development Backing onto the Humber River and the Steady Brook: Where development backs on to the Humber River or the Steady Brook, the plan must show how the development relates to the river between known floodways and the location of any proposed wharves, docks, deck or landscaping. Council shall require a geotechnical report, prepared by a qualified engineer or geoscientist to certify that site conditions (stability of the soil, location of water table and flood risk) are such that it can safely accommodate the development. Development may be refused where, in the opinion of the Authority, conditions are not suitable for development.
- 3) Buildings on each lot are shall be a minimum of 4 metres apart.
- 4) Home businesses:
  - c. Home businesses that are a permitted use in the Residential zone:
    - i. Office uses such as professions, such as an accountant, architect, auditor, engineer, realtor, insurance agent, planner, lawyer; which do not create assembly of large groups of people;
    - ii. Light industry uses shall be limited to the production of baked goods, handmade articles such as clothing, and arts and crafts objects., such as Artisan and other home crafts;
    - iii. Educational tutoring;

- d. Home businesses that are a discretionary use in the Residential zone, including but not limited to:
- i. Food preparation for catering services and baking;
  - ii. Music and dance lessons, and educational tutoring
  - iii. Personal service that do not disrupt the residential character of the neighbourhood, such as a hairdressing, tailor, photographer, pet groomer, caterer's establishment, shoe repair, dressmaking, sewing repairs and tailor shop, small appliance, clock/watch, bicycle, ski and snowboard and computer repair, locksmiths, manicurists;
  - iv. Care services, such as child care, or home-care; and similar occupations or businesses.
  - v. Art gallery and framing shop;
  - vi. Bed and Breakfasts;
  - vii. Home care-residential
  - viii. Furniture repair and upholstery;
  - ix. Sale of bedding plants and trees grown on the same lot;

<b>Development Standards</b> <b>Residential Serviced lots – water and sewer</b>	
<b>Development Standard</b> (m=metres)	<b>Single Dwelling</b> (exceptions: See conditions 1 & 2)
Lot Area (m <sup>2</sup> )	875
Floor area (m <sup>2</sup> )	70
Frontage (m)	25
Building line (m) See Condition (3)& (4) below	8
Side yard (m)	3
Rear yard (m)	10
Lot coverage (%)	33
Building height (m)	8

<b>Development Standards: Residential – Onsite Services - Single Dwelling</b>		
	No services provided	One service: water
<b>Minimum Standards</b>		
Lot area (m <sup>2</sup> )	1860	1400
Frontage (m)	30	25
Building Line Setback (m)	8	8
Side yard Width (m)	5	5
Side yard, Flanking (m)	15	15
Rear yard Depth (m)	15	15
<b>Maximum Standards</b>		
Height (m)	8	8

### **Garden Suites**

- 1) Allow garden suites as a discretionary use in the Residential zone provided they meet the following requirements:
  - a. The lot must meet the Residential development standards;
  - b. The garden suite can only be a maximum of 75 m<sup>2</sup> in size;
  - c. The garden suite must have its own servicing either via municipal services or according to the standards of the Department of Digital Government and Service NL;

### **Shared Driveway**

Existing shared driveways in the residential zone shall meet the following conditions:

- a. A shared driveway shall be maintained and cleared by the private landowners; it is considered a private road and shall not be maintained by Council;
- b. No more than three properties are allowed to have a shared driveway which is considered as a (private road);
- c. All primary buildings accessed by a shared driveway must have a street number visible from the street in order to meet public safety and emergency requirements.

### 3.2.10 Mixed High-Density Residential zone

USE ZONE TABLE: MIXED HIGH-DENSITY RESIDENTIAL	
PERMITTED USES	DISCRETIONARY USES
<p>-Apartment building (5.7.4)</p> <p>-Hotel (5.3.17)</p> <p>-Motel (5.3.20)</p> <p>-Townhouse (5.7.3)</p> <p>-Uses set out in 3.1.5</p> <p>a. 'Environmental protection' measure and 'Open space, park, &amp; trail'-related uses (5.5);</p> <p>b. Mineral exploration not classed as 'Development' (5.4.5);</p> <p>c. Accessory uses and buildings (3.3);</p> <p>d. wharves/boathouses/slipways/breakwaters (3.3.2.4) where they are accessory to a principal use;</p> <p>e. Communications (5.8.1), Utilities (5.8.2) &amp; Civil engineering infrastructure (5.8.5).</p>	<p>-Public Gathering Place-Indoor (5.6.3)</p> <p>-Resort-Tourism Establishment-accommodation only (5.3.25.1)</p>

DEVELOPMENT STANDARDS: MIXED HIGH-DENSITY RESIDENTIAL (m=metres)	
<b>Minimum Standards:</b>	
Front yard (building line) (m)	8 (Subject to condition 2)
Side yard (m) (See Condition 4)	4 (Subject to condition 3)
Flanking yard (m)	4
Rear yard (m)	8
<b>Maximum Standards</b>	
Height (m)	At discretion of Council

#### Conditions

- 1) Development shall conform to the requirements of Regulation 3.1.6;
- 2) Notwithstanding the standards in the Use Zone Table, Council may require the building line setbacks (building line) of new building to complement the setbacks of existing conforming buildings on adjoining or nearby lots on the same street and may allow buildings be permitted to abut existing sidewalks.
- 3) Development Backing onto the Humber River and the Steady Brook: Where development backs on to the Humber River or the Steady Brook, the plan must show how the development relates to the river between known floodways and the location of any proposed wharves, docks, deck or landscaping. Council shall require a geotechnical report, prepared by a qualified engineer or geoscientist to certify that site conditions (stability of the soil, location of water table and flood risk) are such that it can safely accommodate the development. Development may be refused where, in the opinion of the Authority, conditions are not suitable for development.

### 3.2.11 Town Centre zone

USE ZONE TABLE : TOWN CENTRE ZONE	
PERMITTED USES	DISCRETIONARY USES
<ul style="list-style-type: none"> <li>- Offices (professional, financial and associated support services) (5.3.24)</li> <li>-Child care-non-residential (5.3.10)</li> <li>-Public Gathering Place-Indoor (5.6.4)</li> <li>-Uses set out in 3.1.5               <ul style="list-style-type: none"> <li>a. 'Environmental protection' measure and 'Open space, park, &amp; trail'-related uses (5.5);</li> <li>b. Mineral exploration not classed as 'Development' (5.4.5);</li> <li>c. Accessory uses and buildings (3.3);</li> <li>d. wharves/boathouses/slipways/breakwaters (3.3.2.4) where they are accessory to a principal use;</li> <li>e. Communications (5.8.1), Utilities (5.8.2) &amp; Civil engineering infrastructure (5.8.5).</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>-Contractor-General (5.4.4)subject to Condition 2</li> <li>-Amusement Establishment/Use (5.3.1)</li> <li>-Bar/Licensed Liquor Establishment (5.3.6)</li> <li>-Child Care – Non-residential (5.3.10)</li> <li>-Club and Lodge (5.3.11)</li> <li>-Contractor, Limited (Small) (5.3.12)</li> <li>-Convenience Store (5.3.13)</li> <li>-Custom Manufacturing Service and Sales (small/artisan) (5.3.14)</li> <li>-General Service/Repair Shop (5.3.16)</li> <li>-Medical or Dental Clinic/Office (5.3.19)</li> <li>-Outdoor Market (5.3.22)</li> <li>-Personal Service (5.3.23)</li> <li>-Offices: Professional, Financial and Associated Support Services (5.3.24)</li> <li>-Restaurants (5.3.26): Drive-Through and Take-Out, Full-Service Restaurant &amp; Mobile Take-Out/Canteen or Street Vendor</li> <li>-Retail (5.3.27)</li> <li>-Veterinarian Clinic (5.3.30)</li> </ul>

DEVELOPMENT STANDARDS: COMMERCIAL (m=metres)	
<b>Minimum Standards:</b>	
Front yard (building line) (m)	8 (Subject to condition 3)
Side yard (m) (See Condition 4)	4
Flanking yard (m)	4
Rear yard (m)	8
<b>Maximum Standards</b>	
Height (m)	At discretion of Council

#### Conditions

- 1) Development shall conform to the requirements of Regulation 3.1.6;
- 2) Contractor-General use is only allowed for the Town Depot and equipment used by the Town;
- 3) Notwithstanding the standards in the Use Zone Table, Council may require the building line setbacks (building line) of new building to complement the setbacks of existing conforming buildings on adjoining or nearby lots on the same street and may allow buildings be permitted to abut existing sidewalks.



### 3.2.12 Transportation zone

USE ZONE TABLE : TRANSPORTATION ZONE	
PERMITTED USES	DISCRETIONARY USES
<p>-Communication (5.8.1)            -Utilities (5.8.2)            -Civil engineering infrastructure (5.8.5)            -Uses set out in 3.1.5</p> <p>a. 'Environmental protection' measure and 'Open space, park, &amp; trail'-related uses (5.5);            b. Mineral exploration not classed as 'Development' (5.4.5);            c. Accessory uses and buildings (3.3);            d. wharves/boathouses/slipways/breakwaters (3.3.2.4 )where they are accessory to a principal use;            e. Communications (5.8.1), Utilities (5.8.2) &amp; Civil engineering infrastructure (5.8.5)</p>	-

#### Conditions

- 1) Development shall conform to the requirements of Regulation 3.1.6;
- 2) All uses or development in this zone is subject to the approval of the Department of Transportation and Infrastructure.
- 3) All development within 100 metres of the centreline of the Trans Canada Highway, Route requires a permit under the Protected Road Zoning Regulations. A permit from the Government Service Centre, Department of Digital Government and Service NL must be provided to the Town before the Town shall issue a development permit.

### **3.3 ACCESSORY USES & ACCESSORY BUILDINGS AND HOME BUSINESSES**

#### **3.3.1 ACCESSORY USES**

##### **3.3.1.1 Subsidiary Apartments**

**Definition:** Subsidiary apartment means a separate dwelling unit constructed within, or attached to, and is subsidiary to, a single detached dwelling.

**Conditions:**

- 1) One subsidiary apartment may be permitted in a Single Detached Dwelling, except in the Floodway, Floodway Fringe and Flood Risk zones where it is a discretionary use. A subsidiary apartment shall be contained within the same building as the primary residential use.
- 2) For the purpose of calculating lot area and yard requirements, the subsidiary apartment shall be considered part of the Single Detached Dwelling.
- 3) A minimum of two off-street parking spaces shall be required, one for the primary use and one for the subsidiary apartment.
- 4) The minimum floor area required is 40 m<sup>2</sup> for a one-bedroom subsidiary apartment, plus 10 m<sup>2</sup> for each additional bedroom.
- 5) The apartment shall not alter the appearance of the structure as a Single Detached Dwelling;
- 6) The apartment shall have a separate entrance/egress to the outside;
- 7) The apartment shall be completely self-contained, with facilities for cooking, sleeping, and bathing.
- 8) For lots without municipal water, Service NL shall determine water and sewerage disposal requirements and a permit shall be issued subject to its approval.

##### **3.3.1.2 Outdoor Storage**

- 1) Outdoor storage shall not be located in front of the front yard setback (building line), unless specified in the zone.
- 2) Outdoor storage of vehicles and equipment shall not be permitted except that transport vehicles may be parked in the open;
- 3) The Council may require screening from street and other surrounding development which may include fencing or landscaping.
- 4) Outdoor storage should be maintained with a stable surface to prevent raising or movement of dust, clay, mud or loose particles.
- 5) The Council may, where a development is unsightly or dangerous to health or safety, order the owner or occupier of the site to remove and dispose of unsightly or dangerous materials or buildings, or restore the unsightly or dangerous materials or buildings to a more acceptable and pleasing condition.
- 6) Lot coverage for outdoor storage: In residential zones: Outdoor storage shall not occupy more than 50% of the rear yard of a residential lot; in all other zones, outdoor storage shall be at the discretion of Council.

### **3.3.2 ACCESSORY BUILDINGS**

#### **3.3.2.1 Accessory Buildings – General**

**Definition:** Accessory Building is defined in the *Minster's Development Regulations 3/01* (see Schedule A) and cannot be amended by Council; 'Accessory building' includes 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; examples include:

- 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,
- for commercial uses, workshops or garages, office or storage building and
- for industrial uses, garages, offices, workshop or storage building, raised ramps and docks;"

**General Conditions for residential and non-residential accessory buildings:**

- 1) Accessory buildings are permitted in each use class provided the buildings are clearly incidental and complimentary to the main buildings' character, size and use.
- 2) Accessory buildings shall not be used for human habitation.
- 3) The side yard requirements set out in 3.4.2.2 and 3.4.2.3 shall apply to accessory buildings wherever they are located on the lot. At the discretion of Council, accessory buildings on two (2) adjoining properties may be built to property boundaries provided they shall be of fire-resistant construction and have a common firewall.
- 4) Quonset accessory buildings shall be prohibited.
- 5) Accessory buildings shall not be located in an easement area.

#### **3.3.2.2 Accessory Buildings - Residential lots**

**Conditions**

- 1) Location on the lot:
  - a. Accessory buildings shall normally be located in rear yard behind the building line (front yard) on the street which the building has its legal civic address, but may be located in the front or side yard at the discretion of Council based on the characteristics of the lot and after consultation with neighbouring property owners;
  - b. On a flanking building lot, an accessory building on a corner lot may be located in front of the building line on the flanking yard provided the location does not impede visibility on the flanking street, and the accessory building is set back a minimum of 7 m from the flanking street provided that:
    - i. Council has been advertised the application;
    - ii. The slope of the lot and/or natural screening effectively blocks the view of the building from the street and adjoining properties. The placement of the building shall not negatively affect neighbouring properties; and,
    - iii. A site plan is submitted showing all buildings on the lot including the proposed accessory building.
- 2) Size: Accessory buildings must be:
  - a. no larger than the primary dwelling;
  - b. considered for approval by Council on a case by case basis taking into account the following factors:

- i. the proposed location, design, height, and building materials for the accessory building;
    - ii. the proposed use of the accessory building;
    - iii. an assessment of the site's characteristics such as a property configuration, topography, vegetation;
    - iv. proposed fencing and enhanced landscaping; and, a determination of neighbourhood character and fit.
  - c. The maximum lot coverage of the principal buildings and accessory buildings on a lot shall not exceed the maximum lot coverage allowed in the zone development standard.
- 3) Separation: A minimum of 1.5 metres from any property boundary; and 2.4 metres from any building;
  - 4) Height: The accessory building shall not exceed the height of the primary building except in the case of a residential bungalow where the height of the accessory building is at the discretion of Council;
  - 5) Use of Accessory building may be used for home business purposes as set out in 3.5.1.
  - 6) Exterior of Accessory building: With the exception of greenhouses, the exterior of the accessory building shall match or coordinate with the exterior of the main dwelling on the lot and should be residential in character.
  - 7) In making decisions with respect to accessory buildings, Council shall consider:
    - a. The location of the accessory building on the lot;
    - b. The size of the accessory building compared to the dwelling on the lot and the size of structures on neighbouring properties;
    - c. Visibility of the structure from neighbouring properties and/or street;
    - d. If the accessory building shall block a view and/or light from adjoining properties;
    - e. The use of the accessory building;
    - f. Site conditions, such as topography and the presence of wetlands; and
    - g. Any other on-site conditions that may warrant Council's considerations.

### **3.3.2.3 Accessory Buildings – Non-Residential Use Classes**

#### **General conditions**

An accessory building associated with a non-residential use shall be permitted subject to the following requirements:

- 1) an accessory building shall be located on the lot so that it has no undesirable impact on the private enjoyment of adjoining residential lots;
- 2) the use of an accessory building shall be directly related to the principal use or building on the lot;
- 3) an accessory building shall not be erected or placed upon any easements;
- 4) an accessory building shall maintain a minimum side yard and rear yard of 2 metres and where it abuts a residential use this shall be 5 metres;

- 5) an accessory building shall maintain a minimum separation distance of 2.4 metres from the main building;
- 6) radio and television antennae should have a maximum height of 15 metres;
- 7) the exterior siding of an accessory building should match or be complimentary to the exterior siding of the principal building (s) on the lot.

#### **3.3.2.4 Wharf/Boathouse/Slipway/Breakwater**

- 1) Shall meet Use Zone Site Development Conditions;
- 2) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties;
- 3) Wharf/Boathouse/Slipway/Breakwater structures shall follow the guidelines for the *Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses* from the Water Resources Management Division.
- 4) The Applicant shall obtain a permit under of the *Water Resources Act, 2002* under Section 48 for any infilling or dredging work associated with these structures or other works near or in any body of water prior to the start of construction. Contact: Manager, Water Rights & Investigations Section.

### **3.4 HOME BUSINESS**

Home businesses are sufficiently prevalent to require specific standards to ensure that the intent of each residential zone can be protected for the enjoyment of its residents. A home business requires a permit from the Town.

#### **3.4.1 General Home Business**

**Definition:** General home business means a subsidiary use of a dwelling or associated accessory building for commercial use involving the provision or sale of goods and/or services without detracting from the residential character of the neighbourhood in terms of traffic, or any other nuisance. This does not include Remote work (also known as work from home [WFH] or telecommuting) is a type of flexible working arrangement that allows an employee to work from remote location outside of corporate offices.

Home business may include any of the following uses:

- i. Office use by professions, such as an accountant, architect, auditor, engineer, realtor, insurance agent, planner, lawyer, doctors, dentists; which do not create assembly of large groups of people;
- ii. Personal services that do not disrupt the residential character of the neighbourhood, such as a hairdressing, tailor, photographer, caterer's establishment, shoe repair, dressmaking, sewing repairs and tailor shop, small appliance, clock/watch, bicycle, ski and snowboard and computer repair, locksmiths, manicurists;

- iii. Light industry uses shall be limited to the production of home based goods, handmade articles such as clothing, and arts and crafts objects., such as, artisan and other home crafts;
- iv. Food preparation for catering services and baking;
- v. Music and dance lessons and educational tutoring;
- vi. Care services, such as child care, or home-care; and similar occupations or businesses.
- vii. Bed and Breakfasts;
- viii. Art gallery and framing shop;
- ix. Home care-residential;
- x. Furniture repair and upholstery;
- xi. Sale of bedding plants and trees grown on the same lot;

**Prohibited:**

An accessory home business shall not include any business activity related to any of the following uses:

- a. Occupations that discharge or emit odors, noxious or toxic matter or vapors; heat, glare, noise and/or radiation;
- b. The salvage, repair, maintenance or sales of highway motor vehicles, or highway motor vehicle engines or parts;
- c. Tow truck operations;
- d. The use of mechanical or electrical equipment except as those ordinarily utilized in purely domestic, household, recreational hobbies or a home office use;
- e. The use of any motor vehicle exceeding 4,500 kg licensed gross vehicle weight, or a commercial vehicle unless such vehicle is completely enclosed within a building;
- f. Materials and commodities that involve delivery to and from the home business residence in such bulk or quantity as to require regular or frequent delivery by a commercial vehicle or trailer;
- g. Business that results in traffic congestion, on street parking overflow, electrical interference, fire hazards or health hazards;
- h. Veterinary clinics, pet breeding and boarding kennels;
- i. Orchestra and band training;
- j. Office uses that generate regular daily visits by clients, as in a clinic;
- k. Public gathering use;
- l. Warehouse outlet;
- m. Contractors Yards;
- n. Manufacturing, welding, or other industrial use is not permitted;
- o. Adult Entertainment Uses; and,
- p. Any other use that is not complimentary to the quiet enjoyment of a residential neighbourhood.

**General Development Conditions for Home Businesses:**

- 1) The home business use shall be clearly a subsidiary use to a dwelling unit and does not require external modification of dwelling unit.
- 2) The home business use shall not alter the residential appearance of the lot and does not distract from the residential character of the neighbourhood.
- 3) Activities associated with the home business use shall be carried on inside the dwelling unity or inside a building separate from the dwelling unity, but on the same lot.
- 4) The home business use shall be operated by a resident of the dwelling.

- 5) The home business use shall not generate traffic congestion, parking overflow that disturbs the residential character of the neighbourhood.
- 6) Activities and materials associated with the home business use shall not cause noticeable noise, odour, dust, or fumes, noxious or toxic matter or vapours; heat, glare, radiation or case electrical interference or any other way result in a nuisance to surrounding dwellings.
- 7) The salvage, repair, maintenance, or sales of highway motor vehicles, or highway motor vehicle engines or parts, or tow truck operations shall not be permitted.
- 8) Small non-highway motor vehicle engine repair may be considered subject to space and availability of parking.
- 9) Businesses shall not advertise with any signage, or lights in a residential area. All advertising has to be located on Town of Steady Brook sign boards.
- 10) The property shall have sufficient lot area to accommodate the parking requirements of both the dwelling unit and the home base business.
- 11) The home business operator shall not detract or diminish the privacy and enjoyment of adjacent residences and the character of the neighbourhood.

