# TOWN OF ST ANTHONY

# LAND USE ZONING, SUBDIVISION AND ADVERTISEMENT REGULATIONS

# DEVELOPMENT REGULATIONS
# 2017 – 2027

**As Approved by Council 12 September 2017**
**Gazette Notice 24 November 2017**

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# ADOPTION AND APPROVAL

## COUNCIL RESOLUTION TO ADOPT; CLERK'S CERTIFICATE

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of St. Anthony adopts the Development Regulations for 2017 to 2027.

Resolved by the Town Council of St. Anthony on the 27th day of June, 2017.

Signed and sealed this _____ day of _____, 2017

Mayor:_____

(Council Seal)

Clerk: _____

## Clerk's Certificate:

Certified that the attached Development Regulations is a correct copy of the Development Regulations for 2017 to 2027, adopted by the Council of the Town of St. Anthony, on the 27th day of June, 2017.

Clerk _____

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## COUNCIL RESOLUTION TO APPROVE; CLERK'S CERTIFICATE

*[resolution of Council to approve the Development Regulations, following completion of the requirements of Sections 18 to 22 inclusive of the Urban and Rural Planning Act, 2000]*

Under the authority of Section 16, 17, 18 and 23 of the *Urban and Rural Planning Act 2000*, the Town Council of St. Anthony approves the Development Regulations for 2017 to 2027.

Resolved by the Town Council of St. Anthony on the 12th day of September, 2017.

Signed and sealed this _____ day of _____, 2017.

Mayor:_____

(Council Seal)

Clerk: _____

## Clerk's Certificate:

Certified that the attached Development Regulations is a correct copy of the Development Regulations for 2017 to 2027, approved by the Council of the Town of St. Anthony, on the 12th day of September, 2017.

Clerk _____

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## PLANNER'S SEAL AND SIGNATURE

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

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

Member of the Canadian Institute of Planners

_____

**Jens Jensen,P.Eng.,MCIP**

Date: 27th day of September 2017 MCIP seal

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MADE BY MINISTER OF MUNICIPAL
AND PROVINCIAL AFFAIRS, 2 JANUARY, 2001** 1

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# SECTION A

## NEWFOUNDLAND REGULATION 3/01

*Development Regulations*

under the

*Urban and Rural Planning Act, 2000*

*(Filed January 2, 2001)*

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

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

Joan Marie Aylward
Minister of Municipal and Provincial Affairs

## REGULATIONS

*Analysis*

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## Short title

**1.** These regulations may be cited as the *Development Regulations for the Town of St. Anthony*..

## Definitions

**2.** In these regulations,

(a) "Act", unless the context indicate otherwise, means the *Urban and Rural Planning Act, 2000*;

(b) "applicant" means a person who has applied to an authority for an approval or permit to carry out a development;

(c) "authority" means a council, authorized administrator or regional authority; and

(d) "development regulations" means these regulations and regulations and by-laws respecting development that have been enacted by the relevant authority.

**Application**

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

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

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

**Interpretation**

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

(a) "access" means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street;

(b) "accessory building" includes

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

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

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

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

(c) "accessory use" means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use;

(d) "building height" means the vertical distance, measured in metres from the established grade to the

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

(ii) deck line of a mansard roof, and

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

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

(e) "building line" means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed;

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

(g) "established grade" means,

(i) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or

(ii) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment;

(h) "floor area" means the total area of all floors in a building measured to the outside face of exterior walls;

(i) "frontage" means the horizontal distance between side lot lines measured at the building line;

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

(k) "lot area" means the total horizontal area within the lines of the lot;

(l) "lot coverage" means the combined area of all building on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot;

(m) "non-conforming use" means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone;

(n) "owner" means a person or an organization of persons owning or having the legal right to use the land under consideration;

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

(p) "prohibited use" means a use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that an authority specifies as not permitted within a use zone;

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

(r) "rear yard depth" means the distance between the rear lot line and the rear wall of the main building on a lot;

(s) "side yard depth" means the distance between the side lot line and the nearest side wall of a building on the lot;

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

(u) "street line" means the edge of a street reservation as defined by the authority having jurisdiction;

(v) "use" means a building or activity situated on a lot or a development permitted on a lot;

(w) "use zone" or "zone" means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply;

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

(y) "zoning map" means the map or maps attached to and forming a part of the authority''s regulations.

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

**Notice of right to appeal**

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

(a) person's right to appeal the decision to the board;

(b) time by which an appeal is to be made;

(c) right of other interested persons to appeal the decision; and

(d) manner of making an appeal and the address for the filing of the appeal.

**Appeal requirements**

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

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

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

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

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

**Appeal registration**

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

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

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

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

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

**Development prohibited**

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

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

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

**Hearing notice and meetings**

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

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

**Hearing of evidence**

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

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

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

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

**Board decision**

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

**Variances**

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

proper development of the land, building or structure in question or would be contrary to public interest.

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

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

**Notice of variance**

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

**Residential non conformity**

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

**Notice and hearings on change of use**

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

**Non-conformance with standards**

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

**Discontinuance of non-conforming use**

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

**Delegation of powers**

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

**Commencement**

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

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# SECTION B

## LAND USE, ZONING, SUBDIVISION AND ADVERTISEMENT REGULATIONS (DEVELOPMENT REGULATIONS)

## APPLICATION

### 1. Short Title

These Regulations may be cited as the Town of St. Anthony 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 St. Anthony 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 or practices regulating or controlling the development, conservation and use of land in force in the Town of St. Anthony, shall, under these Regulations apply to the entire Planning Area.

### 5. Authority

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

# PART I - GENERAL REGULATIONS

## 6. Compliance With Regulations

(1) No development shall be carried out within the St. Anthony Planning Area except in accordance with these Regulations, unless expressly exempted.

(2) The Development Regulations is a legal document, binding upon Council and any person or group using or proposing to use land anywhere within the St. Anthony Planning Area.

(3) The *Water Resources Act, 2000,* provides for regulation of numerous aspects of management of water resources in the province. Administration of the regulations under the *Act* is by the Water Resources Management Division of the Department of the Environment. All development applications concerning the following topics may require approval under the *Water Resources Act 2000* in addition to approval by the Authority under these Development Regulations:

a) Development within 15 metres of a waterbody or watercourse if in a Crown land reservation;

b) Discharge of any effluent off the subject property;

c) Work in any body of water;

d) Infilling of water bodies or diversion of streams (usually not approvable if for residential development;

e) Construction of wharves, breakwaters, slipways and boathouses: permits not needed but the guidelines of that title must be followed;

f) Infilling or dredging associated with marine structures or other works; and,

g) Any development in the St. Anthony Pond Protected Public Water Supply Area and the Jack's Pond Protected Public Water Supply Area (the Jack's Pond area is part of the water supply for the community of Goose Cove).

(4) Constructing a development may require permits and/or approvals in addition to approval pursuant to the *Urban and Rural Planning Act, 2000,* or the *Water Resources Act, 2000.* Proponents are advised to consult the appropriate Government Service Centre to determine requirements.

**7. Permit Required**

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

**8. Permit to be Issued**

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

(a) the general development standards set out in Part II of these Regulations, the requirements of Part V of these Regulations, and the use classes, standards, requirements, and conditions prescribed in Schedule C of these Regulations for the use zone in which the proposed development is located;

(b) further to (a), the standards set out in any regulation or policy of the Authority regulating or controlling development, conservation and use of land and buildings and the supply of municipal water, sewer and street services to them, noting that the Authority does not perform reviews of engineering, architectural or other design subjects of buildings as may be found in the Building Code and/or other ancillary codes;

(c) the standards set out in Part III of these Regulations in the case of advertisement;

(d) the standards set out in Part IV of these Regulations in the case of subdivision;

(e) the standards of design and appearance established by the Authority.

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

(a) Neither a permit nor approval in principle shall be issued for development within the Planning Area when, in the opinion of the Authority, it is premature by reason of the site lacking adequate road access, power, 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 Authority and such cost shall attach to and upon the property in respect of which it is imposed.

(b) Where a Crown Lands grant is required to enable a development, Council shall review the policies of the Municipal Plan and the Development Regulations in the course of considering their comments to make to Crown Lands on any proposed development, and shall not recommend or support the grant where they are not satisfied. Where a variance or discretionary approval or other approval pursuant to these Development Regulations or the Urban and Rural Planning Act, 2000, is required, such matters shall be considered and disposed satisfactorily before the grant is recommended.

**10. Discretionary Powers of Authority**

a) In considering an application for a permit or approval in principle to carry out development, the Authority shall take into account the policies expressed in the Municipal Plan and any further scheme, plan or regulations pursuant thereto, and shall assess the general appearance of the development of the area, the amenity of the surroundings, availability of utilities, public safety and convenience, and any other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of these Regulations, the Authority may, in its discretion, and as a result of its consideration of the matters set out in this Regulation, conditionally approve or refuse the application.

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

**11. Variances** *(Refer to Minister's Development Regulations, Section 12, January 2, 2001)*

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

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

c) The Authority shall not permit a variance from development standards where the proposed development would increase the non-conformity of an existing development.

**12. Notice of Variance** *(Refer to Minister's Development Regulations, Section 13., January 2, 2001)*

Where the Authority is to consider a proposed variance, the Authority shall at the expense of the applicant 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, at least ten days prior to the date upon which Council will consider the matter.

**13. Service Levy**

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

(2) A service levy shall not exceed the cost, or estimated cost, including finance charges to the Authority of constructing or improving the public works referred to in Regulation 13(1) that are necessary for the real property to be developed in accordance with the standards required by the Authority and for uses that are permitted on that real property.

(3) A service levy shall be assessed on the real property based on:

(a) the amount of real property benefited by the public works related to all the real property so benefited; and,

(b) the density of development made capable or increased by the public work.

(4) The Authority may require a service levy to be paid by the owner of the real property;

(a) at the time the levy is imposed;

(b) at the time development of the real property commences;

(c) at the time development of the real property is completed; or,

(d) at such other time as the Authority may decide.

**14. Financial Guarantees by Developer**

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

(2) The financial provisions pursuant to Regulation 14(1) may be made in the form of:

(a) a cash deposit from the developer, to be held by the Authority, or;

(b) a guarantee by a bank, or other institution acceptable to the Minister, for expenditures by the developer, or;

(c) a performance bond provided by an insurance company or a bank, or;

(d) an annual contribution to a sinking fund held by the Authority, or;

(f) another form of financial guarantee that the Authority may approve.

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

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

**16. Reinstatement of Land**

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

**17. Form of Application**

(1) An application for a development permit or approval in principle shall be made only by the owner or by a person authorized by the owner to the Authority on such form as may be prescribed by the Authority, and every application shall include such plans, specifications and drawings as the Authority may require, and be accompanied by the permit fee required by the Authority.

(2) The Authority shall supply to every applicant a copy of the application forms referred to in Regulation 17(1) and a description of the plans, specifications and drawings required to be provided with the application and any information or requirements applicable to the application.

**18. Register of Application**

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

**19. Deferment of Application**

(1) The Authority may, with the written agreement of the applicant, defer consideration of an application.

(2) Applications properly submitted in accordance with these Regulations which have not been determined by the Authority and on which a decision has not been communicated to the applicant within eight weeks of the receipt thereof by the Authority, and on which consideration has not been deferred in accordance with Regulation 18(1), shall be deemed to be refused.

**20. Approval in Principle**

(1) The Authority may grant approval in principle for the erection, alteration or conversion of a building if, after considering an application for approval in principle made under these Regulations, it is satisfied that the proposed development is, subject to the approval of detailed plans, in compliance with these Regulations.

