

TOWN OF HOLYROOD

DEVELOPMENT REGULATIONS 2024-2034

November 1, 2024

PLAN-TECH



ENVIRONMENT

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**TOWN OF HOLYROOD MUNICIPAL PLAN
DEVELOPMENT REGULATIONS**

APPLICATION

1. Short Title

These Regulations may be cited as the Holyrood Development Regulations.

2. Interpretation

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

3. Commencement

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

4. Municipal Code and Regulations

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

5. Authority

In these Regulations, "Authority" means the Council of the Town of Holyrood.

PART I - GENERAL REGULATIONS

6. Compliance with Regulations

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

7. Permit Required

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

8. Permit to be Issued

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

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

9. Permit Not to be Issued in Certain Cases

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

10. Discretionary Powers of Authority

- (1) In considering an application for a permit or for approval in principle to carry out development, the 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, the Council may, in its discretion, and as a result of its consideration of the matters set out in this Regulation, conditionally approve or refuse the application.

- (2) Council 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 Council's regulations as discretionary, permitted or prohibited uses for that area.

11. Variances

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

12. Notice of Variance

Where the Council is to consider a proposed variance, the 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 7 days for response.

13. Service Levy

- (1) The 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 property is enhanced by the carrying out of public works either on or off the site of the development.
- (2) A service levy shall not exceed the cost, or estimated cost, including finance charges to the Council of constructing or improving the public works referred to in Regulation

13(1) that are necessary for the real property to be developed in accordance with the standards required by the Council and for uses that are permitted on that real property.

- (3) A service levy shall be assessed on the real property based on:
 - (a) the amount of real property benefited by the public works related to all the real property so benefited, and
 - (b) the density of development made capable or increased by the public work.
- (4) The 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 the Council may decide.

14. Financial Guarantees by Developer

- (1) The 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 or license.
- (2) The financial provisions pursuant to Regulation 14(1) may be made in the form of:
 - (a) a cash deposit from the developer, to be held by the Council, or
 - (b) a guarantee by a bank, or other institution acceptable to the Minister, for expenditures by the developer, or
 - (c) a performance bond provided by an insurance company or a bank, or
 - (d) another form of financial guarantee that the Council may approve.

15. Dedication of Land for Public Use

In addition to the requirements for dedication of land under Regulation 78, the Council may require the dedication of a percentage of the land area of any subdivision or other development for public use, and such land shall be conveyed to the Council in accordance with the provisions of the Act.

16. Form of Application

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

to be provided with the application and any information or requirements applicable to the application.

17. Register of Application

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

18. Deferment of Application

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

19. Approval in Principle

- (1) An application for Approval in Principle shall include:
 - (a) a description of the proposed development,
 - (b) a description of the limits of the land to be used with the proposed development, and shall include a survey description of the subject lands, and
 - (c) submission of any pertinent information that may be required by the Council.
- (2) The Council may issue an Approval in Principle if it determines the application conforms to the Municipal Plan and these Regulations.
- (3) An Approval in Principle shall be valid for a period of 1 year and may be extended 1 year (must be requested by applicant), up to a total maximum period of 2 years.
- (4) No development shall be carried out under an Approval in Principle.

- (5) Council may revoke an Approval in Principle if it determines the applicant has changed the proposed development in a way that significantly alters the original intent of the applications.

20. Development Permit

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

21. Reasons for Refusing Permit

The Council shall, when refusing to issue a permit, state the reasons for so doing.

22. Notice of Right to Appeal

1. Where Council makes a decision that may be appealed under section 41 of the Act, Council shall, in writing, at the time of making that decision, notify the person to whom the decision applies of the,
 - (i) person's right to appeal the decision to the board,

- (ii) the time by which an appeal is to be made,
 - (iii) right of other interested persons to appeal the decision, and
 - (iv) manner of making an appeal and the address for the filing of the appeal.
2. An appeal may be filed with the Appeal Officer with the Department of Municipal and Provincial Affairs, P.O. Box 8700, St. John's, Newfoundland Labrador, A1B 4J6 or by email to URPAAppeals@gov.nl.ca.
 3. An appeal shall be made in writing and shall include,
 - (i) a summary of the decision being appealed,
 - (ii) the grounds of the appeal, and
 - (iii) the required fee.

An appeal form is available at www.gov.nl.ca/mpa/for/appeals/ .

4. A person or a group of persons aggrieved by a decision may appeal the decision where:
 - (i) the decision is permitted to be appealed to an adjudicator under the Act or another Act, or
 - (ii) the decision is permitted to be appealed under the Development Regulations and the decision relates to the following,
 - (iii) an application to undertake a development,
 - (iv) a revocation of an approval or a permit to undertake a development, or
 - (v) the issuance of a stop work order.
5. An appeal shall be filed with an Appeal Officer with the Department of Municipal and Provincial Affairs not more than 14 days after the person who made the original application receives the decision.
6. Provisions with respect to appeals are found in Part VI of the Act and sections 5 to 11 of the Minister's Development Regulations.

23. Development Prohibited

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

24. Return of Appeal Fee

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

25. Notice of Application

The Council may, and when a variance is necessary under Regulation 11 and the Council wishes to consider whether to authorize such a variance, when a change in nonconforming use is to be considered under Regulation 49, or when the development proposed is listed as a discretionary use in Schedule C of the Regulations shall, at the expense of the applicant, give notice of an application for a permit or for approval in principle, by public advertisement in a newspaper circulating in the area or by any other means deemed necessary, and under Regulation 12 and the 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 7 days for response.

26. Right of Entry

An inspector, or any other person authorized by Council, may enter upon any public or private land and may at all reasonable times enter any development or building upon the land for the purpose of making surveys or examinations or obtaining information relative to the carrying out of any development, construction, alteration, repair, or any other works whatsoever which the Council is empowered to regulate.

27. Record of Violations

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

28. Stop Work Order and Prosecution

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

an offence under the provisions of the Act.

29. Delegation of Powers

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

PART II - GENERAL DEVELOPMENT STANDARDS

30. Accesses and Service Streets

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

31. Accessory Buildings

- (1) Accessory buildings shall be clearly incidental and complementary to the use of the main buildings in character, use and size, and shall be contained on the same lot.
- (2) No accessory building or part thereof shall project in front of any building line.
- (3) The sideyard requirements set out in the use zone tables in these Regulations shall apply to accessory buildings wherever they are located on the lot but accessory buildings on two (2) adjoining properties may be built to property boundaries provided they shall be of fire-resistant construction and have a common firewall.
- (4) Notwithstanding Regulation 31(2), Council may approve a location of an accessory building closer to the street line than the main dwelling where Council:
 - (a) considers that the proposed location complements the historical development pattern in the surrounding area, such as the heritage homes and areas that have reduced setbacks,
 - (b) considers that the location as required under Regulation 31(2) would pose a threat to road safety,
 - (c) finds that the physical limitations of the property would not allow for the development of an accessory building as required under Regulation 31(2), and
 - (d) considers that the proposed location as required under Regulation 31(2) would adversely affect the view from neighbouring homes.

32. Advertisements

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

33. Buffer Strips

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

34. Building Height

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

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

35. Building Line and Setback

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

36. Family and Group Care Centres

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

37. Height Exceptions

The height requirements prescribed in Schedule C of these Regulations may be waived in the case of communication masts and antennae, flagpoles, water towers, spires, belfries, or chimneys, but any such waiver which results in an increase of more than 10% of the permitted height of the structure shall only be authorized under the provisions of Regulation 11.

38. Livestock Structures and Uses

- (1) No structure designed to contain more than five large farm animals and shall be erected or used unless it complies with the following requirements:
 - (a) The structure shall be at least 300 m from a residence, (except a farm residence or a residence which is a non-conforming use in any zone in which agriculture is a permitted use class in the Use Zone Tables in Schedule C of these Regulations, and, from an area designated for residential use in an approved Plan, and, from a Provincial or Federal Park.
 - (b) The structure shall be at least 60 m from the boundary of the property on which it is to be erected.
 - (c) The structure shall be at least 90 m from the centre line of a street.
 - (d) The erection of the structure shall be approved by the Department of Fisheries, Forestry and Agriculture and the Department of Environment and Climate Change.
- (2) No development for residential use shall be permitted within 600 m of an existing structure designed to contain more than five animal units unless the development is first approved by the Department of Fisheries, Forestry and Agriculture.

39. Lot Area

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

40. Lot Area and Size Exceptions

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

41. Lot Frontage

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

42. Non-Conforming Use

- (1) Notwithstanding the Municipal Plan, scheme or regulations made under this *Urban and Rural Planning Act, 2000*, the Council 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 Act, scheme or regulations made with respect to that kind of development or use.
- (2) Notwithstanding subsection (1), a right to resume a discontinued non-conforming use of land shall not exceed 12 months after that discontinuance.
- (3) A building, structure or development that does not conform to a scheme, plan or regulations made under the Act that is allowed to continue under subsection (1)
 - (a) shall not be internally or externally varied, extended or expanded unless otherwise approved by the Council,
 - (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, land, structure or development has been destroyed,
 - (d) may have the existing use for that building, structure or development varied by the Council to a use that is, in the Council's opinion, more compatible with the plan and regulations applicable to it,
 - (e) may have the existing building extended by approval of the Council where, in the Council's opinion, the extension is not more than 50% of the existing building,
 - (f) where the non-conformance is with respect to the standards included in these development regulations, shall not be expanded if the expansion would increase the non-conformity,
 - (g) where a building, structure or development does not meet the development standards included in development regulations, the building, structure or development shall not be expanded if the expansion would increase the non-conformity and an expansion must comply with the development standards applicable to that building, structure or development,

- (h) where the building or structure is primarily zoned and used for residential purposes, may, in accordance with the municipal plan and regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed.

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

43. Offensive and Dangerous Uses

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

44. Offstreet Parking Requirements

- (1) For every building, structure or use to be erected, enlarged or established, there shall be provided and maintained a quantity of off-street parking spaces sufficient to ensure that the flow of traffic on adjacent streets is not impeded by the on-street parking of vehicles associated with that building, structure or use.
- (2) The number of parking spaces to be provided for any building, structure, use or occupancy shall conform to the standards set out in Schedule D of these Regulations.
- (3) Each parking space, except in the case of one or two-family dwellings, shall be made accessible by means of a hard surfaced right-of-way at least 3 m in width. Parking required in a Residential Zone shall be provided on the same lot as the dwelling or dwellings. Parking space for apartments shall be asphalt and provided in the rear yard where possible. In a Non-Residential Zone, parking spaces shall be provided within the limits of the zone in which the use is situated and not more than 200 m distant from the use concerned.
- (4) The parking facilities required by this Regulation shall, except in the case of single or attached dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.
- (5) Where, in these Regulations, parking facilities for more than four vehicles are required or permitted:

- (a) parking space shall mean an area of land, not less than 15 m² in size, capable of being used for the parking of a vehicle without the need to move other vehicles on adjacent areas,
- (b) the parking area shall be constructed and maintained to the specifications of the Council,
- (c) the lights used for illumination of the parking area shall be so arranged as to divert the light away from adjacent development,
- (d) a structure, not more than 3 m in height and more than 5 m² in area may be erected in the parking area for the use of attendants in the area,
- (e) except in zones in which a service station is a permitted use, no gasoline pump or other service station equipment shall be located or maintained on a parking area,
- (f) no part of any off-street parking area shall be closer than 1.5 m to the front lot line in any zone,
- (g) access to parking areas in non-residential zones shall not be by way of residential zones;
- (h) where a parking area is in or abuts a residential zone, a natural or structural barrier at least 1 m in height shall be erected and maintained along all lot lines,
- (i) where, in the opinion of the Council, strict application of the above parking requirements is impractical or undesirable, the 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 shall be used by the Council for the provision and upkeep of alternative parking facilities within the general vicinity of the development.

45. Off-Street Loading Requirements

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

46. Parks and Playgrounds, and Conservation Uses

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

47. Screening and Landscaping

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

48. Services and Public Utilities

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

49. Service Stations

The following requirements shall apply to all proposed service stations:

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

50. Side Yards

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

51. Street Construction Standards

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

52. Subsidiary Apartments

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

53. Unsubdivided Land

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

54. Zero Lot Line and Other Comprehensive Development

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

PART III - ADVERTISEMENTS

55. Permit Required

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

56. Form of Application

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

57. Advertisements Prohibited in Street Reservation

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

58. Permit Valid for Limited Period

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

59. Removal of Advertisements

Notwithstanding the provisions of these Regulations, the Council 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,
- (b) condition, or
- (c) detrimental to the amenities of the surrounding area.

60. Advertisements Exempt from Control

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

- (a) on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.2 m² in area,
- (b) on an agricultural holding or farm, a notice board not exceeding 1 m² in area and relating to the operations being conducted on the land,
- (c) on land used for forestry purposes, signs or notices not exceeding 1 m² in area and relating to forestry operations or the location of logging operations conducted on the land,

- (d) on land used for mining or quarrying operations, a notice board not exceeding 1 m² in area relating to the operation conducted on the land,
- (e) on a dwelling or within the curtilage of a dwelling, one nameplate not exceeding 0.2 m² in area in connection with the practice of a professional person carried on in the premises,
- (f) on any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board not exceeding 1 m² in area,
- (g) on the principal facade of any commercial, industrial or public building, the name of the building or the name of the occupants of the building, in letters not exceeding one-tenth of the height of that facade or 3 m, whichever is the lesser,
- (h) on any parking lot directional signs and one sign not exceeding 1 m² in size, identifying the parking lot.

61. Approval Subject to Conditions

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

62. Non-Conforming Uses

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

PART IV - SUBDIVISION OF LAND

63. Permit Required

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

64. Services to be Provided

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

65. Payment of Service Levies and Other Charges

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

66. Issue of Permit Subject to Considerations

A permit shall not be issued when, in the opinion of the Council, the development of a subdivision does not contribute to the orderly growth of the municipality and does not demonstrate sound design principles. In considering an application, the 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 Plan and Regulations affecting the site,
- (d) the land use, physical form, and character of adjacent developments,
- (e) the transportation network and traffic densities affecting the site,
- (f) the relationship of the project to existing or potential sources of nuisance,
- (g) soil and subsoil characteristics,
- (h) the topography of the site and its drainage,
- (i) natural features such as lakes, streams, topsoil, trees, and shrubs,
- (j) prevailing winds,
- (k) visual quality,
- (l) community facilities,
- (m) energy conservation,

(n) such other matters as may affect the proposed development.

67. Building Permits Required

Notwithstanding the approval of a subdivision by the 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.

68. Form of Application

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

69. Subdivision Subject to Zoning

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

70. Building Lines

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

71. Land for Public Open Space

- (1) Before a development commences, the developer shall, if required, dedicate to the Council, at no cost to the Council, an area of land equivalent to not more than 10% of the gross area of the subdivision or 25 m² for every dwelling unit permitted in the subdivision, whichever is the greater, for public open space, provided that:
 - (a) where land is subdivided for any purpose other than residential use, the Council shall determine the percentage of land to be dedicated,
 - (b) if, in the opinion of the Council, no public open space is required, the land may be used for such other public use as the 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 the Council but in any case, the Council shall not accept land which, in its opinion is incapable of development for any purpose,
 - (d) the 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,
 - (e) money received by the Council in accordance with Regulation 78(1)(d) above, shall be reserved by the Council for the purpose of the acquisition or development of land for public open space or other public purpose.

- (2) Land dedicated for public use in accordance with this Regulation shall be conveyed to the Council and may be sold or leased by the 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.
- (3) The 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 the Council, constitute the requirement of land for public use under Regulation 78(1).

72. Structure in Street Reservation

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

73. 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 10 percent.
- (2) Every cul de sac shall be provided with a turning circle of a diameter of not less than 30 m.
- (3) The maximum length of any cul de sac shall be:
 - (a) 200 m in areas served by or planned to be served by municipal piped water and sewer services.
 - (b) 300 m in areas not served by or planned to be served by municipal piped water and sewer services.
- (4) Emergency vehicle access to a cul de sac shall be not less than 3 m wide and shall connect the head of the cul de sac with an adjacent street.
- (5) No cul de sac shall be located so as to appear to terminate a collector street.
- (6) New subdivisions shall have street connections with an existing street or streets.
- (7) All street intersections shall be constructed within 5° of a right-angle and this alignment shall be maintained for 30 m from the intersection.
- (8) No street intersection shall be closer than 60 m to any other street intersection.
 - (a) No more than four streets shall join at any street intersection.