### **3.4.2 Development Conditions for Specific Home Businesses**

#### **3.4.2.1 Bed and Breakfast**

**Definition:** Bed and breakfast, sometimes referred to as a hospitality home or inn, means an owner-occupied or owner-managed dwelling for paid temporary accommodation. The establishment may include a self-serving dining area for the use by overnight guests. Catered dining may be considered on a limited-use basis. It does not include a hotel, motel. or hostel

**Conditions:**

- 1) The principal use of the residential dwelling unit shall continue to be the primary home for the ongoing occupation the owner; no other use such as for a Residential Care or Boarding use shall be permitted at the same time as a Bed and Breakfast use;
- 2) The person(s) operating the Bed and Breakfast shall hold a valid license issued by the agency/ agencies having jurisdiction or authority;
- 3) A Bed and Breakfast Use is not permitted within a mobile home or within multi-unit dwellings units;
- 4) Shall conform to Use Zone Table and conditions.

#### **3.4.2.2 Day Care: Residential**

**Definition:** Day care or family and group care means a Single Detached Dwelling accommodating staff and clients receiving care in a home-like setting, for example, child, adult care (seniors) or disabled persons according to the regulatory requirements of federal or provincial jurisdiction.

**Conditions**

- 1) Council shall require approvals from the appropriate federal or provincial jurisdiction regarding the requirements for the operation of the day care;
- 2) The section of the street on which the day care is located must have sufficient area and sight distance for the safe and convenient drop off and pick up of clients without hindering the safety and convenience of vehicular and pedestrian traffic on the street, or the development provides adequate off-street drop off or pick-up spaces satisfactory to Council;

- a. the use is compatible with nearby uses; that is, the use of the dwelling does not materially differ from, nor adversely affect, the amenities of the adjacent residences, or the neighborhood in which it is located;
  - b. the operator of the day care shall maintain the dwelling in which the use is located as his/her primary residence;
- 3) A 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;
- 4) Council may require special access and safety features to be provided for the occupants before occupancy is permitted.

### **3.4.2.3 Short Term Residential Rental**

**Definition:** Short-Term Residential Rental means any rental of overnight accommodations for less than 28 days in all or part (such as a subsidiary apartment )of a single detached dwelling, and detached accessory residential units, such as a Garden Suite or other accessory residential structures or parts thereof that are used for short term rental accommodation; but excludes a Bed & Breakfast, Boarding house, Hostel, or Group home, or any single detached dwelling rented to long-term tenants and subject to the *Residential Tenancies Act, 2018*.

#### **Conditions**

- 1) STRR accommodations may be allowed as a Discretionary Use in the Residential zone only and shall be indicated as such on the use table of the residential zone. As a discretionary use, the STRR shall not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any other scheme or plan or regulation pursuant thereto, and to the public interest.
- 2) Conversion of an existing dwelling unit to STRR use requires:
  - a. a 'Change of Use' permit from the Town; as the change in use of a property constitutes a "Development" under these regulations; and,
  - b. an application for a business permit to operate an STRR.
- 3) A new build intended for STRR use shall apply for a business permit at the time of the development permit and identify the property as a business build at the time of construction. Failure to obtain a business permit at the time of construction shall render the property a conversion from its initial permit and shall be subject to this section.
- 4) All applications regarding STRRs for 'change of use' permits, development permits or business permits must comply with advertising requirements of the Development Regulations to ensure neighbouring property owners are aware of the application and have an opportunity to make submissions. Council shall consider any objections or representations which may have been received on the matter.
- 5) No more than ten percent (10%) of existing residential dwelling units in the Town of Steady Brook as of December 31 of each calendar year shall be permitted to be utilized as a STRR.
- 6) No more than ten percent (10%) of the dwelling units on any street shall be approved for STRR use, and if the street has less than ten houses then only one house on that street shall be approved; this is to prevent traffic, parking, noise and vacant premises concerns.
- 7) All 'change of use' permits, development permits or business permits issued for STRR prior to these Development Regulations coming into effect shall remain valid, notwithstanding any noncompliance with this section.
- 8) STRR business permits will be issued on a first-come-first-served basis.



- a. While applications for permits will be considered on a “first come first served” basis, permits will only be issued to the first filed application in queue for a property which is compliant with the STRR requirements. For greater certainty, if a property is ineligible for a permit due to non-compliance, it shall not be considered and the next application in queue shall be considered.
  - b. Property owners may apply to the Town Council for a business permit even if no new permits are available to be issued. Any applicant who pays the application fee will have their application kept on file, and may be issued a permit if an existing permit is relinquished.
- 9) STRR permits:
  - a. STRR business permits are not transferrable by permit holders to other properties.
  - b. Permits will not be issued for properties which are in arrears of property tax, or subject to any municipal work orders. Applications for such properties will be rejected.
  - c. No permit application shall be considered without payment of a permit application fee as set by Council annually. The fee may be refundable if the Applicant withdraws his or her application from consideration. No application shall be considered “filed” until both the fee and the permit application are filed at Town Hall.
  - d. STRRs must provide proof of registration and compliance under the Tourist Establishments Act, R.S.N.L. 1990, c. T-6 as a precondition to obtaining a business permit
  - e. Permit application fees are non-refundable if an application is kept on file.
- 10) STRRs constitute a business activity; therefore, it is subject to business permits; and STRRs are subject to taxation as a business under the *Town and Local Services District Act, 2023*. A business tax rate as set annually shall apply to any property granted a permit for use as a STRR.
- 11) Issuance of a change of use’ permits, development permits or business permits by the Town Council does not supersede, negate or avoid compliance with any other provisions of provincial law, and permit holders are required to ensure compliance with provincial laws in operating STRRs and may be subject to inspection by provincial authorities. Issuance of a permit by the Town Council is not an assurance that the property complies with provincial laws surrounding short-term rental accommodations.
- 12) ‘Change of use’ permits, development permits or business permits for STRRs are attached to the property for which the permit is issued, rather than to the owner personally.
  - a. Permits are transmissible on the sale of the property and follow the ownership of the property.
  - b. Whether or not the property continues to be used as a STRR, the property shall continue to be taxed a business tax until the business permit is surrendered by the property owner.
  - c. STRR business permits are not transferrable by permit holders to other properties.
- 13) ‘Change of use’ permits, development permits or business permits do not expire or require renewal. Once issued, a business permit remains valid unless cancelled by the Town Council or surrendered by the property owner.
- 14) ‘Change of use’ permits, development permits or business permits issued for STRR use may be cancelled by the Town Council in the event of repeated complaints of noise, parking, trespass, littering, garbage, unsightly premises, property condition, or any other activities constituting a nuisance to the public or other property owners in the general area. It is the obligation of the property owner to ensure that the premises and any occupiers of the premises comply with all municipal bylaws, rules and regulations. Failure to do so may result in fines and the termination of a business permit. Cancellation of a business permit is wholly within the discretion of the Town Council.

#### **3.4.2.4 Parking for Home Business**

- 1) In addition to the required parking spaces for the primary permitted or discretionary residence, a Home business shall provide one additional parking space for each non-resident employee working at such facility;
- 2) The Home Base Business applicant should provide a Site Plan that indicates the location of parking spaces and any landscape improvements related thereto at the time of business application.

## **4.0 GENERAL REGULATIONS**

### **4.1 NUISANCE PROHIBITION, LIGHT POLLUTION AND BUFFERS**

#### **4.1.1 Prohibition on Nuisance, Dangerous or Unsightly Land Use/Development**

**Definitions:**

*Nuisance* means activities that created a nuisance 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 Council (for example, in the Industrial zones) and any other authority having jurisdiction.

*Dangerous or unsightly* means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing:

- a. ashes, junk, cleaning of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or machinery, or bodies of these or parts thereof,
- b. an accumulation of wood shavings, paper, sawdust, dry and inflammable grass or weeds or other combustible material,
- c. an accumulation or collection of materials or refuse that is stockpiled, hidden, or stored away and is dangerous, unsightly, unhealthy, or offensive to a person, or
- d. any other thing that is dangerous, unsightly, unhealthy or offensive to a person, and includes property, a building or structure with or without structural deficiencies
  - i. that is in a ruinous or dilapidated condition,
  - ii. the condition of which seriously depreciates the value of land or buildings in the vicinity,
  - iii. that is in such a state of non-repair as to be no longer suitable for human habitation or business purposes,
  - iv. that is an allurement to children who may play there to their danger,
  - v. constituting a hazard to the health or safety of the public,
  - vi. that is unsightly in relation to neighbouring properties because the exterior finish of the building or structure is not maintained,
  - vii. that is a fire hazard to itself or to surrounding lands or buildings,
  - viii. that has been excavated or had fill placed on it in a manner that results in a hazard, or
  - ix. that is in a poor state of hygiene or cleanliness;

**Condition:**

1. No building or land shall be used for any purpose which may be a nuisance, dangerous or unsightly.

#### **4.1.2 Reducing Light Pollution**

Exterior lighting on buildings and properties shall be required to be directed down and into the property to prevent excessive spill light into adjacent dwellings or land use. Council is also committed to ensuring that lighting in public spaces is designed to reduce greenhouse gases and provide a level of public safety while minimizing the impact on the ambiance of night in the community.

#### **4.1.3 Buffers and Separation between uses**

**Definition:** Buffer means a berm, wall or opaque fence, row of trees or shrubs, hedge, fence, or distance separation that provides a barrier between incompatible uses intended to obstruct or reduce the noise, lighting glare, unsightly views or any other nuisance of one land use or property onto another.

#### **Conditions**

- 1) Council may require landscaping and screening buffers for a proposed development in order to provide:
  - a. an acoustic barrier;
  - b. an attractive visual continuity and appearance between developments or on an individual site;
  - c. delineation of an area; and
  - d. protection for the natural environment.
- 2) Council may require a landscaping or screening buffer between different or incompatible uses, which shall be maintained by the owner or occupier of the property to the satisfaction of Council, as follows:
  - a. between residential and non-residential uses which would consist of either a screen of a minimum height of 2.4 metres;
  - b. Where an industrial, commercial or public institutional development permitted in any Use Zone abuts a street that is used as an access into a residential area or zone, a structural barrier or fence may be required in the flanking street side yard by Council;

### **4.2 LOT AND BUILDING SITING**

#### **4.2.1 Lot Size Integrity**

No lot shall be reduced in area, either by the conveyance or alienation of any portion thereof, such that:

- a. the lot area, frontage, front yard, rear yard, and side yards are less than the minimums permitted by these Regulations for the zone in which such lot is located, and
- b. the lot coverage of all buildings exceeds the maximum permitted by these Regulations for the zone in which such lot is located.

#### **4.2.2 Unsubdivided Land**

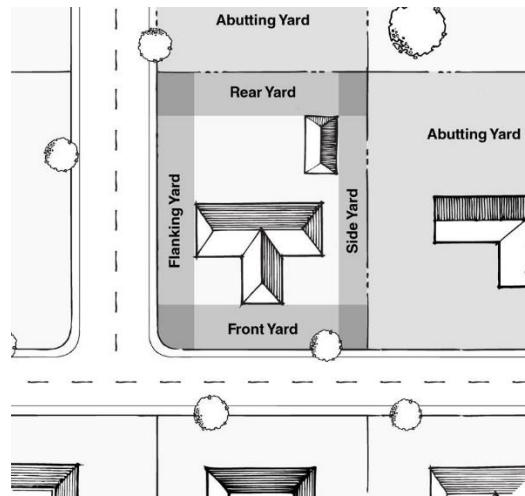
Development is not permitted on unsubdivided land unless sufficient area is reserved to satisfy the yard and other allowances required in the Use Zone in which the property is located. These requirements shall be retained when the adjacent land is developed.

#### **4.2.3 Lot shall Front on to a Publicly Maintained Road**

All development shall front on to a publicly maintained road (Provincial or Municipal). Exceptions include: (1) a development within a Planned Unit Development where there may be an internal road plan (which shall be set out in the Development Regulations); however, the Planned Unit Development shall front onto a publicly maintained road; and (2) natural resource uses and associated industries, i.e., agriculture, forestry, mineral working, etc. (3) recreational cottages located on a resource road and remote cottages not accessible by highway vehicle.

#### 4.2.4 Building Line and Setbacks (Refer to Schedule A)

- 1) The building line setback is established by the Town and runs parallel to a street line and is set at the closest point to a street that a building may be placed;
- 2) Adequate building setback from roads shall be required in order to maintain road standards, consider public safety requirements for side/back/front yards; and conform to the existing development pattern; and, ensure adequate provision is made for light, privacy, and amenity.
- 3) Setbacks should be sufficient to allow for landscaping of front yards, vehicle off-street parking and take into consideration Town service obligations, such as, snow clearing;
- 4) To encourage a more interesting streetscape Council can allow staggered building line setbacks
- 5) Council, at its discretion, may allow development to complement existing building setbacks of adjoining properties by changing the building line after notification of the proposed change is given to neighbouring property owners.
- 6) Where required, the building line as set out in the provincial ***Building Near Highways Regulation*** along any provincial highway, shall be adhered to.



#### 4.2.5 Flanking or Corner lots and double fronting lots

In the case of a corner lot, the shortest lot line facing the street shall be the front lot line; therefore, the other lot line is the flanking side yard, and in the case of double fronting lots or where the lot lines are equal in length, the front lot line shall be determined by the orientation direction of the majority of adjacent neighbourhood buildings, and the other lot line is the flanking side yard.

#### 4.2.6 Side Yards

An unobstructed side yard shall be provided on the exposed sides of every building in order to provide access for the maintenance of that building and to provide the required separation distance between buildings for fire and safety protection under the National Building Code. A side yard depth means the distance between the side lot line and the nearest side wall of a building on the lot;

#### 4.2.7 Multiple Uses on One Lot

Where two or more different uses may exist in a single building, more than one main building may be permitted on a single lot (or a single lot may contain more than one permitted use,) provided that each use shall conform to all requirements in these regulations that are applicable to that use. EXCEPTION: This does not apply to a Single Detached Dwelling that is not part of a planned unit development.

Multiple use may not be permitted where the Authority determines that the proposed use would not be compatible with existing uses, on or adjacent to, the lot by reason of safety, amenity, appearance, or nuisance.

Where more than one main building is developed on a single lot, sufficient area shall be reserved to satisfy the yard requirements and other allowances outlined in the Use Zone Table applicable to the lot. These allowances shall be maintained when the adjacent land is developed.

#### **4.2.8 Civic numbering**

A civic number on properties with a building shall be easily visible from the street for fire and emergency services.

#### **4.2.9 Building Design and Town Character**

Wherever possible, the siting of a building on a lot should be configured to optimize winter solar exposure and take into consideration street/building layout, shading, landscaping, and on-site parking.

All building materials for exterior finish shall be subject to approval of Council in respect to acceptable visual quality and design appearance. Any outside elements including exposed ductwork, outside air conditioning units, cooling towers and tanks are subject to the approval of Council in respect to acceptable visual quality.

Council shall encourage the retention of the style, size, scale, colour and form of buildings in Steady Brook, and the preservation of heritage structures. When reviewing applications for development, Council shall consider whether the proposed development is complementary to surrounding buildings in terms of size, scale, style and form.

#### **4.2.10 Heritage Building or Structure**

Where Council designates a building or structure as a heritage building or structure, no person shall pull down or demolish the designated heritage building or structure except for life safety reasons or to carry out a public work, nor shall the exterior of the heritage building or structure be repaired or altered without the written approval of Council.

### **4.3 LANDSCAPING**

#### **4.3.1 General landscaping requirements**

- 1) No site work (clearing or grubbing) shall commence until a development permit is issued including conditions regarding existing site vegetation and proposed landscaping treatment.
- 2) The provision of adequate and suitable landscaping or screening may be made a condition of any development permit for a new development or the renovation of an existing building that includes site work, where, in the opinion of the Town, the landscaping or screening is desirable to preserve amenity and/or protect the environment.
- 3) Landscaping conditions of a permit or the standard minimum of suitable ground cover requirement shall be achieved within 18 months of completion of the work approved in the development permit.
- 4) The Council may require a landscape deposit or a financial guarantee in the amount to cover the costs of the landscaping of the lot or area as a condition of the Development Permit:
  - a. The deposit shall be paid prior to the issuance of the applicable permit by the Town.
  - b. The deposit shall be returned upon the successful completion of the landscaping to the satisfaction of the Town.
  - c. The amount of the landscape deposit may be set at the amount required to meet minimum suitable ground cover to prevent soil erosion.
- 5) A landscape plan accompanying a permit application may be required by Council and Council may require the following information (over and above the requirements set out in 2.2.2)::
  - a. height and width of required buffers and/or separation distances, fencing or retaining walls;

- b. location and dimensions of driveway(s), parking areas, hard-surfaced walkways in relation to landscaping;
  - c. location and dimensions of existing vegetation to be preserved or removed;
  - d. any proposed vegetative landscaping, grass or other flower beds, shrubs, trees and other landscaping elements, such as mulch, ornamental stone, etc., that are part of a landscaping plan;
  - e. The landscaped area should comprise a minimum of soil and grass cover and may also include flower beds, trees, shrubs, and/or other materials in a design approved by the Town. Mulch or pebbles alone are not considered landscaping unless they are part of an overall landscape plan.
- 6) Wherever grass is a requirement for the development of a lot or space, a minimum topsoil depth of 100 mm shall be required for the planting of grass or the laying of grass sods.
  - 7) To preserve existing natural vegetation on a new site, at the direction of Council, the limits of new development should be delineated in the field and site work shall be located in such a manner to minimize disruption on the existing and surrounding natural vegetation.
  - 8) All areas that are disrupted by construction should be reinstated by the developer using natural landscaping with a minimum of topsoil (100 mm) and grass.
  - 9) Whenever an alternate landscaping treatment is approved by Council and the treatment includes ornamental gravel, the developer or property owner should ensure that an appropriate retaining wall or border is constructed to contain the gravel within the lot boundaries and along hard-surfaced driveways, vehicular circulation areas, and parking areas;
  - 10) Landscaping of the Town road right of ways adjacent the property shall be the responsibility of the property owner. All areas between the curb/sidewalk and the property should be landscaped.
  - 11) Council may require the planting of trees as a condition of a development permit approval.
  - 12) All landscaping shall be maintained in good condition, not create a nuisance, and provide sufficient cover to prevent soil erosion.

#### **4.3.2 Visual Resources**

- 1) No development is permitted without a plan for landscaping or beautification of the lot in order to maintain and enhance the scenic views from and approaching Marble Mountain.
- 2) Mature trees shall be preserved where possible. Mature trees shall only be removed if it is dangerous because of age, disease, or proximity to an existing building, overcrowded, unduly inhibit light and air circulation, or inhibit construction. Council may require trees to be replaced or enhanced landscaping as a condition of a development permit.

### **4.4 MUNICIPAL SERVICES AND PUBLIC UTILITIES**

#### **4.4.1 Access and Streets**

- 1) An access on a municipal road shall be located as specified by the Council; Access(es) shall be located to the specification of Council so as to ensure the greatest possible convenience and safety of the street system and Council may prescribe the construction of service streets to reduce the number of accesses to collector and arterial streets.
- 2) All access to a provincial highway is determined by the Department of Transportation and Infrastructure (access permits are administered by Service NL).

- 3) The Council may require the provision of service streets to reduce the number of individual accesses to an adjacent street.
- 4) Details regarding off-street loading and parking can be found in 4.2.5.
- 5) Notwithstanding subsection 1, the following types of development may be allowed on lots that front on to a private road provided that arrangements are made for the maintenance of the on-site road, but that the road is not maintained by a Council at public expense:
  - a. commercial rental cottages;
  - b. seasonal commercial uses related to tourism;
  - c. resort developments;
  - d. seasonal cottage developments not intended for permanent residential use; and,
  - e. vacant land condominium subdivisions.
- 6) A new street may not be constructed except in accordance with and to the design and specifications established by Council.
- 7) Where Council has adopted an access plan, the location of accesses to existing and new developments shall be in accordance with that plan.
- 8) Access shall be located so that there is no visual obstruction for drivers of vehicles entering or exiting the development; therefore, to protect sightlines (view) of motorists and pedestrians:
- 9) Council may require that occupied lands within 7 metres of a street intersection be kept free of any shrubs, plants, and trees that shall impede the line of vision clear for motorists and pedestrians, and
- 10) Council may require that no building or structure be permitted to be erected, moved, enlarged, or reconstructed on any land that is within 7 metres of a street intersection.
- 11) In order to control access to streets, Council may, by the adoption of an Access Plan:
  - a. determine the number, location and layout of accesses to a street;
  - b. require an access to a service street, where direct access to an arterial street is not desirable;
  - c. require two or more properties to share a joint access to an arterial street where individual accesses would not be desirable; and,
- 12) Where Council has adopted an access plan, the location of accesses to existing and new developments should be in accordance with that plan.