(2) Where approval in principle is granted under this Regulation, it shall be subject to the subsequent approval by the Authority of such details as may be listed in the approval in principle, which shall also specify that further application for approval of these details shall be received not later than two years from the grant of approval in principle.

**21. Development Permit**

(1) A plan or drawing which has been approved by the Authority and which bears a mark and/or signature indicating such approval together with a permit shall be

deemed to be permission to develop land in accordance with these Regulations but such permission shall not relieve the applicant from full responsibility for obtaining permits or approvals under any other regulation or statute prior to commencing the development; from having the work carried out in accordance with these Regulations or any other regulations or statutes; and from compliance with all conditions imposed thereunder.

(2) The Authority may attach to a permit or to approval in principle such conditions as it deems fit in order to ensure that the proposed development will be in accordance with the purposes and intent of these Regulations.

(3) Where the Authority deems necessary, permits may be issued on a temporary basis for a period not exceeding two years, which may be extended in writing by the Authority for further periods not exceeding two years.

(4) A permit is valid for such period, not in excess of two years, as may be stated therein, and if the development has not commenced, the permit may be renewed for a further period not in excess of one year, but a permit shall not be renewed more than once, except in the case of a permit for an advertisement, which may be renewed in accordance with Part III of these Regulations.

(5) The approval of any application and plans or drawings or the issue of a permit shall not prevent the Authority from thereafter requiring the correction of errors, or from ordering the cessation, removal of, or remedial work on any development being carried out in the event that the same is in violation of this or any other regulations or statute.

(6) The Authority may revoke a permit for failure by the holder of it to comply with these Regulations or any condition attached to the permit or where the permit was issued in error or was issued on the basis of incorrect information.

(7) No person shall erase, alter or modify any drawing or specifications upon which a permit to develop has been issued by the Authority.

(8) There shall be kept available on the premises where any work, matter or thing in being done for which a permit has been issued, a copy of the permit and any plans, drawings or specifications on which the issue of the permit was based during the whole progress of the work, or the doing of the matter or thing until completion.

**22. Reasons for Refusing Permit**

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

**23. Notice of Right to Appeal** *(Refer to Minister's Development Regulations, Section 5, January 2, 2001)*

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

(a) person's right to appeal the decision to the board;

(b) time by which an appeal is to be made;

(c) right of other interested persons to appeal the decision; and

(d) manner of making an appeal and the address for the filing of the appeal.

**24. Appeal Requirements** *( Refer to Minister's Development Regulations, Section 6, January 2, 2001)*

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

b) The fee required under section 44 of the Act shall be paid to the Appeal Board that hears the decision being appealed by filing it with the secretary referred to in subsection (1) or (2) within the 14 days referred to in subsection 42(4) of the Act.
c) The Appeal Board that hears the decision being appealed shall, subject to subsection 44(3) of the Act, retain the fee paid to the Appeal Board.
d) Where an appeal of a decision and the required fee is not received by an Appeal Board in accordance with this section and Part VI of the Act, the right to appeal that decision shall be considered to have been forfeited.

**25. Appeal Registration** *(Refer to Minister's Development Regulations, Section 7, January 2, 2001)*

(1) Upon receipt of an appeal and fee as required under the Act and these regulations, the secretary of the Appeal Board as referred to in subsections 24(1) and (2), shall immediately register the appeal.

(2) Where an appeal has been registered the secretary of the Appeal Board shall notify the Authority of the appeal and shall provide to the Authority a copy of the appeal and the documentation related to the appeal.

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

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

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

**26. Development Prohibited** *(Refer to Minister's Development Regulations, Section 8, January 2, 2001)*

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

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

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

**27. Appeal Board**

Pursuant to Section 40 of the *Urban and Rural Planning Act, 2000,* the Minister may, by order, establish an Appeal Board and shall assign to the Appeal Board a specific area of the province2 over which it shall have jurisdiction, as outlined in section 40, of the Act.

**28. Appeals**

Pursuant to Section 42 of the *Urban and Rural Planning Act, 2000:*

(1) A person or an association of persons aggrieved of a decision that, under the regulations, may be appealed, may appeal that decision to the appropriate Appeal Board where the decision is with respect to:

(a) an application to undertake a development;

(b) a revocation of an approval or a permit to undertake a development;

(c) the issuance of a stop work order; and

(d) a decision permitted under the Act or another Act to be appealed to the board.

(2) A decision of the Authority to adopt, approve or proceed with a municipal plan, a scheme, development regulations and amendments and revisions of them is final and not subject to an appeal.

(3) An Appeal Board shall not make a decision that does not comply with the municipal plan, a scheme and development regulations that apply to the matter being appealed.

(4) An appeal shall be filed with the Appeal Board not more than 14 days after the person who made the original application appealed from has received the decision being appealed.

(5) An appeal shall be made in writing and shall include

(a) a summary of the decision appealed from;

(b) the grounds for the appeal; and

(c) the required fee.

(6) A person or group of persons affected by the subject of an appeal or their representatives may appear before an Appeal Board and make representations concerning the matter under appeal.

(7) An Appeal Board may inform itself of the subject matter of the appeal in the manner it considers necessary to reach a decision.

(8) An Appeal Board shall consider and determine appeals in accordance with the Act and the municipal plan, scheme and regulations that have been registered under section 24, of the Act, and having regard to the circumstances and merits of the case.

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

(10) In determining an appeal, an Appeal Board may confirm, reverse or vary the decision appealed from and may impose those conditions that the board considers

appropriate in the circumstances and may direct the Authority to carry out its decision or make the necessary order to have its decision implemented.

(11) Notwithstanding subsection (10), where the Authority may, in its discretion, make a decision, an Appeal Board shall not make another decision that overrules the discretionary decision.

(12) The decision of a majority of the members of an Appeal Board present at the hearing of an appeal shall be the decision of the Appeal Board.

(13) An Appeal Board shall, in writing notify the appellant and the appropriate Authority of the decision of the Appeal Board.

**29. Hearing Notice and Meetings** *(Refer to Minister's Development Regulations, Section 9, January 2, 2001)*

(1) An Appeal Board shall notify the appellant, applicant, Authority and other persons affected by the subject of an appeal of the date, time and place for the appeal not fewer than 7 days before the date scheduled for the hearing of the appeal.

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

**30. Hearing of Evidence** *(Refer to Minister's Development Regulations, Section 10, January 2, 2001)*

(1) An Appeal Board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under regulation 29(1) or their representative may appear before the Appeal Board and make representations with respect to the matter being appealed.

(2) An Appeal Board shall hear an appeal in accordance with section 43 of the Act and these regulations.

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

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

**31. Return of Appeal Fee**

Pursuant to Section 44(3) of the *Urban and Rural Planning Act, 2000,* 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(b) shall be paid to him or her by the Authority.

**32. Notice of Application**

(1) When a change in non conforming use is to be considered under Regulation 49, the Authority shall, at the expense of the applicant, give notice of an application for a permit or for approval in principle, to all persons whose land is in the immediate vicinity of the land, at least ten days prior to the date upon which Council will consider the matter.

(2) When a variance is necessary under Regulation 11, and the Authority wishes to consider whether to authorize such a variance from development standards the Authority shall, pursuant to Regulation 12, give written notice of the proposed variance to all persons whose land is in the immediate vicinity of the land, at least ten days prior to the date upon which Council will consider the matter.

(3) When a proposed development is listed as a discretionary use in Schedule C of the Regulations, and the Authority wishes to consider whether to approve such a discretionary use, the Authority shall post a written notice including a synopsis of the proposed development on the website of the Authority, or if the Authority does not operate a website on which the Authority's notices are posted then the Authority shall give said written notice at the expense of the applicant of the

proposed development to all persons whose land is in the immediate vicinity of the land, in either case at least ten days prior to the date upon which Council will consider the matter.

**33. Right of Entry**

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

**34. Record of Violations**

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

**35. Stop Work Order and Prosecution**

(1) Where a person begins a development contrary or apparently contrary to these Regulations, the Authority may order that person to stop the development or work connected therewith pending final adjudication in any prosecution arising out of the development.

(2) A person who does not comply with an order made under Regulation 35(1) is guilty of an offence under the provisions of the Act.

**36 Delegation of Powers** *(Refer to Minister's Development Regulations, Section 18, January 2, 2001)*

An Authority shall, where designating employees to whom a power is to be delegated under subsection 109(2) of the Act, make that designation in writing.

## PART II - GENERAL DEVELOPMENT STANDARDS

### 37. Accesses and Service Streets

(1) Access shall be located to the specification of the Authority so as to ensure the greatest possible convenience and safety of the street system and the Authority may prescribe the construction of service streets to reduce the number of accesses to collector and arterial streets.

(2) No vehicular access shall be closer than 10 metres to the street line of any street intersection.

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

### 38. Accessory Buildings and Uses

(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 except where specifically exempted in these Development Regulations from this requirement.

(2) No accessory building or part thereof shall project in front of any building line except as may be prescribed in the use zone tables in these Regulations.

(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.

### 39. Advertisements

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

## 40. Buffer Strips for Industrial Uses and Public Trails

1) Where any industrial development permitted in any Use Zone abuts an existing or proposed residential area, or is separated from it by a road only, the owner of the site of the industrial development shall provide a buffer strip not less than ten (10) metres wide between any residential activity and the industrial area. The buffer shall include the provision of such natural or structural barrier as may be required by the Authority and shall be maintained by the owner or occupier to the satisfaction of the Authority.
2) Buildings, structures and alteration of elevations of land or vegetation thereon, within 15 metres of any Public Trail designated on Land Use Zoning Map 1, shall not be located or made in such manner as would impede the safety or amenity of public use of the Public Trails.

## 41. Building Height

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

(1) The building line setback shall be increased by 2 metres for every 1 metre increase in height above the minimum required height.

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

## 42. Building Line and Setback

The Authority, 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.

## 43. Family and Group Care Centres

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

## 44. Height Exceptions

The height requirements prescribed in Schedule C of these Regulations may be waived in the case of antennas, wind turbines, 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 and with notice given under the provisions of Regulation 12 and 32.

## 45. Livestock Structures and Uses

(1) No structure designed to contain more than five animal units shall be erected or used unless it complies with the following requirements:

(a) The structure shall be at least 600 m from a residence, (except a farm residence or a residence which is a non-conforming use in any zone in which agriculture is a permitted or discretionary use class in the Use Zone Tables in Schedule C of these Regulations) or from an area designated as Residential (RES), Marine Approaches Special Area (MASA), Water Supply A or B, or Mixed Development (MD) Zones on Schedule E, or from a Provincial or Federal Park.

(b) The structure shall be at least 60 m from the boundary of the property on which it is to be erected.

(c) The structure shall be at least 90 m from the centre line of a street.

(d) The erection of the structure shall be approved by the Department of Fisheries and Land Resources and the Department of Municipal Affairs and Environment.

(2) No development for residential use shall be permitted within 600 m of a lawfully existing structure designed to contain more than five animal units unless the development is first approved by the Department of Fisheries and Land Resources.

**46. Archaeological Resources**

Any proposal or application for a development that requires ground disturbance shall be reviewed by the Authority to determine whether the site may be a site protected under the *Historic Resources Act* and if so to be referred to the Provincial Archaeology Office for assessment and clearance before work commences. Further, should any artifacts be discovered during work on a site, work is to stop and the site is to be secured until such an assessment has been conducted and the Authority has determined what, if any, work may resume and under what conditions.

**47. Lot Area and Size Exceptions**

(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.

