

**TOWN OF STEPHENVILLE  
DEVELOPMENT REGULATIONS 2014**

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**ADPTION COPY 2016**

**URBAN AND RURAL PLANNING ACT  
RESOLUTION TO ADOPT  
TOWN OF STEPHENVILLE DEVELOPMENT REGULATIONS 2014**

Under the authority of Section 16 of the Urban and Rural Planning Act 2000, the Town Council of Stephenville adopts the Town of Stephenville Development Regulations 2014.

Adopted by the Town Council of Stephenville on the \_\_\_\_ day of \_\_\_\_\_, 2016.

Signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Mayor: \_\_\_\_\_  
Tom O'Brien

Clerk: \_\_\_\_\_  
Carolyn Lidstone

**CANADIAN INSTITUTE OF PLANNERS CERTIFICATION**

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

MCIP: \_\_\_\_\_  
Arvo McMillan, MCIP

**URBAN AND RURAL PLANNING ACT  
RESOLUTION TO APPROVE  
TOWN OF STEPHENVILLE DEVELOPMENT REGULATIONS 2014**

Under the authority of Section 16, Section 17 and Section 18 of *the Urban and Rural Planning Act 2000*, the Town Council of Stephenville

- a) adopted the Town of Stephenville Development Regulations 2014 on the \_\_\_ day of \_\_\_\_, 2016.
- b) gave notice of the adoption of the Town of Stephenville Development Regulations 2014 by advertisement inserted on the \_\_\_ day of \_\_\_\_, 2016 and the \_\_\_ day of \_\_\_\_, 2016 in the Western Star newspaper.
- c) set the \_\_\_ day of \_\_\_\_, 2016 at \_\_\_ p.m. at the Stephenville Town Hall for the holding of a public hearing to consider objections and submissions.

Now under the authority of section 23 of the *Urban and Rural Planning Act 2000*, on the \_\_\_ day of \_\_\_\_, 2016 the Town Council of Stephenville approves the Town of Stephenville Development Regulations 2014.

SIGNED AND SEALED this \_\_\_\_\_ day of \_\_\_\_\_, 2016

Mayor: \_\_\_\_\_  
Tom O'Brien

Clerk: \_\_\_\_\_  
Carolyn Lidstone

## TABLE OF CONTENTS – Page 1

APPLICATION .....	1
1. Short Title.....	1
2. Interpretation.....	1
3. Commencement.....	1
4. Urban and Rural Planning Act 2000 - Ministerial Development Regulations ....	1
5. Municipal Code and Regulations .....	1
6. Town .....	1
PART I – GENERAL REGULATIONS .....	2
7. Compliance with Regulations.....	2
8. Permit Required .....	2
9. Permit to be Issued .....	2
10. Permit not to be Issued in Certain Cases.....	2
11. Discretionary Powers of Town .....	2
12. Variances by Town .....	3
13. Service Levy .....	3
14. Financial Guarantees by Developer .....	4
15. Dedication of Land for Public Use.....	5
16. Reinstatement of Land.....	5
17. Form of Application .....	5
18. Register of Application .....	6
19. Deferment of Application.....	6
20. Approval in Principle .....	6
21. Development Permit .....	6
22. Development Permit – Temporary Use.....	7
23. Reasons for Refusing Permit .....	8
24. Notice of Application .....	8
25. Right of Entry .....	8
26. Record of Violations.....	8
27. Stop Work Order and Prosecution .....	8
28. Appeals.....	9
PART II - GENERAL DEVELOPMENT STANDARDS .....	12
29. Access Ramps and Decks .....	12
30. Access to Adjoining Properties .....	12
31. Accesses and Service Streets .....	12
32. Accessory Buildings – Dwellings.....	13
33. Accessory Buildings – Non-Dwelling and Non-Apartment Building Uses.....	14
34. Accessory Uses .....	15
35. Advertisements .....	15
36. Agriculture and Livestock.....	16
37. Airport Compatibility .....	16
38. Appropriate Residential Uses.....	16
39. Archaeological and Heritage Resources .....	17
40. Bed and Breakfast, Boarding House.....	18
41. Building Line and Setback, Complementary Building Setbacks.....	18