#### **4.4.2 Storm Water Management**

- 1) Land shall be used and graded in such a manner that run-off from the land or development does not negatively impact adjoining properties, and that all surface drainage should be captured on site in accordance with the requirements of Council.
- 2) Council may require that development of land be undertaken with the objective of wherever possible achieving zero net run off with respect to on-site storm water runoff.
- 3) Where development results in the discharge of storm water into a wetland, waterbody, or watercourse, such discharge should be designed to minimize any environmentally detrimental effects on the receiving water or watercourse and should be designed and constructed in accordance with the requirements and conditions of Council.
- 4) Consideration should be given to green approaches to storm water management.

#### **4.4.3 Effluents**

- 1) Liquid or Semi-Solid Industrial Drainage: No liquid or semi-solid industrial waste or effluent should be discharged on the surface or into the ground and no water borne industrial waste or effluent should be discharged on the surface or into the ground, into the surface drainage ditches or sanitary



sewers unless the chemical and/or biological content is acceptable to Council or authorities having jurisdiction.

- 2) Any effluent or runoff leaving the site shall be required to conform to the requirements of the *Environmental Control Water and Sewage Regulations, 2003*  
<http://assembly.nl.ca/Legislation/sr/regulations/rc030065.htm>.
- 3) Application forms for permits and licences, fee schedules, and guidelines are available at:  
<http://www.env.gov.nl.ca/env/waterres/regulations/appforms/index.html>.

#### **4.4.4 On-Site Services** (Wells and onsite sanitary sewer systems)

Approvals for installation of on-site water and sewer systems shall be obtained from Service NL.

#### **4.4.5 Environmental Investigations**

Approvals for any development that may have an environmental impact shall be referred to Environmental Investigations, Service NL, and/or the Pollution Prevention Division.

#### **4.4.6 Sewer and Water Connection and Extensions**

- 1) Development must connect to municipal water and sewer services where available at the expense of the owner or developer.
- 2) Council shall require connection in areas within 50 metres of existing municipal services.
- 3) Council shall exercise discretion to determine the extent of water and sewer services in areas beyond 50 metres of existing services.
- 4) Any installation and/or extension of municipal sewer and water mains is the responsibility of the applicant and must be constructed in accordance with engineering drawings prepared by a professional engineer in good standing with the Professional Engineers and Geoscientist of Newfoundland Labrador.
- 5) The sewer and water main must be designed in accordance with the "Newfoundland and Labrador Guidelines for the Design, Construction and Operation of Water and Sewerage Systems".
- 6) Approval from the Department of Environment and Climate Change is required before a development permit for the sewer and water main installation is issued by the Town.

#### **4.4.7 Easement**

**Definition:** Easement means the right to use land, most commonly for access to other property, or as a right-of-way for utility service.

#### **Conditions:**

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

Access to these easements by service providers shall be preserved;

## **4.5 PARKING AND OFF-STREET LOADING**

### **4.5.1 Parking**

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 on-street parking of vehicles associated with that building, structure, or use.

Council may at its discretion vary the off-street parking requirements for non- residential properties if it is concerned that the required size of a particular parking area will generate excessive stormwater and if it deems that the required parking space is more than is necessary for normal parking demand.

Council may control the parking of vehicles in the road right-of-way under regulations or bylaws under the *Town and Local Service District Act, 2023*, and nothing in these regulations shall contradict the requirements under those regulations/bylaws.

#### **4.5.1.1 Parking Standards**

- 1) For every building, structure or use to be erected or enlarged, 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 on-street parking of vehicles associated with that building, structure or use.
- 2) Each parking space, except in the case of a single detached, semi-detached or attached dwelling, shall be made accessible by means of a right-of-way at least 3 metres wide.
- 3) Residential parking spaces shall be provided on the same lot as the dwelling or dwellings.
- 4) No regular parking of commercial vehicles or trailers except for vehicles with a gross weight of no greater than one tonne shall be permitted in a residential zone unless specific provision has been made for this type of parking with the approval of Council.
- 5) Parking space for apartment buildings shall be provided in the rear yard where possible.
- 6) Non-residential parking spaces shall be provided not more than 200 metres from the use for which the parking is required.
- 7) The parking facilities required by this Regulation shall, except in the case of single detached, semi-detached or attached dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.
- 8) Where Council permits parking horizontal to the curb, the minimum length of the stall shall be 7 metres and the aisle width shall be at least 4 metres, or more if deemed necessary by Council.
- 9) For any other parking lot configuration, the requirements shall as be as specified by Council, but in no instance, shall the requirements be less than that specified for perpendicular parking spaces.
- 10) Other requirements for parking areas are as follows:
  - a) The parking area shall be constructed and maintained to the specifications of Council,
  - b) Lights for illumination of the parking area shall be arranged so as to divert the light away from adjacent development,
  - c) Except on a service station or industrial lot, no gasoline pump or other service station equipment shall be located or maintained in a parking area except for electric charging stations
  - d) Where Council deems that strict application of the parking requirements is impractical or undesirable, Council may as a condition of a permit require the developer to pay a service

levy in lieu of the provision of a parking area, and Council shall use the full amount of the levy for the provision and upkeep of alternative parking facilities within the vicinity of the development.

Where, in these Regulations, a parking area for more than four vehicles are required or permitted:

- a) a parking area and an adjoining driveway shall provide drainage, lighting, curbs, and landscaping in accordance with requirements of Council.
  - b) 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;
  - c) no part of any off-street parking area shall be closer than 2 metres to any lot line in any zone;
  - d) access to a parking area in non-residential zones should not be by way of residential zones;
  - e) where a parking area is in or abuts a residential zone, a natural or structural barrier at least 1 metre in height should be erected and maintained along all lot lines;
- 11) Where, in the opinion of Council, strict application of the above parking requirements is impractical or undesirable, Council may, as a condition of a permit, require the developer to pay a service levy in accordance with these Regulations in lieu of the provision of a parking area, and the full amount of the levy charged should be used by Council for the provision and upkeep of alternative parking facilities within the general vicinity of the development.

#### **4.5.1.2 Designated Mobility Impaired Parking Spaces**

For any development where parking spaces for person with disabilities are required pursuant to the *Buildings Accessibilities Regulations* under the *Building Accessibility Act* (Newfoundland and Labrador), such spaces shall be provided on the basis of one parking space per lot or four percent (4%) of the total number of required parking spaced provided on the lot, whichever is greater, according to the regulations, and such parking space or spaces should be designated and marked in accordance with the Designated Mobility Impaired Parking Regulations under the *Highway Traffic Act, 1990* (Newfoundland and Labrador) and the *Buildings Accessibilities Act, 1990*.

#### **4.5.1.3 Off-Street Parking Requirements**

- 1) The off-street parking requirements for are set out in the following table, and for those uses not indicated, then the parking and off-loading requirements are at the discretion of Council. In the case of developments that include more than one use or development, these standards shall be regarded as cumulative.
- 2) Adequate off-street provision for the drop-off and pick-up of persons shall be provided on the same lot as the development unless otherwise stipulated by Council.
- 3) The number of spaces to be provided for off-street parking shall be in accordance with the following table.

USE/DEVELOPMENT	MINIMUM OFF-STREET PARKING REQUIREMENT
Amusement	One space for every 15 m <sup>2</sup> of gross floor area
Animal Grooming	One parking space for every 20 m <sup>2</sup> of gross floor area
Apartment Building	Three spaces for every two dwelling units
Automotive Sales	In addition to the parking spaces required for the principal building, one parking space for every 20 vehicles of capacity for sales display at the automotive sales lot
Bakery	One parking space per 15 m <sup>2</sup> of net floor area
Bank	One parking space per 15 m <sup>2</sup> of net floor area
Bank – Drive through	One parking space per 15 m <sup>2</sup> of net floor area
Bar (night club)	One parking space for every 5 m <sup>2</sup> of seating area
Bed and Breakfast	One parking space per guest room in addition to the two spaces for the dwelling unit
Car Wash	One parking space per washing bay and one parking space for each 30 m <sup>2</sup> of office space
Clinic	Three parking spaces per examining room
Club and Lodge	One space for every 3 persons that may be accommodated at one time
Commercial Garage	One parking space per 30 m <sup>2</sup> of net floor area (parking provision for the storage of new & used vehicles for sale shall not be counted towards this requirement)
Convenience Store	One space for every 20 m <sup>2</sup> of gross floor area
Public Gathering Places	One space for every 60 m <sup>2</sup> of gross floor areas
Day Care-non-residential	One space for every 30 m <sup>2</sup> of gross floor area
Day Care-residential	One parking space per 30 m <sup>2</sup> of net floor area
Semi-Detached (Double) Dwelling	Two spaces for every dwelling unit
Dry Cleaning	One parking space per 30 m <sup>2</sup> of net floor area
Educational	Schools - 2 spaces for every classroom; Further education - 1 space for every 5 persons using the facilities (students, faculty and staff)
Funeral Home	One parking space for every 5 m <sup>2</sup> of gross floor area used by visitors
Furniture & Appliance Showroom	One parking space for every 50 m <sup>2</sup> of gross floor area
General Industry	One parking space for every employee
General Service	One space for every 25 m <sup>2</sup> of gross floor area
Hazardous Industry	One parking space for every employee
Health Club	One parking space for every 20 m <sup>2</sup> of gross floor area
Hotel	One parking space for every 3 sleeping units plus one parking space for every 15 m <sup>2</sup> of banquet seating area

USE/DEVELOPMENT	MINIMUM OFF-STREET PARKING REQUIREMENT
Light Industry	As specified by Council but not less than one space per 50 m <sup>2</sup> of gross floor area or 5 parking spaces, whichever is greater
Medical and Professional	One space for every 25 m <sup>2</sup> of gross floor area
Medical Treatment and Special Care	Once space per 22 m <sup>2</sup> of suite or ward area
Mobile & Mini Homes	Two spaces for every dwelling unit
Office	One space for every 30 m <sup>2</sup> of gross floor area
Personal Service	One space for every 25 m <sup>2</sup> of gross floor area
Public Gathering Place- Indoor	One space for every 6 seats; or one space for every 15 m <sup>2</sup> of gross floor area
Regional Institutional Use	One parking space for every 10 spectators that may be accommodated at one time
Restaurant	One parking space for every 5 m <sup>2</sup> of seating area
Restaurant – Drive Through	One parking space per 5 m <sup>2</sup> of seating space
Restaurant -Take-out	One space for every 25 m <sup>2</sup> of gross floor area
Retail	One space for every 20 m <sup>2</sup> of gross floor area
Row Dwelling	Two spaces for every dwelling unit
Service Station	One space for every 20 m <sup>2</sup> of gross floor area
Shopping Centre	One space for every 20 m <sup>2</sup> of gross floor area
Single Detached Dwelling	Two spaces for every dwelling unit
Sport & Recreation facility	Three parking spaces for every 5 patrons of the facility at maximum capacity
Subsidiary Apartment	One parking space for every dwelling unit
Veterinary	One space for every 25 m <sup>2</sup> of gross floor area

#### 4.5.2 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 loading facilities on land that is not part of a street comprised of one or more loading spaces, 15 metres long, 4 metres wide, and having a vertical clearance of at least 4 metres with direct access to a street or with access by a driveway of a minimum width of 6 metres to a street.
- 2) The number of loading spaces to be provided shall be determined by Council.
- 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.

#### **4.6. SIGNS (ADVERTISEMENTS)**

##### **Permit Required**

- 1) No sign or advertisement shall be erected or displayed in the Municipal Planning Area unless a permit for the advertisement is first obtained from the Authority, except for those signs that are exempt from control as listed in the following provision.

##### **Signs/Advertisements Exempt from Control**

- 2) The following advertisements may be erected or displayed in the Municipal 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 church, 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 metres, 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;
  - i. signs erected by the Town on Town lands or buildings, or located in a town road right-of-way for the purposes of controlling traffic or parking.

##### **Provincial Highway Sign Regulations, 1996 (under the *Urban and Rural Planning Act, 2000*)**

- 3) A permit for erection or display of advertisement on Provincial Highways shall be obtained from the Government Service Centre. This requirement applies within a control line established on each side of every highway, within the boundaries of the incorporated municipality, the control line shall be 100 metres distant, measured horizontally, from the centre line of the roadway.

##### **Application for Permit**

- 4) Application for a permit to erect or display an advertisement shall be made to the authority in accordance with the requirements for a development permit as set out in the Administration Section.

##### **Permit Valid for Limited Period**

- 5) 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.

##### **Removal of Signs/Advertisements**

- 6) 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.

#### **Approval Subject to Conditions**

- 7) 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 Chapter 3 of these Regulations.

#### **Advertisements in Residential zone relating to Onsite Uses**

- 8) 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”) shall not be allowed in the residential area.

#### **Advertisements in Residential zone relating to Offsite Uses on Local Roads**

- 9) 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.

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## 5.0 LAND USE CLASSIFICATION AND DEFINITIONS

### 5.1 INTERPRETATION OF DEFINITIONS

The land use definitions provide a description of the use or development in terms of its structural form and the level of activity generated in terms of pedestrian or vehicular traffic, noise, visual appearance, and any other considerations that constitute the impact the neighbourhood, street or zone in which it occurs. The examples provided are not intended to be exhaustive so that if a new use with a modern 'label' fits a category of use defined under a land use class, Council may apply the relevant the regulations and conditions accordingly. Wherever possible, the goal was to achieve consistency with federal and provincial terminology and definitions.

All development uses shall conform with the development standards set out for the zone in which the development or use occurs as set out in Chapter 3 with the Use Zone Tables.

### 5.2 AGRICULTURE-RELATED DEFINITIONS

#### 5.2.1 Commercial Agriculture

**Definition:** Commercial Agriculture means a farm operation as specified in the *Farm Practices Protection Act, 2000*, as follows: "farm operation" means an agricultural activity conducted by a farmer for gain or reward or with the expectation of gain or reward and includes

- (i) growing, producing, raising or keeping animals or plants or the primary products of those animals or plants,
- (ii) composting,
- (iii) clearing, draining, burning, irrigating or cultivating land,
- (iv) using farm machinery, including vehicles on public roads, equipment, devices, materials and structures,
- (v) applying fertilizers, manure, pesticides or biological control agents,
- (vi) operating farm produce stands or agricultural tourist operations, including U-Pick farms or roadside stands, and
- (vii) preparing farm products for distribution for wholesale or retail consumption including the cleaning, grading or packaging of those products;"

**Conditions:**

- 1) Applications for development adjacent to existing agricultural operations must not negatively impact the continued operation for agricultural purposes. Development applications located within the Agriculture Development Area must be referred to the Land Resources Stewardship Division.
- 2) No structure for a Livestock and Poultry Farm Operation shall be erected or used unless it complies with the following conditions. (Environmental Farm Practices Guidelines for Livestock Producers in Newfoundland and Labrador and Environmental Farm Practices Guidelines for Poultry Producers in Newfoundland and Labrador);
- 3) The structure shall be at least 600 metres from:
  - a. a residence (except a farm residence or a residence which is a nonconforming use in any zone in which agriculture is a permitted use class in the Use Zone Tables of these Regulations),
  - b. an area designated for residential use in an approved Plan, and

c. a Provincial or Federal Park.

- 4) The structure shall be at least 45 metres from the boundary of the property on which it is erected.
- 5) The structure shall be at least 90 metres from the centre line of a street.
- 6) The erection of the structure shall be approved by the Land Resource Stewardship Resource Division, Government of Newfoundland and Labrador.
- 7) Manure storage shall be located 100 metres from the boundary of the property; Service NL shall approve all manure systems
- 8) No development for residential use shall be permitted within 600 metres of an existing structure designed to contain more than five animal units unless the development is first approved by the Land Resource Stewardship Resource Division, Government of Newfoundland and Labrador.
- 9) Approvals shall be obtained from the Land Resource Stewardship Resource Division, Government of Newfoundland and Labrador for any commercial farming operation.
- 10) The Town, in its discretion, may refuse to issue a permit for an agricultural operation where in its opinion the use is likely to create an environmental hazard or a nuisance to residences in the general vicinity of the proposed agricultural use.

### **5.2.2 Urban Agriculture**

**Definition:** Urban Agriculture means non-farm operation agricultural activities that are compatible within a developed urban setting, such as some residential and mixed-use zones, and includes, but is not limited to, horticulture, vegetable growing, fruit growing, and the use of land as market gardens, nursery grounds, and community gardens, and keeping of domestic animals, such as livestock, poultry and dogs.

#### **5.2.2.1 General Conditions**

- 1) Urban agricultural uses shall meet the requirements for a home business (refer to regulation 3.3 below) at the discretion of Council if there is sufficient volume of product sales;
- 2) A permit is not required for any residential market garden or home gardening that does not involve permanent structures, on-site sales, or keeping of animals.
- 3) Urban agriculture shall only take place in the rear yard of the property; except for the location of accessory buildings as set out in regulation 3.3.2.
- 4) Urban agriculture is restricted to those activities which have minimal impact on surrounding uses and do not include intensive livestock operations or activities such as sod farming, growing of forage which involves spreading of manure over large areas. Council may prohibit or restrict the number or type of livestock or poultry being kept on-site to reduce any potential negative impacts on surrounding properties

#### **5.2.2.2 Community Garden**

A community garden use shall be subject to the following conditions:

- 1) Community gardens are to be maintained in a neat and tidy fashion; and
- 2) All disturbed areas not comprising the area of the community garden are to be reinstated with a minimum of grass sods to the satisfaction of the Town.

#### **5.2.2.3 Keeping of Fowl or Livestock on Residential lots**

- 1) At the discretion of Council, limits on the number of fowl or livestock on residential lots shall be set out in regulations or bylaws under *the Town and Local Service District Act, 2023*.

#### **5.2.2.4 Kennel**

**Definition:** Kennel means a building or portion thereof used for the keeping or boarding of more than four (4) domestic animals, excluding livestock, kept for the purposes of commercial breeding or showing, or for personal use, with or without veterinary care, and includes an animal shelter.

**Conditions:**

- 1) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties;
- 2) The outside perimeter of all areas related to the kennel where animals are kept shall be enclosed by a solid fence or fence and a solid hedge at least 1.8 metres in height to screen the areas from adjacent properties;
- 3) All buildings related to the kennel should contain at least 8 cm of insulation in all exterior walls and ceiling for the purpose of soundproofing;
- 4) All buildings, pens and runs shall be sited not less than 15 metres from any property line, and 90 metres from any residence except the kennel site; and,
- 5) Council shall be satisfied that the kennel shall not impact upon surrounding residential neighbourhoods.

### **5.3 COMMERCIAL-RELATED USE DEFINITIONS**

This class includes land uses and development for activities providing for the sale of goods and services. Generally, the Use Zone standards apply; however, as required, specific conditions are tailored to the activity and associated traffic in order to address public health, safety and conservation issues and achieve the intent of the community of the land use zone in which the activity is located.

#### **5.3.1 Amusement Establishment/Use**

**Definition:** Amusement establishment use means the use of land or a building or a part thereof used by the public for indoor non-sport games, including but are not limited to, billiard and pool halls, bingo hall, mechanical amusement games (more than three game machines), video games. It does not include those on the premises of a hotel or bar.

**Conditions:**

- 1) Shall address traffic access/egress and on-site movement as well as parking;
- 2) For a temporary permit, the applicant shall address site rehabilitation after event;

#### **5.3.2 Amusement Park/Attraction**

**Definition:** Amusement Park/attraction means an outdoor area where buildings or structures may be permanently or temporarily erected for the purpose of amusement, entertainment or education of a large number of people; including but are not limited to, a circus, carnival, midway show, race-track, sideshow, fairgrounds, or similar exhibition which may have mechanically or electrically operated amusement rides or games, and theme parks.

**Conditions:**

- 1) Required to submit a Planned Unit Development application (2.2.2 & 2.2.4);

- 2) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties;

### **5.3.3 Auto Body Shop**

**Definition:** An auto body shop consists of a building or a clearly defined space on a lot used for the storage and repair of motor vehicles including body repair, painting and detailing, but does not include a service station or an automobile repair shop or an automotive sales establishment.

**Conditions:**

- 1) Shall be of 20 metres from a residential lot;
- 2) There shall be no outdoor storage of inoperable vehicles on the premises and no scrapping of vehicles shall be permitted;
- 3) Shall apply measures to minimize any noise, spray or fumes through the installation of appropriate equipment; and all waste fluids and tires shall be disposed of in accordance with applicable provincial regulations;
- 4) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties; and,
- 5) A parking area abutting a residential lot should be appropriately screened by a fence, wall, or hedge of height of about 2.4 metres and located a minimum distance of 1 metre from the edge of the parking area.