(3) Where, at the time of coming into effect of these Regulations, one or more lots already exist in any zone, with insufficient frontage or area to permit the owner or

purchaser of such a lot or lots to comply with the provisions of these Regulations, then these Regulations shall not prevent the issuing of a permit by the Authority for the erection of a building, provided that the lot coverage and height are not greater than, and the yards and floor area are not less than the standards set out in these Regulations.

**48. Lot Frontage**

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

**49. Non-Conforming Use** *(Refer to Minister's Development Regulations, Section 14, 15, 16, 17, January 2, 2001)*

Pursuant to Section 108 of the *Urban and Rural Planning Act, 2000:*

(1) Notwithstanding the Municipal Plan, scheme or regulations made under the *Urban and Rural Planning Act, 2000*, the Authority shall, in accordance with regulations made under this Act, allow a development or use of land to continue in a manner that does not conform with a regulation, scheme, or plan that applies to that land provided that the non-conforming use legally existed before the registration 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 3 years after the discontinuance of that use.

(3) A building, structure or development that does not conform to a scheme, plan or regulations made under the Act that is allowed to continue under subsection (1)

(a) shall not be internally or externally varied, extended or expanded unless otherwise approved by the Authority;

(b) shall not be structurally modified except as required for the safety of the building, structure or development;

(c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50% or more of the value of that building, structure or development has been destroyed;

(d) may have the existing use for that building, structure or development varied by the Authority to a use that is, in the Authority's opinion, more compatible with the plan and regulations applicable to it;

(e) may have the existing building extended by approval of the Authority where, in the Authority's opinion, the extension is not more than 50% of the existing building;

(f) where the non-conformance is with respect to the standards included in these development regulations, shall not be expanded if the expansion would increase the non-conformity and an expansion must comply with the development standards applicable to that building, structure or development;

(g) where the building or structure is primarily zoned and used for residential purposes, it 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 but the residential building or structure, where being repaired or rebuilt, must be repaired or rebuilt in accordance with the plan and development regulations applicable to that building or structure.

**(4)** Before making a decision to vary an existing use of a non-conforming building, structure or development, the Authority, at the applicant's expense, shall publish a notice in a newspaper circulating in the area or by other means give public notice at least ten days prior to the date upon which Council will consider the matter, of an application to vary the existing use of a non-conforming building, structure or

development and shall consider any representations or submissions received in response to that advertisement.

**50. Offensive and Dangerous Uses**

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

**51. Hazards to Building**

1) Any proposal for the erection of a structure on a site which is potentially subject to flooding, sea level rise, coastal erosion or any other physical hazard near watercourses and the sea, must be certified by a professional engineer to ensure that development of the site can take place without danger to health or safety, within a one hundred year time horizon;

2) All development must be above the current 2 metre above mean sea level contour, and set back at least 30 metres from the seashore to provide a buffer against coastal erosion and sea level rise, except that the following may be approved at Council's discretion:

    a. structures or land uses requiring direct access to salt water, including wharves, breakwaters, slipways and boathouses, and if approved such are to constructed and operated in accordance with the Department of Municipal Affairs and Environment's *Guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses*;

    b. a lesser setback than 30 metres from the seashore, but in no case less than 15 metres, where the proponent can demonstrate that the building(s) would be founded directly on bedrock rather than on surficial soils, loose rock, or severely fractured bedrock.

    c. public works and utilities;

d. municipal park;

e. mineral exploration.

3) Any proposal for development of a site having a slope in excess of 15% must be certified by a professional engineer as having low risk of landslide, avalanche, and rockfall.

**52. Off-Street Parking and Loading 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 single or double dwellings, shall be made accessible by means of a durably surfaced right-of-way at least 3 m in width. Parking required in a Residential (RES) Zone shall be provided on the same lot as the main use. Parking space for apartments shall be provided in the rear yard where possible. In a non-Residential Zone, parking spaces shall be provided within the limits of the zone in which the use is situated and not more than 200 metres distant from the use concerned.

(4) The parking facilities required by this Regulation shall, except in the case of residential developments in the classes of single dwellings, double dwellings, row dwellings, boarding houses, seasonal dwellings and mobile homes, be arranged so that it is not necessary for any vehicle to reverse onto or from a street, except where specifically exempted by the Authority.

(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 3 m wide by 6 m long, capable of being used for the parking of a vehicle without the need to move other vehicles on adjacent areas, and the lanes or aisles in a parking area which give access to parking spaces shall be at least 6 m wide;

(b) the parking area shall be constructed and maintained to the specifications of the Authority;

(c) the lights used for illumination of the parking area shall be so arranged as to divert the light away from adjacent development;

(d) a structure, not more than 3 m in height and more than 5 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 Authority, strict application of the above parking requirements set out in a) through h) is impractical or undesirable, the Authority may as a condition of a permit require the developer to pay a service levy in accordance with these Regulations in lieu of the provision of a parking area, and the full amount of the levy charged shall be used by the Authority for the provision and upkeep of alternative parking facilities within the general vicinity of the development.

(6) 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, and be so arranged that vehicles can manoeuvre clear of any street and so that it is not necessary for any vehicle to reverse onto or from a street. The number of loading spaces to be provided, if any, shall be determined by the Authority.

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

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

**54. Screening and Landscaping**

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

**55. Services and Public Utilities**

The Authority may within any zone permit land to be used in conjunction with the provision of public services and public utilities if the use of that land is necessary to the proper operation of the public service or public utility concerned provided that the design

and landscaping of any development of any land so used is, in the opinion of the Authority, adequate to protect the character and appearance of the area.

**56. Service Stations**

The following requirements shall apply to all proposed service stations:

(a) All gasoline pumps shall be located on pump islands designed for such purpose, and to which automobiles may gain access from either side.

(b) Pump islands shall be set back at least 4 metres from the front lot line.

(c) Accesses shall not be less than 7 metres wide and shall be clearly marked, and where a service station is located on a corner lot, the minimum distance between an access and the intersection of street lines at the junction shall be 10 metres and the lot line between entrances shall be clearly indicated.

**57. Side Yards**

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

**58. Removal of Quarry Materials**

1) Quarry materials produced as a by-product of an approved development may be removed from the development site provided that royalties are paid to the province as required by the *Quarry Materials Act, 1998.* Materials removed for site preparation to construct a building, including topsoil, overburden, and rock may be retained or re-used on the development site (no royalties due) or removed from the site (royalties due). Quarry materials include but are not limited to aggregate, fill, rock, stone, gravel, sand, clay, borrow material, topsoil, overburden, subsoil, and peat.

2) In order to ensure that royalties due to the province are paid, the Authority will notify the Department of Natural Resources where the Authority becomes aware that removal of quarry materials is taking place or may take place.

**59. Subsidiary Apartments**

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

**60. 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.

**61. Zero Lot Line and Other Comprehensive Development; Flag Lot Requirements**

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

(2) Development on a flag lot is permitted provided that the requirements in the Use Zone in which it is located for lot area are satisfied in the main body of the flag lot, and that the minimum interior dimension of the main body of the flag lot is at least the minimum frontage required. The location of a main or accessory building on a flag lot shall provide for yards in the main body of the lot of at least the dimensional minimum requirements of the building line setback, side yard widths, and rear yard depths ordinarily required in the subject Use Zone, as if the main body of the flag lot were an ordinary lot where most or the whole width of the lot abuts the street. Whereas the ordinary meanings of side, front and rear yards are not relevant to a flag lot, any yard in a flag lot can be deemed the front, side or rear yard for this purpose.

In a flag lot, the minimum width of the leg or prolongation which provides access to a street shall be 5 metres at every point along its length, including the lot boundary where the flag lot fronts directly on a street. Where the full 5 metre leg width cannot be provided in the area of the leg of the flag lot, by reason of limited space between lot lines and existing structures or other physical features, all or part of the required leg width may be provided in the form of a perpetual license or easement for vehicular and pedestrian access in favour of the flag lot, across the abutting land. The said license or easement shall not be deemed for the purpose of Section 47 this Development Regulation to be an alienation or conveyance having the effect of reducing the lot area of the abutting lot. The leg width, including any part of it which may be provided in the form of the said license or easement, may be reduced as a variance pursuant to the provisions for variances in these Development Regulations. The requirement of Regulation 48 shall apply to flag lots, in that the leg or prolongation, including any part of it which may be provided in the form of the said license or easement, shall abut directly upon a street.

(3) Where permitted, boat sheds, boat houses, wharves and stages may be built to any lot line which corresponds to the high water mark. Requirements for other yards shall continue to apply.

# PART III - ADVERTISEMENTS

## 62. Permit Required

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

## 63. Form of Application

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

## 64. Advertisements Prohibited in Street Reservation

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

## 65. Permit Valid for Limited Period

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

## 66. Removal of Advertisements

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

(a) hazardous to road traffic by reason of its siting, colour, illumination, or structural condition, or;

(b) detrimental to the amenities of the surrounding area.

## 67. Advertisements Exempt from Control

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

(a) on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.2 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 land used for professional practice(s), one nameplate not exceeding 0.2 m² in area in connection with the practice of a professional person carried on at that lot;

(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.

## 68. Approval Subject to Conditions

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

## 69. Non-Conforming Uses

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

## PART IV - SUBDIVISION OF LAND

### 70. Permit Required

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

### 71. Services to be Provided

No permit shall be issued for the development of a subdivision unless provisions satisfactory to the Authority have been made in the application for a supply of drinking water, a properly designed sewage disposal system, and a properly designed storm drainage system. Private water supplies and/or private sewage disposal systems shall not be recognized by the Authority unless the requisite Certificate of Approval has been granted by the provincial government authorities.

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

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

### 73. Issue of Permit Subject to Considerations

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

(a) the location of the land;

(b) the availability of and the demand created for schools, services, and utilities;

(c) the provisions of the Plan and Regulations affecting the site;

(d) the land use, physical form and size of buildings anticipated to be developed on the new lots and the character of adjacent developments related the same factors;

(e) the transportation network and traffic densities affecting the site;

(f) the relationship of the project to existing or potential sources of nuisance;

(g) topography, soil and subsoil characteristics of each lot, and the related difficulty or cost of landscaping and access;

(h) the drainage of the site and potential for affecting drainage of adjacent land;

(i) natural features such as lakes, streams, topsoil, trees and shrubs;

(j) prevailing winds;

(k) visual quality;

(l) community facilities;

(m) energy conservation;

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

**74. Building Permits Required**

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

**75. Form of Application**

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

**76. Subdivision Subject to Zoning**

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

**77. Building Lines**

The Authority may establish building lines for any subdivision street and require any new building to be located on such building lines. In the case of flag lots which would be created in the subdivision, the building lines will not necessarily be parallel to the street line but will reflect the appropriate orientation of buildings and yards in the main body of the flag lot.

**78. Land for Public Open Space**

(1) Before a development commences, the developer shall, if required, dedicate to the Authority, at no cost to the Authority, an area of land equivalent 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 Authority shall determine the percentage of land to be dedicated;

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

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

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

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

(2) Land dedicated for public use in accordance with this Regulation shall be conveyed to the Authority and may be sold or leased by the Authority for the purposes of any development that conforms with the requirements of these Regulations, and the proceeds of any sale or other disposition of land shall be applied against the cost of acquisition or development of any other land for the purposes of public open space or other public purposes.

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

**79. Structure in Street Reservation**

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

**80. Subdivision Design Standards**

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

(a) The finished grade of streets shall not exceed 10 percent.

(b) Every cul de sac shall be provided with a turning circle of a diameter of not less than 30 m.

(c) The maximum length of any cul de sac shall be:

(i) 200m in areas served by or planned to be served by municipal piped water and sewer services, as shown in the map and letter of agreement signed by

the Authority and the Minister of Municipal Affairs and Environment in connection with municipal capital works program eligibility.