## TABLE OF CONTENTS – Page 2

42.	Building Near Highways Regulations – Highways 460 and 490.....	19
43.	Building Near Highways Regulations – Highway 460-11 – Cold Brook Road .	19
44.	Buildings on a Lot .....	19
45.	Coastline and Harbour Areas.....	19
46.	Comprehensive Development.....	20
47.	Coordination of Development/Comprehensive Plan .....	21
48.	Forestry and Trees.....	21
49.	Groundwater Supply Assessment – New and Existing Subdivisions .....	21
50.	Height Exceptions .....	22
51.	Home Business.....	22
52.	Home Office .....	22
53.	Lot Area .....	23
54.	Lot Area and Size Exceptions .....	23
55.	Lot Frontage.....	23
56.	Mineral Exploration .....	24
57.	Mineral Workings and Quarries.....	24
58.	Non-Conforming Uses .....	28
59.	Offensive and Dangerous Uses .....	30
60.	Offstreet Loading and Parking Requirements .....	30
61.	Pending Protected Public Water Supply Area Overlay .....	30
62.	Protected Roads .....	30
63.	Residential Buffer.....	31
64.	Road Access – Kippens Gaudon’s Brook, Highways 460-490.....	31
65.	Scrapyard and Solid Waste.....	32
66.	Screening and Landscaping.....	33
67.	Site Development.....	33
68.	Site Development – Fill and Landscaping Permit Requirements .....	34
69.	Site Development – Slope Greater than 15 Percent or 20 Percent.....	34
70.	Street Construction Standards .....	35
71.	Subsidiary Apartment.....	35
72.	Tourist Cabins.....	35
73.	Trails and T’Railway Provincial Park.....	36
74.	Unsubdivided Land .....	36
75.	Uses Allowed In All Zones .....	36
76.	Utilities – Wind Mills, Wind Farms, Other Energy Sources .....	36
77.	Waterways and Wetlands .....	37
78.	Well Field Protection Area Private Overlay .....	39
PART III	– ADVERTISEMENTS .....	40
79.	Advertisements and Signs .....	40
(1)	Permit Required.....	40
(2)	Form of Application.....	40
(3)	Advertisements in Street Reservation.....	40
(4)	Permit Valid for Limited Period .....	40
(5)	Advertisements, Non-Compliant .....	40

## TABLE OF CONTENTS – Page 3

(6)	Removal of Advertisements .....	41
(7)	Advertisements - Non-Conforming Uses.....	41
(8)	Prohibition.....	41
(9)	Signs or Advertisements Not Specifically Covered .....	41
80.	Advertisements Exempt from Control .....	42
81.	Advertisements - Temporary and/or Portable Signs .....	43
82.	Advertisements and Signs near Highways.....	43
83.	Advertisements Relating to On-Site Uses.....	44
84.	Advertisements Relating to Off-Site Uses.....	44
PART IV - SUBDIVISION OF LAND.....		46
85.	Permit Required and Sureties .....	46
86.	Subdivisions inside the Planning Area outside the Town Boundary.....	46
87.	Subdivision Agreement .....	46
88.	Services to be Provided .....	46
89.	Payment of Service Levies and Other Charges .....	47
90.	Issue of Permit Subject to Considerations .....	47
91.	Groundwater Supply Assessment – New and Existing Subdivisions .....	48
92.	Building Permits Required .....	48
93.	Form of Application .....	48
94.	Subdivision Subject to Zoning and Plan Adopted by Town.....	48
95.	Building Lines.....	48
96.	Land for Public Open Space .....	48
97.	Structure in Street Reservation .....	49
98.	Subdivision Design Standards .....	49
99.	Engineer to Design Works and Certify Construction Layout .....	51
100.	Developer to Pay Engineer's Fees and Charges.....	52
101.	Street Works May Be Deferred.....	52
102.	Transfer of Streets and Utilities to Town .....	52
103.	Restriction on Sale of Lots.....	53
104.	Grouping of Buildings and Landscaping .....	53
105.	Coordination of Development.....	53
PART V - USE ZONES .....		54
106.	Use Zones .....	54
107.	Use Classes .....	54
108.	Permitted Uses.....	54
109.	Discretionary Uses .....	54
110.	Uses Not Permitted .....	55
SCHEDULE A – DEFINITIONS.....		56
SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS.....		68
SCHEDULE C – USE ZONE SCHEDULES .....		74
COUNTRY LIVING RESIDENTIAL (CLR) ZONE.....		75
RESIDENTIAL LOW DENSITY (RLD) ZONE .....		79
RESIDENTIAL MEDIUM DENSITY (RMD) ZONE .....		81
RESIDENTIAL MEDIUM DENSITY 2 (RMD 2) ZONE .....		84

## TABLE OF CONTENTS – Page 4

RESIDENTIAL SPECIAL (RSP) ZONE .....	89
RURAL RESIDENTIAL (RR) ZONE .....	92
SEASONAL RESIDENTIAL (SR) ZONE .....	96
COMMERCIAL GENERAL (CG) ZONE.....	98
INDUSTRIAL GENERAL (IG) ZONE .....	102
AIRPORT (AP) ZONE.....	105
PUBLIC (PU) ZONE .....	107
OPEN SPACE RECREATION (OSR) ZONE .....	109
ENVIRONMENTAL PROTECTION (EP) ZONE .....	111
DESIGNATED FLOODWAY (DF), FLOODWAY FRINGE (FF), CLIMATE CHANGE FLOOD (CF) ZONES .....	112
RURAL (RU) ZONE .....	113
WELLHEAD PROTECTED WATER SUPPLY AREA KIPPENS (WPWSA-K) ZONE .....	116
WELLHEAD PROTECTED WATER SUPPLY AREA STEPHENVILLE (WPWSA-S) ZONE .....	120
COMPREHENSIVE DEVELOPMENT AREA RESIDENTIAL (CDA-R) ZONE .....	124
COMPREHENSIVE DEVELOPMENT AREA COMMUNITY SERVICES (CDA-CS) .....	126
SCHEDULE D - OFFSTREET LOADING AND PARKING REQUIREMENTS.....	128
SCHEDULE E .....	133
POLICY FOR FLOOD PLAIN MANAGEMENT .....	133
1.0 INTRODUCTION .....	133
2.0 OBJECTIVES .....	133
3.0 BACKGROUND .....	134
Canada - Newfoundland Flood Damage Reduction Program .....	134
4.0 LEGISLATION .....	134
5.0 DEFINITIONS .....	135
6.0 POLICIES .....	136
6.01 Development Requires Written Approval .....	136
6.02 Project Categories.....	136
6.03 Hydraulic Structures.....	137
6.04 Project Classifications .....	137
6.05 Projects Permitted Where Flood Plains Are Designated .....	139
6.06 Projects Permitted in Coastal Floodway Where Flood Plains Are Designated	139
6.07 Additions and Modifications to Existing Development.....	140