### **5.3.4 Automotive Repair**

**Definition:** An automotive repair means a development for the servicing and repair of motor vehicles. This definition includes but is not limited to transmission repair shops, muffler repair shops, tire shops, automotive glass shops, auto body repair, painting and detailing, and automotive upholstery shops, but does not include an automotive sales establishment, a service station, or salvage or wrecking and recycling yard.

**Conditions:**

- 1) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties;
- 2) There shall be no outdoor storage of inoperable vehicles on the premises and no scrapping of vehicles shall be permitted;
- 3) Outline measures to minimize any noise, spray or fumes through the installation of appropriate equipment; and all waste fluids and tires shall be disposed of in accordance with applicable provincial regulations;
- 4) A minimum buffer between residential use and vehicle repair, shall be 20 metres.
- 5) A parking area abutting a residential lot should be appropriately screened by a fence, wall, or hedge of height not less than 1 metres and located a minimum distance of 1 metres from the edge of the parking area.

### **5.3.5 Automotive Sales and Service Establishment**

**Definition:** An automotive sales and service establishment means a lot, building or structure used for the display and sale of new or new and used motor vehicles, including trucks and mobile homes; and

may include the servicing, repair, cleaning, polishing, and lubrication of motor vehicles; the sale of automotive accessories and related products; and the leasing or renting of motor vehicles.

**Conditions:**

- 1) The developer shall submit to Council an acceptable Planned Unit Development application (2.2.2 & 2.2.4), which shall include the following:
  - a. the number and location of parking spaces, including customer parking;
  - b. ingress and egress of the parking lot,
  - c. motor vehicle circulation pattern around the lot,
  - d. location of any building on the lot,
  - e. area to be landscaped and screened and the type of landscaping to be used.
- 2) The automotive sales use should have a principal building on the lot in which the business is conducted. The principal building shall include washroom facilities and should be connected to municipal water and sewer services where such services exist. Where municipal water and sewer services do not exist, the washroom facilities of the principal building be approved by and meet the requirements of the Service NL.
- 3) The automotive sales lot should be paved and should provide drainage, lighting, curbs, and landscaping in accordance with the requirements of Council;
- 4) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties;
- 5) The automotive sales use shall be properly licensed by the Provincial Government prior to the use commencing.

### **5.3.6 Bar/Licensed Liquor Establishment**

**Definition:** A Bar means a development licensed for the sale of alcoholic beverages to the public, for consumption within the premises and where entertainment and meals may be provided. Typical Uses include but are not limited to, dance clubs, cabarets, nightclubs, lounges, tavern, neighbourhood pubs and bars, brewpubs, beverage rooms, private clubs, cocktail lounges, and similar uses.

**Conditions:**

- 1) Recommend consideration of a separation distance of 100 metres from a residential lot;
- 2) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties;

### **5.3.7 Building Supply Store**

**Definition:** A Building supply store means a building or land on which building and construction supplies and home improvement materials are kept for sale.

**Conditions:**

- 1) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties;
- 2) Storage of supplies is appropriately screened and/or fenced in order to prevent unsightly property.

### **5.3.8 Business Support Service**

**Definition:** A Business support service means development used to provide support services to businesses which are characterized by one or more of the following features: the use of mechanical equipment for printing, duplicating, binding or photographic processing; the provision of office maintenance, custodial or security service, and the sale, rental, repair or servicing of office equipment, furniture and machines.

### **5.3.9 Campground, including RV campgrounds**

**Definition:** Campground (including RV campgrounds) means a public or privately-operated facility offering overnight to seasonal camping experiences for 3 or more tent sites or serviced recreational vehicle sites, associated rental cabins, and including accessory administrative offices, convenience store, laundry facilities, sanitary facilities, recreational hall and associated recreational uses that cater to short-term guests, not to year-round residents and does not include industrial, work or construction camps or permanent mobile home or mini-home parks;

**Conditions:**

- 1) A proposed campground, including trailer and Recreational Vehicle park, shall require a Planned Unit Development application (2.2.2 & 2.2.4) satisfactory to Council containing the following information:
  - a. Location and size of camp and trailer sites
  - b. Internal roads and accesses and parking areas
  - c. Parking areas for proposed campground
  - d. Accessory uses such as laundry facilities, storage areas, washrooms, showers, convenience store, staff accommodations, and outdoor and indoor recreation facilities
  - e. Water supply and waste disposal
  - f. Landscaping for proposed campground
  - g. Buffers and screening between the site and other nearby land uses
  - h. Delineation of the property to be developed on a legal survey
  - i. Where deemed necessary by Council, a phasing plan for development.
  - j. On-site water and sewer services shall meet minimum standards required by Council and relevant Provincial agencies.
  - k. Washroom facilities, recreational areas, parking areas, and similar facilities directly associated with the development shall not be located on separate properties.
- 2) All camp sites and on-site facilities that form part of the development shall be accessible only via the internal road network of the development.
- 3) The development permit shall specify the maximum number of campsites for different uses such as tents, trailers, and RVs that shall be permitted on the site.
- 4) No expansion or alteration of a campground, other than repairs and maintenance, shall take place without the approval of Council.
- 5) The operation shall comply with all regulations of Council pertaining to noise and unruly behaviour.
- 6) Where deemed necessary by Council, a deposit sufficient to cover the cost of buffers and screening shall be deposited with Council until the work is completed in accordance with the approved plan.

### **5.3.10 Child Care – Non-residential (Note: residential childcare is under Home Business)**

**Definition:** Child care – Non-residential means a building or part of a building in which personal care services are regularly provided to children for group day care, family day care, pre-school, play school,

out-of-school care, specialized day care, and emergency day care, all as licensed and regulated by the Province of Newfoundland and Labrador, but does not include a school as defined by the *Schools Act, 1997*. (Note: child care - residential is found in section 3.4.2.3)

**Conditions:**

- 1) A Child Care Centre shall be duly licensed and approved, staffed, equipped and operated in accordance with the requirements of the agencies having jurisdiction or authority;
- 2) The section of the street on which the use is located allows sufficient area and sight distance for the safe and convenient drop off and pick up of children without hindering the safety and convenience of vehicular and pedestrian traffic on the street, or the development provides adequate off-street drop off or pick-up spaces satisfactory to Council; and,
- 3) The use shall be compatible with nearby uses.

**5.3.11 Club and Lodge**

**Definition:** Club and Lodge means a building or structure used by a non-profit association or organization for fraternal, social, or recreational purposes, including but not limited to such examples as, the Lion's Club, Kinsmen Club. A club or lodge can also be an Accessory Use (refer to regulation 3.3)

**Conditions:**

- 1) A Club or lodge can also be an accessory use in a permitted or discretionary use.

**5.3.12 Contractor, Limited (Small)**

**Definition:** Contractor, limited (small) means a building or part thereof providing services for electrical, plumbing, heating, painting and similar contractor services to individual households including accessory sale of goods associated with this service where and there is no accessory manufacturing or fleet of vehicles consisting of more than 4 vehicles.

**Conditions:**

- 1) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties;
- 2) Recommend that all materials are stored within an enclosed building

**5.3.13 Convenience Store**

**Definition:** Convenience store means a building which is used as a retail store providing a range of household and grocery items, and may include, but not limited to, postal services, take-out, and may be licensed to sell alcohol, but is not a supermarket. The convenience store may also be a subsidiary use within a primary use, such as a service station.

**Conditions:**

- 1) The store may form part of, or be attached to, a dwelling unit or be a stand-alone building;
- 2) The retail use shall be subsidiary to the residential character of the area and shall not affect residential amenities or adjoining properties;
- 3) The take-out use shall be subject to the conditions set out in 4.3.26.1;
- 4) Adequate provision for on-site parking, loading, buffering and landscaping shall be provided;

- 5) The hours of operation are appropriate to the nature of the building and surrounding neighbourhood and the operation does not create a nuisance.
- 6) A Take Out associated with a convenience store should be subject to the following standards:
  - a. A Take-Out Food Use should have a parking area or stacking lane with a minimum length before the pick-up window, as determined by Council during the review of the application based on the anticipated on the level of traffic to be generated as indicated in the application;
  - b. Order boards and signage shall be designed to minimize impact on adjacent residential or public/institutional uses.
  - c. As determined by Council: A buffer consisting of a sound-proof fence and landscaping may be required adjacent to residential uses. A fence, berm, and landscaping or a combination of these elements shall be used to reduce headlight glare, lighting, and noise from the Take Out; garbage receptacles shall be placed either before the pick-up window or after the pickup window.

#### **5.3.14 Custom Manufacturing Service and Sales (small/artisan)**

**Definition:** Custom manufacturing service (small/artisan) means a building where goods are stored, produced, assembled, or repaired to consumer specifications and sold at retail on the premises and may include, but not limited to, welding, sheet metal, woodworking, flooring and tile contractors, and machine shop.

**Conditions:**

- 1) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties;

#### **5.3.15 Garage, Public parking /taxi stand**

**Definition:** Garage, public parking/taxi stand means a building or area other than a private garage where motor vehicles are kept or stored for remuneration which does not include any automatic car washing establishment, a motor vehicle sales establishment or an automobile service station.

**Conditions:**

- 1) Recommend that it is located 20 metres from residential uses; and appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties;

#### **5.3.16 General Service/Repair Shop**

**Definition:** General Service/repair shop means an outlet for servicing, repairing, installing, or renting items and equipment, without limiting the generality of the foregoing, includes but is not limited to the following examples, radio, television, and computer service and repair shops; locksmith shops; small appliance service or repair shops; household and limited contractor service or repair shops; tools and equipment rental shops.

**Conditions:**

- 1) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties.



### 5.3.17 Hotel or Inn

**Definition:** Hotel or Inn means a commercial establishment offering lodging and guest services to travelers and sometimes to permanent residents, and may have restaurants, meeting rooms, conference facilities, a lounge, stores, etc., that are available to the general public. In general, to be called a hotel (not a bed and breakfast), an establishment shall have a minimum of five letting rooms accessed from within the building, at least three of which shall have ensuite private bathroom facilities.

**Conditions:**

- 1) Required to submit a Planned Unit Development application (2.2.2 & 2.2.4);
- 2) The Hotel or Inn shall be registered and approved by the Government of Newfoundland and Labrador.
- 3) A Hotel or Inn is for temporary accommodation. The unit is not a place of residence or dwelling. Units may be rented on a temporary basis but not as an open-ended monthly apartment.
- 4) Housekeeping services including cleaning, provision of clean linen and towels (daily or weekly) shall be provided.
- 5) Access to units shall be through or associated with a clearly defined lobby. Exterior access to units can be provided as long as access to each unit is from a common parking lot on the site
- 6) Units shall not have individual driveways to the street. Parking shall be provided in a parking lot with parking spaces and aisles and access for the overall parking lot to the street.
- 7) The Hotel or Inn shall have an overall cohesive design including a prominent lobby, pleasant appearance from the street, clear parking lot street entrance and design with a dust free surface, and landscaping (trees, shrubs, lawn) in setbacks and open areas.
- 8) There shall not be separate utility connections or utility billing or addressing for individual rooms.
- 9) Temporary accommodations for seasonal staff can be provided onsite.

### 5.3.18 Marina

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

**Conditions:**

- 1) Required to submit a Planned Unit Development application (2.2.2 & 2.2.4)
- 2) Provide and maintain public access to the shoreline via a walkway, path or trail, located, designed and constructed to the satisfaction of the Council
- 3) Parking shall be provided for both vehicles and boat trailers with adequate turning areas within the parking lot;
- 4) Outdoor storage areas for boats or other equipment should be landscaped and screened to the requirements of the Council;
- 5) Marinas should be serviced with a supply of potable water and facilities for the collection and disposal of wastewater in a manner acceptable to the Council;
- 6) Wharf/Boathouse/Slipway/Breakwater structures shall follow the guidelines for the *Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses* which are available at: [http://www.env.gov.nl.ca/env/waterres/regulations/appforms/Guidelines\\_for\\_Wharves.pdf](http://www.env.gov.nl.ca/env/waterres/regulations/appforms/Guidelines_for_Wharves.pdf)

- 7) The Applicant shall obtain a permit under of the *Water Resources Act, 2002* under Section 48 for any infilling or dredging work associated with these structures or other works near or in any body of water prior to the start of construction.

#### **5.3.19 Medical or Dental Clinic/Office**

**Definition:** Medical or dental clinic/office means a building or part thereof used by qualified physicians, dentists, osteopaths, counselors, or other drugless practitioners, including their staff and patients, for the purpose of out-patient consultation, diagnosis and office treatment. A medical clinic may include accessory uses such as waiting and treatment rooms, laboratories, dispensaries and administrative offices. A medical clinic does not include accommodation for overnight patient care or operating room facilities.

#### **5.3.20 Motel**

**Definition:** Motel means an establishment providing accommodation for travelers or the transient public that consists of one or more than one building containing four or more attached accommodation units accessible from the exterior only and may or may not have facilities for serving meals.

**Conditions:**

- 1) Required to submit a Planned Unit Development application (2.2.2 & 2.2.4.)
- 2) The Motel shall be approved by the Government of Newfoundland and Labrador.
- 3) Units may be rented on a temporary basis but not as an open-ended monthly apartment.
- 4) A Motel unit is for temporary accommodation. The unit is not a place of residence or dwelling. No individual can abide in the units in a particular Motel for more than three months out of every calendar year.
- 5) Housekeeping services including cleaning, provision of clean linen and towels (daily or weekly) shall be provided.
- 6) Access to units may be through or associated with a clearly defined lobby. Exterior access to units can be provided as long as access to each unit is from a common parking lot on the site,
- 7) Units shall not have individual driveways to the street. Parking shall be provided in a parking lot with parking spaces and aisles and access for the overall parking lot to the street.
- 8) The Motel shall have an overall cohesive design including a prominent lobby, pleasant appearance from the street, clear parking lot street entrance and design with a dust free surface, and landscaping (trees, shrubs, lawn) in setbacks and open areas.
- 9) There shall not be separate utility connections or utility billing or addressing for individual rooms.

#### **5.3.21 Outdoor Commercial Patio**

**Definition:** Outdoor commercial patio means any outdoor area used in conjunction with any establishment licensed under the *Liquor Control Act, 1990* where meals or refreshments are served to the public for consumption on the premises.

**Conditions:**

- 1) An outdoor commercial patio should not accommodate more than 50 percent (50%) of the licensed capacity of the restaurant with which the patio is associated, or 50 persons, whichever is the greater.

- 2) It is recommended that no outdoor commercial patio should be permitted in any yard facing or abutting a residential zone or abutting a yard or lane facing or abutting a residential zone unless:
  - a. it is located a minimum of 30 m from the residential zone; and
  - b. it is screened and physically separated from the residential zone by a building, structure or wall that is at least 2 metres in height so that noise from the outdoor patio is mitigated.
- 3) Unless otherwise determined by Council, an outdoor commercial patio should have a minimum setback of 1.5 metres from any lot line.
- 4) The location of an outdoor commercial patio on a lot should not obstruct the view or path of pedestrian and vehicular traffic that accesses or egresses to or from a street onto or out of the lot.
- 5) The outdoor commercial patio shall not encroach on or eliminate any required parking or loading space, driveway or aisle for the lot on which it is located.
- 6) The outdoor commercial patio shall be so located on the lot as to not interfere with snow clearing and snow operations of Council.
- 7) No outdoor commercial patio should be located above the elevation of the floor of the first storey of the principal building where the lot adjoins a residential use zone.
- 8) Any outdoor lighting should be directed toward or onto the outdoor commercial patio area and away from adjoining properties and streets.
- 9) Parking spaces should be required for the gross floor area associated with the outdoor commercial patio use at the same ratio as for restaurants.

#### **5.3.22 Outdoor Market**

**Definition:** Outdoor market means the sale of goods or products at an open property with no permanent buildings; temporary facilities or open stalls may be used to hold and display the goods being sold. Examples may include, but are not limited to, farmers markets, fish market, flea markets or other types of goods.

**Conditions:**

- 1) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties;
- 2) Requires sufficient off street/highway parking for customers and ensure that the sight lines (visual) or sign distance at any intersection is not obstructed.

#### **5.3.23 Personal Service**

**Definition:** Personal service means a building or part of a building used for the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects; and where the sale of retail of goods, wares, merchandise, articles, or things is only accessory to the provisions of such service. Examples include, but are not limited to, barbershops, hairdressers, beauty salons, health and wellness centres/spas, tanning salons, tattoo parlours, tailors, dressmakers, photography studio, music studio, tattoo shop, handmade crafts, shoe repair shops, and dry-cleaning establishments and laundromats. This Use Class does not include medical and dental clinics and excludes any manufacturing or fabrication of goods for sale.

#### **5.3.24 Offices: Professional, Financial and Associated Support Services**

**Definition:** Offices (professional, financial and associated support services) means development primarily used for the provision of professional, management, administrative, consulting, and financial services, but does not include medical or dental clinics or government services. Typical Uses include, but are not limited to: the offices of lawyers, accountants, engineers, and architects; offices for real estate and insurance firms; clerical, secretarial, employment, telephone answering, and similar office support services; and banks, credit unions, loan offices and similar financial uses.

#### **5.3.25 Resort – Tourist Establishment**

**Definition:** Resort means the use of land, buildings and structures that may provide sleeping accommodations, communal or individual facilities for cooking and serving of meals for guests or a restaurant and provide limited onsite recreation uses, such as tennis, lawn bowling, health spa, swimming pools, sightseeing, camping, indoor recreational activities and other similar uses, plus gift and craft shops and the furnishing of equipment, supplies or services to guests in connection with any of the foregoing activities and may include accommodation for operators and staff. This category also includes commercial rental cottages or a tourist cabin development.

**Conditions:**

- 1) Required to submit a Planned Unit Development application (2.2.2 & 2.2.4)

#### **5.3.26 Restaurants**

##### **5.3.26.1 Drive-Through and Take-Out**

**Definition:** Restaurant -drive-through and take-out means a building designed to allow drivers to remain in their vehicles before and during an activity on the site. Food and drink are prepared then sold to the public for immediate consumption either within an eating area inside or outside of the building or within the patron's own motor vehicle onsite, or for elsewhere off the premises it may include a seating area for in-house consumption and parking for in-house patrons. It is not licensed to sell alcoholic beverages.

**Conditions:**

- 1) Council may require the applicant to undertake a Planning Impact Assessment to assess the impact of the proposed Drive-Through Use and mitigation measures where the Drive-Through Use is in close proximity to residential uses.
- 2) A Drive-Through Restaurant should have a stacking lane with a minimum length before the pick-up window, as determined by Council based on the projected level of traffic to be generated by the drive-through use as listed below, and the stacking lane length may be modified on the basis of the recommendations of a Planning Impact Assessment. Drive-through stacking lanes should not be located between the street and the building.
- 3) Drive-through stacking lanes shall be located away from adjacent residential and institutional uses whenever possible and no drive-through stacking lane, order window, or order board should be located within 3 m of a lot line abutting a residential use.
- 4) Drive-through stacking lanes should be separated by raised islands, be well signed to provide for ease of use and located so as to avoid crisscrossing of lanes.
- 5) Order boards with an intercom shall be designed to minimize noise impact on adjacent residential or institutional uses.

- 6) A buffer consisting of a sound-proof fence and landscaping should be provided adjacent to residential uses. A fence, berm, and landscaping or a combination of these elements should be used to reduce headlight glare, order board lighting, and noise from the Drive-Through Use. Garbage receptacles should be placed either before the pick-up window or after the pickup window as determined by Council.
- 7) If the use of any land, building or structure is composed of a combination of Drive-Through Use and any one or more other uses, those uses should not be construed as accessory to one another and all provisions pertaining to each use shall apply.
- 8) Required to submit a Planned Unit Development (2.2.2 & 2.2.4)

#### **5.3.26.2 Full-Service Restaurant**

**Definition:** Restaurant-full service means a building or part of a building wherein the primary purpose is the preparation of food for sale to the public y for consumption within the building and may include a take-out area. It is characterized by the provision of table service, including buffet service and may also be licensed to serve alcoholic beverages.