- (b) No residential street block shall be longer than 490 m between street intersections.
- (9) Streets in residential subdivisions shall be designed in accordance with the approved standards of the Council, but in the absence of such standards, shall conform to the following minimum standards:

Type of Street	Street Reservation	Pavement Width	Sidewalk Width	Sidewalk Number
Arterial Streets	30 m	15 m	1.5 m	discretion of Council
Collector Streets	20 m	15 m	1.5 m	2
Local Residential Streets:				
- where more than 50% of the units are single or double dwellings;	15 m	9 m	1.5 m	1
- where 50% or more of the units are row houses or apartments.	20 m	9 m	1.5 m	2

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

74. Engineer to Design Works and Certify Construction Layout

- (1) Plans and specifications for all water mains, hydrants, sanitary sewers, storm sewers and all appurtenances thereto and all streets, paving, curbs, gutters and catch basins and all other utilities deemed necessary by the 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 the Council, be incorporated in the plan of subdivision.
- (2) Upon approval by the Council of the proposed subdivision, the Town’s Engineer shall certify all work of construction layout preliminary to the construction of the works and thereupon the developer shall proceed to the construction and installation, at his

own cost and in accordance with the approved designs and specifications and the construction layout certified by the 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 the Council to service the said area.

75. Developer to Pay Engineer's Fees and Charges

The developer shall pay to the 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 fees recommended by the Professional Engineers and Geoscientists Newfoundland & Labrador (PEGNL) and in effect at the time the work is carried out.

76. Street Works May Be Deferred

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

77. Transfer of Streets and Utilities to Council

- (1) The developer shall, following the approval of the subdivision of land and upon request of the Council, transfer to the Council, at no cost to the Council, and clear of all liens and encumbrances:
 - (a) all lands in the area proposed to be developed or subdivided which are approved and designated by the 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 an storm drainage systems installed in the subdivision that are normally owned and operated by Council.
- (2) Before Council accepts the transfer of lands, services or public works of any subdivision, the Engineer shall, at the cost to the developer, test the streets, services

and public works installed in the subdivision and certify their satisfaction of installation.

- (3) The 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 the Council.

78. Restriction on Sale of Lots

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

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

79. Grouping of Buildings and Landscaping

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

PART V - USE ZONES

80. Use Zones

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

81. Use Classes

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

82. Permitted Uses

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

83. Discretionary Uses

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

84. Uses Not Permitted

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

NEWFOUNDLAND REGULATION 3/01
Development Regulations under the Urban and Rural Planning Act, 2000.

(Filed January 2, 2001)

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

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

Minister of Municipal and Provincial Affairs

REGULATIONS

Analysis

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1. Short title

These regulations may be cited as the Development Regulations.

2. Definitions

In these regulations,

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

3. Application

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

4. Interpretation

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

- (c) "accessory use" means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use;
- (d) "building height" means the vertical distance, measured in metres from the established grade to the
 - (i) highest point of the roof surface of a flat roof,
 - (ii) deck line of a mansard roof, and
 - (iii) mean height level between the eave and the ridge of a gable, hip or gambrel roof, and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof;
- (e) "building line" means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed;
- (f) "discretionary use" means a use that is listed within the discretionary use classes established in the use zone tables of an authority's development regulations;
- (g) "established grade" means,
 - (i) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or
 - (ii) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment;
- (h) "floor area" means the total area of all floors in a building measured to the outside face of exterior walls;
- (i) "frontage" means the horizontal distance between side lot lines measured at the building line;
- (j) "lot" means a plot, tract or parcel of land which can be considered as a unit of land for a particular use or building;
- (k) "lot area" means the total horizontal area within the lines of the lot;
- (l) "lot coverage" means the combined area of all building on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot;
- (m) "non-conforming use" means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone;
- (n) "owner" means a person or an organization of persons owning or having the legal right to use the land under consideration;
- (o) "permitted use" means a use that is listed within the permitted use classes set

- out in the use zone tables of an authority's development regulations;
- (p) "prohibited use" means a use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that an authority specifies as not permitted within a use zone;
 - (q) "sign" means a word, letter, model, placard, board, device or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement or direction and excludes those things employed wholly as a memorial, advertisements of local government, utilities and boarding or similar structures used for the display of advertisements;
 - (r) "rear yard depth" means the distance between the rear lot line and the rear wall of the main building on a lot;
 - (s) "side yard depth" means the distance between the side lot line and the nearest side wall of a building on the lot;
 - (t) "street" means a street, road, highway or other way designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles;
 - (u) "street line" means the edge of a street reservation as defined by the authority having jurisdiction;
 - (v) "use" means a building or activity situated on a lot or a development permitted on a lot;
 - (w) "use zone" or "zone" means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply;
 - (x) "variance" means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the authority's regulations; and
 - (y) "zoning map" means the map or maps attached to and forming a part of the authority's regulations.
- (2) An authority may, in its discretion, determine the uses that may or may not be developed in a use zone and those uses shall be listed in the authority's regulations as discretionary, permitted or prohibited uses for that area.

5. Notice of right to appeal

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

- (1) person's right to appeal the decision to the board;
- (2) time by which an appeal is to be made;
- (3) right of other interested persons to appeal the decision; and
- (4) manner of making an appeal and the address for the filing of the appeal.

6. Appeal requirements

- (1) The secretary of the board at the Department of Municipal and Provincial Affairs, Main Floor, Confederation Building (West Block), P.O. Box 8700, St. John's, Nfld., A1B 4J6 is the secretary to all boards in the province and an appeal filed with that secretary within the time period referred to in subsection 42(4) of the Act shall be considered to have been filed with the appropriate board.
- (2) Notwithstanding subsection (1), where the City of Corner Brook, City of Mount Pearl or City of St. John's appoints an appeal board under subsection 40(2) of the Act, an appeal shall be filed with the secretary of that appointed board.
- (3) The fee required under section 44 of the Act shall be paid to the board that hears the decision being appealed by filing it with the secretary referred to in subsection (1) or (2) within the 14 days referred to in subsection 42(4) of the Act.
- (4) The board that hears the decision being appealed shall, subject to subsection 44(3) of the Act, retain the fee paid to the board.
- (5) Where an appeal of a decision and the required fee is not received by a board in accordance with this section and Part VI of the Act, the right to appeal that decision shall be considered to have been forfeited.

7. Appeal registration

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

8. Development prohibited

- (1) Immediately upon notice of the registration of an appeal the appropriate authority shall

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

9. Hearing notice and meetings

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

10. Hearing of evidence

- (1) A board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under subsection 9(1) or their representative may appear before the board and make representations with respect to the matter being appealed.
- (2) A board shall hear an appeal in accordance with section 43 of the Act and these regulations.
- (3) A written report submitted under subsection 43(2) of the Act respecting a visit to and viewing of a property shall be considered to have been provided in the same manner as evidence directly provided at the hearing of the board.
- (4) In the conduct of an appeal hearing, the board is not bound by the rules of evidence.

11. Board decision

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

12. Variances

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

13. Notice of variance

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

14. Residential non-conformity

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

15. Notice and hearings on change of use

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

16. Non-conformance with standards

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

17. Discontinuance of non-conforming use

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

18. Delegation of powers

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

19. Commencement

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

SCHEDULES

SCHEDULE A: Definitions

SCHEDULE B: Classification of Uses of Land and Buildings

SCHEDULE C: Use Zone Tables

SCHEDULE D: Off-Street Parking Requirements

SCHEDULE E: Land Use Zoning Maps

SCHEDULE A - DEFINITIONS

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

ACCESSORY BUILDING means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AUTHORITY means the Town Council of Holyrood, authorized administrator or regional authority.

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

BREW RESTAURANT means a restaurant that may offer a full service menu and has a microbrewery on the premises.

BUFFER means a formation of land or natural growth such as a berm, row of trees or shrubs, hedge, fence, or distance separation that provides a barrier between incompatible sites, uses or land use districts.

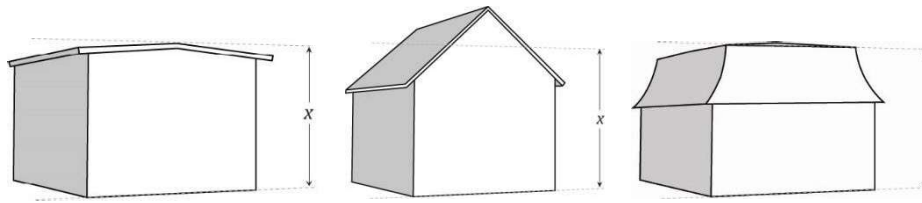
BUILDING means:

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

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

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

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



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

CHILDCARE FACILITY means a building or part of a building in which services and care are regularly provided to children or adults, but does not include a school as defined by the *Schools Act, 1997*.

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

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

CORNER LOT SIGHT TRIANGLE means a corner lot, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height greater than 1 metres above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of 6 metres from the point of intersection.

COUNCIL means the Municipal Council of the Town of Holyrood.

CREMATORIUM means a facility designed for the incineration and cremation of human remains.

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

- (a) making of an access onto a highway, road or way,
- (b) erection of an advertisement or sign,
- (c) construction of a building,
- (d) the parking of a trailer, or vehicle used for the sale of refreshments or merchandise, or as an Office Use, or for living accommodation, and excludes,
- (e) the carrying out of works for the maintenance, improvement or other alteration of a building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building,
- (f) the carrying out by a highway authority of works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation,
- (g) the carrying out by a local authority or statutory undertaker of works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of streets or other land for that purpose,
- (h) the use of a building or land within the courtyard of a dwelling house for a purpose

incidental to the enjoyment of a dwelling house as a dwelling.

- (i) the creation of a pedestrian or vehicular road, lane, driveway or trail by means of clearing land or disturbing the natural ground surface and/or vegetation, as well as erecting bridges, curbs, steps, rails, signs or installing culverts.

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

DEVELOPMENT REGULATIONS means Regulations and by-laws respecting development that have been enacted by Council.

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

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

DRAINAGE PLAN means a report, prepared by a professional person such as an engineer, based on a bio-physical assessment of a residential subdivision lot(s) to determine how surface water catchment will be managed, controlled and mitigated so as to not cause water runoff to adjoining land.

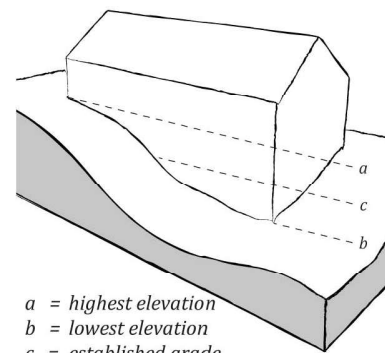
DWELLING UNIT means a self-contained unit consisting of one or more habitable rooms used or designed as the living quarters for one or more persons.

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

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

ESTABLISHED GRADE means

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



FAMILY CHILDCARE USE means a building or part of a building in which services and activities are regularly provided for up to six (6) children as defined in the *Childcare Act, 2014*, but do not include a school as defined by the *Schools Act, 1997*.

FLANKING STREET means the secondary street bordering a corner lot.

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

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

and flood waters are shallower and slower.

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

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

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

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

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

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

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

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

GROUP CHILDCARE USE means a building or part of a building in which services and activities are regularly provided for seven (7) or more children as defined in the *Childcare Act, 2014*, but do not include a school as defined by the *Schools Act, 1997*.

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

INDEPENDANT SENIORS LIVING means residences that are offered for sale or rent to people in the 55+ age group. Residences may have any number of units. They may be a multi-unit complex or individual apartment style residences with one or two bedrooms in a cottage, or duplex style buildings.

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

HOBBY FARM means a small-scale farm plot or kitchen garden or barn associated with a residence for bee keeping, keeping of livestock, growing root crops, or other agriculture uses including the sale of agricultural products beyond personal use.

HOME OCCUPATION means a secondary use of a dwelling unit or its accessory building by at least one of the residents of such dwelling unit to conduct a gainful occupation or business activity, and subsidiary to a residential use. Also referred to as a "Home based Business" and classified as an office use.

HOME OFFICE USE means a secondary use of a dwelling unit by at least one of the residents of such dwelling unit to conduct a gainful occupation or business activity with such occupation or business activity being restricted to office use uses which do not involve visitation by clients, customers, or the general

public to the site, nor the employment of non-residents, and subsidiary to a residential use. Also referred to as a “Home Based Business” and classified as an office use.

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

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

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

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

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

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

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

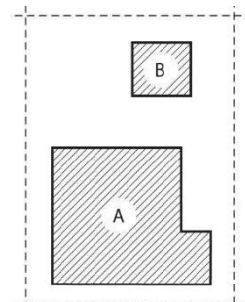
LOCAL STREET means a street designed primarily to provide access to adjoining land and which is not designated as a collector street or arterial street in the Municipal Plan, or on the Zoning Map.

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

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

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

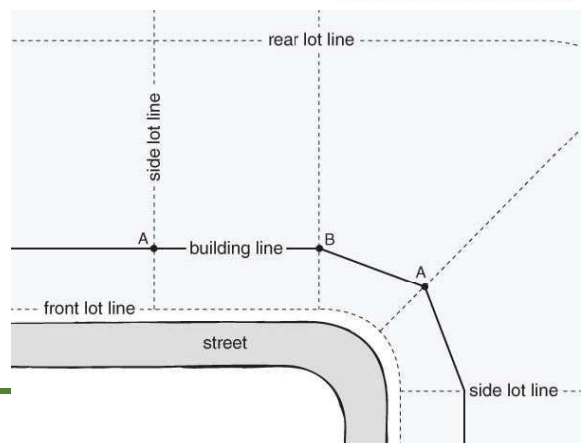
$$\text{Lot coverage} = \frac{\text{Area of A} + \text{Area of B}}{\text{Lot area}}$$



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

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

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



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

MICROBREWERY means a small capacity brewery that produces less than 5,000 hectolitres of beer per year.

MINERAL EXPLORATION (Development) means the search for and sampling of minerals or quarry materials where the activity meets the definition of “development” under the *Urban and Rural Planning Act, 2000*. “Mineral” and ‘quarry material” are as defined in the “*Mineral Act*” and the “*Quarry Materials Act, 1998*”. 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 include traditional prospecting, geotechnical sampling surveys and airborne geophysical surveys and the cutting of survey lines

MINERAL WORKING means an operation consisting of the digging for, excavation and removal of quarry materials, removal of quarry materials previously excavated, stockpiling of quarry materials, processing of quarry materials, the production of civil construction materials which use quarry materials in their natural form and the re-processing of quarry materials. “Quarry material”, for the purpose of interpreting the definition of mineral working is as defined in the *Quarry Materials Act, 1998*. Mineral working does not include mining but may include mineral exploration (development) as a secondary activity. Mineral working does not include the excavation and removal of quarry materials as a by-product of an approved development.

MINING means an operation involving the extraction of mineral for sale and for which a mining lease is required under the *Minerals Act* for the purpose of interpreting the definition of mining as defined under the *Minerals Act*. Mining may include, as secondary activities, mineral exploration (development) and mineral working.

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

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

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

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

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

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

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

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

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

within the municipal boundaries of the Town of Holyrood.

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

PRIVATE ROAD (SHARED DRIVEWAY) means a roadway on private property that is privately owned, maintained and used for vehicular travel by the owner and those having express or implied permission from the owner, but not other persons. Their main function is to provide access to the private land. Most private roads are not designed to the same standards as public streets.

PROHIBITED USE means a use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that Council specifies as not permitted within a use zone.

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

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

RECREATION (Passive) means outdoor recreational activities, such as nature observation, hiking, and canoeing, kayaking, paddle boarding, paddle boats and swimming that require a minimum of facilities or development and that have minimal environmental impact on the landscape.