(ii) 300m in areas not served by or planned to be served by municipal piped water and sewer services.

(d) Emergency vehicle access to a cul de sac shall be not less than 3 m wide and shall connect the head of the cul de sac with an adjacent street.

(e) No cul de sac shall be located so as to appear to terminate a collector street.

(f) New subdivisions shall have street connections with an existing street or streets.

(g) All street intersections shall be constructed within 5 degrees of a right angle and this alignment shall be maintained for 30 m from the intersection.

(h) No street intersection shall be closer than 60 m to any other street intersection.

(i) No more than four streets shall join at any street intersection.

(j) No street block in the Residential (RES) Zone shall be longer than 490 m between street intersections.

(k) Streets in subdivisions shall be designed in accordance with the approved standards of the Authority, but in the absence of such standards, shall conform to the following minimum standards:

| Type of Street | Street Reser-vation | Pavement Width | Sidewalk Width | Sidewalk Number |
|---|---|---|---|---|
| Arterial and Collector Street extensions: East Street, West Street, and North Street | 15 m | 15 m | 1.5 m | discretion of Council |
| All Other Streets: | 15 m | 9 m | 1.5 m | 1 |

(l) No lot intended for residential purposes shall have a depth exceeding four times the frontage except where topography or unusual dimensions of the lot being subdivided make this impractical.

(m) Residential lots shall not be permitted which abut a local street at both front and rear lot lines unless the circumstance is beyond the control of the proponent.

(n) The Authority may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed.

(o) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land, and each lot shall be laid out so as to maximize the usefulness of the land to the eventual occupant, with regard to positioning of buildings, driveways, and outdoor storage and activity areas.

(p) No more than two legs or prolongations of flag lots shall abut at the street line.

(q) A lot to be created for an existing cemetery use or expansion thereof may be of any size and the requirements for access to a public street and for dedication for public open space shall be waived.

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

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

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

appurtenances and of all such streets and other works deemed necessary by the Authority to service the said area.

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

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

**83. Street Works May Be Deferred**

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

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

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

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

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

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

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

**85. Restriction on Sale of Lots**

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

(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.

**86. Grouping of Buildings and Landscaping**

(1) Each plan of subdivision shall make provision for the grouping of building types and for landscaping in order to enhance the visual aspects of the completed development and to make the most use of existing topography and vegetation.

(2) Building groupings, once approved by the Authority, shall not be changed without written application to and subsequent approval of the Authority.

# PART V - USE ZONES

## 87. Use Zones

(1) For the purpose of these Regulations, the Planning Area is divided into Use Zones which are shown on the Land Use Zoning Map 1 attached to and forming part of these Regulations.

(2) Subject to Regulation 87(3), the permitted use classes, discretionary use classes, standards, requirements and conditions applicable to each Use Zone are set out in the Use Zone Tables in Schedule C of these Regulations.

(3) Where standards, requirements and conditions applicable in a Use Zone are not set out in the Use Zone Tables in Schedule C, the Authority may in its discretion, determine the standards, requirements and conditions which shall apply.

## 88. Use Groups, Divisions and Classes

The specific uses to be included in each Use Group, Division and Class set out in the Use Zone Tables in Schedule C shall be determined by the Authority in accordance with the classification and examples set out in Schedule B. The examples do not constitute the whole range of possibilities which may be found in their respective classes.

## 89. Permitted Uses

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

(2) Where the permitted use is expressed by the title of a "Group" shown in Schedule B, all of the uses in the divisions and classes of uses under that title shall be permitted, and likewise where the permitted use is expressed by the title of a "Division" shown in Schedule B, all of the uses in the classes of uses under that title shall be permitted.

**90. Discretionary Uses**

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

(2) Where the discretionary use is expressed by the title of a "Group" shown in Schedule B, all of the uses in the divisions and classes of uses under that title may be permitted, and likewise where the discretionary use is expressed by the title of a "Division" shown in Schedule B, all of the uses in the classes of uses under that title may be permitted, subject to the provisions of subsection (1).

**91. Uses Not Permitted**

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

## SCHEDULE A

## DEFINITIONS

**ACCESS:** 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. *(Refer to Minister's Development Regulations, January 2, 2001)*

**ACCESSORY BUILDING:**

(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 antennas,

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

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

*(Refer to Minister's Development Regulations, January 2, 2001)*

**ACCESSORY USE**: A use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use. *(Refer to Minister's Development Regulations, January 2, 2001)*

**ACT:** The Urban and Rural Planning Act, 2000.

**ADVERTISEMENT:** 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:** Horticulture, fruit growing, grain growing, seed growing, dairy farming, the breeding or rearing of animals for pet or commercial uses including raising of livestock or any other creature kept for the production of food, wool, skins, or fur, or for the purpose of its use in the farming of land, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds and the use of land for woodlands where that use is ancillary to the farming of land for any other purpose. "Agricultural" shall be construed accordingly.

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

**ANIMAL UNIT:** Any one of the following animals or groups of animals:

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

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

**APPLICANT:** A person who has applied to an Authority for an approval or permit to carry out a development.

**APPEAL BOARD:** The appropriate Appeal Board established under the Act.

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

**AUTHORITY**: The Town Council of St. Anthony.

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

**BOAT SHED or BOAT HOUSE or STAGE or WHARF:** a building or structure located on land or in the water, at the edge of a water body, and used to house or berth boats and to store related gear and equipment.

**BOAT HOUSE**: see Boat Shed

**BUILDING:** Every structure, erection, excavation, alteration or improvement whatsoever placed on, over or under land, or attached, anchored or moored to land, and includes mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other like uses, and any part of a building as so defined and any fixtures that form part of a building.

**BUILDING HEIGHT:** 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. *(Refer to Minister's Development Regulations, January 2, 2001)*

**BUILDING LINE:** 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. *(Refer to Minister's Development Regulations, January 2, 2001)*

**BUILDING LINE SETBACK:** see Front Yard Depth.

**COLLECTOR STREET:** 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.

**CONVENIENCE STORE**: A small retail store that carries limited lines of goods, such as a partial line of groceries, housewares, and clothing; gifts; speciality items; and, other goods, and which has a floor area dedicated to retail sales (including storage area) not exceeding 100 square metres..

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

**DEVELOPMENT:** The carrying out of any building, engineering, mining or other operations in, on, over, or under land, or the making of any material change in the use, or the intensity of use of any land, buildings, or premise and without limiting the generality of the foregoing, shall specifically include:

(a) the making of an access onto a highway, road or way;

(b) the erection of an advertisement or sign;

(c) the parking of a trailer, or vehicle of any description used for the sale of refreshments or merchandise, or as an office, or for living accommodation, for any period of time; and shall exclude:

(d) the carrying out of works for the maintenance, improvement or other alteration or any building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building;

(e) the carrying out by a highway Authority of any works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation;

(f) the carrying out by any local Authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose;

(g) the use of any building or land within the courtyard of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as such.

**DEVELOPMENT REGULATIONS:** Regulations respecting development that have been enacted by the relevant Authority.

**DISCRETIONARY USE:** A use that is listed within the discretionary use classes established in the use zone tables of an Authority's development regulations. *(Refer to Minister's Development Regulations, January 2, 2001)*

**DIRECTOR:** The Director of Urban and Rural Planning or successor official.

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

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

**ENGINEER:** A professional engineer employed or retained by the Authority.

**ESTABLISHED GRADE**:

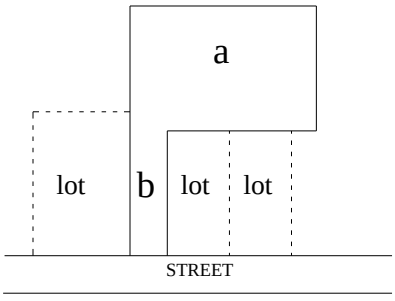
(i) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or

(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. *(Refer to Minister's Development Regulations, January 2, 2001)*

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

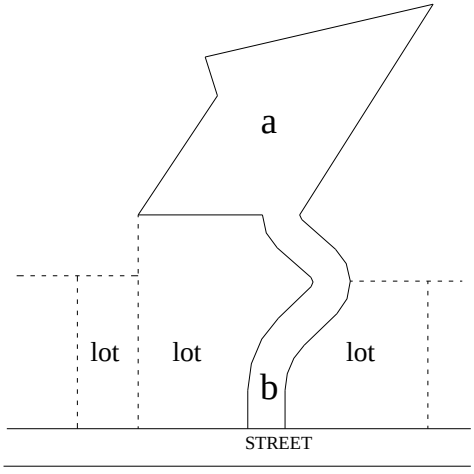
**FLAG LOT:** A lot characterized by a shape in which the lot’s main body of land is located some distance from a street, typically lying behind other lots located along the street line, and in which the main body of the lot is joined to the street by a narrower leg or prolongation which is part of the flag lot; an easement or right of way across another lot so as to gain access to a street does not create a flag lot. A flag lot is so named because its shape in a simple rectangular configuration resembles a flag on a pole, where the main body of the lot is separated from the street and access to the street is along the part of the lot having the narrow pole shape (the street lies at the foot of the pole). The “pole” or narrow leg or prolongation lying between the main body of the lot and the street may be of any configuration, not necessarily of uniform width; the minimum width thereof is stated in Regulation 61. To illustrate the concept:

RECTANGULAR SHAPE




a: main body of the flag lot

IRREGULAR SHAPE




b: leg or prolongation of the flag lot to provide access to a street

**FLOOR AREA:** The total area of all floors in a building measured to the outside face of exterior walls. *(Refer to Minister's Development Regulations, January 2, 2001)*

**FRONTAGE:** The horizontal distance between side lot lines measured at the building line. *(Refer to Minister's Development Regulations, January 2, 2001)*

**FRONT YARD DEPTH:** The distance between the front lot line of a lot and the front wall of the main building on the lot. This has the same meaning as "building line setback" as used in the use zone tables.

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

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

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

**HAZARDOUS INDUSTRY:** 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.

**INSPECTOR:** Any person appointed and engaged as an Inspector by the Authority or by any federal or provincial Authority or the agent thereof.

**INSTITUTION:** A building or part thereof occupied or used by persons who:

(a) are involuntarily detained, or detained for penal or correctional purposes, or whose liberty is restricted, or;

(b) require special care or treatment because of age, mental or physical limitations or medical conditions.

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

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

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

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

**LOT:** Any plot, tract or parcel of land which can be considered as a unit of land for a particular use or building. *(Refer to Minister's Development Regulations, January 2, 2001)*

**LOT AREA:** The total horizontal area within the lot lines of the lot. *(Refer to Minister's Development Regulations, January 2, 2001)*

**LOT COVERAGE:** The combined area of all buildings on the lot measured at the level of the lowest floor above the established grade expressed as a percentage of the total area of the lot. *(Refer to Minister's Development Regulations, January 2, 2001)*

**MINERAL EXPLORATION:** Land or buildings used in the search for naturally occurring minerals or other substances by means of prospecting, drilling sampling holes, excavation of test pits or trenches, taking of samples for on-site and off-site testing, geophysical data generation through seismic testing, land surveying and staking of claims in relation thereto, or by other exploratory means.

**MINERAL WORKING:** Land or buildings used for the working or extraction of any naturally occurring mineral or other substance

**MOBILE HOME:** A transportable factory-built single family dwelling unit:

(a) which complies with space standards substantially equal to those laid down in the Canadian Code for Residential Construction and is in accordance with the

construction standards laid down and all other applicable Provincial and Municipal Codes and;

(b) which is designed to be:

(i) transported on its own wheels and chassis to a mobile home lot, and subsequently supported on its own wheels, jacks, posts or piers, or on a permanent foundation, with or without the wheels left attached, and;

(ii) connected to exterior public utilities approved by the Authority, namely, piped water, piped sewer, electricity and telephone, in order for such mobile home unit to be suitable for year round term occupancy.