**Conditions:**

- 1) Refer to Outdoor Commercial Patio for standards related to outdoor areas

#### **5.3.26.3 Mobile Take-Out/Canteen or Street Vendor**

**Definition:** Restaurant-mobile take-out/canteen or street vendor means a mobile food preparation motorized vehicle or non-motorized cart offering food and non-alcoholic beverages for immediate consumption that subject to the requirements of the *Town and Local Service District Act, 2023* and the *Highway Traffic Act, 1990*. No person shall, at any time, operate a mobile canteen, an approved vending site or a vending operation in the Town without a permit issued by Council with the exception of:

- a. A person selling newspaper door to door
- b. A child or youth selling goods to raise funds for school activities or non-profit youth groups
- c. Selling on behalf of an organization located within the Town providing that the sale of goods is to support the purposes of the organization and is not for personal gain
- d. Occasional selling of goods or foods on a business property outside the building where those goods or foods are usually sold by that business
- e. Door to door sales of goods or services

**Conditions:**

The use of land for the parking of a vehicle or trailer for a period of time for vending purposes, including the sale of refreshment shall be subject to the following conditions:

- 1) The parking of a vehicle or trailer for vending or office purposes should only be permitted as a subsidiary use on a lot with an existing principal building.
- 2) The parking of a vehicle or trailer shall not be located on any required landscaped yards.
- 3) The parking of a vehicle or trailer shall only be permitted if the lot has a sufficient parking area to accommodate the parking requirements of the principal building or use on the lot and the subsidiary vehicle or trailer use with its associated parking.
- 4) The parking of a vehicle or trailer shall not hinder lot access or egress or create an obstruction to vehicles entering or exiting the lot.
- 5) If a vehicle or trailer is used for the purpose of the preparation, cooking, and/or sale of food and/or refreshments, the following approvals are required prior to the placement of the vehicle or trailer on the lot:

- a. approval from the Fire Department regarding the appliances to be used and the required fire suppression measures, and
  - b. approval from Digital Government and Service NL regarding the storage and preparation of food and/or refreshments.
- 6) A vehicle or trailer may be required to provide, or have access to, washroom facilities as determined by Council.
- 7) Council shall limit the length of the Development Permit to a maximum of one year and the permit may be renewed on an annual basis if the applicant wishes to continue the use. The permit shall expire of the 31<sup>st</sup> day of December following the date of issue;
- 8) The permit issued to the operator shall be displayed in full view to the public.
- 9) Permits for mobile canteens, approved vending sites or vending operations shall be issued to an owner, operator or agent of such mobile canteen, approved vending site or vending operation and shall not be transferable.
- 10) The vendor shall not leave the mobile take-out/canteen unattended;
- 11) The vendor shall not use the mobile take-out/canteen for the purpose of either temporary or permanent habitation or any overnight accommodation.

#### **5.3.27 Retail**

**Definition:** Retail means a building or part of a building used for the retail or consignment sale of goods, wares, substances, or merchandise directly to the public within an enclosed building, including, but not limited to, a drug store, bakery appliance or clothing store or art studio and shop.

Retail does not include the sale of gasoline, heavy agricultural and industrial equipment, wholesale goods, automotive and recreation vehicle sales/rentals, flea market, gas bars, greenhouses, plant nurseries and market gardens, service stations, and box store or warehouse sales.

Accessory uses may include the assembly or repair of products sold on site or public services, such as, postal services or pharmacy.

#### **5.3.28 Shopping Centres/ Retail Warehouse/Strip Mall**

**Definition:** Shopping Centres/Retail Warehouse means:

- a large single-level individual store with a minimum of 1000 m<sup>2</sup> gross retail floor space; or
- a condominium-style row development of stores (strip mall) normally selling goods such as Do-It-Yourself goods, building supplies, furniture, electrical goods, carpets and gardening goods, offices, or other retail, including box stores, with car parking.

**Conditions:**

- 1) Required to submit a Planned Unit Development application (2.2.2 & 2.2.4)

#### **5.3.29 Service Station**

**Definition:** Service Station means land or building used exclusively for the sale/installation of petroleum products (oil or lubricant change) and may include minor repair to vehicles, cleaning and maintenance essential to the actual operation of vehicles, and the sale of automotive accessories; but does not include an automotive body repair shop, automotive sales establishment.

### **Conditions**

Minimum Standards for all Service Stations and Gas Bars, notwithstanding the development standards of the Use Zone in which a service station or gas bar is located, a service station and/or gas bar shall be subject to the following conditions:

- 1) All gasoline pumps shall be located on pump islands designed for such purpose, and to which automobiles may gain access from either side, except in the case of propane, diesel, and kerosene pumps, which may access from one side;
- 2) Pump islands and canopies shall be set back at least 4 metres from the landscaped front or side yards;
- 3) Accesses should 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 is recommended to be 10 metres and the lot line between entrances shall be clearly indicated;
- 4) Surface runoff shall be directed to an oil/water separator before being discharged into a storm sewer or other drainage system.
- 5) Minimum of 2 access points for access/egress.
- 6) Landscaping may be required along front and exterior lot lines.
- 7) Required to submit a Planned Unit Development application (2.2.2 & 2.2.4)
- 8) Provide adequate separation of areas intended primarily for trucks from areas for cars, buses, recreational vehicles, vehicle washes, repair areas, trash enclosure areas and other traveler services waste dumping, passive recreation and structures such as a visitor information centre.

#### **5.3.30 Veterinarian Clinic**

**Definition:** Veterinarian Clinic means a building, structure or parts thereof where one or more registered veterinarian surgeons including associated staff provide examinations and surgical or medical treatment to domestic pets, animals or livestock, and may include treatment rooms, laboratories, dispensaries and associated office

### **Conditions:**

- 1) Facilities for the overnight care of animals undergoing treatment may be permitted indoors and is considered incidental to the hospital use.
- 2) A kennel is not permitted in association with a veterinarian clinic.

#### **5.3.31 Mobile Street Vendor (non-food) or office**

**Definition:** A street vendor means a mobile vehicle or non-motorized cart merchandise under the *Town and Local Service District Act, 2023* and the *Highway Traffic Act, 1990*.

### **Conditions:**

The use of land for the parking of a vehicle or trailer for a period of time for vending purposes, including the sale of refreshment shall be subject to the following conditions:

- 1) The parking of a vehicle or trailer for selling or office purposes should only be permitted as a subsidiary use on a lot with an existing principal building.
- 2) The parking of a vehicle or trailer shall not be located on any required landscaped yards.

- 3) The parking of a vehicle or trailer shall only be permitted if the lot has a sufficient parking area to accommodate the parking requirements of the principal building or use on the lot and the subsidiary vehicle or trailer use with its associated parking.
- 4) The parking of a vehicle or trailer shall not hinder lot access or egress or create an obstruction to vehicles entering or exiting the lot.
- 5) A vehicle or trailer shall be required to provide, or have access to, washroom facilities as determined by Council.
- 6) Council shall limit the length of the Development Permit to a maximum of one year and the permit may be renewed on an annual basis if the applicant wishes to continue the use.

### **5.3.32 Hostel**

**Definition:** A building which provides commercial short term rentals, typically, a single room in a building with shared bathrooms and kitchens;

#### **Conditions:**

- 1) Required to submit a Planned Unit Development application (2.2.2 & 2.2.4.)
- 2) Units may be rented on a temporary basis but not as an open-ended monthly apartment. A Hostel room is for temporary accommodation. The unit is not a place of residence or dwelling. No individual can abide in the units in a particular hostel for more than three months out of every calendar year.
- 3) Hostels may offer organized and managed cooperative cleaning and cooperative kitchen.
- 4) Access to units shall be through or associated with a clearly defined lobby.
- 5) The Hostel shall have an overall cohesive design including a prominent lobby, pleasant appearance from the street, clear parking lot street entrance and design with a dust free surface, and landscaping (trees, shrubs, lawn) in setbacks and open areas.
- 6) There shall not be separate utility connections or utility billing or addressing for individual rooms.

## **5.4 INDUSTRIAL-RELATED DEFINITIONS**

### **5.4.1 Contractor, General**

**Definition:** Contractor, General means the offices and associated buildings, parking and storage areas for a large-scale contractor, such as a construction company. The site would be used for on-site storage, both indoor and outdoor, and maintenance for materials, construction equipment or vehicles including heavy equipment, temporary storage containers, construction trailers, and temporary office trailers normally associated with the contractor services for provision of building construction, landscaping, concrete, and electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature. Any sales, display, office or technical support service areas shall be accessory to the principal general contractor service only. Equipment repair is limited to the ownership use class does not include professional, financial and associated support services or equipment repair service to the public (i.e., a garage).

#### **Condition**

All commercial and domestic forestry harvesting and silviculture activities require a permit issued by the Forestry Branch, Department of Fisheries, Forestry and Agriculture.



#### **5.4.2 Wind Turbines**

**Definition:** Wind turbine generator (commercial) means a structure designed to convert wind energy into mechanical or electrical energy. A commercial wind turbine may include, but not be limited to, wind turbine, generator, operations and maintenance buildings, meteorological towers, collector grids and electrical substations. A Wind Farm or Wind Park: means more than one wind turbine generator located on a lot.

Conditions for a Private wind turbine generator

- 1) Private turbines shall primarily be for the generation or electrical power for the property a residential use, for business owners and for varied public use buildings and other similar sites, but not for outside sale.
- 2) Council may determine that the minimum parcel size of 2,000 m<sup>2</sup> with a wind turbine height of approximately 10 metres; if this is not sufficient to mitigate impacts to adjacent properties, the wind turbine proposal may be denied by Council.

#### **5.4.3 Forestry Activities**

**Definition:** Forestry activities have the meaning as defined in the *Forestry Act, 1990*. This includes forest harvesting, road building and silviculture activities.

**Conditions:**

- 1) Required to submit a Forestry Management Plan and annual operating plans;
- 2) Permits for commercial and domestic woodcutting or other forestry related activities shall be obtained from the Regional Forestry Office, Government of Newfoundland and Labrador; (note: domestic woodcutting is not permitted within the town's water supply).
- 3) All commercial harvesting operators shall apply for a development permit.

#### **5.4.4 Industrial - Light**

**Definition:** Industrial-light means the use of any land or buildings for any industrial-general 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., unsightly outdoor storage, refuse matter, or effluent. Examples include but are not limited to, a recycling depot, wholesale and warehouse uses, rental storage uses, commercial – custom service, catering services, industrial bakeries, food processing, light manufacturing and assembly (clothing, furniture, consumer electronics), broadcast studio, and similar uses; but does not include a salvage/scrap yard.

**Conditions:**

- 1) Required to submit a Planned Unit Development Application (2.2.2 & 2.2.4);
- 2) Light industry uses should be conducted and wholly contained within an enclosed building and shall not be obnoxious by reason of noise, vibration, odour, dust, smoke, unsightly outdoor storage, refuse matter, or water carried waste. Such uses shall not involve the use of chemical processes which result in the emission of gases, use of significant volumes of water or which generate significant levels of truck traffic.

#### 5.4.5 Mineral Exploration

**Definition:** Mineral exploration (development) 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, 1999* 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. For the purposes of municipal planning, exploration for quarry materials (e.g., sand, gravel) should be considered a form of mineral exploration and included in the definition of mineral exploration.

Under Sections 12 and 13 of the *Mineral Act, 1990*, no exploration can be undertaken on private land without the owner's consent (unless by Ministerial Order).

**Conditions:**

- 1) Shall meet Use Zone Site Development Standards and conditions;
- 2) Mineral exploration that does not meet the definition of 'Development': Mineral exploration that does not meet the definition of 'Development' and does not involve appreciable ground disturbance, construction of access roads, or objectionable noise, odour or appearance, of little or no visible impact (e.g., prospecting, ground-based geophysical surveys, geochemical sampling surveys) shall be permitted anywhere in the Municipal Planning Area, provided that adequate notification is provided to Council.
- 3) Mineral exploration, which is classed as 'Development', may be permitted provided that:
  - a. adequate provision is made for buffering and mitigation of potential impacts on adjacent zones; mineral exploration shall be subject to conditions that control noise, appearance, and other impacts that may arise, as well as the duration of the exploration program. The precise nature of these controls shall depend upon the location of the mineral exploration in relation to built-up and environmentally sensitive areas, such as water supply areas, watercourses, and wetlands.
  - b. Where there is to be ground disturbance, the developer shall provide a site restoration surety and/or other satisfactory guarantees of site landscaping to Council.
  - c. Council shall not issue a permit for mineral exploration until all necessary permits and approvals have been obtained from the Departments of Industry, Energy and Technology, Government Services, and Environment, Climate Change and Municipalities, and any other relevant Provincial agency.
  - d. It complies with provincial standards. Basic environmental requirements for mineral exploration are already set out in the Mineral Regulations under the *Mineral Act, 1999* for example, that all excavated, stripped, and grubbed sites be rehabilitated by backfilling or re-contouring, as appropriate, and then placing stockpiled organic materials back over the site. The Mineral Lands Division conducts inspections year-round to ensure that the Mineral Regulations and the terms and conditions of exploration approvals are adhered to, including that rehabilitation, once due, is completed as required
  - e. According to the Mineral Lands Branch, mineral exploration that is classed as development should be at least a discretionary use in all zones, provided that the work is subject to

conditions appropriate to the use zone and which address any other concerns specific to the location.

- 4) Should a town have concerns about any mineral exploration activity, whether before or after the issuance of an exploration approval from the Department of Industry, Energy and Technology to conduct the work, the town shall contact the Mines Branch, Mineral Lands Division in order to have the concerns addressed. Exploration for quarry materials (e.g., sand, gravel) is permitted using the same procedure and typically involves the excavation of test pits followed by their immediate rehabilitation.

#### **5.4..6 Mineral Working**

**Definition:** 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.

#### **Conditions**

- 1) For approved developments where the extraction of quarry materials is occurring or may be expected occur, the Town shall send a copy of the development permit to the Mineral Lands Division. (quarry materials include but are not limited to aggregate, fill, rock, stone, gravel, sand, clay, borrow material, topsoil, overburden, subsoil, peat).
- 2) Quarry materials produced as a by-product of an approved development may be removed from the development site provided that royalties are paid to the province as required by the *Quarry Materials Act, 1998*. For example, site preparation to construct a building involves removing topsoil, overburden, and possibly rock from the footprint area; these materials may be retained or re-used on the development site (no royalties due) or removed from the site (royalties due). In order to ensure that royalties due the province are paid; it is necessary that the Department of Industry, Energy and Technology be made aware of approved developments where the removal of quarry materials is taking place or may take place.
- 3) The environmental standards in the Mineral Regulations under the *Mineral Act, 1999* shall apply.
- 4) Council shall be satisfied that the mineral working areas shall not create a nuisance –and shall not adversely affect the amenity of the specified development or natural feature. Where the municipal authority is satisfied that the mineral working shall not adversely affect the specified adjacent use or natural feature, mineral working may be permitted closer than the minimum separation distance or

buffer show on the Table below. By allowing the municipality to waive pre-set separation distances where it is satisfied there shall be no adverse effect provides for greater flexibility in selecting sites where mineral workings may be permitted. Where mineral workings are proposed within a specified distance of a specified adjacent use or natural feature that may be adversely affected by the mineral workings, special conditions should be applied to mitigate, reduce, limit, or eliminate the anticipated negative effects.

<b>Recommended Minimum Buffer Distance of Pit and Quarry Workings</b>	
From existing or proposed Residential Development:	
- where no blasting is involved	300 metres
- where blasting is involved	1000 metres
From any other developed area or area likely to be developed during the life of the pit or quarry working.....	
	150 metres
-From a Public highway or street.....	50 metres
-From a Protected Road.....	90 metres
-From a Waterbody or watercourse.....	50 metres
Where a minimum required distance was originally observed when choosing the location of the quarry, quarrying should not be discontinued or impeded where the buffer is reduced due to encroachment of development towards the quarry.	

- 5) Where a minimum required distance was originally observed when choosing the location of a mineral working, the mineral working shall not be discontinued or impeded where the buffer is reduced to less than the required distance due to encroachment of development or zoning boundaries towards the mineral working.

#### **5.4.7 Natural Resource-Related Uses**

**Definition:** Natural resource-related uses means the use of land or buildings for any commercial or industrial development directly associated with, or requiring proximity to, farm operation, fisheries, forestry or mineral working industries; for example, processing of meat, fish and poultry products, feed mills, sawmills, planing mills, single mill products industries, asphalt plant, gravel crushing operation sand may include, but not limited to, such uses as animal husbandry services, produce or grain storage/processing facilities, farm machinery sales and service outlets, feed and seed warehouse and associated retail outlets, including a nursery or garden centre, and for forestry, mineral working and fishing industries this could include a laydown area for gear and equipment.

## **5.5 CONSERVATION-RELATED DEFINITIONS**

### **5.5.1 Environmental protection measures**

**Definition:** Environmental protection means activities related to the protection of land where development is restricted due to the natural features of the site, or for the purposes of conservation or protection of habitat, wetlands, views; or site unsuitability due to erosion control, steep slopes, flood control and water supply protection.

### **5.5.2 Open space, parks and trails-related development**

**Definition:** ‘Open space, parks and trails’ means impermanent or moveable development on generally undeveloped space or environmentally sensitive area maintained for the preservation of natural heritage, wildlife and the environment where the quality of the environment and naturalness of an area is the focus of the recreational experience; activities and development are limited to trails, picnic areas, playgrounds, parking, and associated signage.

**Conditions:**

- 1) Parks and playgrounds may be located on back land but shall have at least one 5-metre-wide vehicular access directly onto a public street.
- 2) Public toilet facilities associated with a park or trail development are required to be reviewed by the Council in consultation with Service NL in order to meet provincial regulatory requirements.
- 3) Council may require a minimum a 3-metre width as a pedestrian corridor with/without use by bicycles.
- 4) Council may require a screen or vegetative buffer between a trail and adjacent land uses to ensure that nuisance factors are minimized and trail activities do not hinder the enjoyment of property.

## **5.6 PUBLIC/INSTITUTIONAL-RELATED DEFINITIONS**

### **5.6.1 Institutional Use**

**Definition:** Institutional use means the use of land or buildings for public purposes, whether publicly or privately funded, where people may gather in larger numbers to access a regional or a municipal-wide or regional service, including but not limited to:

- a. Hospitals;
- b. Government Offices;
- c. Educational Facilities;
- d. Convention Centres or major cultural centres, such as provincial Arts and Culture Centres;
- e. Recreation Complex, such as an arena, multi-use sports and entertainment centres, roller rinks, swimming pools; and,
- f. Penal and correctional detention centres.

**Conditions:**

- 1) Required to submit a Planned Unit Development application (2.2.2 & 2.2.4);
- 2) Accommodations for staff can be provided onsite;

### **5.6.2 Protective and Emergency Services**

**Definition:** Protective and emergency services means a development which is required for the public protection of persons and property from injury, harm or damage together with the incidental storage of equipment and vehicles, which is necessary for the local distribution of utility services. Typical uses include police stations, fire stations and ancillary training facilities.

**Conditions:**

- 1) Appropriate noise and separation measures shall be incorporated into the development to reduce nuisance impact on surrounding properties.

### **5.6.3 Public Gathering Places -Indoor**

**Definition:** Public gathering places-Indoor means a building or part thereof designed and equipped to be used for public gatherings for entertainment, religious (place of worship), cultural, civic, educational, charitable, philanthropic or social purposes and may include, but are not limited to, a movie theatre, playhouse, museum, art gallery, place of worship, funeral home, community or cultural centre, library. These are smaller than regional institutional uses, like a hospital or college campus, as the patrons generally are not such a broad segment of society and therefore does not create the same level of activity in terms on onsite use and traffic.

**Conditions:**

- 1) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties;
- 2) Where permitted as a discretionary use on a Use Zone Table in Chapter 3, a place of worship or an educational use shall conform to the frontage, building line setback, side yard, rear yard, lot coverage and height requirement specified for a single detached dwelling.
- 3) Crematory facilities may be allowed as a discretionary accessory use to a funeral home when the funeral home is the principal use, subject to meeting the following conditions:
- 4) A buffer between the crematorium and a sensitive land use, such as residential, day care, school or higher intensity land use, may be required at the discretion of the Council based on the following guideline, that the buffer be a minimum of 70 m from a residential or sensitive land use, such as elementary or secondary schools, day-care unless there are extenuating physical characteristics of the site that would provide natural screening;
- 5) All crematory facilities shall be located within an enclosed building that meets building and fire code requirements.

### **5.6.4 Public Gathering Places - Outdoor**

**Definition:** Public gathering places-outdoor means an open-air assembly use requiring the minimum of permanent facilities, and included, but is not limited to, facilities in the form of or similar to, an outdoor worship service and informal outdoor recreation, including, but not limited to, a picnic or barbecue area, playground and walking or jogging trails; but does not include sport and recreation facilities or a recreation complex.

**Conditions:**

- 1) Required to submit a Planned Unit Development application (2.2.2 & 2.2.4)

- 2) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties;
- 3) The use shall not negatively impact upon the associated activities such that the combined uses create a public safety or health concern or inconvenience.
- 4) The use shall not be permitted in close proximity to a residential area where, in the opinion of Council, the use or its associated activities shall create a nuisance, such as the generation of fumes, noise, vibration, litter, and lighting, affecting the nearby residential area.
- 5) Where it is determined by Council, for public safety and convenience, that fencing is required; the area of the use shall be fenced in accordance with the requirements of Council;
- 6) Where it is determined by Council that washroom facilities are required, the use shall be required to provide washroom facilities in accordance with the requirements of the Service NL and Council;
- 7) Where it is determined by Council, a security deposit shall be required to be submitted to the Town for the cleanup of the site and surrounding area of litter and debris which is generated by the activities or the use. The security deposit shall be returned upon the site and surrounding properties being left in a clean state that is satisfactory to Council.