RECREATION (Outdoor) means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, athletic fields, golf courses, picnic areas, swimming pools, day camps, walking trails, and similar uses.

RESERVATION means a distance 15 metres from the high water mark of a lake, pond, river, or seashore or foreshore, restricted from development and forming an easement for public access and movement as required by the *Lands Act, 1991*. Council may also determine the Reservation of the East Coast Trail as a distance from either side of the Trail restricted from development.

RESTAURANT, FULL-SERVICE means a building or part thereof where food is prepared and offered for retail sale to the public for immediate consumption either on or off the premises.

RESTAURANT, TAKE-OUT means a building in which the primary purpose is the preparation of food and sale of meals or refreshments for consumption off the premises

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

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

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

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

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

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

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

SHORT-TERM (TOURISM) ACCOMMODATION means the provision of accommodation for compensation to an individual or group of individuals for overnight lodging for a specified period with a license from the Department of Tourism, Culture, Arts and Recreation. Short-term tourism accommodation shall be rented as a single unit to an individual or group.

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

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

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

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

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

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

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

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

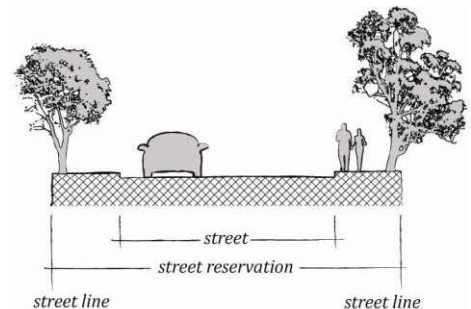
SUBDIVISION means the dividing of land, whether in single or joint ownership, into 2 or more pieces which conforms to these Regulations.

SUBDIVISION (RESIDENTIAL) means a concept proposal approved by Council to subdivide property into residential lots subject to conditions outlined in a development agreement. It generally shows topographic information and natural features, such as rivers and vegetation. The concept proposal will also identify proposed residential lots which may typically require infrastructure such as streets drainage, culverts pavement, sidewalks and curbs.

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

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

TRADITIONAL AGRICULTURE means small-scale farming sometimes carried out on a residential lot and involves the growing of crops, fruits or vegetables, greenhouses, keeping of poultry or farm animals or



livestock for personal use.

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

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

VARIANCE means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage, or any other numeric requirement of the applicable use zone table of the Council's regulations.

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

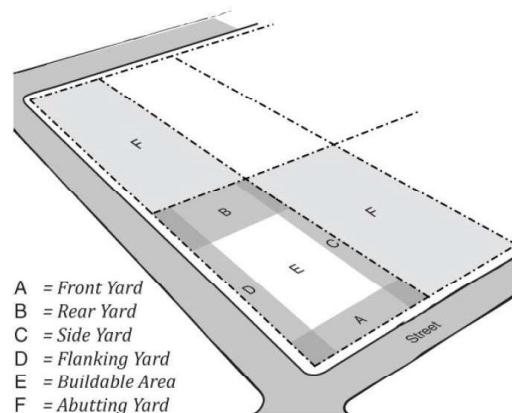
YARD, REAR means the distance between the rear lot line and the rear wall of the main building on a lot.

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

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

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

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



ZERO NET RUNOFF means a process that will evaluate and calculate the waste water generated by new construction, in addition to the water runoff produced by normal rains, and develop techniques to capture and manage water runoff where the water is retained and allowed to percolate through the soil to assist in water quality improvement and groundwater recharge.

ZONING MAP means the map or maps attached to and forming part of the Town of Holyrood Development Regulations.

SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS

GROUP	CLASS	EXAMPLES
ASSEMBLY USES	Theatre	Movie theatre, performing arts centre, amphitheater, auditorium
ASSEMBLY USES	Cultural and Civic	Library, museum, art gallery, courthouse, meeting rooms, town hall
ASSEMBLY USES	General Assembly	Community hall, community centre, lodge halls, dance halls, private clubs
ASSEMBLY USES	Educational	Schools, colleges
ASSEMBLY USES	Place of Worship	Church, chapel, temple, church hall, synagogue, convent, seminary, monastery, rectory, parish house
ASSEMBLY USES	Passenger Assembly	Bus station, boat tours
ASSEMBLY USES	Catering	Restaurants, bars, lounges
ASSEMBLY USES	Micro-Brewery	Brew pub, micro-brewery, micro-distillery
ASSEMBLY USES	Funeral Home	Funeral home, chapel, crematorium
ASSEMBLY USES	Child-care Service	Child-care Centre, nursery school, pre-school, family day care
ASSEMBLY USES	Amusement	Video arcade, escape room, paint ball venue, zip line
ASSEMBLY USES	Indoor Assembly	Arena, skating rink, indoor swimming pool, gymnasium, bowling alley, fitness centre, dance school, karate school
ASSEMBLY USES	Outdoor Assembly	Outdoor concert venue, outdoor ice rink, outdoor swimming pool, amusement park, fairground
ASSEMBLY USES	Tourism Cabins	Tourism cottage establishments
ASSEMBLY USES	Campgrounds	RV Park, tent campground, yurts, glamping pods

GROUP	CLASS	EXAMPLES
INSTITUTIONAL USES	Penal and Correctional Detention	Jail, penitentiary, youth centre
INSTITUTIONAL USES	Medical Treatment and Special Care	Long term care facility, personal care home, hospital, health care centre, protective care community residence, shelter
RESIDENTIAL USES	Single Dwelling	Single detached dwellings, boarding house, group home
RESIDENTIAL USES	Double Dwelling	Semi-detached dwellings, duplex dwellings, boarding house, group homes
RESIDENTIAL USES	Multi-Dwelling	Row houses, town houses, seniors independent living cabins, supervised housing, group home
RESIDENTIAL USES	Apartment Building	Apartments, condominium building, seniors independent living apartments, four-plex, supervised housing, group home
RESIDENTIAL USES	Commercial Residential	Hotel, motel, hostels, inn
RESIDENTIAL USES	Seasonal Residential	Cabins, cabins, summer homes, hunting and fishing cabins
RESIDENTIAL USES	Mobile Homes	Mobile homes
RESIDENTIAL USES	Short-Term Tourism Accommodation	Airbnb, bed and breakfast, tourist home, hospitality home
RESIDENTIAL USES	Tourism Cabins	Multi-cabin park, cabin complex
RESIDENTIAL USES	Seasonal Dwelling	Cottage, cabin
BUSINESS and PERSONAL SERVICE USES	Office	Offices (including Government Offices), banks, travel agents, insurance brokers, legal offices

GROUP	CLASS	EXAMPLES
BUSINESS AND PERSONAL SERVICE USES	Medical and Professional	Medical clinic, dental office, physiotherapy office, family resource centre, dentist
BUSINESS AND PERSONAL SERVICE USES	Personal Service	Hair salon, household repairs and services, pet grooming, nail salon
BUSINESS AND PERSONAL SERVICE USES	General Service	Laundromat, dry cleaners, tool rental, medical equipment supply and rental
BUSINESS AND PERSONAL SERVICE USES	Studio	Artist studio, handicrafts, music lessons, handicraft lessons
BUSINESS AND PERSONAL SERVICE USES	Media	Film studio, music studio, recording or sound studio, editing suite
BUSINESS AND PERSONAL SERVICE USES	Fire Station	Fire Station
BUSINESS AND PERSONAL SERVICE USES	Police Station	Police Station
BUSINESS AND PERSONAL SERVICE USES	Taxi Stand	Taxi Stands
BUSINESS AND PERSONAL SERVICE USES	Take-out Food Service	Take-out food service, food truck
BUSINESS AND PERSONAL SERVICE USES	Veterinary	Veterinary surgeries, animal day care facilities, animal rescue, animal pounds
MERCANTILE USES	Shopping Centre	Shopping centre
MERCANTILE USES	Shop	Retail shop, store, showroom, drugstore
MERCANTILE USES	Indoor Market	Indoor farm market, garden centre with greenhouses, nursery
MERCANTILE USES	Outdoor Market	Outdoor flea market, outdoor farm market, vegetable and fruit stands, fish stalls, sale of firewood, sale of new or used automobiles, sale of recreational trailers

GROUP	CLASS	EXAMPLES
MERCANTILE USES	Convenience Store	Confectionary store, corner store, gift shop, craft shop
INDUSTRIAL USES	Hazardous Industry	Bulk storage of hazardous liquids and substances, chemical plants, feed mills, lacquer, mattress, paint, varnish, and rubber factories, fiberglass and spray painting
INDUSTRIAL USES	General Industry	Factory, cold storage plant, freight depot, general garages, warehouse, workshop, saw-mill, printing plants, contractors' yards, outdoor storage, heavy equipment storage
INDUSTRIAL USES	Service Station	Gas station, garage, gas bar
INDUSTRIAL USES	Light Industry	Light industry, indoor storage, workshop, storage units
INDUSTRIAL USES	Mining	Mine, extraction of dimension stone
INDUSTRIAL USES	Mineral Working	Quarry, pit, processing of quarry materials, concrete plant, asphalt plant, soil production, soil reclamation
INDUSTRIAL USES	Mineral Exploration (Development)	Drilling, trenching, base camp, exploration activities causing ground disturbance
INDUSTRIAL USES	Petroleum Exploration (Development)	Drilling, trenching, base camp, drill rig, access roads, exploration activities causing ground disturbance
INDUSTRIAL USES	Petroleum Extraction	Oil rig, oil platform, well head, mud pump, mud tanks, storage tanks, camp access roads
NON-BUILDING USES	Agriculture	Commercial farm, livestock farm, forage production
NON-BUILDING USES	Traditional Agriculture	Hobby farm, nursery, small scale horticulture farm, community garden
NON-BUILDING USES	Forestry	Tree nurseries, silviculture, domestic and commercial wood harvesting
NON-BUILDING USES	Recreational Open Space	Sports fields, park, playground, trail, rest area, splash pad, golf course

GROUP	CLASS	EXAMPLES
NON-BUILDING USES	Conservation	Historical and scenic sites, wildlife sanctuary, interpretive walks, scenic look-out
NON-BUILDING USES	Cemetery	Cemeteries, graveyards, pet cemeteries
NON-BUILDING USES	Scrap Yard	Car Wrecking Yard, Junk Yards, Scrap Dealers
NON-BUILDING USES	Utilities	Wind turbines, windmills, solar generation plant, transmission lines, sub-station
NON-BUILDING USES	Solid Waste	Solid Waste Disposal, Sanitary Land Fill, Incinerators
NON-BUILDING USES	Animal	Kennel, petting farm, horse riding stable
NON-BUILDING USES	Antenna	TV, radio and media mast, cell tower, antenna
NON-BUILDING USES	Transportation	Airfield, dock, wharf, slipway, breakwater, boat house, fishing shed
NON-BUILDING USES	Marine Service Centre	Marine fabrication, offshore service centre, marine vessel repair, shipyard, dry dock
NON-BUILDING USES	Marina	Marina, yacht club, boating club

TOWN OF HOLYROOD

SCHEDULE C - STANDARD CONDITIONS FOR ALL USE ZONES

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

1. General Development Regulations

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

2. Interpretation of Zone Boundaries

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

3. Reinstatement of Land

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

4. Discretionary Uses

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

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

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

Agriculture and Farming	Approvals must be obtained from the Department of Fisheries, Forestry and Agriculture for any commercial farming operation. Digital Government and Service NL must approve all manure systems.
Crown Land	Approvals must be obtained from the Crown Lands Administration Division, Department of Fisheries, Forestry and Agriculture. Applications are made to the Eastern

	Regional Lands Office Use, Howley Building, Higgins Line.
On-Site Services (Well and Sub-Service Systems)	Approvals involving installation of on-site water and sewer systems must be obtained from Digital Government and Service NL.
Environmental Assessment	Approvals for any development that may have an environmental impact must be referred to Environmental Assessment, Service NL, and/or the Pollution Preventions Division, Department of Environment and Climate Change.
Forestry	Permits for commercial and domestic woodcutting or other forestry related activities must be obtained from the Department Fisheries, Forestry and Agriculture, Forest Management Unit 1, Paddy's Pond.
Mineral Workings, Mining and Mineral Exploration	Approvals and permits involving mining and quarrying and other development proposed to take place within 50 metres of a reserved sand or gravel pit or quarry; within 300 metres of an operational sand or gravel pit or quarry; or within 1000 meters of a quarry in which blasting may take place; must be obtained from the Department of Industry, Energy and Technology, Mineral Lands Division.
Archaeology Discovery and Heritage Preservation	Site excavation or development near any established heritage site, artifacts or physical structures found of a historical nature shall be reported to the Provincial Archaeology Office Use, Department of Tourism, Culture, Arts and Recreation.
Waterways and Watersheds	<p>Any development within a body of water or near the designated Watershed, involving alteration of a body of water must be approved or exempted by the following agencies:</p> <p>Provincial Department of Environment and Climate Change, Water Resources Division – for any development within fifteen (15) metres of a body of water or the defined high-water mark of a body.</p> <p>Federal Department of Fisheries and Oceans Coast Guard Canada – Navigable Waters Act. Fish Habitat Division</p>

6. Development Over Easements and Rights of Way

No permanent building shall be constructed over any known easement or Right of Way, whether that easement has been assigned to the Town of Holyrood, a department of the provincial or federal

government, or any utility company (ie: Newfoundland Power, telephone, cable television, Crown land). Permanent buildings include, but are not limited to, all dwellings and accessory buildings.

7. Conservation of Natural Environment and Aesthetic Areas

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

8. Shoreline Buffers

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

9. Trailway/Provincial Park Corridor and Municipal Walking Trails

Existing tree cover, vegetation and plant life within 15 metres of both sides of the Trailway Provincial Park will be maintained to preserve the natural and aesthetic quality of the corridor. Council may, under its discretionary authority, allow development within the 10 metre to 15 metre portion of the buffer, provided a landscaping plan has been submitted and approved by Council, and the development will not negatively impact the trail. Council may also require the maintenance of existing vegetation, or the re-planting of appropriate vegetation, within the established corridor for walkways developed by the by the Town of of Holyrood.

10. Transmission Lines and Power Corridor Easements

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

11. Transportation Uses

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

12. Land Use Zones

The schedule contains tables for the following Use Zones:

<i>Land Use Zone</i>	<i>Abbreviation</i>	<i>Page</i>
Residential Medium Density	RMD	57
Residential Medium Density (Serviced)	RMD(S)	65
Residential Low Density	RLD	72
Residential Small Lot	RSL	78
Town Centre	TC	80
Mixed Development	MD	86
Commercial General	CG	92
Industrial General	IG	95
Industrial Hazardous	IH	97
Public Buildings	PB	99
Open Space/Recreation	OSR	101
Open Space/ Conservation	OSC	103
Transportation Highway	TW	104
Watershed	WAT	105
Rural	RUR	116
Mineral Working	MW	110

USE ZONE TABLE

ZONE TITLE - RESIDENTIAL MEDIUM DENSITY (RMD)				
PERMITTED USE CLASSES - (see Regulation 89) Single dwelling, double dwelling, open space recreation.				
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Row dwelling, place of worship, educational, convenience store, childcare, office, medical and professional, personal and professional service, short-term (tourism) accommodation, medical treatment and special care, utilities, antenna, crematorium and catering.				
STANDARDS	Single Dwelling	Double Dwelling	Row Dwelling	
Frontage -Serviced	23	28	12*(av)	
Frontage -Piped water or off-site sewerage disposal	30	**	**	
Frontage -On site services	30	**	**	
Lot Area (m ²)(Minimum)	1860			
Water Only	1400			
Building Line Setback (m)(min.)	9	9	9	
Sideward Width (m)(min)	3	3	3	
Rearyard Depth (m)(min)	12	12	12	
Lot Coverage %(max)	33	33	33	
Height (max.)	9	9	10	
* Per dwelling unit ** To Be Determined				

CONDITIONS FOR RESIDENTIAL MEDIUM DENSITY (RMD) ZONE

1. **Subsidiary Apartments**

- (a) One subsidiary apartment may be permitted in a single dwelling.
- (b) For the purpose of calculating lot area and yard requirements, the apartment shall be considered part of the single dwelling.
- (c) Two off street parking spaces shall be required for the apartment.
- (d) The minimum floor area required is 40 m² for a one bedroom subsidiary apartment, plus 10 m² for each additional bedroom.
- (e) For lots without municipal water and sewer services, the Service NL shall determine water and sewerage disposal requirements and a permit will be issued subject to its approval.