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

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

**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. *(Refer to Minister's Development Regulations, January 2, 2001)*

**OWNER:** means a person or an organization of persons owning or having the legal right to use the land under consideration. *(Refer to Minister's Development Regulations, January 2, 2001)*

**PARKING AREA**: means an open area containing parking spaces and any interior aisles and lanes necessary for parking and movement of motor vehicles.

**PARKING SPACE**: means a space exclusive of any driveways or interior aisles or lanes, upon which one motor vehicle may be parked .

**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. *( Refer to Minister's Development Regulations, January 2, 2001)*

**PIT AND QUARRY WORKING:** Carries the same meaning as Mineral Working.

**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. *(Refer to Minister's Development Regulations, January 2, 2001)*

**REAR YARD DEPTH:** means the distance between the rear lot line and the rear wall of the main building on the lot. *(Refer to Minister's Development Regulations, January 2, 2001)*

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

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

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

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

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

**SHOP:** 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:** A group of shops and complementary uses with integrated parking and which is planned, developed and designed as a unit containing a minimum of 5 retail establishments.

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

**SIDE YARD DEPTH:** means the distance between a side lot line and the nearest side wall of any building on the lot. *(Refer to Minister's Development Regulations, January 2, 2001)*

**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.*(Refer to Minister's Development Regulations, January 2, 2001)*

**STAGE**: see Boat Shed

**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. *(Refer to Minister's Development Regulations, January 2, 2001)*

**STREET LINE:** means the the edge of a street reservation as defined by the Authority having jurisdiction. *(Refer to Minister's Development Regulations, January 2, 2001)*

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

**SUBSIDIARY APARTMENT:** A separate dwelling unit constructed within and subsidiary to a self-contained dwelling.

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

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

**USE:** means a building or activity situated on a lot or a development permitted on a lot. *(Refer to Minister's Development Regulations, January 2, 2001)*

**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. *(Refer to Minister's Development Regulations, January 2, 2001)*

**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. *(Refer to Minister's Development Regulations, January 2, 2001)*

**WHARF**: see Boat Shed

**WIND ENERGY SYSTEM or WIND TURBINE**: means a mechanical system for the conversion of wind energy to useful electrical or mechanical energy; a typical wind energy system consists of a tower or mast supporting a rotating apparatus including a rotor, generator and mechanical drives, and ancillary devices related to the control and maintenance of the system. A tower supported wind turbine is self-supporting whereas a mast is stayed with guy wires; for the purpose of these Regulations, the words "tower" and "mast" are used interchangeably.

**ZONING MAP:** The map or maps attached to and forming part of the Authority's regulations. *(Refer to Minister's Development Regulations, January 2, 2001)*

# SCHEDULE B
# CLASSIFICATION OF USES OF LAND AND BUILDINGS

The classification of uses set out in the following table is based on the Classification of Typical Occupancies included as Table 3.1.2.A of the **National Building Code of Canada, 1980**, modified by a) adding the class and examples for Mineral Exploration, b) the examples of Campgrounds and Recreational Vehicle Parks in the class of Seasonal Residential, c) to expand the class title of Antenna by adding "or Wind Turbines", and add an example of Wind turbine therein, and, d) add the example of Trails in the class of Recreational Open Space. This classification is referred to in Regulation 87.

| GROUP | DIVISION | CLASS | EXAMPLES |
|---|---|---|---|
| A. ASSEMBLY USES | 1. Assembly Uses for the production and viewing of the performing arts. | (a) Theatre | Motion Picture Theatres<br>T.V. Studios admitting an audience. |
| | 2. General Assembly Uses | (a) Cultural and Civic | Libraries<br>Museums<br>Art Galleries<br>Court Rooms<br>Meeting Rooms<br>Council Chambers |
| | | (b) General Assembly-halls and active exercise uses | Community Halls<br>Lodge Halls<br>Dance Halls<br>Gymnasia<br>Auditoria<br>Bowling Alleys |
| | | (c) Educational | Schools<br>Colleges<br>(non- residential) |
| | | (d) Place of Worship | Churches and similar places of worship.<br>Church Halls |
| | | (e) Passenger Assembly | Passenger Terminals |
| | | (f) Club and Lodge | Private Clubs and Lodges (non-residential) |
| | | (g) Catering | Restaurants<br>Bars<br>Taverns |
| | | (h) Funeral Home | Funeral Homes and Chapels |
| | | (i) Child Care | Day Care Centres |
| | | (j) Amusement | Electronic Games<br>Arcades<br>Pinball Parlours<br>Poolrooms |

| GROUP | DIVISION | CLASS | EXAMPLES |
|---|---|---|---|
| A. ASSEMBLY USES (continued) | 3. Arena-type Uses | (a) Indoor Assembly | Arenas<br>Armouries<br>Ice Rinks<br>Indoor Swimming Pools |
| | 4. Open-air Assembly Uses | (a) Outdoor Assembly | Bleachers<br>Grandstands<br>Outdoor Ice Rinks and Swimming Pools<br>Amusement Parks and Fair-grounds<br>Exhibition Grounds<br>Drive-in Theatres |
| B. INSTITU-TIONAL USES | 1. Penal and Correctional Institutional Uses | (a) Penal and Correctional Detention | Jails<br>Penitentiaries<br>Police Stations (with detention quarters)<br>Prisons<br>Psychiatric Hospitals (with detention quarters)<br>Reformatories |
| | 2. Special Care Institutional Uses | (a) Medical Treatment and Special Care | Children's Homes<br>Convalescent Homes<br>Homes for Aged<br>Hospitals<br>Infirmaries<br>Orphanages<br>Psychiatric Hospitals<br>Sanatoria |
| C. RESIDENTIAL USES | 1. Residential Dwelling Uses | (a) Single Dwelling | Single Detached Dwellings<br>Family & Group Homes |
| | | (b) Double Dwelling | Semi-detached Dwelling<br>Duplex Dwellings<br>Family & Group Homes |

| GROUP | DIVISION | CLASS | EXAMPLES |
|---|---|---|---|
| C. RESIDENTIAL USES (continued) | 1. Residential Dwelling Uses (continued) | (c) Row Dwelling | Row Houses<br>Town Houses<br>Family & Group Homes |
| | | (d) Apartment Building | Apartments<br>Family & Group Homes |
| | 2. General Residential Uses | (a) Collective Residential | Residential Colleges & Schools<br>University & College Halls of Residence<br>Convents & Monasteries<br>Nurses and Hospital Residences |
| | | (b) Boarding House Residential | Boarding Houses<br>Lodging Houses |
| | | (c) Commercial Residential | Hotels & Motels<br>Hostels<br>Residential Clubs |
| | | (d) Seasonal Residential | Summer Homes & Cabins<br>Hunting & Fishing Cabins<br>Campgrounds<br>Recreational Vehicle Parks |
| | | (e) Mobile Homes | Mobile Homes |
| D. BUSINESS & PERSONAL SERVICE USES | 1. Business, Professional, and Personal Service Uses | (a) Office | Offices (including Government Offices)<br>Banks |
| | | (b) Medical & Professional | Medical Offices and Consulting Rooms<br>Dental Offices & Surgeries<br>Legal Offices<br>Similar Professional Offices |
| | | (c) Personal Service | Barbers<br>Hairdressers<br>Beauty Parlours<br>Small Appliance Repairs |

| GROUP | DIVISION | CLASS | EXAMPLES |
|---|---|---|---|
| D. BUSINESS & PERSONAL SERVICE USES (continued) | 1. Business, Professional & Personal Service Uses (continued) | (d) General Service | Self-service Laundries<br>Dry Cleaners (not using flammable or explosive substances)<br>Small Tool and Appliance Rentals<br>Travel Agents |
| | | (e) Communications | Radio Stations<br>Telephone Exchanges |
| | | (f) Police Station | Police Stations without detention quarters |
| | | (g) Taxi Stand | Taxi Stands |
| | | (h) Take-out Food Service | Take-out Food Service |
| | | (i) Veterinary | Veterinary Surgeries |
| E. MERCANTILE USES | 1. Retail Sale and Display Uses | (a) Shopping Centre | Shopping Centres |
| | | (b) Shop | Retail Shops and Stores and Showrooms<br>Department Stores |
| | | (c) Indoor Market | Market Halls<br>Auction Halls |
| | | (d) Outdoor Market | Market Grounds<br>Animal Markets<br>Produce and Fruit Stands<br>Fish Stalls |
| | | (e) Convenience Store | Confectionary Stores<br>Corner Stores<br>Gift Shops<br>Specialty Shops |

| GROUP | DIVISION | CLASS | EXAMPLES |
|---|---|---|---|
| F. INDUSTRIAL USES | 1. Industrial uses involving highly combustible and hazardous substances and processes. | (a) Hazardous Industry | Bulk Storage of hazardous liquids and sub-stances.<br>Chemical Plants<br>Distilleries<br>Feed Mills<br>Lacquer, Mattress, Paint, Varnish, and Rubber Factories<br>Spray Painting |
| | 2. General Industrial Uses involving Limited Hazardous Substances and Processes. | (a) General Industry | Factories<br>Cold Storage Plants<br>Freight Depots<br>General Garages<br>Warehouses<br>Workshops<br>Laboratories<br>Laundries<br>Planing Mills<br>Printing Plants<br>Contractors' Yards |
| | | (b) Service Station | Gasoline Service Stations<br>Gas Bars |
| | 3. Light, Non-hazardous or Non-intrusive Industrial Uses. | (a) Light Industry | Light Industry<br>Parking Garages<br>Indoor Storage<br>Warehouses<br>Workshops |
| G. NON-BUILDING USES | 1. Uses not directly related to building | (a) Agriculture | Commercial Farms<br>Hobby Farms<br>Market Gardens & Nurseries |
| | | (b) Forestry | Tree Nurseries<br>Silviculture |
| | | (c) Mineral Working | Quarries<br>Pits<br>Mines<br>Oil Wells |

| GROUP | DIVISION | CLASS | EXAMPLES |
|---|---|---|---|
| G. NON-BUILDING USES (continued) | 1. Uses not directly related to building. (continued) | (d) Mineral exploration | Prospecting<br>Drilling or excavation of test pits or trenches, for sampling<br>Taking of samples and testing<br>Land survey and staking claims<br>Seismic testing |
| | | (e) Recreational Open Space | Playing Fields<br>Sports Grounds<br>Parks<br>Playgrounds<br>Trails |
| | | (f) Conservation | Watersheds<br>Buffer Strips<br>Flood Plains<br>Architectural, Historical and Scenic Sites<br>Steep Slopes<br>Wildlife Sanctuaries |
| | | (g) Cemetery | Cemeteries<br>Graveyards |
| | | (h) Scrap Yard | Car Wrecking Yards<br>Junk Yards<br>Scrap Dealers |
| | | (i) iSolid Waste | Solid Waste Disposal<br>Sanitary Land Fill<br>Incinerators |
| | | (j) Animal | Animal Pounds<br>Kennels<br>Zoos |
| | | (k) Antenna or Wind Turbine | TV, Radio and Communications Transmitting and Receiving Masts and Antennas<br>Wind Turbine |
| | | (l) Transportation | Airfields<br>Railway Yards<br>Docks and Harbours |

# SCHEDULE "C"

## USE ZONE TABLES

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

The schedule contains tables for the following Use Zones, for which the abbreviations are as noted:

Mixed Development ..... MD

Industrial ..... IND

Residential..... RES

Grenfell Historical Site .....GHS

Solid Waste .....SW

Marine Approaches Special Area .....MASA

Water Supply (A, B, and Goose Cove East).....WS-A, WS-B, WS-GCE

Rural……..RUR

## USE ZONE TABLE

| ZONE TITLE | MIXED DEVELOPMENT (MD) | (ST. ANTHONY) |
|---|---|---|
| PERMITTED USES<br>1. Assembly group (note: amusement uses may be further regulated as "Places of Entertainment" pursuant to the *Municipalities Act)*<br>2. Institutional group<br>3. Business and personal service group<br>4. Mercantile group<br>5. Recreational open space class<br>6. Conservation class | | |
| DISCRETIONARY USES<br>1. Residential group except the seasonal residential class<br>2. Industrial (except hazardous industry) group<br>3. Antenna or wind turbine class<br>4. Transportation class<br>NOTE: see Regulation 10 concerning the Discretionary Powers of Authority. | | |

## CONDITIONS

1. **Development Standards**

| | |
|---|---|
| (a)Minimum Building Line Setback * | 4 metres |
| (b)Minimum Side yard width, except where buildings are built with adjoining party walls * | 5 metres |
| (c)Minimum Rearyard Depth * | 10 metres |
| (d)Maximum Height* | 15 metres |
| (e)Minimum Frontage | 15 metres |

* Except for wind turbines and antennas—see Condition 7.