#### **5.6.5 Sports and Recreation Facilities**

**Definition:** Sports and recreation facilities means land and a building, structure or part thereof, not part of a large institutional building, designed and equipped to be used for athletic and leisure activities, and may include, but not limited to, a health and fitness centre, bowling alley, curling rink; tennis, squash, handball and badminton courts; sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, and informal outdoor recreation, such as, cycle, walking or jogging tracks; but does not include a recreation complex but may include Public Gathering-Outdoor uses.

##### **Conditions:**

- 1) The activity shall not be unduly detrimental to the wider amenity of the area including neighbouring uses and appropriate noise and separation measures shall be incorporated into the development to reduce noise impacts.

#### **5.6.6 Long Term Care Facility**

**Definition:** A Long Term Care Facility, also known as a nursing home or long-term care home, means a facility which provides residential care and assistance to individuals who need help with daily living activities but don't require the level of medical care found in hospitals. These homes offer lodging, meals, and support services like medication management, personal care, and housekeeping. They aim to foster independence and a sense of community for their residents. They have qualified nurses on-site around the clock 24/7 to provide medical care. It does not include Assisted Living-residential or personal care home (5.7.9.1).

##### **Conditions**

- 1) The development shall be treated as a planned unit development as set out in Part II of these Regulations, except that the minimum dwelling floor areas, building line setbacks and yards shall be as determined by Council.
- 2) The development shall be tailored to the needs of the persons occupying the development in accordance with their condition.

- 3) The overall design of the development, including road layout, landscaping, building design and location, parking areas, and so forth, shall be attractive and compatible with other uses in the vicinity.
- 4) A single management authority should be responsible for the maintenance of properties within the development.
- 5) Building types can be as necessary to serve the purposes of the development, including a variety of dwelling types, care facilities, and communal facilities such as storage rooms, hobby rooms, workshops, and garages.
- 6) Adequate noise separation shall be maintained between the use and adjoining dwelling units in an apartment building,

## **5.7 RESIDENTIAL-RELATED DEFINITIONS**

### **5.7.1 Single Detached Dwelling**

**Definition:** A single detached means a detached dwelling containing one main dwelling unit which has a private entrance, and which is not attached to another dwelling; and, does not include mobile homes or recreational vehicles, but does include mini-homes or tiny homes; but it may contain a subsidiary apartment (see 3.3.1.1)

**Condition:**

For an agriculture operation, a single detached dwelling may only be permitted on the site subject to the approval of the Land Resource Stewardship Division and the Government Service Centre before a permit is issued by the Town.

### **5.7.2 Semi-Detached Dwelling (Double dwelling)**

**Definition:** A semi-detached dwelling means a building containing two dwelling units, where each dwelling unit has a private entrance as compared to apartment buildings with a common entrance, where the units can be placed one above the other, or side by side, but does not mean a Single Detached Dwelling containing a subsidiary apartment. Both units shall front on to a publicly maintained road.

### **5.7.3 Townhouses**

**Definition:** A townhouse or townhome is a single-family home that shares one or more walls with other independently-owned units. They are often in rows of uniform homes, two stories or taller. Residents own their interior and exterior walls, lawn, and roof, as well as the insurance for both their home and property. Residential townhouses are usually three or more dwelling units, each unit separated vertically from the others, each of which shall have an independent entrance to a front and rear yard immediately abutting the front and rear walls of the unit, and each of which may be located on a separate lot. All units shall front on to a publicly maintained road.

**Conditions:**

- 1) Required to submit a Planned Unit Development application (2.2.2 & 2.2.4);
- 2) Shared walls shall meet all national code regulations for fire and noise;



#### 5.7.4 Apartment Building

**Definition:** Apartment building means a building containing three or more dwelling units which have a shared entrance and hallway but does not include a row dwelling or a subsidiary apartment.

**Conditions:**

- 1) Required to submit a Planned Unit Development application (2.2.2 & 2.2.4);
- 2) Commercial uses may be permitted in multiple-unit apartment buildings where:
  - a. The proposed use is located on the ground floor of the apartment building;
  - b. The commercial use shall serve local needs of the residents and surrounding neighbourhood; and,
  - c. The use shall not detract from the residential character of the neighbourhood by virtue of generating excessive noise or traffic.

#### 5.7.5 Cottage

**Definition:** Cottage or cabin means a dwelling unit designed or intended for seasonal or recreational use and is not intended for use as permanent living quarters and does not include a vehicle as defined under the *Highway Traffic Act, 1990*.

**Conditions:**

- 1) Shall meet building requirements under these Development Regulations, including the National Building Code, etc.
- 2) Remote or accessible (recreational) cottages shall not be eligible for municipal services if such service would be a burden to taxpayers;
- 3) A home in a residential area, used as a seasonal residence, shall be maintained to the standard of the neighbourhood as a full-time residence;
- 4) Recreational cottages with road access (usually a resource road) allocated on Crown land should preferably be located within a designated cottage development area by the Lands Branch, Government of Newfoundland and Labrador.
- 5) Cottages are a discretionary use that may only be permitted if the Town is satisfied that it shall not create an obligation to provide municipal services and that it shall not have a negative impact on resource exploration and development.

#### 5.7.6 Mini-Home

**(a) Mini-Home -Definition:** Mini-home means a sectional prefabricated dwelling designed for transportation after fabrication to a site, typically transported by means of flat-bed trucks, and coupled together mechanically and electrically to form a single structure situated on a permanent foundation, either a full basement or crawlspace, or slab on grade, or other acceptable permanent foundation as determined by Council, but does not include a mobile home. Mini homes do not have axles or a chassis. A mini-home shall be >50 m<sup>2</sup>; it is not a tiny home.

- **Mini Home Park:** means a development under single or joint ownership, cared for and controlled by an operator where individual mobile or mini home lots are rented or leased with or without units placed on them and where ownership and responsibility for the maintenance and development of site facilities including underground services, access roads, communal

areas, snow clearing and garbage collection, or any of the, are the responsibility of park management. It does not travel trailer park, campground or group dwellings.

- **Mini-Home Subdivision:** means a development requiring the subdivision of land whether in single or joint ownership into two or more pieces or parcels of land for the purpose of mobile home or mini-home lots and where the maintenance of streets and services is the responsibility of a municipality or public authority. A mobile home may not be located within a mini home subdivision; however, a mini home may be located within a mobile home subdivision.

**Conditions:**

- 1) Mini-home may be located outside a mini-home park or subdivision provided that the design is compatible with housing design of existing homes in the neighbourhood.

### **5.7.7 Tiny Homes**

**Definitions:**

**Tiny house** means a residential single dwelling unit intended for year-round use designed to be used with a permanent foundation and has permanent provisions for living, sleeping, eating, cooking and sanitation, typically with a maximum floor area of <50 m<sup>2</sup>.

**Tiny House Subdivision** means a concept proposal, approved by Council to subdivide property into a minimum of eight (8) or more tiny house residential lots subject to conditions outlined in a development agreement. It generally shows topographic information and natural features, such as waterways and vegetation. The concept proposal shall identify proposed residential lots which may typically require infrastructure such as streets drainage, culverts, pavement, sidewalks and curbs.

**Conditions:**

- 1) Tiny houses shall be constructed to the requirements of the National Building Code;
- 2) The location of a tiny house subdivision shall be determined by Council in any residential zone and subject to any conditions identified by council;
- 3) Tiny houses shall have permanent provisions for living, sleeping, eating, cooking and sanitation;
- 4) An accessory building in the Tiny House Subdivision shall not exceed the size of the tiny house.
- 5) A Planned Unit Development application is required as part of the application to develop a Tiny Home subdivision.

### **5.7.8 Non-Market Housing**

Non-market housing is based on the principle that at some point during the development or operation of the housing accommodation, there is an investment by a level of government, private business, or non-profit organization that allows the cost of that housing to be offered to renters or owners at a price that is less than the current market value. There is no single model used for non-market housing.

#### **5.7.8.1 Assisted Living, Residential or Personal care home**

Housing with supports or independent living or personal care home-residential: Housing for seniors and people with physical and/or mental disabilities that includes on-site hospitality and personal-care support services (i.e., Level 1 & 2 care) and does not include people requiring 'supportive housing' described in 5.7.8.3;

#### **5.7.8.2 Non-profit housing:**

A housing development providing housing for low/no income people who cannot afford market housing; i.e., Newfoundland & Labrador Housing, Co-op housing;

#### **5.7.8.3 Supportive housing:**

Housing that provides on-site supports & services to residents (regardless of age) who cannot live independently for the following reasons:

- Are homeless or at risk of homelessness
- Require supports with mental health and/or addictions, and/or multiple complex needs (i.e., children-at-risk removed from home but not in foster care)
- Recent release from incarceration

This can include a 'group home' - Definition: A personal care home (group home) is a Single Detached Dwelling used for children or young people who cannot live with their families, people of any age with chronic disabilities including be adults or seniors, or people with dementia. Typically, there are no more than six residents. There is at least one trained care-giver onsite 24-hours a day

#### **5.7.8.4 Emergency shelter (Safe home/homeless shelter Homeless Hub):**

Immediate, short-stay housing for people who are homeless or at risk of becoming homeless;

#### **5.7.8.5. Transitional housing:**

Housing for residents for between 30 days and three years. It aims to transition individuals to long-term, permanent housing;

#### **Conditions:**

- 1) The use and appearance of the dwelling shall not materially differ from, or adversely affect, the amenities of adjacent dwellings or the neighbourhood;
- 2) Council may require special access and safety features to be provided to the occupants before occupancy is permitted.
- 3) A personal care or group home is permitted in a dwelling unit that is adequate in size to accommodate the number of persons living in the group, inclusive of staff.

#### **5.7.9 Garden Suite**

**Definition:** A Garden suite (or Secondary Detached Dwelling) is a self-contained dwelling unit without a basement, located in the rear yard of a lot containing a permanent, single dwelling. It is equipped with its own kitchen, living area, a maximum of one bedroom, bathroom and storage space. It does not have a subsidiary unit and is detached from the primary dwelling on the lot. It may be constructed onsite or transported as a modular unit to the lot but cannot include a mobile home or mini-home.

#### **Conditions:**

- 1) No more than 1 garden suite shall be allowed on a single residential lot occupied by a single detached dwelling;
- 2) The single detached dwelling cannot have a subsidiary apartment and a garden suite; that is, there can only be one accessory dwelling unit, either a garden suite OR a subsidiary apartment, but not both;

- 3) The affected property shall contain a legally conforming and permanent, owner-occupied habitable single detached dwelling, to which the garden suite is accessory;
- 4) The garden suite shall not exceed 40% of the total habitable floor space of the primary dwelling or 70 m<sup>2</sup>, whichever is the lesser;
- 5) The applicant is responsible to submit a real property report as part of an application for a garden suite;
- 6) A garden suite shall not be allowed on properties smaller than 800 m<sup>2</sup> in size;
- 7) Garden suites shall be placed on a cement pad or footing (no basement) or similar footing acceptable to Council;
- 8) Garden suites shall comply with all the yard (setback) requirements for the principal dwelling;
- 9) The minimum separation distance between the principal dwelling and any garden suite shall be in compliance with the requirements of the zone and the National Building Code;
- 10) Where available, garden suites shall be connected to the municipal water and sewer systems;
- 11) Access to the garden suite shall be provided by the existing driveway(s);
- 12) A minimum of 1 off- street parking space shall be provided for the garden suite;
- 13) The exterior of garden suite should incorporate building materials, textures, and colours that are similar to that of the principal dwelling;
- 14) A garden suite shall be owned by the owner of the primary dwelling and shall not be sold as a condominium unit;
- 15) A garden suite may be constructed on site or be transported as a modular unit to the lot, but shall not include a mobile or mini-home; and,
- 16) Prior to the construction or placement of a garden suite, the Council may require a written agreement with the owner of the affected property to deal with matters such as the installation, maintenance and possible removal of the secondary suite, the period of occupancy, and the rehabilitation of the site.

## 5.8 PUBLIC INFRASTRUCTURE AND UTILITY-RELATED DEFINITIONS

### 5.8.1 Communications

**Definition:** Communications means a television, radio, cell phone, or transmission tower or antenna, as well other communications transmitting or receiving building or infrastructure and includes wireless communications facilities, such as, infrastructure regulated by the federal government that enables wireless communications including broadcast antennas, cellular phone towers including private antenna systems for ham and citizen band radio, mounted on the ground or on another structure ,i.e., rooftop.

**Conditions:**

- 1) Council may, within any zone, permit land or a building to be used in conjunction with telecommunications structures or antennas subject to the following standards:
  - a. shall meet Industry Canada standards;
  - b. where it is deemed feasible, a new telecommunications structure or antenna shall share existing telecommunications structure or antenna infrastructure or shall modify or replace an existing telecommunications structure or antenna to accommodate the new and existing telecommunications structure or antenna provided the changes to the existing telecommunications structure or antenna do not detract from the appearance and character of the surrounding properties;

- 2) The colour, location, and design of a new telecommunications structure or antenna shall not detract from the appearance and character of the surrounding properties and do not negatively impact aesthetically on adjacent lands and uses; and,
  - 3) The site or the building on which the telecommunications structure or antenna is erected or situated should be landscaped or treated in a manner to minimize the visual impact on the surrounding area.
- 2)

### **5.8.2 Utilities**

**Definition:** Utilities means a development that comprises a system or works including municipal services used to provide one or more of the following for public consumption, benefit, convenience or use:

- a. water;
- b. sewage disposal;
- c. drainage;
- d. fuel;
- e. electric power;
- f. waste management;
- g. street lighting;
- h. telecommunications,
- i. and includes minor buildings and the thing that is provided for public consumption, benefit, convenience or use but does not include a water treatment plant, sewage treatment plant, solid waste landfill, or power plant (including energy generating facilities in 4.4.4).

**Conditions:**

- 1) Water treatment plant, sewage treatment plant, solid waste landfill, or power plant shall be reviewed as required by the development application process for the purposes of establishing conditions for development and ensuring appropriate referrals are made to agencies such as Environmental Assessment Division, Waste Management Division, etc.
- 2) No adverse effect on adjacent land uses is created.
- 3) The size and appearance of such works shall be in keeping with adjacent uses; and,
- 4) Provision should be made for buffering in the form of landscaped areas between uses;

### **5.8.3 Municipal Drinking Water Treatment Facility**

**Definition:** A Municipal Drinking Water Treatment Facility means a facility including a building and any outdoor reservoirs and facilities required for the transport and treatment of water for the purposes of providing potable drinking water for the community in accordance with applicable federal and provincial standards.

**Condition:**

The water treatment plant shall be reviewed as required by the development application process for the purposes of establishing conditions for development and ensuring appropriate referrals are made to agencies such as Environmental Assessment Division, Water Resources Management Division, etc.

### **5.8.4 Municipal wastewater (sewer) treatment facility**

**Definition:** A Municipal wastewater (sewer) treatment facility means a facility including a building and any outdoor reservoirs and structures required for the treatment of sanitary domestic wastewater

discharged from residences and from commercial, institutional, industrial and similar facilities in the municipality in accordance with applicable federal and provincial standards.

**Conditions:**

- 1) The wastewater treatment plant shall be reviewed as required by the development application process for the purposes of establishing conditions for development and ensuring appropriate referrals are made to agencies such as Environmental Assessment Division, Water Resources Management Division, and any other provincial or federal agencies, as required.

**5.8.5 Civil Engineering Infrastructure**

Definition: Civil engineering infrastructure means roads and associated infrastructure (bridges, culverts), water, sanitary sewer, and storm drainage infrastructure providing essential services to development.

**Conditions**

- 1) Within any Use Zone Council may permit land to be used for the provision of civil engineering infrastructures, such as roads and associated infrastructure (bridges, culverts), water, sanitary sewer, and storm drainage where the use of that land is necessary to the proper operation of the public service .
- 2) The design and landscaping of any development of any land used for provision of municipal infrastructure, shall protect the character and appearance of the area.
- 3) All development within 100 metres of the centreline of the Trans Canada Highway, Route requires a permit under the 5.8.5 Zoning Regulations. A permit from the Government Service Centre, Department of Digital Government and Service NL must be provided to the Town before the Town shall issue a development permit.

## **6.0 SUBDIVISION OF LAND**

### **6.1 SUBDIVISION STANDARDS**

#### **6.1.1 Permit Required**

1. No land in the Municipal Planning Area shall be subdivided unless a permit for the development of the subdivision is first obtained from Council.
2. No provision in a shall that purports to subdivide land is of any effect to subdivide that land contrary to these Regulations.

#### **6.1.2 Public Notice**

Council shall, at the applicant's expense, publish a notice in a newspaper circulating in the area of the application and consider any representations or submissions received in response to that advertisement.

#### **6.1.3 Subdivision Subject to Zoning**

The subdivision of land shall be permitted only in conformity with the Use Zones delineated on the Zoning maps and associated Development standards.

#### **6.1.4 Subdivision design standards apply**

The provisions in this chapter of the Development Regulations apply each of the following:

1. The subdivision of land under single ownership into five or more lots, including the residual lot;
2. Construction, upgrading, or extension of a public street;

#### **6.1.5 Subdivisions design standards do not apply**

The requirements of this Chapter shall not apply to the following:

1. Where the parcel being created is to be used solely for the unattended equipment necessary for:
  - a. the operation of community water, storm or sanitary sewer systems;
  - b. public utilities, including electrical substations or generating stations;
  - c. air or marine navigational aids;
  - d. any other similar public service or utility (including wind turbine 'farms');
2. Cemeteries;
3. Resource uses;
4. Conservation, open space, park uses;
5. Minor subdivisions of four (4) or fewer lots which do not require new public or private road construction or the installation of utility infrastructure or water and sewer services (other than private connections; these shall comply with the development standards of the Use Zone.

#### **6.1.6 Subdivision Permit Subject to Considerations**

1. A permit shall not be issued when, in the opinion of Council, the development of a subdivision does not contribute to the orderly growth of the Town or does not demonstrate sound design principles.
2. In considering an application, Council shall, without limiting the generality of the foregoing, consider:
  - a. the location of the land;
  - b. the availability of and the demand created for schools, services, and utilities;
  - c. the provisions of the Municipal 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 and potential environmental effects with respect to watercourses, wetlands, steep slopes, drainage patterns, storm water generation and control, and loss or fragmentation of habitat,
  - j. prevailing winds;
  - k. visual quality;
  - l. community facilities;
  - m. municipal costs related to the provision and maintenance of roads, other infrastructure, and municipal services;
  - n. energy conservation; and,
  - o. such other matters as may affect the proposed development.

#### **6.1.7 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 Council is satisfied that:  
the lot can be serviced with satisfactory water supply and sewage disposal systems,  
satisfactory access to a street is provided for the lots, and  
the lot meets the minimum development standards for the Use Zone in which the lot is located.

#### **6.1.8 Building Permits Required**

Notwithstanding the approval of a subdivision and a permit to subdivide land by Council, 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.

#### **6.1.9 Land for Park/Public Use in Subdivisions**

Council may require the dedication of a percentage of the land area of any subdivision or other development not more than 10% to be developed as park land or other public use, and such land shall be conveyed to Council in accordance with Section 37 of the *Urban and Rural Planning Act, 2000*. The Town may consider cash in lieu as well.



#### **6.1.10 Landscaping requirements in subdivisions**

- 1) Wherever possible, natural areas should be maintained in their natural state and the destruction of these natural areas by development should be minimized. If the natural area is a part of a public open space area, the developer should prepare a landscape plan integrating the natural areas with the portions of the open space area that is to be developed for recreational purposes. The plan shall illustrate the grading relationships between developed and natural areas of the park.
- 2) Minimum landscaping of the recreational open space area should be topsoil and grass seed, as determined by the Town. Mulch or pebbles alone are not considered landscaping unless they are part of an overall landscape plan.
- 3) Where it is determined by Council that berming or a swale is required, or that major sloping occurs within, or outside, the normal boundaries of a lot, it shall be the developer's responsibility to landscape the berm, swale or slope with a minimum of grass.
- 4) A landscape deposit may be required as part of the Subdivision Agreement to be returned upon the acceptance of the area by Engineering Services.

### **6.2 SUBDIVISION PERMIT REQUIREMENTS**

#### **6.2.1 Subdivision Development Agreement**

Where Council has determined that a subdivision development agreement is a condition of a permit for the subdivision development, the subdivision development agreement shall meet the conditions of Development Agreements as set out in the Administration chapter.