MAPS – Land Use Zoning Maps 1, 2, 3 and 4

**TOWN OF STEPHENVILLE MUNICIPAL PLAN  
DEVELOPMENT REGULATIONS**

**APPLICATION**

**1. Short Title**

These Regulations may be cited as the Stephenville 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 that 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 Stephenville Municipal Planning Area, hereinafter referred to as the Planning Area, on the date of publication of a notice to that effect in the Newfoundland Gazette.

**4. Urban and Rural Planning Act 2000 - Ministerial Development Regulations**

Newfoundland Regulation 3/01, Development Regulations under the Urban and Rural Planning Act 2000 (Ministerial Development Regulations), enacted under Section 36 of the Act, shall apply to development within the Planning Area. Where there is a conflict between the Ministerial and the Town's Development Regulations, the Ministerial Development Regulations shall prevail. The Ministerial Development Regulations are included with the Stephenville Development Regulations.

**5. Municipal Code and Regulations**

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

**6. Town**

In these Regulations, "Town" means the Council of the Town of Stephenville.

## **PART I – GENERAL REGULATIONS**

### **7. Compliance with Regulations**

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

### **8. 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 Town.

### **9. Permit to be Issued**

Subject to Regulations 10 and 11, a permit shall be issued for development within the Planning Area that conforms to the requirements of these Regulations.

### **10. Permit not to be Issued in Certain Cases**

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

### **11. Discretionary Powers of Town**

In considering an application for a permit or for approval in principle to carry out development, the Town 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, the Town 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.

Furthermore, to ensure that along with fulfilling provincial policies in respect of development in flood risk zones while at the same ensuring that development is compatible with and/or similar to nearby development, the Town in its sole discretion may refuse to issue a permit for a development which is not compatible

with existing or proposed development in an abutting zone.

However, the exercise of this discretionary power does not enable the Town to allow a permitted use or discretionary use which is not permitted under Schedule C or Schedule E or other Regulation.

## **12. Variances by Town**

- (1) See Ministerial Development Regulations, Section 12.
- (2) Where an approval or a permit cannot be given by the Town because a proposed development does not comply with development standards set out in these Regulations, the Town may, in its discretion, vary the applicable development standards to a maximum of 10%, if, in the Town'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 the public interest.
- (3) The Town shall not allow a variance from development standards set out in these 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 not greater than 10%.
- (4) The Town shall not permit a variance from the development standards where the proposed development would increase the non conformity of an existing development.
- (5) Public Notice – When a variance is necessary under this Regulation, the Town shall, at the expense of the applicant, give written notice to the property owners in the immediate vicinity of the proposed variance.

## **13. Service Levy**

- (1) The Town 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 Town 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 Town 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 Town may require a service levy to be paid by the owner of the real property at:
- a) the time the levy is imposed;
  - b) the time development of the real property commences;
  - c) the time development of the real property is completed; or,
  - d) such other time as the Town may decide.

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

- (1) The Town 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 Town, or;
  - b) a guarantee by a bank, or other institution acceptable to the Town, 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 Town.
- (3) Financial Guarantees – Mineral Workings
- a) Unless otherwise determined by the Town after consultation with the Department of Natural Resources, the developer shall provide a financial guarantee in the form of a performance bond or unconditional and irrevocable letter of credit or other form acceptable to the Town for an amount to cover the cost of restoring or landscaping the site after the quarry operations have ended or the site is abandoned by the applicant.

- b) The financial guarantee shall be returned when the Reclamation Plan has been carried out or the development terminated and any conditions attached to the development permit have been met to the satisfaction of the Town and the Department of Natural Resources.

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

In addition to the requirements for dedication of land under Part IV (Subdivisions), the Town 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 Town in accordance with Section 37 of the Act.

Unless the Town decides otherwise land that is dedicated for public use will not include land that the Town requires to be set aside for storm water management, roads, public services, public utilities and/or environmental protection and that this shall be in addition to whatever land the Town may require under Section 37 of the Act.

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

Where the use of land is discontinued or the intensity of its use is decreased, the Town 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 Town and shall put the site in a clean and sanitary condition to the satisfaction of the Town.

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

- (1) An application for a development permit or for Approval in Principle shall be made only by the owner or by a person authorized by the owner to the Town on such form as may be prescribed by the Town, and every application shall include such plans, specifications and drawings as the Town may require, and be accompanied by the permit fee required by the Town.
- (2) The Town shall, on request, 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.