2. **Advertisements Relating to Onsite Uses**

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

(i) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.

(ii) No advertisement shall exceed 5 square metres in area.

3. **Advertisements Relating to Offsite Uses**

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

(i) Each advertisement shall not exceed three square metres in area.

(ii) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to the premises to which they relate.

(iii) The location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

4. **Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at the discretion of the Authority 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.

5. **Landscaping and Screening**

(a) Landscaping and screening may be required for any development in a manner determined by Council:

i) To provide a visual screen between different or

incompatible uses;

ii) To provide a noise barrier;

iii) To provide for attractive visual continuity between developments, to provide for visual integrity or identity of an area;

iv) To add to the attractiveness of a development.

(b) Landscaping and screening shall be provided as required elsewhere in these Regulations and in accordance with the provisions below:

i) A three metre landscaped area or a screen at least 1.8 metres in height shall be provided where a commercial, industrial, or public use adjoins a residential use.

ii) Adequate landscaping or screening shall be provided between residential development and arterial roads wherever possible and landscaped areas shall be generally at least 10 metres deep.

(c) Within commercial and industrial subdivisions and parks, the following requirements shall apply:

i) Except for driveways not exceeding a width of 10 m and used exclusively for the circulation of motor vehicles, the following areas shall be landscaped with plant materials and maintained thereafter:

- All land within 8 m of a fronting street line,
- All land within 3 m of a flanking street line,
- All land within 1 m of another lot line.

ii) And, open storage of goods and machinery:

- Shall not occupy more than 50% of the lot area,
- Shall not be located in the front yard, or
- If adjoining a residential zone, an arterial road, a collector road, or situated in a side yard, shall be enclosed by a screen not less than 2 m in height.

## 6. Fences Along Streets

A fence may be erected in any yard of any lot provided that:

- it is entirely located on the lot; a fence may be built on the property line (the Authority does not become involved in assuring that the abutting property owner is in agreement as this is a civil matter between the two parties);
- it is located no closer than 10 metres to the centrelines of the travelled surfaces of East, West, or North Streets, or 8 metres for any other streets, and,
- it has a height of no more than 2 metres, including any ornamentation or projections above the general upper line of the fence.

## 7. Wind Turbines and Antennas

Wind turbines and antennas wherein the tower height is less than 15 metres may be approved as discretionary uses. In addition to other requirements, the minimum setback of the tower of such structures from all lot lines shall be 10 metres plus (in the case of wind turbines) the length of one rotor blade, for safety reasons related to ice shedding from the blades. In addition, guy wires and anchors must be on the same lot as the tower.

## 8. Residential Development Subject to Requirements in Residential Zone

Residential developments shall be subject to the requirements of the Residential (RES) Zone for their specific class of residential use.

## USE ZONE TABLE

| ZONE TITLE | INDUSTRIAL (IND) | (ST. ANTHONY) |
|---|---|---|
| PERMITTED USES<br>1. Industrial group | | |
| DISCRETIONARY USES<br>1. Assembly group<br>2. Institutional group<br>3. Business and personal service group<br>4. Mercantile group<br>5. Non-building use group, but excluding those in the cemetery and solid waste classes.<br>NOTE: see Regulation 10 concerning the Discretionary Powers of Authority. | | |

## CONDITIONS

1. **Development Standards**

The development standards for this zone shall be as follows:

(i)Minimum Building Line Setback * ..... 10 metres

(ii)Minimum Sideyard Width * ..... 5 metres

(iii)Minimum Rearyard Depth * ..... 15 metres

(iv)Maximum Height * ..... 15 metres

(v)Minimum Frontage ..... 15 metres

* Except for wind turbines and antennas – see Condition 7.

2. **Advertisements Relating to Onsite Uses**

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

(i) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.

(ii) No advertisement shall exceed 5 square metres in area.

3. **Advertisements Relating to Offsite Uses**

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

(i) Each advertisement shall not exceed three square metres in area.

(ii) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to the premises to which they relate.

(iii) The location, siting and illumination of each advertisement shall be to the

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

4. **Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at the discretion of the Authority 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. Discretionary uses that are intended primarily to serve the residential area will not be permitted.

5. **Landscaping and Screening**

(a) Landscaping and screening may be required for any development in a

manner determined by Council:

i) To provide a visual screen between different or incompatible uses;

ii) To provide a noise barrier;

iii) To provide for attractive visual continuity between developments;

iv) To add to the attractiveness of a development.

(b) Landscaping and screening shall be provided as required elsewhere in these Regulations and in accordance with the provisions below:

i) A three metre wide landscaped area or a screen at least 1.8 metres in height shall be provided where a commercial, industrial, or public use adjoins a residential use.

ii) Adequate landscaping or screening shall be provided between residential development and arterial roads and wherever possible and landscaped areas shall be generally at least 10 metres deep.

(c) Within commercial and industrial subdivisions and parks, the following requirements shall apply:

i) Except for driveways not exceeding a width of 10 m and used exclusively for the circulation of motor vehicles, the following areas shall be landscaped with plant materials and maintained thereafter:

- All land within 8 m of a fronting street line,
- All land within 3 m of a flanking street line,
- All land within 1 m of another lot line.

ii) Open storage of goods and machinery:

- Shall not occupy more than 50% of the lot area,
- Shall not be located in the front yard, and
- If adjoining a residential zone, an arterial road, a collector road, or

situated in a side yard, shall be enclosed by a screen not less than 2 m in height.

### 6. Fences Along Streets

A fence may be erected in any yard of any lot provided that:

- it is entirely located on the lot; a fence may be built on the property line (the Authority does not become involved in assuring that the abutting property owner is in agreement as this is a civil matter between the two parties);
- it is located no closer than 10 metres to the centrelines of the travelled surfaces of East, West, or North Streets, or 8 metres for any other streets, and,
- it has a height of no more than 2 metres, including any ornamentation or projections above the general upper line of the fence.

### 7. Wind Turbines and Antennas

Wind turbines and antennas wherein the tower height is less than 15 metres may be approved as discretionary uses. In addition to other requirements, the minimum setback of the tower of such structures from all lot lines shall be 10 metres plus (in the case of wind turbines) the length of one rotor blade, for safety reasons related to ice shedding from the blades. In addition, guy wires and anchors must be on the same lot as the tower.

# USE ZONE TABLE

| ZONE TITLE | RESIDENTIAL (RES) | (ST. ANTHONY) |
|---|---|---|

PERMITTED USES

1) Residential dwelling division except for the apartment class
2) Mobile home class
3) Place of worship class
4) Accessory buildings located in the side or rear yards
5) Existing cemeteries and expansions thereof
6) Existing medical treatment and special care uses and expansions or modifications thereof on the same lot or on abutting lots

DISCRETIONARY USES

1) General residential division, except for seasonal residential class which therefore also excludes campgrounds and recreational vehicle parks (note: mobile home class is permitted—see Permitted Uses list above)
2) Apartment class use
3) Accessory building located in any yard.
4) Office class
5) Personal service class
6) General service class
7) Antenna or wind turbine class
8) Educational class
9) Child care class
10) Medical treatment and special care class
11) Medical and professional class
12) Convenience store class
13) Shop class.
14) Recreational open space class
15) Light industry class, up to 500 square metres floor area
16) Home based business (only in the classes of medical and professional, personal service, general service, office, and light industry)

NOTE: see Regulation 10 concerning the Discretionary Powers of Authority.

| STANDARDS | WHERE PERMITTED | | | | | | |
|---|---|---|---|---|---|---|---|
| | Single Dwelling, Mobile Home + all other uses not named | Double Dwelling | Row Dwelling | APARTMENT BUILDING | | | |
| | | | | 1 Bed Apt. | 2 Bed Apt. | 3 Bed Apt. | 4 + Bed Apt. |
| Lot area ($m^2$) minimum | 450 | 390 * | 350 * (average) | 200 * | 250 * | 280 * | 300 * |
| Floor area ($m^2$) minimum | 80* | 80 * | 65 * | 40 * | 50 * | 60 * | 70 * |
| Minimum length of all main walls in dwelling structures (m) | 4.8 | 4.8 | 4.8 | 10 | 10 | 10 | 10 |
| Frontage (m) minimum | 15 | 26 | 12 * (average) | 42 | | | |
| Building Line Setback (m) (minimum) ** | 6 | 6 | 8 | 10 | | | |
| Sideyard Width (m) ** | 1.5 | 2.5 | 3 | 5 | | | |
| Rearyard Depth (m) (minimum) ** | 5 (3 m for mobile homes) | 5 | 5 | 5 | | | |
| Lot Coverage (%) (maximum) | 33 | 33 | 33 | 33 | | | |
| Height (m) (maximum) ** | 10 | 10 | 10 | 10 | | | |

(See Conditions)

* Per dwelling unit, which for single dwellings and mobile homes may be developed in phases—see Condition 9.
**Except for wind turbines and antennas – see Condition 11

# CONDITIONS

1. **Discretionary Uses**

The discretionary use classes listed in this table may be permitted at the discretion of the Authority 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.

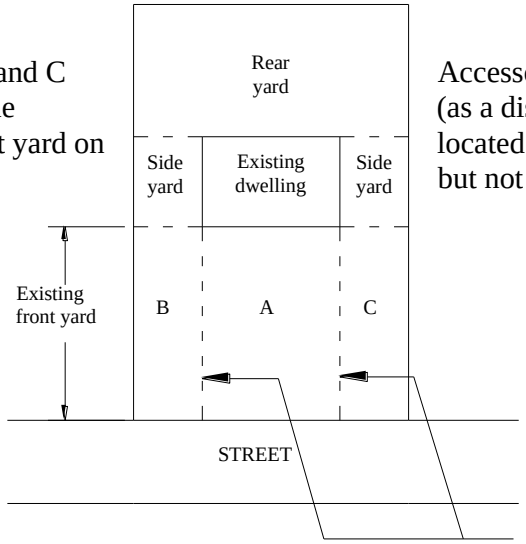
**2. Accessory Buildings**

a. Accessory buildings shall have a maximum floor area of 55 m² for each accessory building, and a maximum height of 4 metres.
b. Accessory buildings shall be a minimum of 2 metres from the nearest part of a main building and a minimum of 1 metre from any lot line, except as provided by Regulation 38(3).
c. Accessory buildings shall be located in the rear yard or side yard on the lot, except where topography or natural or built features on the lot or the street(s) providing access to the lot make it practically impossible to locate the accessory building in a side or rear yard. In such cases, a discretionary use may be approved which would allow accessory buildings to be built in those portions of the existing front yard which are adjacent to each side lot line, each said portion lying between the side lot line and an extension of the existing side yard line on that side of the lot leading most directly to the street line. If that is not reasonably practical then a location in any yard may be permitted at Council's discretion.