2. **Corner Lots**

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

3. **Building Line**

The Building Line is an arbitrary line running parallel to the street line and is set at the closest point to a street that a building may be placed as measured from the front lot line. A corner lot is deemed to have a building line setback on both the primary and flanking streets.

4. **Discretionary Uses Classes**

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

5. **Dwelling Frontage**

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

6. **Medical Treatment and Special Care**

- (a) Medical Treatment and Special Care uses shall only be permitted at the discretion of Council.
- (b) Medical Treatment and Special Care uses shall be designed and maintained to a high standard with respect to safety and appearance.
- (c) Medical Treatment and Special Care uses shall be connected to municipal water and sewer services.
- (d) Medical Treatment and Special Care uses shall be located on a lot that conforms to the frontage, building line setback, side yard, rear yard and lot coverage requirements specified for an apartment building.
- (e) Council may require screening such as trees and scrubs, berms, landscaping or fencing where a Medical Treatment and Special Care use borders a residential area.

- (f) Access points to the street shall be limited in number and designed for maximum safety of pedestrians and vehicles.

7. Accessory Buildings (see also Regulation 38, Part II – General Development Standards)

Accessory Building Development Standards			
Standards	1,860m ²	1,861m ² to 2,780m ²	larger than 2,780m ²
Max. Floor Area	93m ²	115m ²	140m ²
Max. Height	6.0m	7.5m	8.0m
Min. Side Yard & Rear Yard	1.0m		
Min. Distance from Another Building	3.0m		
Min. Distance from a Utility Easement	1.0m		

- (a) No accessory building shall be larger in area and height than the main residential dwelling
- (b) Accessory buildings shall be located on the same lot as the residential dwelling and shall be clearly incidental and complementary to the main use of the residential dwelling in character, use, style and exterior finish unless in conformity with Regulation 31(4), Part II – General Development Standards. Accessory buildings shall be located so as to minimize any visual impacts on adjoining properties.
- (c) Residential lots may have more than one accessory building provided that the maximum combined floor area of all buildings shall not be greater than the maximum area set out in the table above.
- (d) An accessory building may be permitted in front of a building line if the lot has physical features that prohibit the development in the rear or side yard of the lot (see also Regulation 31(4), Part II – General Development Standards).
- (e) School buses, semi-trailers, ISO sea/shipping/freight containers or other vehicle body types shall be prohibited from being used as accessory buildings.
- (f) Accessory buildings shall be a minimum of 3 metres from any building and shall have a minimum side yard and rear yard of 1 metre from the property boundary.
- (g) Accessory buildings shall be strictly prohibited for use as motor vehicle or heavy equipment repairs, auto painting or scrapping of vehicles or other machinery.

8. Advertisements Relating to Onsite Uses and Offsite Uses

See Part III-Advertisements, General Development Regulations

9. Place of Worship and Educational Use

Where permitted, a place of worship and an educational use shall conform to the frontage, building line setback, side yard, rear yard, lot coverage and height requirements specified for a single dwelling. The only educational uses that may be permitted on a discretionary basis are elementary and junior high schools.

10. Convenience Store

Convenience stores will only be permitted as a discretionary use under the following conditions:

- (a) Convenience Store may form part of the residential dwelling or be a stand-alone building.
- (b) The retail use shall be subsidiary to the residential character of the area and shall not affect residential amenities of adjoining properties.
- (c) Adequate provision for on-site parking, loading, buffering and landscaping.

11. Home Businesses – Office, Medical and Professional Service, Personal Service, and Light Industry Uses as Home Occupations

A Home Business is defined as an accessory use of a residential dwelling consisting of an occupation or profession which generates revenue for the resident.

Office, medical and professional service, personal service, and light industry uses may be permitted provided they are carried out as home occupations, businesses operated in the dwelling, or in a building subsidiary to the dwelling on the same lot, by the occupants of the dwelling, and meet the following requirements.

- (a) Office shall be limited to small business services and professional office uses.
- (b) Light Industry uses shall be limited to fabrication for the production of handmade articles such as clothing, and arts and crafts objects.
- (c) The use is clearly subsidiary to the residential use, does not alter the residential character of the dwelling unit, and does not detract from the residential character of the neighbourhood.
- (d) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use, no repairs to vehicles or heavy equipment are carried out.
- (e) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, or inconvenience to occupants of adjoining residences.
- (f) Activities associated with the use shall be carried on inside the dwelling or in a building separate from the dwelling.
- (g) One building only, separate from the dwelling, may be used in connection with a light industrial use and service use and shall conform to the Accessory Buildings condition height and floor area limit for this zone; childcare use shall be carried out in the dwelling unit or be attached to the dwelling unit.
- (h) Except for childcare, no more than 30% of the total floor area of the dwelling is devoted to the use.

- (i) The use shall not generate traffic, parking, sewage or water use in excess of what is normal in the residential area.
- (j) The residential lot has sufficient area to accommodate the parking requirements of the dwelling unit and the home occupation.
- (k) No regular parking of commercial vehicles except for one vehicle with a gross weight of no greater than one ton will be permitted on the lot or on the road reservation adjacent to the lot.

12. Childcare

- (a) Childcare (a day care or day nursery operation) in which services are regularly provided to pre-school children shall be at the discretion of Council.
- (b) A Childcare use shall be in accordance with all applicable provincial laws and regulations as required by Service NL.
- (c) Provision for off-street parking for a childcare use shall be in accordance with the off-street parking requirements, Schedule D, of these Regulations.

13. Short-Term (Tourism) Accommodation

- (a) Short-term tourism accommodation shall meet the frontage, lot area, building line, flanking side yard, height and lot area coverage requirements specified for a single dwelling.
- (b) The building shall be compatible with the surrounding residential area in terms of exterior appearance and design, landscaping, scale and density.
- (c) Outdoor amenities such as hot tubs, fire pits and recreational amenities shall be placed so to minimize impact on adjacent residential uses from noise, lighting, litter, odour, smoke and any other potential negative impacts.
- (d) Council may require screening through the provision of trees scrubs, berms, landscaping or fencing between the short-term tourism accommodation and adjacent residential uses.
- (e) Council may require additional parking to accommodate on-site parking associated with the short-term tourism accommodation. For bed and breakfast operations, one parking space shall be provided for each rental bedroom in addition to the two parking spaces as required for the dwelling unit, the dwelling in which the Bed and Breakfast use is carried out is similar in exterior finish, design, height, and scale to a private residential dwelling.

14. Buffer (around waterways and waterbodies)

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

15. Soil Removal, Soil Deposit and Site Grading

- (a) No development permit for removal or deposit of soil, or the excavation and removal of

excavated material or grading is required if it is part of an approved development project or affects less than 125 m³ of soil, sand, gravel, rock or other substance down to and including bedrock. All other cut or fill work, excavation and removal and deposit of material or grading requires a development permit under these Regulations.

- (b) Removal or deposit of soil, or the excavation and removal of excavated material or grading which requires a development permit provided the work is based on a grading plan, will result in an improved site for use classes permitted in the Zone where it is located, and meets the following conditions:
 - (i) land intended for the activity or grading has a slope of less than 25%;
 - (ii) resulting slopes are stable and without hazards;
 - (iii) when the work is completed, the area affected shall be covered with topsoil and other necessary material for vigorous plant growth and planted with appropriate vegetation;
 - (iv) The use is clearly a subsidiary use to the residential use, and
 - (iv) drainage must be provided to the satisfaction of Council, and will be designed so as not to impair existing surface drainage nor to create erosion either on the site or on adjacent sites.
- (c) A development permit for the activities described in (b) above shall not be issued unless a cash deposit of \$5000 has been made to Council. The deposit shall be returned when the work has been completed in accordance with the development permit and to the satisfaction of Council.

16. Livestock Operations and Buffers

The Holyrood Land Use Zoning maps identify a 610 metre buffer around existing livestock broiler operations. Due to the possible adverse effects of unpleasant odours on new residences, no development within a livestock buffer shall be permitted without the approval of the Department of Natural Resources, Land Stewardship Division and the Department of Environment and Conservation. Residential development within the 610 metre buffer shall be limited to infilling on existing publicly-maintained roads.

17. Public Streets

All development shall front on and have direct access onto a public street.

18. Servicing

- a. Development shall be serviced by the Town's piped water and sewer systems, either existing or proposed. All new roads for development shall be constructed to the Towns Engineering Guidelines, and along with piped water and sewer services, shall be constructed at the cost of the developer.
- b. Council shall require connection in areas within 150 metres of existing water and sewer services.
- c. Council shall exercise discretion to determine the extent of water and sewer services in areas beyond 150 metres of existing services.

19. Backlot Development

Where vacant parcels of land exist which have access to a public street and are of sufficient size for

a building lot, but which do not have the required frontage on a publicly maintained street, the land parcel may be considered on a discretionary basis provided the following conditions are met:

- a. the maximum setback for front lot line or side lot line (depending on lot orientation) from a public street shall be a minimum of 40 metres and a maximum of 100 metres from a public street. The minimum lot area and all other development standards shall be the same as for other residential development in this zone.
- b. only single dwellings may be permitted.
- c. lots must have direct access to a public street.
- d. the development of the lot would not prevent the use of adjoining lands for future development. Where there is potential for additional development in the area, the lot and access shall be developed in a manner which will accommodate future development. As such, the access to the public street to which the owner must have clear title, shall be a minimum width of 15 m to accommodate future public use.
- e. where there is no potential for future development, the access to the public street shall be a minimum of 6 m in width and shall be treated as a private driveway; which the owner must have clear title.
- f. the dwelling is separated from, and oriented, in a manner that does not adversely affect the privacy and enjoyment of adjoining properties. Separation distances may be required by the Council as a condition for development, considering such things as slope, drainage, tree cover and soil conditions.
- g. the development of the backlot does not affect the legal conformity of the primary lot that has frontage on to a public street.

20. Drainage and Landscape Plan

Where there are known or suspected water or land issues pertaining to a proposed development, Council may require a drainage and/or landscape plan to determine how surface water catchment will be managed, controlled and mitigated so as to not cause water runoff to adjoining property or infill lots.

21. Mature Trees

Because of their importance to the landscape and to the privacy and amenities of residential areas, mature trees shall be preserved and replaced as necessary. Such trees may be removed only when they become dangerous because of age, disease or proximity to a building; if they are overcrowded, and unduly inhibit light and air circulation for landscape purposes and building occupancy; or if they will unduly obstruct construction.

Where necessary, Council may require a Landscape Plan/Drainage Plan to identify how mature trees shall be preserved and replaced where necessary.

22. Swimming Pool

A swimming pool shall be permitted as an accessory use, subject to the following:

- a. The swimming pool shall be located in the rear yard of a residential property.

- b. The swimming pool shall not encroach upon any easements.
- c. The swimming pool shall not be located under any overhead power lines.
- d. The swimming pool shall have a minimum setback of two (2) metres from any property boundary and,
- e. The area surrounding the swimming pool and pool deck must be fully enclosed by a fence (approximately two metres in height) to prevent people, especially children, from unauthorized access to the pool area.

23. Crematorium

A crematorium may be permitted at Council's discretion, as an accessory use to an existing funeral home, provided the funeral home is the principal use and subject to the following conditions:

- (a) Council may require a buffer or natural screening between the crematorium and existing land uses such as a residential area, a day care or a school.
- (b) A crematorium shall be located on the same lot or attached to an existing funeral home.
- (c) A crematorium shall be subject to all provincial, and federal laws and regulations including building codes, life safety and fire codes.

24. Unserviced Lot Standards

- a. For lots with onsite well water and sewer disposal by septic tank, the minimum lot area shall be 1860 m² with a minimum 30 m frontage.
- b. For lots with Town water supply and sewer disposal by septic tank, the minimum lot area shall be 1400 m² with a minimum 30 m frontage.

USE ZONE TABLE

ZONE TITLE - RESIDENTIAL MEDIUM DENSITY SERVICED (RMD-S)				
PERMITTED USE CLASSES - (see Regulation 89) Single dwelling, double dwelling, open space recreation.				
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Row dwelling, place of worship, educational, convenience store, childcare, office, medical and professional, personal and professional service, short term (tourism) accommodation, medical treatment and special care, utilities, antenna, crematorium and catering.				
STANDARDS	Single Dwelling	Double Dwelling	Row Dwelling	
Lot area (m ²) minimum	690	570*	440* (average)	
Floor area (m ²) minimum	100	80*	65*	
Frontage -Serviced	23	28	12*(av)	
Building Line Setback (m)(min.)	9	9	9	
Sidyard Width (m)(min)	3	3	3	
Rearyard Depth (m)(min)	12	12	12	
Lot Coverage %(max)	33	33**	33**	
Height (max.)	8	8	10	
* Per dwelling unit ** With Town Water & Sewer *** To Be Determined				

CONDITIONS FOR RESIDENTIAL MEDIUM DENSITY (SERVICED) (RMD-S)

1. Subsidiary Apartments

- (a) One subsidiary apartment may be permitted in a single dwelling.
- (b) For the purpose of calculating lot area and yard requirements, the apartment shall be considered part of the single dwelling.
- (c) Two off street parking spaces shall be required for the apartment.
- (d) The minimum floor area required is 40 m² for a one bedroom subsidiary apartment, plus 10 m² for each additional bedroom.
- (e) For lots without municipal water and sewer services, the Service NL shall determine water and sewerage disposal requirements and a permit will be issued subject to its approval.

2. Corner Lots

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

3. Building Line

The Building Line is an arbitrary line running parallel to the street line and is set at the closest point to a street that a building may be placed as measured from the front lot line. A corner lot is deemed to have a building line setback on both the primary and flanking streets.

4. Discretionary Uses Classes

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

5. Dwelling Frontage

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

6. Medical Treatment and Special Care

- (a) Medical Treatment and Special Care uses shall only be permitted at the discretion of Council.
- (b) Medical Treatment and Special Care uses shall be designed and maintained to a high standard with respect to safety and appearance.
- (c) Medical Treatment and Special Care uses shall be connected to municipal water and sewer services.
- (d) Medical Treatment and Special Care uses shall be located on a lot that conforms to the frontage, building line setback, side yard, rear yard and lot coverage requirements specified for an apartment building.
- (e) Council may require screening such as trees and scrubs, berms, landscaping or fencing where a Medical Treatment and Special Care use borders a residential area.

- (f) Access points to the street shall be limited in number and designed for maximum safety of pedestrians and vehicles.

7. Accessory Buildings (see also Regulation 38, Part II – General Development Standards)

Accessory Building Development Standards			
Standards	1,860m ²	1,861m ² to 2,780m ²	larger than 2,780m ²
Max. Floor Area	93m ²	115m ²	140m ²
Max. Height	6.0m	7.5m	8.0m
Min. Side Yard & Rear Yard	1.0m		
Min. Distance from Another Building	3.0m		
Min. Distance from a Utility Easement	1.0m		

- (a) No accessory building shall be larger in area and height than the main residential dwelling.
- (b) Accessory buildings shall be located on the same lot as the residential dwelling and shall be clearly incidental and complementary to the main use of the residential dwelling in character, use, style and exterior finish unless in conformity with Regulation 38(4), Part II – General Development Standards. Accessory buildings shall be located so as to minimize any visual impacts on adjoining properties.
- (c) Residential lots may have more than one accessory building provided that the maximum combined floor area of all buildings shall not be greater than the maximum area set out in the table above.
- (d) An accessory building may be permitted in front of a building line if the lot has physical features that prohibit the development in the rear or side yard of the lot (see also Regulation 38(4), Part II – General Development Standards).
- (e) School buses, semi-trailers, ISO sea/shipping/freight containers or other vehicle body types shall be prohibited from being used as accessory buildings.
- (f) Accessory buildings shall be a minimum of 3 metres from any building and shall have a minimum side yard and rear yard of 1 metre from the property boundary.
- (g) Accessory buildings shall be strictly prohibited for use as motor vehicle or heavy equipment repairs, auto painting or scrapping of vehicles or other machinery.