**18. Register of Application**

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

**19. Deferment of Application**

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

**20. Approval in Principle**

- (1) The Town may grant Approval in Principle for subdivision or any other development, 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 Town 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.
- (3) An Approval in Principle or conditions attached thereto is subject to appeal under the Act.
- (4) Notwithstanding an Approval in Principle, no work shall commence until a Development Permit or other permit has been issued by the Town.

**21. Development Permit**

- (1) A plan or drawing which has been approved by the Town 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 Town may attach to a permit 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) A permit is valid for a specified period, not to exceed two years. 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.
  - (4) The approval of any application and plans or drawings or the issue of a permit shall not prevent the Town 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.
  - (5) The Town 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.
  - (6) No person shall erase, alter or modify any drawing or specifications upon which a permit to develop has been issued by the Town.
  - (7) 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.
  - (8) A development permit or permit or conditions attached thereto is subject to appeal.

## **22. Development Permit – Temporary Use**

The Town may in its discretion issue a permit for a temporary use such as an outdoor market, a temporary shelter for a vehicle or a boat, and other permissible uses which have a limited and fixed term. The permit shall specify its duration,

and upon expiry of the permit, the use shall be removed. In no case shall the term of a temporary permit exceed two years, which may be extended in writing by the Town for a further period as specified not exceeding two years. This clause does not apply to advertisements which are covered under Part III of the Development Regulations.

**23. Reasons for Refusing Permit**

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

**24. Notice of Application**

When a change in nonconforming use is to be considered (see also Ministerial Regulations), or when the development proposed is listed as a discretionary use in Schedule C of the Regulations or is otherwise at the discretion of the Town, the Town shall, at the expense of the applicant, or at its own expense if necessary, give notice of an application for a permit or for approval in principle or proposal, by public advertisement in a newspaper circulating in the area or by any other means deemed necessary at least seven days prior to making a decision on the application or proposal.

When a variance is necessary under Regulation 12 (see also Ministerial Regulations), the Town shall, at the expense of the applicant, give written notice to the property owners in the immediate vicinity of the proposed variance at least seven days prior to making a decision on making the application.

**25. Right of Entry**

Any official authorized by the Town 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 Town is empowered to regulate.

**26. 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 Town.

**27. Stop Work Order and Prosecution**

(1) Where a person begins a development contrary or apparently contrary to

these Regulations, the Town 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 27(1) is guilty of an offence under the provisions of the Act.

## **28. Appeals**

This Regulation is a slightly reformatted copy of Sections 5 to 11 of Newfoundland Regulation 3/01 - Development Regulations under the Urban and Rural Planning Act. Note that the word 'authority' under this Regulation means the same as 'Town' used elsewhere in these Development Regulations'.

### "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.”

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

### **29. Access Ramps and Decks**

- (1) An access ramp for a wheel chair, may, at the discretion of the Town after consultation with abutting property owners, be erected in a minimum front, rear or side yard if there is no alternative means of providing the access ramp and it does not create a safety hazard or block sight lines.
- (2) An open or partially enclosed deck attached to, or free standing, of the dwelling or accessory building shall not extend into the minimum permissible front and side yards and flanking road setback and shall not be closer to the rear lot line than 1.5 metres except where the deck is not more than 500 millimetres above grade, in which case the deck may be extended to the rear lot line..
- (3) A screen or fence on a deck shall not exceed the maximum allowable height of a fence permitted under the Town's regulations pertaining to fences.
- (4) An access ramp or open deck is not deemed to be part of the building when calculating lot coverage under Schedule C.

### **30. Access to Adjoining Properties**

- (1) In order facilitate the development of the Town and improved access throughout the Planning Area, as a condition of approval of a development and/or a subdivision the Town may require that the developer provide suitable public access to adjoining properties.
- (2) The minimum right of way for such access shall be 15 metres.
- (3) The right of way shall be deeded to the Town, although this right of way shall not be developed or maintained by the Town until such time as the Town deems necessary.
- (4) See also Part IV – Subdivision of Land.

### **31. Accesses and Service Streets**

- (1) Access shall be located to the specification of the Town so as to ensure the greatest possible convenience and safety of the street system and the Town 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.

### **32. Accessory Buildings – Dwellings**

Except as otherwise specified under Schedule C dwelling accessory buildings shall conform to the requirements set out below.

#### **(1) General**

Accessory buildings shall be clearly incidental and complementary to the use of the dwelling in character, use and size, and shall be contained on the same lot as the dwelling.

Accessory Buildings shall be compatible in terms of design and appearance with the dwelling on the lot. Furthermore, the appearance and use of the accessory building shall be compatible with the neighbouring residential development.

No utility trailer, trailer, vehicle, shipping container or similar entity shall be used as an accessory building.

- (2) Minimum Building Line Setback – Unless otherwise determined by the Town under Clause (3) below, no accessory building or part thereof shall project in front of any dwelling or the building line setback, whichever is the greater distance from the front or flanking road lot line.
- (3) Minimum Building Line Setback in Front of Dwelling – Where the dwelling is set well back of the minimum building line, and provided that the Town is satisfied that erecting an accessory building in front of the dwelling is in keeping with the general appearance of the area, the Town may permit an accessory building to be erected between the dwelling and the minimum building line as set out in Schedule C.
- (4) Maximum Lot Coverage – The lot coverage of all accessory buildings combined shall not exceed 10% of the lot area.
- (5) Maximum Height – The maximum height of an accessory building shall not exceed 6 metres.