   To illustrate the concept for simple rectangular and irregularly shaped lots, refer to the following sketches, noting that if location in areas B and C or in side or rear yards is not practical, then locating in area A may be permitted:

# SIMPLE RECTANGULAR LOT

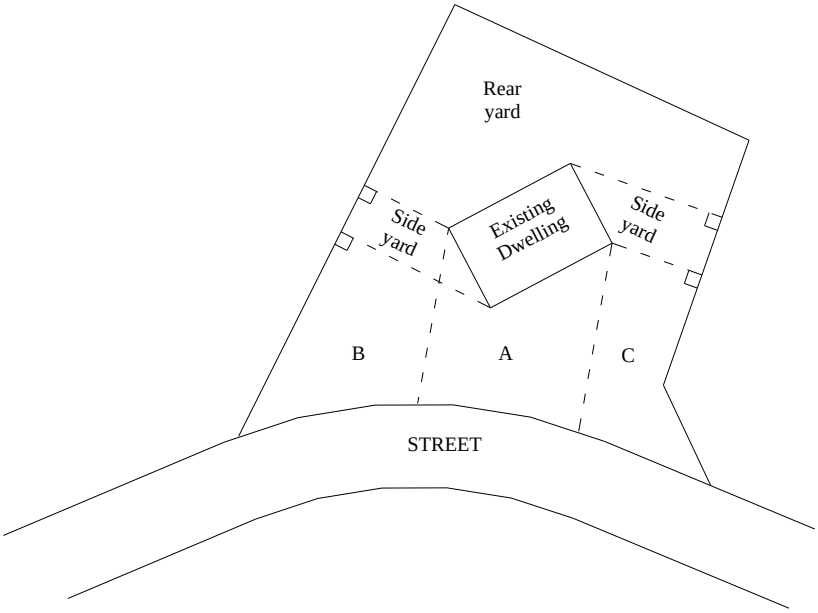
Areas A, B, and C together is the existing front yard on the lot.




Accessory buildings may (as a discretionary use) be located in areas B and C, but not in area A.

Extensions of existing side yards to the street line most directly in front of the dwelling. Extensions are parallel to each other, but not necessarily parallel to any lot line.

# IRREGULAR LOT



3. **Site Standards for Place of Worship or Educational Use**

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

4. **Convenience Stores**

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

(i) The store shall form part of, or be attached to a single dwelling.

(ii) The retail use shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties.

(iii) Not more than one hundred (100) square metres of the floor area of the building is devoted to the use. The minimum required single dwelling floor area shall continue to be met.

(iv) A minimum number of 2 parking spaces shall be required.

**5. Home Based Businesses**

Medical and professional, personal service, office, general service, shop and light industry uses may be permitted as a discretionary use in a single dwelling in the form of doctors' consulting rooms, personal services, small business services, small appliance repair and sporting goods repair service and similar uses provided that:

(i) The use is clearly a subsidiary use to the residential use and does not detract from the residential character of the neighbourhood.

(ii) The use does not alter the residential appearance or require external modification of the dwelling unit.

(iii) Activities associated with the use shall be carried on inside the dwelling unit or inside a building separate from the dwelling unit but on the same lot.

(iv) Not more than twenty-five per cent of the floor area of the dwelling unit up to a maximum of forty-five square metres is devoted to the use. The dwelling unit must continue to meet the dwelling unit minimum floor area requirement.

(v) The use is operated by a resident of the dwelling unit and does not employ more than one person in addition to the resident.

(vi) Office uses shall be limited to small business services and professional offices.

(vii) Light Industry and General Service uses shall be limited to production of foodstuffs, including prepared meals, for consumption off the property; production or repair of hand-made articles such as small mechanisms, clothing and arts and crafts; and, repair or adjustment of small equipment such as appliances, small engines, computers, and mechanical devices.

(viii) There is no open storage of goods or materials on the lot.

(ix) The use shall not generate traffic, sewerage or water use in excess of what is normal in the residential area and can be accommodated by the existing municipal road, water and sewer services.

(x) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust or fumes, nor cause electrical interference or in any other way result in a nuisance to the occupants of surrounding residences.

(xi) One building only separate from the dwelling unit, may be used in connection with a light industrial use and shall conform to the Accessory Building condition for the use zone.

(xii) No sign will be permitted other than a name plate not exceeding 0.2 m in area which is attached to the principal building. No illumination of the sign will be permitted.

(xiii) The Authority may require fencing, screening and separation or a combination of the two to protect the amenity of adjacent uses.

(xiv) Parking requirements are as set out in Schedule D, however a minimum of one space is required for a subsidiary use. The minimum required parking for the dwelling must continue to be met.

(xv) The residential lot has sufficient area to accommodate the parking requirements of both the dwelling unit and the subsidiary use.

(xvi) No change in type, class or extent of the use shall be permitted except in accordance with a permit issued by the Authority.

## 6. Keeping of Animals

Keeping of small animals customarily kept as household pets is permitted. In addition, chickens, ducks, geese or other poultry may be kept, up to a total of 25 birds, in the Residential (RES) Zone. Permits pursuant to the Development Regulations are not required for keeping of pets.

## 7. Services

Structures with plumbing shall be connected to water and sewer services.

## 8. Access

The frontage of each lot shall be on a publicly owned and maintained street and access to the lot must be obtained from this street.

## 9. Mobile Homes and Minimum Dimensions of Dwelling Structures; Phasing of Construction

Mobile homes shall meet the same standards and conditions as specified for single dwellings except that the minimum rearyard depth shall be reduced to 3 metres. Exterior finishes and features shall be of a type found in conventional single dwelling construction in the community.

> *Informal note for the reader's convenience: since mobile homes and single dwellings are often thought of in Imperial measure, it is noted that a dwelling structure 4.8 metres wide must therefore be a minimum of 16.66 metres in length to meet the requirement that the minimum floor area be 80 square metres. In Imperial measure, that corresponds to a simple rectangular structure 16 feet wide by 54 feet long, which has a floor area of 864 square feet, the size of a 24 foot by 36 foot building footprint.*

Development of mobile home parks as defined in Schedule A shall be subject to the same standards and conditions as for residential subdivisions, and shall be subject to a development agreement between the operator and the Authority concerning the matters stated in the definition in Schedule A, including the management and maintenance of the streets and water and sewer services which are privately owned and operated in such developments.

Certain dwellings may be developed in phases, to be able to accommodate "tiny homes" or the first component of a single dwelling leading to an eventual expansion to a floor area in compliance with the minimum stated in the Use Zone Table. In anticipation of

later expansion of either type of dwelling to larger floor areas, Council will at its discretion permit single dwellings and mobile homes having less than the minimum required floor area, by way of site plan approval as described in this Municipal Plan, which shows the way in which the configuration of later construction will result in a compliant dwelling floor area without encroaching on any required yards or failing to meet other requirements such as off-street parking. The minimum required length of main walls shall be achieved in the construction of the first phase of a phased development and in the eventual footprint of later construction. Variances may be considered concurrently. There is no compulsion to expand beyond the approved initial phase of construction.

10. **Boarding House Residential (Hospitality Home)**

The Boarding House Residential use class shall include a Hospitality Home. A Hospitality Home may be a single dwelling also used for the purpose of providing temporary room and board for tourists and the travelling public.

A Hospitality Home may be permitted at Council's discretion provided:

(i) the use does not detract from the residential character of the neighbourhood;

(ii) the use is carried out by a resident of the single dwelling;

(iii) the single dwelling in which the Hospitality Home use is carried out is similar in exterior finish, design, height and scale to a private residential building;

(iv) one parking space shall be provided on the lot for each guest room.

(v) a parking area containing three or more parking spaces, including spaces for guests and the residents of the building, and abutting a residential lot shall be screened by a fence, wall or hedge not less than 1 metre in height and located a minimum distance of 1 metre from the edge of the parking area;

(vi) a non-illuminated identification, free standing sign not exceeding 2.8 $m^2$ in area and a facia sign not exceeding 2 $m^2$ area shall be permitted provided that the signs are consistent with the residential character of the neighbourhood;

(vii) the maximum number of guest rooms shall be six (6).

(viii) the establishment is licensed under the Tourist Establishment Regulations.

## 11. Wind Turbines and Antennas

Wind turbines and antennas wherein the tower height is less than 15 metres may be approved as discretionary uses. In addition to other requirements, the minimum setback of the tower of such structures from all lot lines shall be 10 metres plus (in the case of wind turbines) the length of one rotor blade, for safety reasons related to ice shedding from the blades. In addition, guy wires and anchors must be on the same lot as the tower.

## 12. Fences Along Streets

A fence may be erected in any yard of any lot provided that:

- it is entirely located on the lot; a fence may be built on the property line (the Authority does not become involved in assuring that the abutting property owner is in agreement as this is a civil matter between the two parties);
- it is located no closer than 10 metres to the centrelines of the travelled surfaces of East, West, or North Streets, or 8 metres for any other streets, and,
- it has a height of no more than 2 metres, including any ornamentation or projections above the general upper line of the fence.

## USE ZONE TABLE

| ZONE TITLE | GRENFELL HISTORICAL SITE (GHS) | (ST. ANTHONY) |
|---|---|---|
| PERMITTED USES<br>Permitted uses will be limited to uses which are complementary to the heritage value of the designated area, and includes new structures and expansions or modifications to the existing buildings and landscapes for that purpose. | | |
| DISCRETIONARY USES<br>Uses permitted at Council's discretion are recreational open space class and conservation class uses not directly related to the heritage values of the site.<br>NOTE: see Regulation 10 concerning the Discretionary Powers of Authority. | | |

## CONDITIONS

1. **Development Standards**

The development standards for building in this zone shall be as follows:

| | |
|---|---|
| (i) Minimum Building Line Setback | 10 metres |
| (ii) Minimum Sideyard Width | 5 metres |
| (iii) Minimum Rearyard Depth | 15 metres |
| (iv) Maximum Height | 15 metres |
| (v) Minimum Frontage | 15 metres |

2. **Advertisements Relating to Onsite Uses**

(i) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and convenience of users of the site and shall reflect high standards of aesthetics. amenities of the surrounding area.

(ii) No advertisement shall exceed 1 square metre in area.

## 3. Advertisements Relating to Offsite Uses

Advertisements related to offsite uses are not permitted, except for direction and regulatory signs.

## 4. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of the Authority 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.

## 5. Fences Along Streets

A fence may be erected in any yard of any lot provided that:

- it is entirely located on the lot; a fence may be built on the property line (the Authority does not become involved in assuring that the abutting property owner is in agreement as this is a civil matter between the two parties);
- it is located no closer than 10 metres to the centrelines of the travelled surfaces of East, West, or North Streets, or 8 metres for any other streets, and,
- it has a height of no more than 2 metres, including any ornamentation or projections above the general upper line of the fence.