8. Advertisements Relating to Onsite Uses and Offsite Uses

See Part III-Advertisements, General Development Regulations

9. Place of Worship and Educational Use

Where permitted, a place of worship and an educational use shall conform to the frontage, building line setback, side yard, rear yard, lot coverage and height requirements specified for a single dwelling. The only educational uses that may be permitted on a discretionary basis are elementary and junior high schools.

10. Convenience Store

Convenience stores will only be permitted as a discretionary use under the following conditions:

- (a) Convenience Store may form part of the residential dwelling or be a stand-alone building.
- (b) The retail use shall be subsidiary to the residential character of the area and shall not affect residential amenities of adjoining properties.
- (c) Adequate provision for on-site parking, loading, buffering, and landscaping.

11. Home Businesses – Office, Medical and Professional Service, Personal Service, and Light Industry Uses as Home Occupations

A Home Business is defined as an accessory use of a residential dwelling consisting of an occupation or profession which generates revenue for the resident.

Office, medical and professional service, personal service, and light industry uses may be permitted provided they are carried out as home occupations, businesses operated in the dwelling, or in a building subsidiary to the dwelling on the same lot, by the occupants of the dwelling, and meet the following requirements.

- (a) Office shall be limited to small business services and professional office uses.
- (b) Light Industry uses shall be limited to fabrication for the production of handmade articles such as clothing, and arts and crafts objects. The use is clearly subsidiary to the residential use, does not alter the residential character of the dwelling unit, and does not detract from the residential character of the neighbourhood.
- (c) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use, no repairs to vehicles or heavy equipment are carried out.
- (d) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, or inconvenience to occupants of adjoining residences.
- (e) Activities associated with the use shall be carried on inside the dwelling or in a building separate from the dwelling.
- (f) One building only, separate from the dwelling, may be used in connection with a light industrial use and service use and shall conform to the Accessory Buildings condition height and floor area limit for this zone; childcare use shall be carried out in the dwelling unit or be attached to the dwelling unit.
- (g) Except for childcare, no more than 30% of the total floor area of the dwelling is devoted to the use.
- (h) The use shall not generate traffic, parking, sewage or water use in excess of what is

normal in the residential area.

- (i) The residential lot has sufficient area to accommodate the parking requirements of the dwelling unit and the home occupation.
- (j) No regular parking of commercial vehicles except for one vehicle with a gross weight of no greater than one ton will be permitted on the lot or on the road reservation adjacent to the lot.

12. Childcare

- (a) Childcare (a day care or day nursery operation) in which services are regularly provided to pre-school children shall be at the discretion of Council.
- (b) A Childcare use shall be in accordance with all applicable provincial laws and regulations as required by Service NL.
- (c) Provision for off-street parking for a childcare use shall be in accordance with the off-street parking requirements, Schedule D, of these Regulations.

13. Short-Term (Tourism) Accommodation

- (a) Short-term tourism accommodation shall meet the frontage, lot area, building line, flanking side yard, height and lot area coverage requirements specified for a single dwelling.
- (b) T building shall be compatible with the surrounding residential area in terms of exterior appearance and design, landscaping, scale and density.
- (c) Outdoor amenities such as hot tubs, fire pits and recreational amenities shall be placed so to minimize impact on adjacent residential uses from noise, lighting, litter, odour, smoke and any other potential negative impacts.
- (d) Council may require screening through the provision of trees scrubs, berms, landscaping or fencing between the short-term tourism accommodation and adjacent residential uses.
- (e) Council may require additional parking to accommodate on-site parking associated with the short-term tourism accommodation. For bed and breakfast operations, one parking space shall be provided for each rental bedroom in addition to the two parking spaces as required for the dwelling unit, the dwelling in which the Bed and Breakfast use is carried out is similar in exterior finish, design, height, and scale to a private residential dwelling.

14. Buffer (around waterways and waterbodies)

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

15. Public Streets

All development shall front on and have direct access onto a public street.

16. Servicing

- (a) Development shall be serviced by the Town's piped water and sewer systems, either existing or proposed. All new roads for a development shall be constructed to the Town's Engineering Guidelines, and along with piped water and sewer services, shall be constructed at the cost of the developer.
- (b) Council shall require connection in areas within 150 metres of existing municipal services.
- (c) Council shall exercise discretion to determine the extent of water and sewer services in areas beyond 150 metres of existing services.

17. Backlot Development

Where vacant parcels of land exist which have access to a public street and are of sufficient size for a building lot, but which do not have the required frontage on a publicly maintained street, the land parcel may be considered on a discretionary basis provided the following conditions are met:

- (a) the maximum setback for front lot line or side lot line (depending on lot orientation) from a public street shall be a minimum of 40 metres and a maximum of 100 metres from a public street. The minimum lot area and all other development standards shall be the same as for other residential development in this zone.
- (b) only single dwellings may be permitted.
- (c) lots must have direct access to a public street.
- (d) the development of the lot would not prevent the use of adjoining lands for future development. Where there is potential for additional development in the area, the lot and access shall be developed in a manner which will accommodate future development. As such, the access to the public street to which the owner must have clear title, shall be a minimum width of 15 m to accommodate future public use.
- (e) where there is no potential for future development, the access to the public street shall be a minimum of 6 m in width and shall be treated as a private driveway; which the owner must have clear title.
- (f) the dwelling is separated from, and oriented, in a manner that does not adversely affect the privacy and enjoyment of adjoining properties. Separation distances may be required by the Council as a condition for development, considering such things as slope, drainage, tree cover and soil conditions.
- (g) the development of the backlot does not affect the legal conformity of the primary lot that has frontage on to a public street.

18. Drainage and Landscape Plan

Where there are known or suspected water or land issues pertaining to a proposed development, Council may require a drainage and/or landscape plan to determine how surface water catchment will be managed, controlled and mitigated so as to not cause water runoff to adjoining property or infill lots.

19. Mature Trees

Because of their importance to the landscape and to the privacy and amenities of residential areas, mature trees shall be preserved and replaced as necessary. Such trees may be removed only when they become dangerous because of age, disease or proximity to a building; if they are overcrowded, and unduly inhibit light and air circulation for landscape purposes and building occupancy; or if they will unduly obstruct construction.

Where necessary, Council may require a Landscape Plan/Drainage Plan to identify how mature trees shall be preserved and replaced where necessary.

20. Swimming Pool

A swimming pool shall be permitted as an accessory use, subject to the following:

- (a) The swimming pool shall be located in the rear yard of a residential property.
- (b) The swimming pool shall not encroach upon any easements.
- (c) The swimming pool shall not be located under any overhead power lines.
- (d) The swimming pool shall have a minimum setback of two (2) metres from any property boundary and,
- (e) The area surrounding the swimming pool and pool deck must be fully enclosed by a fence (approximately two metres in height) to prevent people, especially children, from unauthorized access to the pool area.

21. Crematorium

A crematorium may be permitted at Council's discretion, as an accessory use to an existing funeral home, provided the funeral home is the principal use and subject to the following conditions:

- (a) Council may require a buffer or natural screening between the crematorium and existing land uses such as a residential area, a day care or a school.
- (b) A crematorium shall be located on the same lot or attached to an existing funeral home.
- (c) A crematorium shall be subject to all provincial, and federal laws and regulations including building codes, life safety and fire codes.

USE ZONE TABLE

ZONE TITLE - RESIDENTIAL LOW DENSITY (RLD)
PERMITTED USES – see Regulation 89. Single dwelling and recreation open space.
DISCRETIONARY USES – see Regulation 32 and 90. Place of Worship, educational, convenience store, childcare, medical and professional, personal services, medical treatment and special care, short-term (tourism) accommodation, office use and antenna.

CONDITIONS FOR RESIDENTIAL LOW DENSITY (RLD)

1. Development Standards

The development standards for this zone shall be as follows:

(a) Minimum Lot Size	3038 m ²
(b) Minimum Frontage	38 m
(c) Minimum Floor Area	130 m ²
(d) Minimum Building Line Setback	9 metres
(e) Maximum Building Line setback	30 metres
(f) Minimum Frontage at Front Lot Line	30 metres
(g) Minimum Sideyard Width	3 metres
(h) Minimum Rearyard Depth	12 metres
(i) Maximum Height	10 metres
(j) Maximum Lot Coverage	33 %

2. Discretionary Uses Classes

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

3. Corner Lots

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

4. Building Line

The Building Line is an arbitrary line running parallel to the street line and is set at the closest point to a street that a building may be placed as measured from the front lot line. A corner lot is deemed to have a building line setback on both the primary and flanking streets.

5. Accessory Buildings (see also Regulation 38, Part II – General Development Standards)

Accessory Building Development Standards	
Standards	3,038m ² or larger
Max. Floor Area	140m ²
Max. Height	8.0m
Min. Side Yard & Rear Yard	1.5m
Min. Distance from Another Building	2.4m
Min. Distance from a Utility Easement	1.5m

- (a) Accessory buildings shall not be larger in area and height than the main residential dwelling.
- (b) Accessory buildings shall located be on the same lot as the residential dwelling and shall be clearly incidental and complementary to the main use of the residential dwelling in character, use, style and exterior finish unless in conformity with Regulation 38(4), Part II – General Development Standards. Accessory buildings shall be located so as to minimize any visual impacts on adjoining properties.
- (c) Residential lots may have more than one accessory building provided that the maximum combined floor area of all buildings shall not be greater than the maximum area set out in the table above.
- (d) An accessory building may be permitted in front of a building line if the lot has physical features that prohibit the development in the rear or side yard of the lot (see also Regulation 38(4), Part II – General Development Standards).
- (e) School buses, semi-trailers, ISO sea/shipping/freight containers or other vehicle body types shall be prohibited from being used as accessory buildings.
- (f) Accessory buildings shall be strictly prohibited for use as performing motor vehicle or heavy equipment repairs, auto painting, dismantling or scrapping of vehicles or other machinery.

6. Advertisements Relating to Onsite and Offsite Uses

See General Development Regulations Part III-Advertisements.

7. Convenience Stores

Convenience stores will only be permitted as a discretionary use under the following conditions:

- (a) Convenience Store may form part of the residential dwelling or be a stand alone building.
- (b) The retail use shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties.
- (c) Adequate provision for on site parking, loading, buffering and landscaping.

22. Short-Term (Tourism) Accommodation

- (a) Short-term tourism accommodation shall meet the frontage, lot area, building line, flanking side yard,

height and lot area coverage requirements specified for a single dwelling.

- (b) T building shall be compatible with the surrounding residential area in terms of exterior appearance and design, landscaping, scale and density.
- (c) Outdoor amenities such as hot tubs, fire pits and recreational amenities shall be placed so to minimize impact on adjacent residential uses from noise, lighting, litter, odour, smoke and any other potential negative impacts.
- (d) Council may require screening through the provision of trees scrubs, berms, landscaping or fencing between the short-term tourism accommodation and adjacent residential uses.
- (e) Council may require additional parking to accommodate on-site parking associated with the short-term tourism accommodation. One parking space shall be provided for each rental bedroom in addition to the two parking spaces as required for the dwelling unit, the dwelling in which the Bed and Breakfast use is carried out is similar in exterior finish, design, height, and scale to a private residential dwelling.

8. Home Businesses - Office Use, Medical and Professional Service, Personal Service, and Light Industry Uses as Home Occupations

A Home Business is defined as an accessory use of a residential dwelling consisting of an occupation or profession which generates revenue for the resident.

Office Use, medical and professional service, personal service, and light industry uses may be permitted provided they are carried out as home occupations. Businesses operating in the dwelling, or in a building subsidiary to the dwelling on the same lot, by the occupants of the dwelling, shall meet the following requirements:

- (a) Office use shall be limited to small business services and professional office uses.
- (b) Light Industry uses shall be limited to fabrication for the production of handmade articles such as clothing, and arts and crafts objects.
- (c) The use is clearly subsidiary to the residential use, does not alter the residential character of the dwelling unit, and does not detract from the residential character of the neighbourhood.
- (d) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use, no repairs to vehicles or heavy equipment are carried out.
- (e) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, or inconvenience to occupants of adjoining residences.
- (f) Activities associated with the use shall be carried on inside the dwelling or in a building separate from the dwelling.
- (g) One building only, separate from the dwelling, may be used in connection with a light industrial use and service use and shall conform to the Accessory Buildings condition for height and floor area limit for this zone. Childcare use shall be carried out in the dwelling unit or be attached to the dwelling unit.
- (h) Except for childcare, no more than 30% of the total floor area of the dwelling is devoted to the use.
- (i) The use shall not generate traffic, parking, sewage or water use in excess of what is normal in the residential area.
- (j) Activities associated with the use are not hazardous and do not cause a noticeable increase in noise, odour, dust or fumes, nor cause electrical interference or in any other way result in a nuisance to the occupants of surrounding residences.

- (k) The residential lot has sufficient area to accommodate the parking requirements of the dwelling unit and the home occupation.
- (l) No regular parking of commercial vehicles except for one vehicle with a gross weight of no greater than one ton will be permitted on the lot or on the road reservation adjacent to the lot.

9. Childcare

A childcare operation, in which services are regularly provided to seven or more children, is subject to the following conditions:

- (a) The operation is in accordance with all applicable provincial laws and regulations.
- (b) A limit of one day care or day nursery will be permitted on any street.
- (c) The use will not occupy more than 70 m² or 40% of the floor area, whichever is less.
- (d) Provision for off-street parking will be required as per the off-street parking requirements of these Regulations.
- (e) The drop-off and pick-up of children will not interfere with the free flow of vehicular traffic.
- (f) The use is not located adjacent to or near hazardous, dangerous, or incompatible uses. These include, but are not limited to, heavy industrial uses, service stations, garages, taverns, night clubs, and amusement uses.

10. Place of Worship and Education Use

Where permitted as a discretionary use, a place of worship and an educational use shall conform to the frontage, building line setback, sideyard, rearyard, lot coverage and height requirements, as specified for a single dwelling.

11. Medical Treatment and Special Care

- (a) Medical Treatment and Special Care uses shall only be permitted at the discretion of Council.
- (b) Medical Treatment and Special Care uses shall be designed and maintained to a high standard with respect to safety and appearance.
- (c) Medical Treatment and Special Care uses shall be connected to municipal water and sewer services.
- (d) Medical Treatment and Special Care uses shall be located on a lot that conforms to the frontage, building line setback, side yard, rear yard and lot coverage requirements specified for an apartment building.
- (e) Council may require screening such as trees and scrubs, berms, landscaping or fencing where a Medical Treatment and Special Care use borders a residential area.
- (f) Access points to the street shall be limited in number and designed for maximum safety of pedestrians and vehicles.

12. Buffer (around waterways and waterbodies)

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

Development of marine or water related uses such as wharfs, slipways, boathouse, etc. may be permitted. All development occurring within these limits is subject to the approval of Council and the Department of Environment and Climate Change.

13. Traditional Agricultural Use

- (a) Council may permit a traditional agriculture use provided is compatible with the surrounding area and takes place on a lot sufficient in size to accommodate the proposed use.
- (b) Council may limit the number of poultry and livestock being kept on-site to reduce any negative impacts on surrounding properties.
- (c) Council may place limitations on the sale of eggs, meat, manure or other agricultural products to ensure that the traditional agriculture use occurs at a scale that is appropriate to the site and surrounding areas.
- (d) Council shall ensure that the traditional agriculture use shall be nuisance free and the surrounding property owners shall not be negatively impacted. Council shall impose conditions to minimize any potential impacts on surrounding property owners and/or the environment.
- (e) Any structures and buildings associated with traditional agriculture use shall be considered an accessory building and must comply with the accessory building requirements including in the overall calculation of the maximum combined floor area of accessory buildings on a lot applicable to the zone in which the urban agriculture is located.
- (f) All structures associated with traditional agriculture use, including greenhouses shall be located a maximum of 3 metres from the nearest part of the main building and a minimum of 3 metres a side or rear lot line.