- (6) Minimum Side Yard – The minimum side yard for an accessory building is 2 metres except on a flanking road in corner lot.
- (7) Minimum Side Yard Flanking Road Corner Lot – The minimum side yard for an accessory building located on the flanking road side of a dwelling shall be the same as set out for the dwelling under Schedule C.
- (8) Minimum Rear Yard – The minimum rear yard for an accessory building is 2 metres.
- (9) Minimum Separation Distance from Dwelling – The minimum distance between a dwelling and an accessory building shall be 3 metres.

### **33. Accessory Buildings – Non-Dwelling and Non-Apartment Building Uses**

- (1) This Regulation sets out the requirements for accessory buildings for non-dwelling uses, that is, uses not included under Regulation 32.
- (2) General – Accessory buildings shall be clearly incidental and complementary to the use of the principal buildings in character, use and size, and shall be contained on the same lot as the principal building or buildings.
- (3) Utility Trailer, Etc. – No utility trailer, trailer, vehicle, shipping container or similar entity shall be used as an accessory building except at the discretion of the Town when the Town is satisfied that such structure does not abut a residential property and that it is compatible with the use and appearance of nearby properties.
- (4) Minimum Building Line – The minimum building line (distance from the front lot line) for an accessory building shall be as that set out in the Schedule C Use Zone for principal and other buildings.
- (5) Minimum Side Yard – The minimum side yard for an accessory building shall be 2 metres, 5 metres where it abuts a residential use. The accessory building shall not be closer to a flanking road on corner lot than that set out for the principal building under Schedule C.
- (6) Minimum Rear Yard – The minimum rear yard for an accessory building shall be 1 metre, or, at the discretion of the Town, greater where the maximum height under Clause (9) of this Regulation has been increased.
- (7) Maximum Lot Coverage – Provided that the total lot coverage of all buildings

on the property does not exceed 33%, no lot coverage requirements are set out for an accessory building or buildings.

- (8) Minimum Separation Distance from Principal Building – Accessory buildings shall maintain the minimum separation distance from a principal building required by the Building Code.
- (9) Maximum Height – The maximum height of an accessory building shall be 6 metres unless otherwise determined at the discretion of the Town, and provided that the Town is satisfied that the taller structure is compatible with use and appearance of nearby properties. In no instance shall the accessory building have a height greater than the principal building.

### 34. Accessory Uses

See also Schedule A.

Subject to Schedule C, uses accessory to a permitted or discretionary use can be permitted in any zone, for example:

- a) facilities for the serving of food and alcoholic beverages in an arena or other place of assembly, recreational facility, museum, marina, or hotel ('commercial – residential' under Schedule B);
- b) vehicle repair facilities within a shop, such as a major retail outlet, or automobile dealership;
- c) a gift or souvenir shop in a museum, hotel or other establishment;
- d) office and/or a small convenience store or catering establishment in a campground;
- e) a dock or wharf or stage associated with a permitted or discretionary use;
- f) an accessory dwelling or accessory dwelling unit, such as a farm dwelling, caretaker's dwelling or dwelling unit;
- g) a residence associated with an educational or medical facility;
- h) a solar panel, satellite dish or similar device attached to a building.

These accessory uses shall be clearly subsidiary to and controlled so as to be compatible with the primary use and the use of nearby properties.

### 35. Advertisements

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

### **36. Agriculture and Livestock**

- (1) Agricultural uses are regulated by the Town and the Provincial Government, subject to the Farm Practices Act, the Environmental, Farm Practices Guidelines for Livestock and Poultry Producers in Newfoundland and Labrador, Environmental Guidelines for Poultry Producers in Newfoundland and Labrador and other relevant policies and legislation. Agricultural uses shall be approved by both the Agrifoods Development Branch, the Town, together with other appropriate agencies.
- (2) Except for infill development any *residential development* within 600 metres of structure containing more than five or more animal units, including five horses, must be referred to the Agrifoods Development Branch for a recommendation. The Town shall not issue a permit contrary to the recommendation.
- (3) Any *livestock structure (barn)* containing five or more animal units must be located at least 600 metres from a non-farm dwelling, unless otherwise determined after referral to, and upon recommendation of, the Agrifoods Development Branch. The structure shall be at least 60 metres from the boundary of the property on which it is to be erected and shall be at least 90 metres from the centre line of a street. The erection of the structure shall be approved by the Agrifoods Development Branch before a permit is issued by the Town.
- (4) Large livestock, such as horses and cattle and smaller livestock, such as goats, ducks or chickens, whether or not these are viewed as pets, are classed as livestock, an agricultural use that falls within the agricultural use class. See also Schedule A – Definitions – Livestock.

### **37. Airport Compatibility**

The Town may refuse any development if in its opinion and after consulting the Stephenville Airport Authority and/or Transport Canada, the development could infringe on the safety or operation of the Airport. In particular, the Town shall not permit any residential development at or above NEF 35.