#### **6.2.2 Municipal Services to be Provided**

No permit shall be issued for the development of a subdivision unless provisions satisfactory to Council have been made in the application for a supply of drinking water, a properly designed sewage disposal system, and a properly designed storm drainage system so as not to affect adjoining and nearby properties.

#### **6.2.3 Private Well water source: Groundwater Supply Assessment and Reporting**

1. A groundwater assessment report shall be required to be completed and submitted by the subdivision applicant to the Water Resources Management Division (and copied to the Town) as part of the subdivision approval process where a minimum sized subdivision of 5 or more lots is to be serviced by individual wells. The Groundwater Assessment Report shall be prepared in accordance with the '*Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells*'. Requirements to complete a Groundwater Assessment Report shall be based upon the following criterion:
  - a. A groundwater assessment study shall not be required for subdivisions less than five (5) lots, each having a minimum 2,03m<sup>2</sup> (1/2 acre) size, unless the area has documented drinking water quality and/or quantity problems.
  - b. A proposed subdivision from five (5) to fifteen (15) lots shall require a Level I assessment, as defined in the Groundwater Supply Assessment and Reporting Guidelines.
  - c. A proposed subdivision greater than fifteen (15) lots shall require a Level II assessment, as defined in the Groundwater Supply Assessment and Reporting Guidelines.

Number of Lots	Groundwater Assessment Requirement		Number of Test Wells
	Level 1	Level 2	
<b>1-4</b>	No-but may be required if site has history of ground water quality and quantity issues	No	0
<b>5-15</b>	Yes	may be required if site has history of ground water quality and quantity issues	may be required if site has history of ground water quality and quantity issues
<b>16-30</b>	Yes	Yes	1
<b>31-45</b>	Yes	Yes	2
<b>46-60</b>	Yes	Yes	3
<b>61-75</b>	Yes	Yes	4
<b>75-90</b>	Yes	Yes	5
<b>91-105</b>	Yes	Yes	6

#### **6.2.4 Fees, Service Levies, and Development Charges**

##### **6.2.4.1 Subdivision Fees**

The applicant shall pay a subdivision application fee as determined by Council at the time of submitting a Development Application to subdivide. The subdivision application fee may be calculated on a per-lot basis for every lot created by the subdivision of land. This fee may be calculated in addition to any other fee or charge required under the regulation addressing Development Charges.

##### **6.2.4.2 Service Levies and Local Improvement Assessments**

- 1) The applicant shall be required to pay all service levies and local improvement assessments identified by Council for connection to services, utilities, streets, and for the construction or improving of capital works funded by Council or under Council's direction which benefit and accommodate the development or subdivision. The service levies or local improvements assessments shall be paid in such amount and in such form as determined by Council as a condition of permit or as a condition of a Development Agreement to subdivide land and such payment shall be agreed upon prior to construction occurring on the land.
- 2) This section shall not affect any outstanding levies and/or assessments that were determined prior to the enactment of these Regulations.
- 3) The applicant shall pay the cost of all capital works necessary to serve the proposed development or subdivision.

#### **6.2.4.3 Deposit of Securities**

As a condition of a permit to develop a subdivision and as part of a Development Agreement to subdivide, the Town may require an applicant to deposit with the Town a security to cover the cost of all the subdivision improvements and completion thereof. These securities should be payable after approval by Council and before issuance of a construction permit under these Regulations.

#### **6.2.4.4 Land for Public Open Space**

- a. Before a development commences, the developer shall, if required, dedicate to Council, at no cost to the Town, an area of land equivalent to not more than ten percent (10%) of the gross area of the residential subdivision for public recreational open spaces, subject to the following requirements:
  - a. where land is subdivided for any purpose other than residential use, Council shall determine the percentage of land to be dedicated;
  - b. if, in the opinion of Council, no public open space is required, the land may be used for such other public use as Council may determine;
  - c. the location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of Council but in any case, Council shall not accept land which, in its opinion, is incapable of development for any purpose;
  - d. Council may accept from the developer, in lieu of such area or areas of land, the payment of a sum of money equal to the value of the land which would otherwise be required to be dedicated; and,
  - e. this money received by the Authority (above), shall be reserved by the Town for the purpose of the acquisition or development of land for public open space or other public purpose.
- b. Land dedicated for public use in accordance with this Regulation shall be conveyed to the Town and may be sold or leased by Council for the purposes of any development that conforms with the requirements of these Regulations, and the proceeds of any sale or other disposition of land shall be applied against the cost of acquisition or development of any other land for the purposes of public open space or other public purposes.
- c. Council 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 Council, constitute the requirement of land for public use.

### **6.3 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.

- 1) The finished grade of streets shall not exceed ten percent (10%).
- 2) The plan should indicate which streets are classified as arterial, collector or service (local) roads.
- 3) Every cul-de-sac shall be provided with a turning circle.
- 4) The maximum length of any cul-de-sac (or dead-end street) shall be:
  - a. 200 metres in areas served by, or planned to be served by, municipal piped water and sewer services;
  - b. 300 metres in areas not served by, or planned to be served by, municipal piped water and sewer services;
  - c. all cul de sac water mains shall be connected to a water main on an adjoining street or shall be looped back to ensure continuous water flow and prevent stagnant water at the end of dead-end pipes.

- 5) Emergency vehicle access to a cul-de-sac shall be not less than 3 metres wide and shall connect the head of the cul-de-sac with an adjacent street.
- 6) No cul-de-sac shall be located so as to appear to terminate a collector street.
- 7) New subdivisions shall have street connections with an existing street or streets.
- 8) All street intersections shall be constructed within 5° of a right angle and this alignment shall be maintained for 30 metres from the intersection.
- 9) No street intersection should be closer than 40 metres to any other street intersection.
- 10) No more than four streets shall join at any street intersection.
- 11) No residential street block shall be longer than 490 metres between street intersections.
- 12) No lot intended for residential purposes shall have a depth exceeding four times the frontage.
- 13) Residential lots shall not be permitted which abut a local street at both front and rear lot lines.
- 14) Council may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed.
- 15) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land.
- 16) Front Yard/Building Lines: Council may establish front yard/building lines for any subdivision street and require any new building to be located on such building lines.
- 17) Streets in residential subdivisions shall be designed in accordance with the approved standards of Council, but in the absence of such standards, shall conform to the following minimum standards:

Minimum Standards for Streets (m=metres)				
Type of Street	Street Reservation	Carriageway or Pavement Width	Sidewalk Width	Sidewalk Number
1) Arterial Streets	30 m	15 m	1.5 m	Council Discretion
2) Collector Streets	20 m	9 m	1.5 m	2
Local Residential Streets				
Local streets	10 m	7 m	1.5 m	1
Service streets, Residential lane with no more than 8 houses, rear property access lanes	10 m	7 m	1.5	Council Discretion

## **6.4 SUBDIVISION ENGINEERING STANDARDS**

No permit shall be issued for the development of a subdivision under these Regulations unless the design of the subdivision conforms to the requirements established by Council and the "Municipal Engineering Subdivision Standards" as approved by Council.

### **6.4.1 Engineer to Design Works and Certify Construction Layout**

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

Upon approval by Council of the proposed subdivision, the Manager of Engineering Services 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 the developer's own cost and in accordance with the approved designs and specifications and the construction layout certified by the Town's Engineer, of all such water mains, hydrants, sanitary sewers, and all appurtenances and of all such streets and other works deemed necessary by Council to service the said area.

### **6.4.2 Developer to Pay Engineer's Fees and Charges**

The developer shall pay to Council 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 & Geoscientists of Newfoundland & Labrador and in effect at the time the work is carried out.

### **6.4.3 Street Works May Be Deferred**

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

### **6.4.4 Construction of Utilities**

Within any street reservation, the placing of any utility structure or service such as a hydro pole, telephone pole, underground hydro service boxes, internet or cable services, Canada Post group mail boxes, fire hydrant, fire alarm or sign post, shall receive the prior approval of the Authority with regard

to the proposed location of utilities, safe construction, required easements and the relationship to other structures within the street reservation and to adjoining buildings.

#### **6.4.5 Structures in Street Reservation**

No structures shall be placed within any street reservation of any structure (e.g., a utility pole, bus shelter, fire hydrant, mail box, fire alarm, school bus shelter, sign post) without prior approval of Council which shall take into consideration safety considerations, such as, sight lines, obstructions, safe construction, and the relationship of the structure to the adjoining buildings and other structures within the street reservation, and relationship to the movement of vehicles and pedestrians.

#### **6.4.6 Transfer of Streets and Utilities to Council**

The developer shall, following the approval of the subdivision of land and upon request of Council, transfer to the Town, at no cost to the Town, and clear of all liens and encumbrances:

- a. all lands in the area proposed to be developed or subdivided which are approved and designated by Council for public uses as streets, or other rights-of-way, or for other public use; and
- b. all services or public works including streets, water supply and distribution, and sanitary and storm drainage systems installed in the subdivision that are normally owned and operated by Council.

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

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

## SCHEDULES





## SCHEDULE A:

### INTERPRETATION OF TECHNICAL TERMS USED IN THE DEVELOPMENT REGULATIONS

#### Introduction

This section contains definitions of the technical terms used in the Municipal Plan and Development Regulations in order to ensure that they are correctly interpreted.

Terms and words in this regulation which are defined in the *Urban and Rural Planning Act, 2000* and *Development Regulations, 2000*, have the meaning expressed in that Act and cannot be amended by the Council; these are identified by a logo, as noted below:



= Definitions from the *Urban and Rural Planning Act, 2000* (the Act); these cannot be amended by Council; and,



= Definitions from the *Minister's Development Regulations* under the *Urban and Rural Planning Act, 2000*; these cannot be amended by Council.

Words and phrases used in these Regulations shall otherwise have the meanings as set out in the following definitions; these can be amended by the Council; these can be identified by the absence of a logo. Any other terms and words have the meaning as generally understood in the English language. Additional definitions have been provided for interpretive guidance and.

#### 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** includes:


(i) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,

(ii) for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television antennae,

(iii) for commercial uses, workshops or garages, and


(iv) for industrial uses, garages, offices, raised ramps and docks;



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

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

**ADJACENT LAND** means land that is contiguous to, physically touching or shares a boundary with, the parcel of land that is the subject of an application and includes land that would be contiguous if not for a highway, road, river or stream.

**ADJUDICATOR**  means an adjudicator appointed under section 40 of URPA;

**APPEAL OFFICER**  means an employee of the department designated under subsection 40(5);

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

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


**BUILDING**  means

(i) a structure, erection, alteration or improvement placed on, over or under land or attached, anchored or moored to land,

(ii) mobile structures, vehicles and marine vessels industrial and other similar uses,

(iii) a part of and fixtures on buildings referred to in subparagraphs (i) and (ii), and

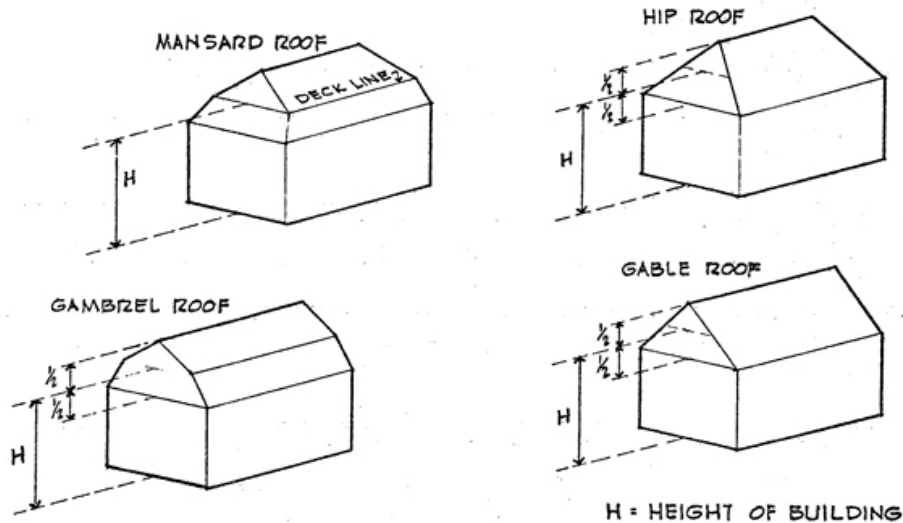
(iv) an excavation of land whether or not that excavation is associated with the intended or actual construction of a building or thing referred to in subparagraphs (i) to (iii);

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

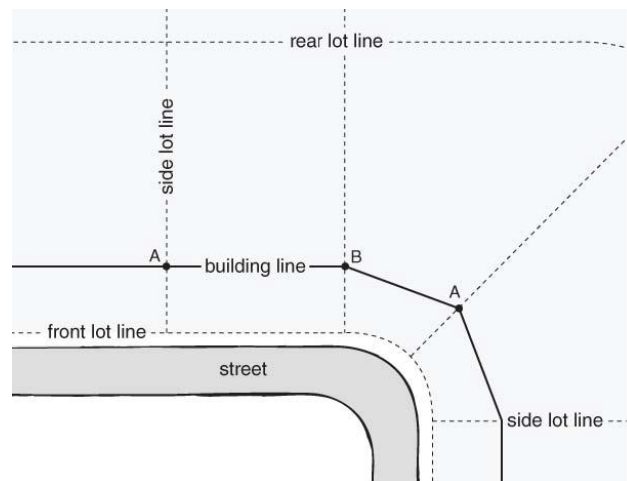
(i) highest point of the roof surface of a flat roof,

(ii) deck line of a mansard roof, and


(ii) mean height level between the eave and the ridge of a gable, hip or gambrel roof, and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof;





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




**BUILDING CONTROL LINE** means a conceptual line paralleling the centre line of a Protected Road at a distance perpendicular to the road in order to delineate the area for the application of these regulations; a Protected Road is a road designated under the *Protected Road Zoning Regulations, 1996* under the *Urban and Rural Planning Act, 2000*;


**BOARD**  except in Part IX, means an appeal board established under section 40;

**COUNCIL**  means a council as defined in the City of Corner Brook Act, City of Mount Pearl Act, *Town and Local Service District Act, 2023* and the City council as defined in the City of St. John's Act;

**COURT**  "court" unless the context indicates otherwise, means the Supreme Court of Newfoundland and Labrador

**DECK** means a raised structure that has a walking surface within one storey of the established grade at the ground level of that face of the building, which may or may not be attached to a main building, which does not have a permanent roof.

**DEPARTMENT**  means the department presided over by the minister;

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

- (i) making of an access onto a highway, road or way,
- (ii) erection of an advertisement or sign,
- (iii) construction of a building,
- (iv) parking of a trailer, or vehicle used for the sale of refreshments or merchandise, or as an office, or for living accommodation, and excludes the
- (v) 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,
- (vi) carrying out by a highway authority of works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation,
- (vii) carrying out by a local authority or statutory undertakers of works for the purpose of inspecting, repairing or renewing sewers, mains, pipes, cables or other apparatus, including the breaking open of street or other land for that purpose, and
- (viii) use of a building or land within the courtyard of a dwelling house for a purpose incidental to the enjoyment of the dwelling house as a dwelling;

**DEVELOPMENT REGULATIONS**

means these regulations and regulations and by-laws respecting development that have been enacted by the relevant authority; and development regulations  means regulations made under sections 34 to 38;

**DISCRETIONARY USE**

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

**DWELLING UNIT:** means a self-contained unit consisting of one or more habitable rooms used or designed as an independent and separate housekeeping establishment or living quarters for one household, including kitchen and sitting, sleeping and sanitary facilities, and does not include a coach or rail car, mobile home, or any vehicle. A dwelling unit is a permanent place of residence for a household and not intended as temporary accommodation for the transient (Amendment No. 8, 2013).

**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;

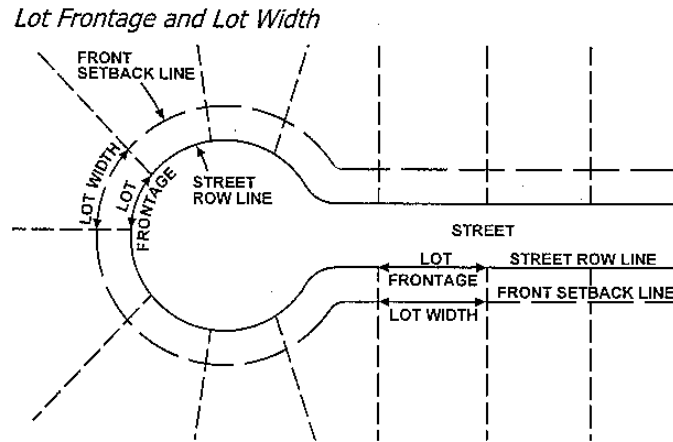
**FLOOR AREA**

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

## FRONTAGE



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



**Household pet** means a companion animal that is kept primarily for a person's company or entertainment rather than as a working animal, livestock or a laboratory animal. Two of the most popular pets are dogs and cats; other animals commonly kept include, but are not limited to, rabbits; ferrets; rodents, such as gerbils, hamsters, chinchillas, rats, mice, and guinea pigs; avian pets, such as parrots, passerines; reptile pets, such as turtles, lizards, and snakes; aquatic pets, such as fish, amphibians like frogs and salamanders.

## LAND



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

## LOT



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

## LOT AREA

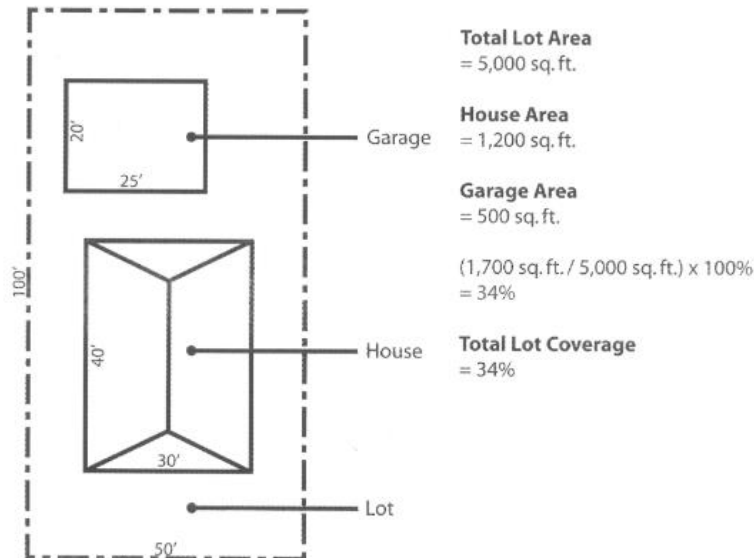


means the total horizontal area within the lines of the lot;

## LOT COVERAGE



means the combined area of all buildings on 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;



## MINISTER



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

## MUNICIPALITY



includes a Town incorporated under the *Town of Corner Brook Act*, *Town of Mount Pearl Act* and the *Town of St. John's Act* and a municipality as defined in the *Town and Local Service District Act, 2023*;

## NON-CONFORMING USE



means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone;

## OWNER





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


## PERMITTED USE




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


**PLAN,**  unless the context indicates otherwise, means a regional plan and a municipal plan established under section 8 or 10; (regional plan or municipal plan);


**PLANNING AREA** , unless the context indicates otherwise, means a regional planning area and a municipal planning area established under sections 6 and 11;


**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;


**RECREATION VEHICLE OR RECREATIONAL TRAILER** means a vehicle or portable structure designed to provide temporary living accommodation which is either self-propelled or mounted on, or pulled by another vehicle, and includes a travel/holiday trailer, camper trailer, truck camper, motorhome, fifth wheel trailer, tent trailer, travel trailer, camper van or recreational trailer or other similar vehicle, but not a mobile home or mini-home. A converted bus is not a recreation vehicle;


**REGION**  means a region as defined in the *Town and Local Service District Act, 2023*;


**REGIONAL AUTHORITY**  means a regional authority established under section 7 of the Act; scheme means a scheme established under section 29 of the Act;

**SCHEME**  means a scheme established under section 29;


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


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


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


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



**TOWN**  means a town as defined in the *Town and Local Service District Act, 2023*;


**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;

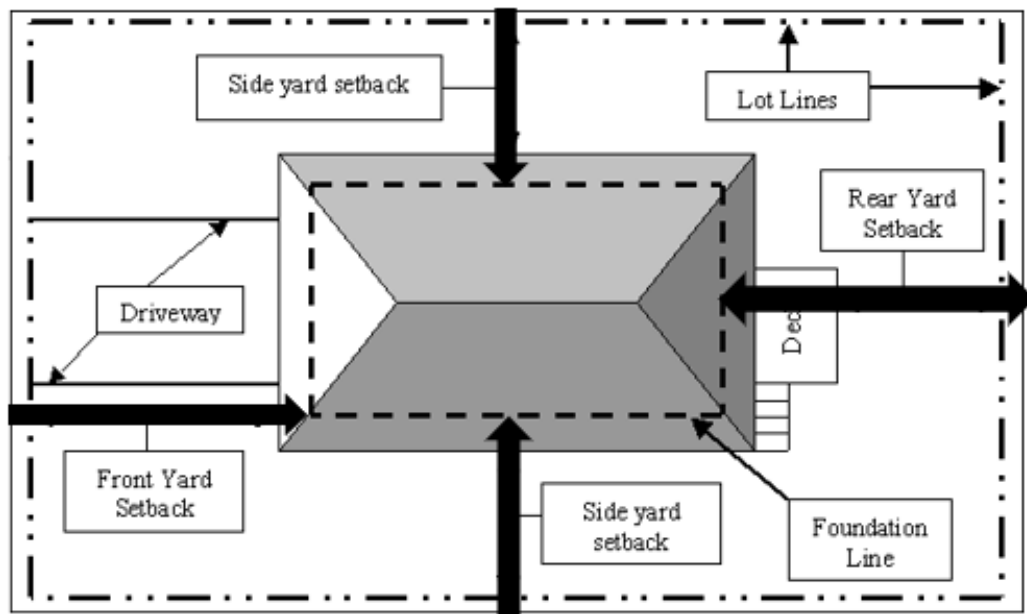
**VARIANCE**  means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the authority's regulations;

**YARDS** – (sometimes called lot lines) refer to the diagram below for an illustration of the following definitions:

**FRONT YARD DEPTH** otherwise called the building line or front yard setback, means setback from the property line on the street that the building is fronting on, shown as the front yard setback in the drawing below; note that the yard setbacks from the boundaries of the property;

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

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



## ZONING MAP



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

**SCHEDULE B: MINISTER'S DEVELOPMENT REGULATIONS**  
UNDER THE URBAN AND RURAL PLANNING ACT, 2000

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**NEWFOUNDLAND AND LABRADOR  
REGULATION 3/01**

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

*(Filed January 2, 2001)*

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

Dated at St. Johns, January 2, 2001.