14. Steep Slopes and Flood Plains

Applications for sites having slopes greater than 20%, or potentially subject to flooding or any other hazards such as landslides, shall not be permitted unless the site has a geo-physical assessment conducted by a Professional Engineer or other person qualified to make a determination, to ensure development can take place without endangerment to health or safety.

15. Drainage and Landscape Plan

Where there are known or suspected water or land issues pertaining to a proposed subdivision development, Council may require a drainage and/or landscape plan to determine how surface water catchment will be managed, controlled and mitigated so as to not cause water runoff to adjoining property or infill lots.

16. Swimming Pool

A swimming pool shall be permitted as an accessory use, subject to the following:

- (a) The swimming pool shall be located in the rear yard of a residential property.
- (b) The swimming pool shall not encroach upon any easements.
- (c) The swimming pool shall not be located under any overhead power lines.

- (d) The swimming pool shall have a minimum setback of two (2) metres from any property boundary, and,
- (e) The area surrounding the swimming pool and pool deck must be fully enclosed by a fence (approximately two metres in height) to prevent people, especially children, from unauthorized access to the pool area.

USE ZONE TABLE

ZONE TITLE - RESIDENTIAL SMALL LOT (RSL)
PERMITTED USES – see Regulation 89. Single dwelling and recreation open space.
DISCRETIONARY USES – see Regulation 32 and 90. Office use (in home), utilities and antenna.

CONDITIONS FOR RESIDENTIAL SMALL LOT (RSL)

1. Development Standards with Town Water and Sewer

Where Town water and sewer is available, the following development standards shall be as follows:

Standards	Single Dwelling
(a) Minimum Lot Area	450 m ²
(b) Minimum Frontage	15 m
(c) Minimum Floor Area	55 m ²
(d) Minimum Building Line Setback	8 metres
(e) Maximum Height	8 metres
(f) Minimum Sideyard Width (major/minor)	3 metres 1.2 metres
(g) Minimum Rearyard Depth	12 metres
(h) Maximum Height	8 metres
(i) Maximum Lot Coverage	33 %

CONDITIONS FOR RESIDENTIAL SMALL LOT ZONE

2. Corner Lots

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

3. Discretionary Uses Classes

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

4. Dwelling Frontage

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

5. Accessory Buildings

- (a) The maximum size of an accessory building for this zone shall be equal to or less than the maximum floor area of the residential dwelling.
- (b) No accessory building shall be larger in area and height than the main residential dwelling.
- (c) Accessory buildings shall be located on the same lot as the residential dwelling and shall be clearly incidental and complementary to the main use of the residential dwelling in character, use, style and exterior finish. Accessory buildings shall be located so as to minimize any visual impacts on adjoining properties.
- (d) Accessory buildings shall have a maximum height of 5 metres and shall not project in front of the building line.
- (e) Accessory buildings shall be a minimum of 3 metres from any building and shall have the same sideyard as described in this Land Use Zone Table and shall be a minimum of 1 metre from the rear yard boundary.
- (f) Residential lots may have more than one accessory building provided that the maximum combined floor area of all buildings shall not be greater than the maximum area as set out in the General Development Regulations and this Land Use Zone Table.
- (g) Accessory buildings shall be strictly prohibited for use as performing motor vehicle or heavy equipment repairs, auto painting, dismantling or scrapping of vehicles or other machinery.

6. Advertisements Relating to Onsite and Offsite Uses

See General Development Regulations Part III-Advertisements

7. Office Use (Home based business)

A home office use may be permitted provided it is a home occupation. Businesses operating in the dwelling shall be limited to small business services and professional office uses.

8. Buffer (around waterways and waterbodies)

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

USE ZONE TABLE

ZONE TITLE – TOWN CENTRE (TC)
<p>PERMITTED USE CLASSES - (see Regulation 89) Single dwelling, double dwelling, multi-dwelling, short-term (tourism) accommodation, theatre, shopping centre, cultural and civic, general assembly, commercial residential, child care, indoor market, office, indoor assembly, medical treatment and special care, personal service, general service, take-out food, taxi stand, shop and convenience store, education, place of worship, catering, open space recreation, conservation.</p>
<p>DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Apartment building, passenger assembly, club and lodge, funeral home, medical and professional, office, personal service, communications, taxi stand, police station, light industry, outdoor market, and antenna.</p>

CONDITIONS FOR TOWN CENTRE ZONE

1. Development Standards

The development standards for this zone shall be as follows:

(a) Minimum Building Line Setback	8 metres
(b) Minimum Sideyards	4 metres
(c) Minimum Rearyard	6 metres
(d) Maximum Height	10 metres

NOTE: Residential development shall conform to the standards of the Residential Medium Density (RMD) Land Use Zone.

2. Residential Uses

- (a) The historical land use of the Town Centre Land Use Zone has been residential. New single family dwelling residential uses shall conform to the standards and conditions as specified in the Residential Medium Density Land Use Zone Table.
- (b) The front wall of a dwelling shall be parallel to the street on which it is fronting and has a civic number.

3. Accessory Buildings for Residential Use (see also Regulation 38, Part II – General Development Standards)

Accessory Building Development Standards			
Standards	1,860m ²	1,861m ² to 4,050m ²	larger than 4,050m ²
Max. Floor Area	90m ²	110m ²	9% of total lot size
Max. Height	6.0m	7.5m	8.0m
Min. Side Yard & Rear Yard	1.5m		
Min. Distance from Another Building	2.4m		
Min. Distance from a Utility Easement	1.5m		

- (a) No accessory building shall be larger in area and height than the main residential dwelling.
- (b) Accessory buildings shall be located on the same lot as the residential dwelling and shall be clearly incidental and complementary to the main use of the residential dwelling in character, use, style and exterior finish unless in conformity with Regulation 38(4), Part II – General Development Standards. Accessory buildings shall be located so as to minimize any visual impacts on adjoining properties.
- (c) Residential lots may have more than one accessory building provided that the maximum combined floor area of all buildings shall not be greater than the maximum area set out in the table above.
- (d) An accessory building may be permitted in front of a building line if the lot has physical features that prohibit the development in the rear or side yard of the lot (see also Regulation 38(4), Part II – General Development Standards).
- (e) Where it can be clearly demonstrated that a need exists for a larger accessory building, Council shall have discretion where the proposed accessory building will exceed the maximum floor area and height as indicated in the table above.
- (f) School buses, semi-trailers, ISO sea/shipping/freight containers or other vehicle body types shall be prohibited from being used as accessory buildings.

4. Corner Lots

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

5. Discretionary Use Classes

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

6. Buffer for Residential Uses

Council shall establish adequate buffers between commercial developments and non-compatible uses. These buffers may be a separation of open space, planting screens, privacy fences or any other means to reduce the negative impacts between non-compatible uses. The siting of the new development may also be controlled by council to ensure that activities on the property do not cause negative impacts such as noise, odours, fumes, light and other visual effects. Such measures could include the location of loading doors, exhaust gas vents, air conditioning units, garbage bins and the like.

7. Advertisements Relating to Onsite Uses and Offsite Uses

See Part III of the Development Regulations.

8. Home Businesses - Office Use, Medical and Professional Service, Personal Service, and Light Industry Uses as Home Occupations

A Home Business is defined as an accessory use of a residential dwelling consisting of an occupation or profession which generates revenue for the resident.

Office Use, medical and professional service, personal service, and light industry uses may be permitted provided they are carried out as home occupations, businesses operated in the dwelling, or in a building subsidiary to the dwelling on the same lot, by the occupants of the dwelling, and meet the following requirements.

- (a) Office uses shall be limited to small business services and professional office uses.
- (b) Light Industry uses shall be limited to fabrication for the production of handmade articles such as clothing, arts and crafts objects, and workshops.
- (c) The use is clearly subsidiary to the residential use, does not alter the residential character of the dwelling unit, and does not detract from the residential character of the neighbourhood.
- (d) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use, no repairs to vehicles or heavy equipment are carried out.
- (e) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, or inconvenience to occupants of adjoining residences.
- (f) Activities associated with the use shall be carried on inside the dwelling or in a building separate from the dwelling.
- (g) One building only, separate from the dwelling, may be used in connection with a light industrial use and service use and shall conform to the Accessory Buildings condition height and floor area limit for this zone; childcare use shall be carried out in the dwelling unit or be attached to the dwelling unit.
- (h) Except for childcare, no more than 30% of the total floor area of the dwelling is devoted to the use.

- (i) The use shall not generate traffic, parking, sewage or water use in excess of what is normal in the residential area.
- (j) The residential lot has sufficient area to accommodate the parking requirements of the dwelling unit and the home occupation.
- (k) No regular parking of commercial vehicles except for one vehicle with a gross weight of no greater than one ton will be permitted on the lot or on the road reservation adjacent to the lot.

9. Medical Treatment and Special Care

- (a) Medical Treatment and Special Care uses shall only be permitted at the discretion of Council.
- (b) Medical Treatment and Special Care uses shall be designed and maintained to a high standard with respect to safety and appearance.
- (c) Medical Treatment and Special Care uses shall be connected to municipal water and sewer services.
- (d) Medical Treatment and Special Care uses shall be located on a lot that conforms to the frontage, building line setback, side yard, rear yard and lot coverage requirements specified for an apartment building.
- (e) Council may require screening such as trees and scrubs, berms, landscaping or fencing where a Medical Treatment and Special Care use borders a residential area.
- (f) Access points to the street shall be limited in number and designed for maximum safety of pedestrians and vehicles.

10. Convenience Store

Convenience stores will only be permitted as a discretionary use under the following conditions:

- (a) Convenience Store may form part of the residential dwelling or be a stand alone building.
- (b) The retail use shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties.
- (c) Adequate provision for on-site parking, loading, buffering and landscaping.

11. Childcare

- (a) Childcare (a day care or day nursery operation) which services are regularly provided to pre-school children shall be at the discretion of Council.
- (b) A Childcare use shall be in accordance with all applicable provincial laws and regulations as required by Service NL.
- (c) Provision for off-street parking for a childcare use shall be in accordance with the off-street parking requirements, Schedule D, of these Regulations.

12. Short-Term (Tourism) Accommodation

- (a) Short-term tourism accommodation shall meet the frontage, lot area, building line, flanking side

yard, height and lot area coverage requirements specified for a single dwelling.

- (b) T building shall be compatible with the surrounding residential area in terms of exterior appearance and design, landscaping, scale and density.
- (c) Outdoor amenities such as hot tubs, fire pits and recreational amenities shall be placed so to minimize impact on adjacent residential uses from noise, lighting, litter, odour, smoke and any other potential negative impacts.
- (d) Council may require screening through the provision of trees scrubs, berms, landscaping or fencing between the short-term tourism accommodation and adjacent residential uses.
- (e) Council may require additional parking to accommodate on-site parking associated with the short-term tourism accommodation. One parking space shall be provided for each rental bedroom in addition to the two parking spaces as required for the dwelling unit, the dwelling in which the Bed and Breakfast use is carried out is similar in exterior finish, design, height, and scale to a private residential dwelling.

13. Light Industry Uses

Light Industry uses shall be limited to fully enclosed operations which do not create excessive pollution, odours, noise, dust or flames, or result in electrical interference of any kind and which do not detract from the commercial nature of the Town Centre.

- (a) Council may require fencing or other forms of screening to prevent an unsightly appearance.
- (b) Outdoor storage may be permitted at the discretion of Council.
- (c) Adequate on-site parking, loading, buffering and landscaping is provided.

14. Outdoor Market

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

15. Buffer (around waterways and waterbodies)

No development will be permitted within a minimum 15 metres to 30 metres of the high water mark of rivers or streams, or within 15 to 30 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services. Development of marine or water related uses such as wharfs, slipways, boathouse, etc. may be permitted. All development occurring within these limits is subject to the approval of Council and the Department of Environment and Climate Change.

16. Drainage and Landscape Plan

Where there are known or suspected water or land issues pertaining to a proposed development, Council may require a drainage and/or landscape plan to determine how surface water catchment will be managed, controlled and mitigated so as to not cause water runoff to adjoining properties.

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

17. Catering

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

USE ZONE TABLE

ZONE TITLE - MIXED DEVELOPMENT (MD)
PERMITTED USE CLASSES - (see Regulation 89) Single dwelling, double dwelling, recreation open space and conservation.
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) row dwelling, apartment building, short-term accommodation, cultural and civic, general assembly, passenger assembly, club and lodge, catering, funeral home, childcare, indoor assembly, medical & professional, office, personal service, general service, communications, taxi stand, police station, medical treatment and special care uses, take-out food service, shop, convenience store, light industry, outdoor market, and antenna.

CONDITIONS FOR MIXED DEVELOPMENT ZONE

1. Development Standards

The development standards for this zone shall be as follows:

(a) Minimum Building Line Setback	8 metres
(b) Minimum Sideyards	5 metres
(c) Minimum Rearyard	10 metres
(d) Maximum Height	10 metres
(e) Minimum Floor Area	50 m ²
(f) Minimum Frontage	18 metres
(g) Minimum Lot Size	650m ²

NOTE:

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

2. Accessory Buildings for Residential Use (see also Regulation 38, Part II – General Development Standards)

Accessory Building Development Standards			
Standards	1,860m ²	1,861m ² to 4,050m ²	larger than 4,050m ²
Max. Floor Area	90m ²	110m ²	9% of total lot size
Max. Height	6.0m	7.5m	8.0m
Min. Side Yard & Rear Yard	1.5m		
Min. Distance from Another Building	2.4m		
Min. Distance from a Utility Easement	1.5m		

- (a) No accessory building shall be larger in area and height than the main residential dwelling.
- (b) Accessory buildings shall be located on the same lot as the residential dwelling and shall be clearly incidental and complementary to the main use of the residential dwelling in character, use, style and exterior finish unless in conformity with Regulation 38(4), Part II – General Development Standards. Accessory buildings shall be located so as to minimize any visual impacts on adjoining properties.
- (c) Residential lots may have more than one accessory building provided that the maximum combined floor area of all buildings shall not be greater than the maximum area set out in the table above.
- (d) An accessory building may be permitted in front of a building line if the lot has physical features that prohibit the development in the rear or side yard of the lot (see also Regulation 38(4), Part II – General Development Standards).
- (e) Where it can be clearly demonstrated that a need exists for a larger accessory building, Council shall have discretion where the proposed accessory building will exceed the maximum floor area and height as indicated in the table above.
- (f) School buses, semi-trailers, ISO sea/shipping/freight containers or other vehicle body types shall be prohibited from being used as accessory buildings.

3. Dwelling Frontage

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

4. Corner Lots

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

5. Discretionary Use Classes

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

6. Buffer for Residential Uses

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

7. Advertisements Relating to Onsite and Offsite Uses

See Part III – General Development Regulations

8. Home Businesses - Office Use, Medical and Professional Service, Personal Service, and Light Industry Uses as Home Occupations

A Home Business is defined as an accessory use of a residential dwelling consisting of an occupation or profession which generates revenue for the resident.

Office Use, medical and professional service, personal service, and light industry uses may be permitted provided they are carried out as home occupations, businesses operated in the dwelling, or in a building subsidiary to the dwelling on the same lot, by the occupants of the dwelling, and meet the following requirements.

- (a) Office uses shall be limited to small business services and professional offices;
- (b) Light Industry uses shall be limited to fabrication for the production of handmade articles such as clothing, arts and crafts objects, and workshops;
- (c) The use is clearly subsidiary to the residential use, does not alter the residential character of the dwelling unit, and does not detract from the residential character of the neighbourhood.
- (d) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use, no repairs to vehicles or heavy equipment are carried out.
- (e) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, or inconvenience to occupants of adjoining residences.
- (f) Activities associated with the use shall be carried on inside the dwelling or in a building separate from the dwelling.
- (g) One building only, separate from the dwelling, may be used in connection with a light industrial use and service use and shall conform to the Accessory Buildings condition height and floor area limit for this zone; childcare use shall be carried out in the dwelling unit or be attached to the dwelling unit.
- (h) Except for childcare, no more than 30% of the total floor area of the dwelling is devoted to the use.
- (i) The use shall not generate traffic, parking, sewage or water use in excess of what is normal in the residential area.
- (j) The residential lot has sufficient area to accommodate the parking requirements of the dwelling unit and the home occupation.
- (k) No regular parking of commercial vehicles except for one vehicle with a gross weight of no greater than one ton will be permitted on the lot or on the road reservation adjacent to the lot.