### **38. Appropriate Residential Uses**

Unless otherwise set out under a Zone in Schedule C, in a residential zone, that

is, a zone which contains in its title the word 'Residential', no uses of the land shall be permitted which are not appropriate to the residential character of the Zone, and thus no person shall:

- a) repair or scrap vehicles or other equipment unless
  - i) the activity is carried out in a wholly enclosed accessory building,
  - ii) the vehicle or other equipment is owned by a resident of the dwelling, and
  - iii) this activity is not or cannot be deemed a commercial activity or use;
- b) unless otherwise permitted, keep livestock on the property;
- c) keep any one of the following types of entities on a property
  - i) a bus, school bus, other than a van type bus
  - ii) the trailer or low-bed of a tractor-trailer combination
  - iii) a double-axle truck of any type, except for the tractor of a tractor-trailer
  - iv) large construction equipment
  - v) a shipping container.

### **39. Archaeological and Heritage Resources**

Within the boundaries of the municipal planning area for the Town of Stephenville there is an aircraft wreck which is located at 391999E//5384163N (NAD 1927). The AOA Crash Site (DdBo-02) consists of the remains of the 1946 American Overseas Airline (AOA) and is protected under the Historic Resources Act.

There is also a registered palaeontological site located at Blanche Brook which is protected due to the presence of a well-preserved tree and other plant fossils. The location of the site is as follows:

*Beginning at a point on Blanche Brook, Stephenville, where Route 460 crosses Blanche Brook, that point having coordinates of north 5,379,970 metres and east 383,290 metres, Zone 21, North American Datum 1983; • Then running in a northerly direction along the river for a distance of 3,360 metres, more or less, to a point in the centre of Blanche Brook, that point having coordinates north 5,382,250 metres, and east 383,177 metres, Zone 21, North American Datum 1983; • And including the area within 50 metres of the centre of Blanche Brook.*

Historic Resources are protected under the Historic Resources Act, RSNL. 1990 CHAPTER H-4. In the event that such resources are discovered within the Town and Planning Area all work must cease in the area and contact made immediately with the Provincial Archaeology Office (PAO) of the Department of Business, Tourism, Culture and Rural Development at 729-2462 or 729-4142.

The PAO shall be consulted on any proposed major development and approval obtained from the PAO before an approval is granted by the Town. This is to ensure that historic resources will not be negatively impacted upon.

The Town may from time to time designate heritage sites and areas under the Municipalities Act.

#### **40. Bed and Breakfast, Boarding House**

The following conditions shall apply to a Bed and Breakfast and/or Boarding House operation:

- a) the proposed building has an exterior design and landscaping which is sensitive to the residential character of the surrounding area and respects the appearance, scale and density of adjacent dwellings and properties;
- b) the property and building meets the requirements for a single dwelling under Schedule C;
- c) the parking area is suitably screened from adjacent residences;
- d) minimum frontage – see Schedule C;
- e) minimum lot area and frontage – see Schedule C;
- f) signage is consistent with a residential neighbourhood, not more than one and not to exceed 2,800 square centimetres;
- g) no change in the type, class or extent of the use shall be permitted except in accordance with a permit issued by the Town;
- h) the establishment is licensed under the Tourist Establishment Regulations.

#### **41. Building Line and Setback, Complementary Building Setbacks**

(1) The Town, by resolution, may establish building lines on an existing or proposed 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 under Schedule C of these Regulations.

(2) The building line setback is measured from the property line along a road.

(3) Notwithstanding the minimum front, side and rear yard requirements set out

under Schedule C, The Town, may allow development to complement or be similar to the yards of adjoining properties by altering the yard requirements after notification is given to neighbouring property owners in accordance with Regulation 24 of these Regulations.

**42. Building Near Highways Regulations – Highways 460 and 490**

No development is allowed within 20 metres of the centre-lines of Highways 460 and 490 unless permission is obtained from the Department of Transportation and Works. Access to any Provincial Highway must be approved by the Department of Transportation and Works before a permit is issued by the Town.

**43. Building Near Highways Regulations – Highway 460-11 – Cold Brook Road**

No development is allowed within 15 metres of the centre-line of Highway 460-11 unless permission is obtained from the Department of Transportation and Works. Access to any Provincial Highway must be approved by the Department of Transportation and Works before a permit is issued by the Town.

**44. Buildings on a Lot**

- (1) Except for single dwellings, mobile homes and mini-homes, more than one principal or main building may be permitted on a lot provided that the requirements of Schedule C are satisfied. However, more than one single dwelling can be permitted on a lot where it forms part of a Comprehensive Development under Regulation 46.
- (2) Sufficient area shall be reserved to satisfy the yard and other allowances called for in the Use Zone in which the lot is located and the allowances shall be retained when the adjacent land is developed.