## USE ZONE TABLE

| ZONE TITLE MARINE APPROACHES SPECIAL AREA (MASA) (ST. ANTHONY) |
|---|
| PERMITTED USES<br>1. Conservation class<br>2. Recreational open space class, including walking trails and amenities for interpretation and convenience of visitors<br>3. Existing cemetery |
| DISCRETIONARY USES<br>1) Cultural and civic class<br>2) Expansion or modification of existing cemetery, restaurant and gift shop/museum uses<br>NOTE: see Regulation 10 concerning the Discretionary Powers of Authority. |

## CONDITIONS

1. **Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at the discretion of the Authority 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. Further, all discretionary use proposals shall be evaluated pursuant to Condition 4, "Requirement for Site Plan Approval".

2. **Development Standards**

The development standards for building in this zone shall be as follows:

| | |
|---|---|
| (i) Minimum Building Line Setback | 10 metres |
| (ii) Minimum Sideyard Width | 5 metres |
| (iii) Minimum Rearyard Depth | 15 metres |
| (iv) Maximum Height | 15 metres |
| (v) Minimum Frontage | 15 metres |

3. **Fences Along Streets**

A fence may be erected in any yard of any lot provided that:

- it is entirely located on the lot; a fence may be built on the property line (the Authority does not become involved in assuring that the abutting property owner is in agreement as this is a civil matter between the two parties);
- it is located no closer than 10 metres to the centrelines of the travelled surfaces of East, West, or North Streets, or 8 metres for any other streets, and,
- it has a height of no more than 2 metres, including any ornamentation or projections above the general upper line of the fence.

**4. Requirement for Site Plan Approval**

Development within the MASA zone will only be permitted on the basis of a site plan for the development which has been properly prepared to show the details of the development and has been approved by Council. Site plan evaluation criteria are stated in the Municipal Plan, as are the development concept and land use policies specifically related to the MASA zone.

Standards set out in Part IV (Subdivision of Land) in these regulations shall apply to proposed development in the MASA zone where subdivision of land is involved.

**5. Modification or Expansion of Commercial Restaurant and Gift Shop/MuseumUses**

Further to the other conditions specified in this use zone table, no modification or expansion of any commercial restaurant or gift shop/museum use shall result in an increase in the land area occupied by the existing structure in which such use is located, other than as may be needed to comply with statutory requirements such as installation of new emergency exits required by building or fire codes.

Additionally, the maximum height of any such modification or expansion to the existing structure shall be limited to the height required to add an additional storey to the existing structure, but in no case more than 10 metres above existing grade.

## USE ZONE TABLE

| ZONE TITLE | WATER SUPPLY A, B AND GOOSE COVE EAST (WS-A, WS-B, WS-GCE) (ST. ANTHONY) |
|---|---|
| PERMITTED USES | |
| The permitted uses in these areas are limited to conservation class uses and uses related to the management of the lands and the water utility works. | |
| DISCRETIONARY USES | |
| Uses permitted at Council's discretion include those in the forestry class, but only in conjunction with an approved, professionally prepared forestry management plan and in any event not involving buildings or roadways.<br><br>The existing snow machine trail through WS – A & B may continue to be operated at Council's discretion for so long as its presence does not represent an unacceptable risk of contamination of the water supply.<br><br>At Council's discretion, other trails for hiking, cycling, snow machines and all terrain vehicles may be approved, subject to such conditions as Council may determine.<br><br>NOTE: see Regulation 10 concerning the Discretionary Powers of Authority. | |

## CONDITIONS

### 1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of the Authority 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.

## USE ZONE TABLE

| ZONE TITLE | RURAL (RUR) | (ST. ANTHONY) |
|---|---|---|
| PERMITTED USES<br><br>1. Agriculture class<br>2. Forestry<br>3. Conservation use class.<br>4. Existing mineral workings and existing mineral exploration<br>5. Existing cemeteries | | |
| DISCRETIONARY USES<br><br>Any other uses except for solid waste class uses<br><br>NOTE: see Regulation 10 concerning the Discretionary Powers of Authority. | | |

## CONDITIONS

1. **Development Standards**

(i) Building Line Setback (minimum) on Route 430 * ..... 30 m
(ii) Building Line Setback (minimum) other roads * ..... 10 m
(iii) Frontage (minimum) ..... 30 m

*Except for for wind turbines – see Condition 4.

2. **Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at the discretion of the Authority 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. Mineral Workings, Mineral Exploration, and Scrapyard

a) **Separation from Adjacent Uses**

| Feature | Minimum Distance of a Mineral Working or Mineral Exploration from the feature |
|---|---|
| From any part of the Residential Zone | 300 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 or Public Trails shown on Zoning Maps | 90 metres |
| Waterbody or watercourse | 50 metres |

**b) The following conditions shall apply to mineral workings and mineral exploration:**

(i) Water Pollution

No land use of mineral workings or mineral exploration or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any waterbody or watercourse. Any access road to a mineral working or mineral exploration 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 Lands (see Regulation 6).

(ii) Water Ponding

No mineral working shall result in the excavation of areas below the level of the water table nor in any way cause the accumulation of ponding of water in any part of the site. Settling ponds may be permitted with the approval of the Department of Environment and Lands.

(iii) Erosion Control

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

(iv) Site Maintenance

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

(v) Access Roads
During extended periods of shutdown, access roads to a mineral working or mineral exploration shall be ditched or barred to the satisfaction of the Authority.

(vi) 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 mineral workings or mineral exploration sites. The owner or operator shall ensure that the quality of the topsoil is not affected by dilution with other materials.

(vii) Operating Plant and Associated Processing and Manufacturing

The Authority may permit processing and manufacturing use associated with mineral workings provided that, in the opinion of the Authority, the use does not create a nuisance nor is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of fumes, dust, dirt, objectionable odour, or by reason of unsightly storage of materials.

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

(ix) The Authority 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.

(x) Termination and Site Rehabilitation

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

(a) All buildings, machinery and equipment shall be removed and any drilled holes or excavations for test pits and trenching shall be filled.

(b) All pit and quarry and other excavation slopes shall be graded to slopes less than 20 degrees or to the slope conforming to that existing prior to the mineral working, but in any event stabilized as directed by the Authority so as to prevent landslides.

(c) Topsoil and any organic materials shall be respread over the entire quarried area.

(d) The access road to the mineral working shall be ditched or barred to the satisfaction of the Authority.

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

**c) Screening for Mineral Workings or Existing Scrapyard**

A mineral working, or scrapyard, 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:

(i) Where tree screens exist between the use 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 Authority may require new trees of a minimum height of 1 metre be planted to fill in the areas affected to the satisfaction of the Authority.

(ii) 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 use from adjacent uses (excepting forestry and agriculture), or adjacent public highways and streets. The berms shall be landscaped to the Authority's satisfaction.

(iii) Where natural topography creates a visual screen between a mineral

working or scrapyard and adjacent public highways and streets or other land uses (excepting forestry and agriculture), additional screening may not be required.

d) **Fencing for Mineral Workings or Scrapyard**

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

## 4. Wind Turbines and Antennas

Wind turbines with towers taller than 15 metres shall be located at least 500 metres from any other land use area designation specified in the Municipal Plan (except for the Solid Waste designation or the Industrial designation on Goose Cove Road) and the street line of Highway 430, the Viking Trail.

Wind turbines with towers shorter than 15 metres and all antennas shall have a minimum setback of the towers from all lot lines of 10 metres (plus in the case of wind turbines, the length of one rotor blade, for safety reasons related to ice shedding from the blades).

In addition, guy wires and anchors of all wind turbines and antennas must be on the same lot as the towers.

## 5. Fences Along Streets

A fence may be erected in any yard of any lot provided that:

- it is entirely located on the lot; a fence may be built on the property line (the Authority does not become involved in assuring that the abutting property owner is in agreement as this is a civil matter between the two parties);
- it is located no closer than 10 metres to the centrelines of the travelled surfaces of East, West, or North Streets, or 8 metres for any other streets, and,
- it has a height of no more than 2 metres, including any ornamentation or projections above the general upper line of the fence, except that a higher fence may be erected around a mineral workings or scrapyard.

## USE ZONE TABLE

| ZONE TITLE | SOLID WASTE (SW) | (ST. ANTHONY) |
|---|---|---|
| PERMITTED USES<br>Permitted uses include those related to the operation of the waste management facility. | | |
| DISCRETIONARY USES<br>Uses which Council may approve at their discretion include those in the:<br>a. Forestry class, subject to an approved, professionally prepared forestry management plan.<br>b. Conservation class.<br>c. Recreational open space class.<br>d. Mineral working class.<br>e. Scrap yard class.<br>f. Antenna and wind turbine class.<br>NOTE: see Regulation 10 concerning the Discretionary Powers of Authority. | | |

## CONDITIONS

1. **Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at the discretion of the Authority 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.

2. **Advertisements Relating to Onsite Uses**

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

(i) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
(ii) No advertisement shall exceed 5 square metres in area.

**2. Advertisements Relating to Offsite Uses**

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

(i) Each advertisement shall not exceed three square metres in area.

(ii) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to the premises to which they relate.

(iii) The location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

4. **Separation from Adjacent Uses**

Unless the Authority is satisfied that the use will not create a nuisance and will not adversely affect the amenity of the specified development or natural feature, no scrapyard or solid waste site shall be located closer than the minimum distances set out below to the specified feature. The Authority may also increase the minimum distances where considered to be appropriate for a proposed development so as to create an adequate buffer between the development and other features inside or outside an area designated as Solid Waste Use Zone.

| | |
|---|---|
| Any other developed area or area likely to be developed during the life of the scrapyard or solid waste use | 150 metres |
| Protected road or Public Trail shown on Zoning Maps | 90 metres |
| Water body or watercourse | 50 metres |

5. **Screening**

A scrapyard or solid waste site 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;

(i) 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 use from adjacent uses (excepting forestry and agriculture), or adjacent public highways and streets. The berms shall be landscaped to the Authority's satisfaction.

(ii) Where natural topography creates a visual screen between a solid waste use or scrapyard and adjacent public highways and streets or other land use (excepting forestry and agriculture), additional screening may not be required.

(iii) Where effective screening for any scrapyard or solid waste disposal cannot be installed or located as required in (a) - (c) above, or where the site is highly visible from a distance, the Authority may refuse to permit the use or associated activity.

**6. Antennas and Wind Turbines**

Wind turbines with towers taller than 15 metres shall be located at least 500 metres from any other land use area designation specified in the Municipal Plan (except for the Rural designation or the Industrial designation on Goose Cove Road) and the street line of Highway 430, the Viking Trail.

Wind turbines with towers shorter than 15 metres and all antennas shall have a minimum setback of the towers from all lot lines of 10 metres (plus in the case of wind turbines, the length of one rotor blade, for safety reasons related to ice shedding from the blades).

In addition, guy wires and anchors of all wind turbines and antennas must be on the same lot as the towers.

# Schedule D

# OFF-STREET PARKING REQUIREMENTS

Pursuant to Regulation 51, the quantity of off-street parking spaces shall be provided according to the following minimum requirements:

| | |
|---|---|
| a. Assembly uses other than educational and child care: | 1 space for every five seats or if there are no seats, one space for each 100 square metres of floor area devoted to public occupancy |
| b. Educational and child care uses: | 2 spaces for each classroom or 25 students or children, whichever is less |
| c. Institutional uses | 1 space for each two beds or clientele spaces |
| d. Residential Dwelling uses | 2 spaces for each dwelling unit |
| e. General Residential uses | 1 space for each rental suite or unit, plus 1 space for each 10 square metres of common spaces such as common rooms, kitchens, and recreation areas. |
| f. Business and personal service uses | 1 space for each 20 square metres of floor area |
| g. All other uses | 1 space for each 30 square metres of floor area |

# Schedule E

**Schedule E, the Land Use Zoning Map 1, is located in a map pocket.**