9. Place of Worship and Educational Use

Where permitted, a place of worship and educational use shall conform to the frontage, building line setback, sideyard, rearyard, lot coverage and height requirements specified for a single dwelling. The only educational uses that may be permitted on a discretionary basis are elementary and junior high schools.

10. Convenience Store

Convenience stores will only be permitted as a discretionary use under the following conditions:

- (a) Convenience Store may form part of the residential dwelling or be a stand alone building.
- (b) The retail use shall be subsidiary to the residential character of the area and shall not affect residential amenities of adjoining properties.
- (c) Adequate provision for on-site parking, loading, buffering and landscaping.

11. Childcare

- (a) Childcare (a day care or day nursery operation) which services are regularly provided to pre-school children shall be at the discretion of Council.
- (b) A Childcare use shall be in accordance with all applicable provincial laws and regulations as required by Service NL.
- (c) Provision for off-street parking for a childcare use shall be in accordance with the off-street parking requirements, Schedule D, of these Regulations.

12. Short-Term (Tourism) Accommodation

- (a) Short-term tourism accommodation shall meet the frontage, lot area, building line, flanking side yard, height and lot area coverage requirements specified for a single dwelling.
- (b) The building shall be compatible with the surrounding residential area in terms of exterior appearance and design, landscaping, scale and density.
- (c) Outdoor amenities such as hot tubs, fire pits and recreational amenities shall be placed so to minimize impact on adjacent residential uses from noise, lighting, litter, odour, smoke and any other potential negative impacts.
- (d) Council may require screening through the provision of trees scrubs, berms, landscaping or fencing between the short-term tourism accommodation and adjacent residential uses.
- (e) Council may require additional parking to accommodate on-site parking associated with the short-term tourism accommodation. One parking space shall be provided for each rental bedroom in addition to the two parking spaces as required for the dwelling unit, the dwelling in which the Bed and Breakfast use is carried out is similar in exterior finish, design, height, and scale to a private residential dwelling.

13. Outdoor Storage

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

14. Outdoor Market

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

15. General and Light Industrial Uses

General industrial uses shall be small scale light industrial uses such as small workshops and warehouses, and autobody repair shops shall be permitted provided that:

- (a) The use shall constitute entirely or partly the livelihood of a person living in the specified dwelling.
- (b) Activities associated with the use shall be carried on in building separate from the residential dwelling.
- (c) One building only, separate from the dwelling, and located in the rear or side yard a minimum of 2 m from any lot line, and having a maximum floor area of 75 m² and a height of no more than 6 m, may be used in connection with the general or light industrial use.
- (d) Activities associated with the use are not hazardous and do not create a nuisance by reason of noticeable noise, odour, dust or flames, or result in electrical interference.
- (e) Retail sales are incidental and subsidiary to the approved use and there is no outdoor storage of equipment or materials.
- (f) No change is made in the type, class or extent of the use without a permit.
- (g) Adequate on-site parking, loading, buffering and landscaping is provided.

16. Buffer (around waterways and waterbodies)

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

17. Drainage and Landscape Plan

Where there are known or suspected water or land issues pertaining to a proposed subdivision development, Council may require a drainage and/or landscape plan to determine how surface water catchment will be managed, controlled and mitigated so as to not cause water runoff to adjoining property or infill lots.

18. Swimming Pool

A swimming pool shall be permitted as an accessory use, subject to the following:

- (a) The swimming pool shall be located in the rear yard of a residential property;
- (b) The swimming pool shall not encroach upon any easements;
- (c) The swimming pool shall not be located under any overhead power lines;
- (d) The swimming pool shall have a minimum setback of two (2) metres from any property boundary; and,
- (e) The area surrounding the swimming pool and pool deck must be fully enclosed by a fence (approximately two metres in height) to prevent people, especially children, from unauthorized access to the pool area.

18. Medical Treatment and Special Care

- (a) Medical Treatment and Special Care uses shall only be permitted at the discretion of Council.
- (b) Medical Treatment and Special Care uses shall be designed and maintained to a high standard with respect to safety and appearance.
- (c) Medical Treatment and Special Care uses shall be connected to municipal water and sewer services.
- (d) Medical Treatment and Special Care uses shall be located on a lot that conforms to the frontage, building line setback, side yard, rear yard and lot coverage requirements specified for an apartment building.
- (e) Council may require screening such as trees and scrubs, berms, landscaping or fencing where a Medical Treatment and Special Care use borders a residential area.
- (f) Access points to the street shall be limited in number and designed for maximum safety of pedestrians and vehicles.

USE ZONE TABLE

ZONE TITLE - COMMERCIAL GENERAL (CG)
PERMITTED USE CLASSES - (see Regulation 89) Childcare, office, medical and professional, personal service, shop, and convenience store, commercial residential, service station, and outdoor assembly.
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Club and lodge, apartment buildings, catering, amusement, general assembly, passenger assembly, cultural and civic, taxi stand, police station, funeral home, indoor market, outdoor market, shopping centre, general assembly, general services, veterinary, light industry, antenna, and open space recreation.

CONDITIONS FOR COMMERCIAL GENERAL ZONE

1. Development Standards

The development standards for this zone shall be as follows:

(a) Minimum Building Line Setback	5 metres
(b) Minimum Sideyards Width	5 metres
(c) Minimum Rearyard Depth	10 metres
(d) Maximum Height	8 metres

2. Discretionary Uses Classes

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

3. Advertisements Relating to Onsite and Offsite Uses

See Part III General Development Regulations

4. General Industry

General industry uses may be permitted provided they operate without hazard or intrusion and without detriment to the surrounding area by reason of noise, vibration, smell, and fumes. Council may require such uses to be screened from view using landscaping or fences.

5. Buffer (around waterways and waterbodies)

No development will be permitted within 15 – 30 metres of the high-water mark of rivers or streams, or within 15 – 30 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services. Development of marine or water related uses such as wharfs, slipways, boathouse, etc. may be permitted. All development occurring within these limits is subject to the approval of Council and the Department of Environment and Climate Change.

6. Light Industry

Light industry is restricted to use that are non-hazardous, and do not create any negative impacts on adjoining properties.

7. Open Storage

Outdoor storage of materials, goods and machinery shall meet the following conditions, and any other requirement of the Use Zone in which they are located:

- (a) Storage areas shall not be located in the front yard of a commercial development.
- (b) Where storage areas are not screened from general view by vegetation or topography, a storage area may be required to be enclosed by an opaque wall or fence not less than 2 metres in height constructed of uniform materials and approved by Council.
- (c) Open storage shall not be permitted in the front or side yards of any commercial property. Property owners will be required to keep their premises well maintained and tidy.
- (d) Buffer areas shall not be used as storage areas.

8. Convenience Stores and Shops

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

9. Service Stations and Garages

Service stations and garages may be approved by Council provided:

- (a) All gasoline pumps shall be located on pump islands designed for such purposes, and to which automobiles may gain access from either side.
- (b) Pump islands shall be set back at least 4 metres from the front lot line.
- (c) Any access shall not be less than 7 metres wide and shall be clearly marked, and where a service station is located on a corner lot, the centre line of any access shall be at least 30 metres from the centre line of the junction.
- (d) Surface run-off shall be directed to an oil/water separator before discharging into any storm sewer or any other surface or sub-surface drainage system.

10. Drainage and Landscape Plan

Where there are known or suspected water or land issues pertaining to a proposed subdivision development, Council may require a drainage and/or landscape plan to determine how surface water catchment will be managed, controlled, and mitigated so as to not cause water runoff to adjoining property or infill lots.

11. Screening and Buffers

Where a proposed commercial use abuts a non-industrial use, Council may require the developer to provide an adequate buffer. Buffers may be in the form of hedges, trees, shrubs, earthen berms, or structural barriers that will sufficiently mitigate noise, visual unpleasantness and other undesirable effects.

USE ZONE TABLE

ZONE TITLE - INDUSTRIAL GENERAL (IG)
PERMITTED USE CLASSES - (see Regulation 89) General Industry, light industry, and transportation.
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Passenger assembly, service station, educational uses (see condition) all use classes in the professional and personal service uses group, shop, open space recreation, antenna.

CONDITIONS FOR INDUSTRIAL GENERAL ZONE

1. Development Standards

The development standards for this zone shall be as follows:

(a) Minimum Building Line Setback	10 metres
(b) Minimum Sideyards Width	5 metres
(c) Minimum Rearyard Depth	15 metres
(d) Maximum Height	15 metres

2. Industrial Uses Abutting Residential Areas

Where any industrial use abuts an existing or proposed residential area, or is separated by a road only, the owner of the site of the industrial development shall provide a buffer strip not less than 30 metres wide between any marine industrial building or activity and the residential area. The buffer shall include the provision of grass strips, hedges, trees or shrubs and shall be maintained by the owner or occupier to the satisfaction of Council.

3. Services

Industrial uses shall not be permitted in this zone unless adequate services and fire fighting capability designed to meet the needs of the particular industrial uses permitted, are available.

4. Outdoor Storage

Outdoor storage shall not be permitted. Council may require fencing or other forms of screening or buffers to prevent an unsightly appearance.

5. Shops

Retail shops may be permitted at the discretion of Council if they are accessory to an industrial use or if they directly service the industrial uses or the industrial employees.

6. Storage of Flammable Liquids

All uses and structures for the bulk storage of flammable liquids shall conform to the requirements of the Provincial Fire Commissioner and shall be surrounded by such buffers and landscaping as Council may require to prevent damage to adjacent uses by fire, explosion, or spills of flammable liquid.

7. Advertisements Relating to Onsite and Offsite Uses

See Part III – General Development Regulations

8. Educational Uses

Educational uses may be permitted only if they involve classroom education and training for ocean and marine related commercial diver training. Wharf facilities may be required for underwater training and safety certification associated with offshore oil and exploration.

USE ZONE TABLE

ZONE TITLE - INDUSTRIAL HAZARDEOUS (IH)
PERMITTED USE CLASSES - (see Regulation 89) Hazardous industry, general Industry
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Antenna.

CONDITIONS FOR INDUSTRIAL HAZARDEOUS ZONE

1. Development Standards

The development standards for this zone shall be as follows:

(a) Minimum Building Line Setback	20 metres
(b) Minimum Sideyards Width	20 metres
(c) Minimum Rearyard Depth	20 metres
(d) Maximum Height	20metres

2. General Conditions for Hazardous Industry

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) Hazardous Industry uses shall not be permitted in this zone unless adequate water and sewer services, and fire fighting capability designed to meet the needs of the particular hazardous industrial uses are available.
- (b) Adequate off-street parking for all employees. Loading and off-loading facilities shall not interfere or obstruct movement of traffic along public streets.
- (c) Hazardous Industry uses must be located and designed to minimize the impact of traffic, noise, odours, smoke, lighting, and signage on surrounding uses. Where necessary, screening will be required through the provision of trees, shrubs, berms, landscaping, fencing or any other provision that Council may require.
- (d) Hazardous Industry uses must be designed and maintained to a high standard with regard to safety, appearance, and compatibility with surrounding land uses.
- (e) All Hazardous Industry uses and structures for the storage of bulk and flammable materials shall conform to the requirements of the Provincial Fire Commissioner Office Use, and shall be surrounded by such buffers and landscaping as Council may require to prevent damage to adjacent uses by fire, explosion, or spillage.
- (f) Access points to the street must be limited in number and designed for maximum safety of pedestrians and vehicles.

3. Storage of Materials

No business or operation shall store materials, vehicles, heavy equipment or stock pile waste materials within the front yard of any property. Storage shall be permitted behind the building or along the side yard, provided a screen or buffer is provided to reduce visibility of the storage area. Council may require fencing or other forms of screening to prevent an unsightly appearance of stored materials or vehicles.

4. Storage of Flammable Liquids

All uses and structures for the bulk storage of flammable liquids shall conform to the requirements of the Provincial Fire Commissioner Office Use and Service NL. Storage areas shall be surrounded by such buffers and landscaping as Council may require to prevent damage to adjacent uses by fire, explosion, or spills of flammable liquid.

5. Buffer (around waterways and waterbodies)

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

6. Storage of Flammable Liquids

All uses and structures for the bulk storage of flammable liquids shall conform to the requirements of the Provincial Fire Commissioner Office Use and Digital Government and Service NL. Storage areas shall be surrounded by such buffers and landscaping as Council may require to prevent damage to adjacent uses by fire, explosion, or spills of flammable liquid.

7. Advertisements Relating to Onsite and Offsite Uses

See Part III – General Development Regulations

USE ZONE TABLE

ZONE TITLE - PUBLIC BUILDINGS (PB)
<p>PERMITTED USE CLASSES - (see Regulation 89) Educational, cultural and civic uses, general assembly, medical treatment and special care uses, government or public office uses, place of worship, open space recreation, childcare and police station.</p>
<p>DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Indoor assembly, outdoor assembly, collective residential, cemetery, clubs and lodges, catering, passenger assembly, taxi stand and antenna.</p>

CONDITIONS FOR PUBLIC BUILDINGS ZONE

1. Development Standards

The development standards for this zone shall be as follows:

(a) Minimum Building Line Setback	10 metres
(b) Minimum Sideyards	5 metres
(c) Minimum Rearyard	15 metres
(d) Maximum Height	15 metres

2. Discretionary Use Classes

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

3. Office Uses

Government offices, banks, and other office uses of a public nature shall be permitted in this zone. Commercial Offices associated with a business operation shall be permitted.

4. Catering

Catering may be permitted in associations with a permitted use such as church functions, weddings, parties, etc. Catering use will only be permitted as a temporary use by Council.

5. Advertisements Relating to Onsite and Offsite Uses

See Part III – General Development Regulations

6. Childcare

A day care or day nursery (i.e. a childcare operation in which services are regularly provided to seven or more children), is subject to the following conditions:

- (a) A day care may operate as a stand-alone building subject to Council's discretion.
- (b) The day care is in accordance with all applicable provincial laws and regulations.
- (c) For a residential dwelling, the use will not occupy more than 70 m² or 40% of the floor area, whichever is less.
- (d) Provision for off-street parking will be required as per the off-street parking requirements, Schedule D of these Regulations.
- (e) The drop-off and pick-up of children will not interfere with the free flow of vehicular traffic.
- (f) The use is not located adjacent to or near hazardous, dangerous, or incompatible uses. These include, but are not limited to, heavy industrial uses, service stations, garages, lounges, night clubs, and amusement uses.

USE ZONE TABLE

ZONE TITLE - OPEN SPACE/RECREATION (OS/R)
<p>PERMITTED USE CLASSES - (see Regulation 89) Open space/recreation, Recreation Facility, parks (including botanical gardens and community gardens).</p>
<p>DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Indoor assembly, outdoor assembly, general assembly, personal service, catering, agriculture, microbrewery, take-out food service, and childcare and antenna.</p>

CONDITIONS FOR OPEN SPACE/RECREATION ZONE

1. Development Standards

The development standards for this zone shall be as follows:

(a) Minimum Building Line Setback	8 metres
(b) Minimum Sideyards Width	5 & 1 metres
(c) Minimum Rearyard Depth	8 metres
(d) Maximum Height	14 metres

2. Discretionary Use Classes

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

3. Catering and Take-Out Food Service

A catering and/or take-out food service use may be considered on a discretionary basis provided it serves recreational activities only.

4. Club and Lodge

Club and Lodge may be permitted provided its subsidiary to a recreational use.

5. Advertisements Relating to Onsite and Offsite Uses

See Part III -General Development Regulations

6. Agriculture

Agriculture uses shall be in the form of botanical gardens and shall only be in association with other recreation uses.

7. Development Standards – Microbrewery

The development standards for uses such as a microbrewery shall be determined by Council on a case-by-case basis and shall be similar to the standards for like uses in other zones.