**45. Coastline and Harbour Areas**

In order to protect lives and property and the natural environment, the Town shall review development proposals for sites adjacent or near the marine coast line and harbours to ensure that unless it is a use requiring direct access to the body of water and/or is a temporary or minor structure:

- a) it is not likely to be damaged by a storm;
- b) it is not a vulnerable or critical use, that is, a multi-unit residential use, a use catering to persons with disabilities or other special needs, and/or a use related to emergency services (example – a fire station or emergency

command centre, emergency shelter or other facility) – uses which if damaged or destroyed, could cause injury or loss of life and/or make it more difficult to respond to an emergency

New development may not be permitted at or below the 4 metre elevation unless it can be demonstrated to the satisfaction of the Town and other relevant authorities that the risk is low and/or that the development can withstand the damage that could be incurred by a flood or storm event. However existing conforming uses may be allowed to expand.

The Town in its discretion may refuse to issue a permit for a development that could be affected by a storm event based upon previous events, local knowledge and/or research carried out in respect of climate change.

#### **46. Comprehensive Development**

The Town may in its discretion permit a large scale private or public comprehensive development that except for overall density and land uses does not meet the requirements of these Development Regulations for frontage on a publicly owned and maintained road ('public road'), lot size, lot frontage, minimum or maximum building line setback, side yard width and rear yard depth, provided that:

- a) the Town is satisfied that either the site conditions are such that the standard requirements could not be met, or, the quality of the development would be greater than could otherwise occur through the application of the standard requirements;
- b) a comprehensive development plan of the property has been granted Approval in Principle by the Town, along with other approvals before permits are issued for development;
- c) the comprehensive development itself has frontage on a publicly owned and maintained road and the development is connected to municipal water and sewer services;
- d) the development is compatible with adjacent development;
- e) there are at least two (2) developments within the comprehensive development.
- f) the property is situated within the municipal boundary as opposed to being outside the municipal boundary, but within the Municipal Planning Area Boundary;
- g) where roads and services are to be installed, the developer supplies sureties to the Town as required under these Regulations or a policy adopted by the Town.

#### **47. Coordination of Development/Comprehensive Plan**

In order to ensure that development occurs in an orderly manner and that appropriate development opportunities are maximized, subdivisions and other major developments shall be co-ordinated with other existing and proposed developments and the Planning Area's road system and services. If deemed necessary by the Town these developments shall be required to provide for public access to adjacent undeveloped lands.

Furthermore, the Town may require that a comprehensive plan of development for an entire area be prepared and adopted before any development is permitted for any portion of that area.

The approval of the Comprehensive Plan will not constitute an Approval in Principle under the Town's Development Regulations. However, if the Town and the relevant agencies are satisfied with the plan, the developer can then apply for subdivision approval, approval in principle and development permits.

Prepared by a competent professional and in a format acceptable to the Town the Comprehensive Plan shall include at the minimum:

- a) Road and Services
- b) Land Use
- c) Lotting
- d) Historic Resources and Trails
- e) Waterways and Wetlands
- f) And other matters deemed necessary by the Town.

#### **48. Forestry and Trees**

Forestry development, including timber cutting, is subject to the approval of the Forestry and Agrifoods Agency and the Town.

Trees in subdivisions and on individual properties shall be retained or replaced wherever possible, and in order ensure that this occurs, the Town may require that a landscaping and site grading plan is submitted for any new development that entails the development of the entire site or significant portion thereof.

#### **49. Groundwater Supply Assessment – New and Existing Subdivisions**

The approval of new unserviced subdivisions or the addition of unserviced lots to

existing unserviced subdivisions require that a groundwater assessment be done to determine with high probability that acceptable quality and quantity drinking water will be available to homeowners for both the short and long term. This shall be done in accordance with the Provincial Land Use Policy – ‘Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells’ as from time to time amended and administered by the Department of Environment and Conservation, Water Resources Management Division.

#### **50. Height Exceptions**

The height requirements prescribed in Schedule C of these Regulations may be waived in the case of communication masts and antennae, flagpoles, water towers, windmills, wind turbines, spires, belfries, or chimneys, but any such waiver which results in an increase of more than 20% in the permitted height of the structure shall only be authorized under the provisions of Regulation 24.

#### **51. Home Business**

A Home Business is subject to the following conditions:

- a) the use is clearly subsidiary to the residential use and does not detract from the residential character of the neighbourhood;
- b) the floor area of the Home Business does not exceed 25 percent of the total floor area of the dwelling or 45 square metres, whichever is less;
- c) no outdoor activities or storage associated with the use occurs;
- d) activities associated with the use are not hazardous and do not cause significant noise, odour, dust, fumes, traffic or inconvenience and are not a nuisance to the occupants of adjacent dwellings;
- e) no wholesale sales or storage of goods is carried out; any retail sales are incidental and subsidiary to the approved use; and that no repairs to vehicles or heavy equipment are carried out;
- f) the minimum required floor area of the dwelling unit shall continue to be met;
- g) the parking requirements of Schedule D are met;
- h) changes in the nature or extent of the Home Business shall be approved by the Town.