Joan Marie Aylward  
Minister of Municipal and Provincial Affairs

**REGULATIONS**

*Analysis*

- [1. Short title](#)
- [2. Definitions](#)
- [3. Application](#)
- [4. Interpretation](#)
- [5. Notice of right to appeal](#)

- [6. Appeal requirements](#)
- [7. Appeal registration](#)
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- [13. Notice of variance](#)
- [14. Residential non conformity](#)
- [15. Notice and hearings on change of use](#)
- [16. Non-conformance with standards](#)
- [17. Discontinuance of non-conforming use](#)
- [18. Delegation of powers](#)
- [19. Commencement](#)

## **Short title**

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

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## **Definitions**

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

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## **Application**

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

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

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

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## **Interpretation**

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

- (a) "access" means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street;
- (b) "accessory building" includes
  - (i) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,
  - (ii) for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television antennae,
  - (iii) for commercial uses, workshops or garages, and
  - (iv) for industrial uses, garages, offices, raised ramps and docks;
- (c) "accessory use" means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use;
- (d) "building height" means the vertical distance, measured in metres from the established grade to the
  - (i) highest point of the roof surface of a flat roof,
  - (ii) deck line of a mansard roof, and
  - (iii) mean height level between the eave and the ridge of a gable, hip or gambrel roof,and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof;
- (e) "building line" means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed;
- (f) "discretionary use" means a use that is listed within the discretionary use classes established in the use zone tables of an authority's development regulations;
- (g) "established grade" means,

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

- (u) "street line" means the edge of a street reservation as defined by the authority having jurisdiction;
- (v) "use" means a building or activity situated on a lot or a development permitted on a lot;
- (w) "use zone" or "zone" means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply;
- (x) "variance" means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the authority's regulations; and
- (y) "zoning map" means the map or maps attached to and forming a part of the authority's regulations.

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

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

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

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

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### **Appeal requirements**

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

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



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

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

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

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### **Appeal registration**

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

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

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

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

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

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### **Development prohibited**

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

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

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

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### **Hearing notice and meetings**

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

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

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### **Hearing of evidence**

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

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

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

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

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### **Board decision**

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

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### **Variances**

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

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

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

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### **Notice of variance**

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

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### **Residential non-conformity**

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

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

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

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### **Non-conformance with standards**

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

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### **Discontinuance of non-conforming use**

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

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### **Delegation of powers**

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

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### **Commencement**

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

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## **SCHEDULE C: NON-CONFORMING USES & DEVELOPMENT AND DELEGATION OF AUTHORITY**

### **Non-Conforming Uses or Non-Conforming Development**

(Refer to Section 108(2) of the *Urban and Rural Planning Act 2000* and Sections 14, 15, 16, and 17 of the *Ministerial Development Regulations* found in the appendices) *Ministerial Development Regulations*.

The following excerpts set out the requirements for non-conforming uses.

Section 108(2) of the *Urban and Rural Planning Act 2000*:

““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;” ...

“**108.** (1) Notwithstanding a plan, scheme or regulations made under this Act, the minister, a council or regional 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 under section 24 of the plan, 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 6 months after that discontinuance unless otherwise provided by regulation under this Act.

(3) A building, structure or development that does not conform to a scheme, plan or regulations made under this 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 minister or appropriate council, regional authority or authorized administrator;
- (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 appropriate council, regional authority or authorized administrator to a use that is, in their opinion more compatible with a plan and regulations applicable to it;
- (e) may have the existing building extended by the appropriate council, regional authority or authorized administrator where, in its opinion that extension is not more than 50% of the existing building;
- (f) where the non-conformance is with respect to the standards included in development regulations, shall not be expanded if the expansion would increase the non-conformity; and
- (g) where the building or structure is primarily zoned and used for residential purposes, may, in accordance with the appropriate plan and regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed.”

Excerpt - Sections 14, 15, and 16 of the *Ministerial Development Regulations 3/01*:

#### **“Residential non conformity**

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

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

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

#### **Non-conformance with standards**

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

#### **Discontinuance of non-conforming use**

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

[End of quote]

~~If a non-conforming development or land use is discontinued after these Regulations came into legal effect, a right to resume a discontinued non-conforming use of land shall not exceed **two years** after the discontinuance occurred.. For the purpose of this Regulation, discontinuance of a non-conforming use begins when any one of the following conditions is met:~~

- ~~i. The building or use of land is clearly vacated or the building is demolished,~~
- ~~ii. The owner or tenant has ceased paying business taxes for that use, and~~
- ~~iii. The owner or tenant has stated in writing that the use has ceased.~~

~~Regarding a notice of an application to change a non-conforming use: this shall be by advertisement in a newspaper circulating in the area, or by other reliable means as deemed appropriate by Council, and a minimum of seven (7) days shall be provided for persons to respond. (Minister's Development Regulations, 3/01;~~

## **SCHEDULE D: : POLICY FOR FLOODPLAIN MANAGEMENT, W.R. 96-1**

### **FLOOD PLAIN MANAGEMENT**

#### **1.0 INTRODUCTION**

Land use within flood plains involves trade-offs between flood risk and development. Flood risk takes the form of danger to health and safety; financial costs associated with property damage and degradation of water resources and the environment. Some factors associated with flood risk such as flow velocity, upstream inundation, erosion potential or environmental impacts may be severe. Consequently, new land development should therefore be restricted or prohibited. However, where conditions are not as severe, some types of development and land use may occur safely provided certain terms and conditions apply.

#### **2.0 OBJECTIVES**

- to prevent loss of human life and avoid personal hardships,
- to minimize flood damage to properties, infrastructure and the environment,
- to restrict activities which would degrade water resources,
- to maintain the natural capability of waterways to convey flood flows,
- to minimize disruption of transportation, social and business activity, and,
- to minimize costs to the taxpayers of Newfoundland and Labrador.

The unwise development of land in flood plains has historically taken place in many areas of the province probably due to a natural tendency for settlers to utilize land that is near bodies of water. Unfortunately, the potential for flooding is often recognized only after it is too late. The basic operating premise of this policy is that these problems will not materialize if development takes place in a manner that does not place it at any risk of flooding.

The policy will address Crown land, developed land and undeveloped land. Where lands that are subject to periodic flooding are still directly owned by the Crown, those lands will not be transferred to private developers or municipalities. However, where land is already alienated, it is necessary to determine the risk of flooding and to discourage potential development by planning, zoning regulations and by removing any economic advantages or subsidies that would otherwise encourage such development. Finally, where development has already taken place or cannot be avoided, policy is intended to minimize potential flood damage by ensuring that flood proofing measures are implemented and that the development does not further exacerbate the flooding problem by impeding flows or by unduly constricting the flow channel. The policy also takes climate change into consideration.

#### **3.0 BACKGROUND**

##### **Canada – Newfoundland Flood Damage Reduction Program**

Under the Canada – Newfoundland Flood Damage Reduction Program, both governments agreed that public funds would not be used or provided for development projects in flood risk areas. To identify these areas, hydro technical studies were carried out for 37 communities in the province. Without

exception, the main recommendation in each study was that the implementation of proper flood plain management policies would minimize flood risk.

#### 4.0 LEGISLATION

*Water Resources Act*, SNL 2002 cW-4.01, (“the Act”) sections 30, 32, 33, 34, 35, 48, 64 and 90, the *Lands Act* SNL 1991 CHAPTER 36 Section 7.

#### 5.0 DEFINITIONS

(Statutory definition from the Act) “body of water” means a surface or subterranean source of fresh or salt water within the jurisdiction of the province, whether that source usually contains liquid or frozen water or not, and includes water above the bed of the sea that is within the jurisdiction of the province, a river, stream, brook, creek, watercourse, lake, pond, spring, lagoon, ravine, gully, canal, wetland and other flowing or standing

**Body of Water** water and the land usually or at any time occupied by that body of water;

<b>Flood Plain</b>	An area adjacent to a lake, river, seashore etc. which is inundated or covered with water on average at least once in 100 years. Note that a flood plain is considered to be an integral part of a body of water as defined above because it includes “the land usually or at a time occupied by that body of water” and “whether that source usually contains water or not”.
<b>Designated Area</b>	A specific flood plain in a community for which a hydro technical study has determined the extent of flooding and for which flood risk maps are available. The designation is in accordance with the Canada – Newfoundland Flood Damage Reduction Program Agreements.
<b>Floodway</b>	The portion of a flood plain where the most frequent flooding occurs and where the flow of water is fastest. This area is determined on the basis of the 1 in 20 year (1:20) return period flood.
<b>Floodway Fringe</b>	The portion of a flood plain where less frequent flooding occurs and where the flow of water is considered to be tranquil. This area is where flooding occurs up to 1 in 100 years (1:100) on average.
<b>Climate Change Flood Zone</b>	Based on extension of the floodway fringe, this is the area which is likely to be impacted due to the latest forecasted affects of climate change.
<b>Other Flood Risk Area</b>	An area where flooding is known or has some probability to occur due to unique or unusual circumstances such as areas subject to shoreline recession, areas downstream of dams or areas adjacent to watercourses potentially prone to ice jams.



**Flood Control Area**

An area that is subject to periodic flooding which has been designated (by the Department) a control area in order to reduce the risks to public health and safety and property damages. This area shall normally be treated as a floodway zone (1:20), unless otherwise determined by the Department.

**Buffer Zone**

A zone of land that is in its natural state and that is intended to separate developed areas from bodies of water to provide basic protection of water resources. This zone may coincide with a Crown land reservation of a shoreline as prescribed by Section 7(1) of the *Lands Act*. In the absence of specific setback requirements (depending on the activity) the buffer is taken to be 15 metres measured from the high water mark which in turn is understood to be the 1 in 100 year (1:100) high water mark or the Climate Change Flood Zone, where they have been identified.

**Coastal Area**

The interface or transition area where the land meets the sea/ocean or large inland lakes. The coastal area can be flooded due to storm surges, high tides or waves, erosion, rising sea level, or reclaimed land.

## **6.0 POLICIES**

### **6.01 Development Requires Written Approval**

Development in a designated flood risk area, development in a flood plain and development in a climate change flood zone shall be subject to the prior written approval of the Minister of Environment and Conservation (the “Minister”) in accordance with the *Act*.

### **6.02 Project Categories**

In general it is the policy of the Department of Municipal Affairs and Environment (“the Department”) that flood plains and the buffer zone be preserved and left in their natural state. Recognizing that this is an ideal that would hinder significant benefits that could be derived from certain development in a flood plain and outweigh all risk of loss, damage or peril, this policy for flood plain management views any application to avail of land in flood risk areas in decreasing order of preference. These preferences are referred to hereafter as project categories.

1. **Temporary alterations** in a buffer zone, a climate change flood zone, a designated flood way fringe, a flood plain, a designated floodway, and lastly, the body of water itself.
2. **Non-structural uses** such as open space recreation, pasture, and wildlife habitat enhancement.
3. **Structures related to use of water resources** such as wharves, slipways, boathouses, pumping stations, storm or sewerage discharges.
4. **Minor structural or other projects** where only soil disturbance is involved such as constructed trails, pipelines, transmissions lines, roads, etc., assuming there will be no change in the grade of the land.
5. **Other structures not used primarily for residential**, commercial, industrial or institutional purposes where there will be a change in grade but not a building.
6. **Industrial uses related to the marine shipping** or fishing industries.

7. **Other industrial and commercial** development.
8. **Institutional** developments such as hospitals, senior citizens homes, homes for special care or schools where flooding could pose a significant threat should evacuation become necessary.
9. **Residential and other institutional** development.

### 6.03 Hydraulic Structures

A special class of structures which includes most hydraulic structures such as dams, bridges, causeways, dykes, canals etc., are by their own needs and characteristics constructed in buffer zones and flood plains and consequently, no preference can be assigned. However, such structures are the subject of the Act and every effort must be made to ensure that such structures do not adversely affect the capability of the body of water to convey flow. In the case of dams, new areas of flooding and the impact of that flooding must be fully assessed by the proponent.

### 6.04 Project Classifications

Table 1 below indicates whether not project categories are permitted in each of the defined flood plains.

Category	Where Flood Plains are Designated			
	All Flood Plains	Floodway (1:20 year Zone)	Floodway Fringe (1:100 year Zone)	Climate Change Flood Zone
Temporary alterations	Permitted	Permitted	Permitted	Permitted
Non-structural uses	Permitted	Permitted	Permitted	Permitted
Structures related to use of water resources	Permitted	Permitted	Permitted	Permitted
Minor structural or other projects	Permitted	Permitted with conditions*	Permitted with conditions*	Permitted with conditions*
Other structures not used primarily for residential	Permitted with conditions*	Permitted with conditions*	Permitted with conditions*	Permitted with conditions*
Industrial Uses related to shipping (marine only)	Permitted with conditions*	Permitted with conditions*	Permitted with conditions*	Permitted with conditions*
Other industrial and commercial	Not Permitted	Permitted with conditions**	Permitted with conditions*	Permitted with conditions*
Institutional	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Residential and other institutional	Not Permitted	Not Permitted	Permitted with conditions*	Permitted with conditions*
Hydraulic Structures	Permitted	Permitted	Permitted	Permitted

\* – See Section 6.05 for special terms and conditions related to necessary flood proofing measures.

\*\* – See Section 6.06 for special terms and conditions related to necessary flood proofing measures.

Note: All permits contain standard terms and conditions.

### **6.05 Projects Permitted Where Flood Plains Are Designated**

In Table 1 where projects may be permitted with conditions, the following conditions will apply:

- i. the ground floor elevation of the structure is higher than the 1:100 year flood level and the climate change flood zone (where designated), and,
- ii. the structure will not interfere with the flow of water or displace water such that it creates a worse flooding situation for other properties, and,
- iii. the structure and the associated utilities must be designed and constructed in accordance with the approved flood proofing guidelines of the Department and entrances and exits from the building can be safely used without hindrance in the event of a flood, and,
- iv. the proposed use of the facility and site will not involve any storage of pollutants such as fuels, chemicals, pesticides etc., and,
- v. additional conditions which may be appropriate for specific projects and included in a permit issued under Section 48 of the *Act*.

### **6.06 Projects Permitted in Coastal Floodway Where Flood Plains Are Designated**

In order to accommodate tourism activities in coastal areas, such as eateries, attractions, tourist information booths, tour headquarters etc., in Table 1 if the floodway (1:20 year zone) flooding in a coastal community is primarily due to backwater effects of the ocean and extreme high tides and consequently the flow velocities in the floodway are low, the following conditions will apply:

- i. only a tourism related structure and the associated utilities are permitted. The tourism related structures and the associated utilities does not include accommodations such as motels or hotels, and,
- ii. the tourism related structure and the associated utilities would not be eligible for flood disaster compensation, and,
- iii. the ground floor elevation of the structure is higher than the 1:100 year flood level and the climate change flood zone (where designated), and,
- iv. the structure will not interfere with the flow of water or displace water such that it creates a worse flooding situation for other properties, and,
- v. the structure and the associated utilities must be designed and constructed in accordance with the approved flood proofing guidelines of the Department and entrances and exits from the building can be safely used without hindrance in the event of a flood, and,
- vi. the proposed use of the facility and site will not involve any storage of pollutants such as fuels, chemicals, pesticides etc., and,
- vii. additional conditions which may be appropriate for specific projects and included in a permit issued under Section 48 of the *Act*.

### **6.07 Additions and Modifications to Existing Development**

Additions, modifications, enhancements and improvements to existing structures where there is an increase in the floor area within the flood plain, will be assessed for suitability in the same way as the project category as a whole.

### **6.08 Use of Flood Risk Mapping in Municipal Plans**

Where flood risk mapping has been prepared for a community (or any city, town or area) the information in the flood risk maps must be incorporated in the Municipal Plan (if one exists) and the flood risk areas must be zoned so as to permit only those project categories specified by this policy. In the absence of official flood risk mapping, communities will be encouraged to determine flood risk areas in accordance with this Department's standard hydro technical methods for delineating flood risk zones and to zone those lands in accordance with this policy. Failing this, communities will be encouraged to at least make provisions in planning documents for minimum setbacks from watercourses to provide some margin of safety and to recognize potential flood susceptibility.

### **6.09 Eligibility for Flood Disaster Assistance**

Any vulnerable development placed in a flood plain or designated flood risk area after the designation and not in conformance with this policy or without approval as required by this policy, would not be eligible for flood disaster compensation if such a program of compensation were to become available through government. This policy provision does not apply to any development lawfully established in a flood plain prior to designation.

### **6.10 Use of Flood Disaster Compensation**

In the event that compensation by government is awarded to flood victims, it will be the policy of this Department to encourage victims to apply the compensation towards relocating rather than replacing or repairing damaged property in situ. If it is deemed acceptable by this Department to repair or replace damaged property in flood risk areas, then it will be required that the compensation be used firstly for appropriate flood proofing measures.

### **6.11 Flood Insurance**

Persons living or carrying out business in flood risk areas may not be able to purchase flood insurance and if available it may be very expensive. It is therefore recommended that those who are located in flood risk areas carry out flood proofing measures and have an emergency plan available.

### **6.12 Flood Control Projects**

Proposals for flood control measures such as construction of dykes, river diversions, retaining walls or flood control dams will only be considered where the alternative with the highest benefit/cost ratio is recommended. Alternatives considered may also include possible compensation for flood victims or the cost of relocating the inhabitants of the flood risk areas or maintaining the status quo.

After flood controls have been implemented, flood risk designations shall remain in effect until such time as new hydro technical studies have been undertaken and new flood risk areas delineated (in accordance with the Departments standards).

### **6.13 Role of Water Resources Management Division**

The Water Resources Management Division of this Department will continue as the lead agency with respect to flood plain management. This role will include but is not limited to:

- i. Evaluating all applications for approval under section 48 of the *Act* and making the appropriate recommendations in accordance with this policy.
- ii. Carrying out hydro technical studies, flood risk analyses and mapping to the extent possible with limited funds provided.
- iii. Continuing to monitor areas of flood risk such as Badger, Deer Lake and Steady Brook to provide flood warning and flood status reports.
- iv. Providing to the public information, data, maps, guidelines for flood proofing and other materials that will be useful in reducing flood damage.
- v. Providing technical expertise and assisting Fire and Emergency Services – Newfoundland and Labrador in the event of a flood emergency.
- vi. Continue with the ability to forecast flooding using computer models and real time data.

### **6.14 Offences**

A municipal authority or person that unlawfully alters a body of water by carrying out any development in a designated flood risk area or a flood plain without written approval from the Minister, thereby violates section 48 of the *Act* and commits an offence contrary to section 90 of the *Act*.

**SCHEDULE E: LAND USE ZONING MAP**