USE ZONE TABLE

ZONE TITLE – OPEN SPACE/CONSERVATION (OS/C)
PERMITTED USE CLASSES - (see Regulation 89) Conservation.
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Agriculture, forestry, transportation, cemetery and antenna.

CONDITIONS FOR OPEN SPACE/CONSERVATION ZONE

1. Discretionary Use Classes

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

2. Agriculture

Traditional small scale hobby and subsistence agricultural uses may be permitted such as vegetable gardens. Areas of steep slope where soil erosion may occur shall not be developed for agriculture uses, unless a soil erosion program can be developed and implemented.

3. Cemetery

Cemeteries which are located separately from a church may be permitted in the Open Space Conservation zone.

4. Hawke Hills Ecological Reserve

The removal of plants or other materials from the Hawke Hills Ecological Reserve shall be strictly prohibited except under specific permit by the Parks and Natural Areas Division, Department of Environment and Conservation. The Reserve is subject to the Hawke Hill Ecological Reserve Regulations, 1992 under the Wilderness and Ecological Reserves Act.

5. Accessory Building

An accessory building may be permitted in association with a cemetery and shall have a maximum floor area of not more than 20 m². Accessory buildings shall be located a minimum of 3 metres from the nearest part of the main building and a minimum of 1 metre from a side and rear lot line and a maximum height of an accessory building shall be 4 metres.

USE ZONE TABLE

ZONE TITLE – TRANSPORTATION HIGHWAY (TW)
PERMITTED USE CLASSES - (see Regulation 89) Highway
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) None

CONDITIONS FOR TRANSPORTATION HIGHWAY ZONE

- 1. Trans-Canada Highway**
Lands within this zone are reserved for maintenance of the Trans-Canada Highway.
- 2. Access**
New access onto the Trans-Canada Highway shall be prohibited unless approved by the Department of Transportation and Infrastructure.

USE ZONE TABLE

ZONE TITLE - WATERSHED (WAT)
PERMITTED USE CLASSES - (see Regulation 89) Conservation and open space recreation.
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Forestry, mineral working, agriculture and antenna

CONDITIONS FOR WATERSHED ZONE

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council provided that they are complementary to permitted uses and will not adversely affect the quality or quantity of water identified as a water supply source.

2. Open Space Recreation

Only passive recreational activities such as hiking and skiing shall be permitted in the watershed area.

3. Forestry, Agriculture and Existing Uses

Selective forestry activities, agriculture, and the maintenance and limited extension of existing uses may be permitted provided they cause no detrimental effect on water quality.

4. Mineral Working

Mineral Working shall be at the discretion of Council. Mineral Working uses shall conform to conditions set out in the Mineral Working Land Use Zone Table.

USE ZONE TABLE

ZONE TITLE - RURAL (RUR)
PERMITTED USE CLASSES - (see Regulation 89) Agriculture, forestry and open space recreation.
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Single dwelling, veterinary, outdoor market, general industry, mineral working, cemetery, animal, utilities, transportation and antenna.

CONDITIONS FOR RURAL ZONE

1. Discretionary Use Classes

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

2. Development Standards

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

3. Single Dwellings

Single residential dwellings may be permitted in conjunction with a permitted use such as agriculture. The agricultural uses shall be a commercial business and the full time farmer shall obtain a minimum of 50 % of his or her gross income from the farm operation. The commercial operation shall be in operation for a minimum of two years before Council will approve any residential development.

4. General Industry

General Industrial uses and associated accessory uses may be permitted by Council provided that:

- (a) The use is restricted to maintenance and repair of equipment, processing and storage related to agriculture, forestry or mineral working uses.
- (b) The site is unsuitable for location in the General Industrial Zone.
- (c) Municipal services such as water and sewer will not be required.
- (d) The proposed use will not have an adverse visual impact on the built-up areas of the Town and Council may require that the site be screened or not visible from public roads and the built-up area.
- (e) The proposed use will not generate an increase in traffic on roads in the built-up areas of the Town, and

- (f) The proposed site can be developed without negative impact on the natural environment and amenities of the Town, including watercourses and ponds.

5. Mineral Working

Council may permit mineral working subject to the following conditions:

- (a) Mineral Workings, approved as a discretionary use, shall be subject to all the conditions of the Mineral Working Zone.
- (b) Mineral Workings, approved as a discretionary use, in this zone shall be temporary for 1 year where the developer must reapply to the Council to continue operations each successive year (approval for which shall not be guaranteed).
- (c) Effective tree screens shall be maintained around the periphery of any mineral working. Where trees are not present to create an effective screen, Council may require the installation of a landscaped embankment or fence.
- (d) Topsoil removed for mineral working shall be retained for restoration of the site.
- (e) No mineral working shall be conducted which causes danger or nuisance to the public.
- (f) No mineral working shall be permitted within the view of a designated scenic road.
- (g) Proposed mineral working operations will be evaluated carefully by Council in conjunction with the Department of Industry, Energy and Technology.
- (h) No mineral working shall unacceptably reduce the quality of water in a watercourse or waterbody. Any access road which crosses a watercourse shall have a bridge or culvert according to the regulations of the Department of Environment and Climate Change.
- (i) No mineral working shall result in the excavation of land below the level of the water table nor cause the ponding of water. However, settling ponds may be permitted with the approval of the Department of Environment and Climate Change.
- (j) No mineral working shall be carried out in a manner which causes the erosion of adjacent land.
- (k) The mineral working shall be kept clean of refuse, abandoned vehicles and equipment, and derelict buildings.
- (l) Upon completion of mineral working, and when there is no intention to re-open such operations, all buildings and machinery shall be removed from the site and the site restored so as not to constitute a danger to the public or present an unsightly appearance.

6. Hawke Hill Ecological Reserve

The removal of plants or other materials from the Hawke Hills Ecological Reserve shall be strictly prohibited except under specific permit from the Parks and Natural Areas Division, Department of Tourism, Culture, Arts and Recreation. The Reserve is subject to the Hawke Hills Ecological Reserve Regulations, 1992, under the Wilderness and Ecological Reserves Act.

7. Advertisements Relating to Onsite and Offsite Uses

See Part III – General Development Regulations

8. Seasonal Residential

Seasonal residential use and recreation cottage use shall not be permitted within the Rural land use zone.

9. Wind Turbines

The development of private residential wind turbine(s) shall be at the discretion of Council. Private wind turbine(s) shall conform to the following site development standards and conditions:

Site Development Conditions	Standards			
	<1860	1860	4050	>8100
Lot Size (m ²)				
Maximum number Wind Turbine(s)	1	1	1	2
Maximum power generating capacity of wind turbine(s) (kilowatts -KW)	15KW	20KW	40KW	100KW (total collective)
Maximum tower height (m)	10.25	10.25, or to a max of 12.25 *	18.5	30.5
Minimum separation distance from Tower and neighboring residence m)	25	30	45	45
Minimum separation distance of the swept arc of the blade from residence on same lot (m)	1	3	5	5
Minimum distance of the swept arc of the blade from side yard (m)	Side yard requirements as in land use zone			
Separation distance between towers (m)	Not Applicable			*
Lowest point of sweep area of rotor blade to finish grade (m)	5	5	6	7

* At the discretion of Council

Conditions

- (a) The development of a private wind turbine(s) on a lot shall be for the use of the property owner. Electricity produced shall be strictly for the property owner. Surplus electricity shall be secondary in nature to the primary use and may be connected to the local power grid for the purpose of selling surplus power.
- (b) A development shall meet applicable Federal and Provincial regulatory requirements, in

- particular those applying to safety and environmental concerns.
- (c) The development of the wind turbine(s) shall not create hazards or negative impacts on neighboring properties. In cases where there are potential conflicts or impacts between a proposed development and neighboring property, Council may require the developer to ensure that adequate buffers or screening are maintained to reduce the impacts on adjoining properties or other mitigation measures that may be necessary to reduce the impacts.
 - (d) Wind turbine tower(s) shall be located on a lot with minimum visual impacts on neighboring properties.
 - (e) The sweep area of the rotor blades on a wind turbine shall not cross over property lines.
 - (f) Wind turbine(s) shall not be permitted in front of the building line.
 - (g) Wind turbine tower(s) shall be designed and constructed to meet design loads for operational requirements including ice build up. The blades shall either have de-icing capabilities or be constructed of a material (ex. poly carbonate composite) that resists ice build up.
 - (h) Should the wind turbine(s) ceases operations for a period longer then 2 years, the wind turbine(s), tower(s), and any related infrastructure shall be removed from the property.

USE ZONE TABLE

ZONE TITLE - MINERAL WORKING (MW)
PERMITTED USE CLASSES - (see Regulation 89) Mineral working, mineral extraction (quarry) and mineral exploration.
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) General Industry and antenna.

CONDITIONS FOR MINERAL WORKING ZONE

1. Separation from Adjacent Uses

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

Minimum Distance of Pit and Quarry Workings From:	
Existing or proposed Residential Development - where no blasting is involved - where blasting is involved	300 metres 1000 metres
Any other developed area or area likely to be developed during the life of the pit or quarry working.	150 metres
Public highway or street	50 metres
Protected Road	90 metres
Waterbody or watercourse	50 metres

2. Screening

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

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

new trees of a minimum height of 1 metre be planted to fill in the areas affected to the satisfaction of the Council or, at the discretion of the Council, condition 4(b) must be undertaken.

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

3. Fencing

The Council may require the mineral working site or excavated areas of a pit or quarry working to be enclosed by a fence designed and constructed to its specifications and no less than 1.8 metres in height.

4. Water Pollution

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

5. Water Ponding

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

6. Erosion Control

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

7. Site Maintenance

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

8. Access Roads

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

9. Stockpiling Cover Material

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

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

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

Termination and Site Rehabilitation

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

- (a) All buildings, machinery and equipment shall be removed.
- (b) All pit and quarry slopes shall be graded to slopes less than 20° or to the slope conforming to that existing prior to the mineral working.
- (c) Topsoil and any organic materials shall be re-spread over the entire quarried area.
- (d) The access road to the working shall be ditched or barred to the satisfaction of the Council.

13. If the mineral working contains reserves of material sufficient to support further extraction operations, the Council may require the work described above to be carried out only in areas of the site where extraction has depleted aggregate reserves.

14. Short-term Mineral Workings

The following conditions shall apply to a Mineral Working which is subject to a Department of Industry, Energy and Technology Quarry Permit or which is proposed for a duration of less than five years. The Council may require an applicant for a development permit under this condition to meet the stipulations set out below, if the Council determines that the size of the parcel or of the proposed mineral working, or the size of the aggregate resource in the surrounding area is sufficiently large or the duration is sufficiently long to warrant the application of conditions below.

- (a) An application for a development permit for the proposed Mineral Working use shall be accompanied by a detailed sketch or sketches satisfactory to the Council which shall

show the location of physical site features and extraction and processing features required by the Council, including but not limited to:

- (i) The general area of the location of the mineral working;
 - (ii) boundaries of the parcel to be mined (ie. land covered by the development application);
 - (iii) extent of the site area to be mined;
 - (iv) roads, parking and loading areas and entrance and exit to the site;
 - (v) waterbodies within the boundaries;
 - (vi) waterbodies within 250 metre radius of the boundary;
 - (vii) channels or ponds to be removed, shifted and created; and
 - (viii) the location of any building or structure and equipment which will be located on the site.
- (b) Upon completion of the mineral working operations on the site, the developer shall meet the conditions set out above and any other condition(s) stated in the development permit that the Council deems necessary for restoration of the site.
- (c) A temporary development permit may be issued for a maximum of one year and may not be renewed after five consecutive years. Upon expiry of the development permit the Council shall inspect the site to confirm compliance with the development permit and development regulations.

15. Long-term Mineral Workings

The following conditions shall apply to a Mineral Working subject to a Quarry Lease 5 years or greater.

- (a) An application for a development permit shall include a Mineral Working Development Plan satisfactory to the Council for the proposed Mineral Working use, which shall include a site plan showing the location of physical site features and extraction and processing features required by the Council including but not limited to:
- (i) boundaries of the parcel to be mined;
 - (ii) extent of site area(s) to be mined;
 - (iii) buildings and structures on the site;
 - (iv) roads, parking and loading areas and entrance and exit to the site;
 - (v) fences, berms and landscaping provided for screening;
 - (vi) waterbodies and channels to be removed, shifted and created;
 - (vii) location and expected maximum height of stockpiles of mined ores, sand and gravel;
 - (viii) location of major machinery and conveyors for receiving and processing raw ores including machinery for sifting, washing and grading ores, and the manufacturing of concrete and stone products;

- (ix) the probable location of storage piles of topsoil and overburden removed from earlier phases of mined areas and temporarily being stored for replacement under the Reclamation plan; and
- (x) intended phases of mining operations to be carried out over all portions of the site.

(b) An application for a development permit shall include a Mineral Working Reclamation Plan satisfactory to the Council for the proposed mineral working use which shall explain, illustrate and show to the satisfaction of the Council a plan for restoration of the site which includes final ground contours, slopes, depth of topsoil, and vegetation and a phasing plan if necessary in the form of a grading and landscape plan or plans.

16. Financial Guarantee

- (a) The developer shall provide a financial guarantee in the form of a performance bond or unconditional and irrevocable letter of credit or other form acceptable to the Council.
- (b) The financial guarantee shall be the greater of (a) \$5,000 per hectare, prorated on the basis of area to a minimum of \$500, or (b) an amount to cover the costs of restoring or landscaping the site after the quarry operations have ended or the site is abandoned by the applicant.
- (c) The financial guarantee shall be returned when the Reclamation Plan has been carried out or the development terminated and any conditions attached to the development permit have been met to the satisfaction of the Council."

17. Permit Fee

The development permit fee for a Mineral Working use shall be determined by the Council in an amount sufficient to cover the review of the Development and Reclamation Plans or the detailed sketch as required above, and determination of the amount of the financial guarantee described in section 16 above by a professional engineer, ongoing inspection of the site for conformity with the named Plans or sketches and with the conditions of the development permit, and inspection of the site to determine acceptable reclamation for purposes of return or cancellation of the financial guarantee.

18. Buffer (around waterways)

The area 15 metres in width on each side of rivers, ponds and tributary streams shall be left in a natural state. Its precise limits shall be identified and determined by the Federal Department of Fisheries and Oceans and Provincial Department of Environment and Climate Change, Water Resources Management Division.

19. Park Referral Area

Within 1km of the Butterpot Provincial Park boundary, Council will refer all development applications for review and assessment to the Department of Tourism, Culture, Arts and Recreation, Parks and Natural Areas Division.

SCHEDULE D - OFF-STREET PARKING REQUIREMENTS

1. Parking Area Standards

The Parking Area Standards for these Regulations shall be:

- (a) Parking Area Width 3.00 metres
- (b) Parking Area Length or Depth 5.80 metres
- (c) Aisle Width 7.30 metres
- (d) Driveway Width 7.00 metres

2. Parking Space Requirements

Typical Parking Space Standards:

- Minimum 3.0 x 5.8.
- Minimum size 16 m² (General Regulations 51).
- Must be graded and surfaced with concrete, asphalt, or other hard material as approved by Council.
- Parking Space surface shall not conceal or alter municipal infrastructure.
- Retaining walls shall taper down flush with the sidewalk or curb.
- Parking Spaces shall not adversely affect adjacent properties.

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

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

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

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

CLASS - COMMERCIAL USES	
(a) Shopping Centre	One space for every 20m ² of gross floor area
(b) Shop	Min. of 2 spaces plus one space for every 20m ² of gross floor area
(c) Convenience Store	Min. of 2 spaces plus one space for every 20m ² of gross floor area
(d) Take-Out Food	Min. of 2 spaces plus one space for every 15m ² of gross floor area
(e) Vending Stand	Minimum of 2 spaces plus additional as specified by the Council

(f) Indoor Market	As specified by the Council
(g) Outdoor Market	As specified by the Council
(h) Service Station	One space for every 20m ² of gross floor area
(i) Commercial Residential	One space for every rental room

CLASS - INDUSTRIAL USES	
(a) Hazardous Industry	One space for every employee, plus 3
(b) General Industry	One space for every employee, plus 3
(c) Light Industry	One space for every employee, plus 3

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