#### **52. Home Office**

A Home Office is subject to the following conditions:

- a) the use is entirely enclosed within the dwelling and the use does not alter

- the appearance of the dwelling;
- b) it is operated by a resident of the dwelling, and no employees who are not residents of the dwelling shall be permitted;
- c) the floor area of the Home Office does not exceed 20 square metres;
- d) there is no signage or other external evidence of the Home Office, including external storage;
- e) activities associated with the use are not hazardous and do not cause significant noise, odour, dust, fumes, traffic or inconvenience and are not a nuisance to the occupants of adjacent dwellings;
- f) no wholesale or retail sale of goods is permitted; and
- g) changes in the extent or nature of the Home Office shall be approved by of the Town.

### **53. Lot Area**

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

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

Where, at the time of coming into effect of these Regulations, one or more lots already exist in any zone allowing residential uses, 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 Town for the erection of a dwelling thereon, provided that the lot coverage and height are not greater than, and the yards and floor area are not less than the standards set out in these Regulations.

### **55. Lot Frontage**

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

## **56. Mineral Exploration**

- (1) Subject to the provisions of the Mineral Act and the Regulations issued pursuant thereto no permit shall be issued by the Town for mineral exploration until the necessary permits and approvals have been obtained, where required, from the Departments of Natural Resources, Service Newfoundland and Labrador, and Environment and Conservation, together with any other relevant Provincial agencies.
- (2) Subject to the other provisions of the Development Regulations, mineral exploration which is not classed as development by virtue of appreciable ground disturbance, construction of access roads, noise, odour and appearance can be permitted anywhere in the Planning Area, provided that adequate notification is provided to the Town.
- (3) Mineral exploration which is classed as development can or may be permitted in certain zones provided that adequate provision is made for buffering/and or other mitigations of impacts of existing or future urban residential, commercial, industrial, institutional and recreational areas and provided that all necessary approvals are obtained.
- (4) Higher impact mineral exploration classed as development shall be subject to conditions that control noise, appearance, duration of the drilling or excavating program and the control of other impacts that may arise. The precise nature of these controls will depend upon the location of the mineral exploration in respect to built-up and environmentally sensitive areas, such as watersheds, waterways and wetlands.
- (5) Where there is to be ground disturbance, the developer shall provide a site restoration surety and/or other satisfactory guarantees of site landscaping.

## **57. Mineral Workings and Quarries**

Along with a permit from the Town, any mineral working and quarry, is subject to a permit or lease from the Department of Natural Resources pursuant to the Quarry Materials Act and other relevant legislation.

Where the quarrying is occurring as a result of a site development, the Town shall send a copy of the permit to the Department of Natural Resources.

Where there is a conflict between these Regulations and the Quarry Materials Act, the Quarry Materials Act shall prevail.

*Where there is a lawful mineral working or quarry which entails blasting or other activity, and residential development is allowed to intrude upon the minimum buffers set out for the operation, this shall not cause the operation to cease or otherwise change the nature of the activity on the site.*

#### Site Development – Quarry and Soil Removal

- (1) If, as part of another development, quarry material is to be removed and sold or otherwise disposed of, then a separate permit shall be obtained from the Department of Natural Resources, for the removal of quarry materials and the Town. A copy of the Town's permit must be forwarded to the Department of Natural Resources.
- (2) A site development quarry under this Regulation is permitted wherever the use that this quarry is associated with is permitted.
- (3) A quarry permit issued under this Regulation shall only be valid for a period of one year or the term of the site development, whichever is the lesser. However, if the Town feels that it is warranted, the permit may be renewed for additional one-year periods up to a maximum of three years from the date of the issuance of the first permit.
- (4) When the work is completed, the area affected shall be suitably landscaped and drained in accordance with a plan approved by the Town.
- (5) If the site work is extensive, the Town may require the deposit of surety in accordance with Regulation 14(3) that shall be returned to the developer upon satisfactory completion of the work.

#### Mineral Working

A Mineral Working not associated with another development shall meet the separation distances conditions set out below, together with such other conditions pertaining to screening, water pollution, erosion control etc. as the Department of Natural Resources and the Town shall deem satisfactory.

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

	<u>Minimum Buffer Distance of Pit or Quarry Working</u>
Explosive blasting and residential development	1,000 metres
Existing or Proposed Residential Development during life of pit or quarry – no blasting	300 metres
Any other development area, or area likely to be developed during the life of the pit or quarry working	150 metres
Public highway or street	50 metres
Protected Road	90 metres
Waterbody or watercourse	50 metres

#### Access Roads

No quarry may be developed where the access road passes through a residential neighbourhood.

During extended periods of shutdown, access roads to a mineral working shall be ditched or barred to the satisfaction of the Town and the Department of Natural Resources.

#### 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 uncleared areas and 10 metres from active quarry or stockpile areas. The owner or operator shall ensure that the quality of the topsoil is not affected by dilution with other materials..

#### Operating Plant and Associated Processing and Manufacturing

The Town may permit processing and manufacturing use associated with mineral workings provided that, in the opinion of the Town, 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.

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

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

#### Termination and Site Rehabilitation

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

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

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

#### Buffers

No cutting of timber or mineral working will occur within 50 m of any tributary of any body of water.

#### Extraction & Rehabilitation Plan

As a condition of approval the Town may require the developer:

- a) to submit for the consideration and approval of the Town a Mineral Working Development Plan for the proposed Mineral Working use which shall include a site plan showing the location of physical site features and

extraction and processing features; and

- b) to submit for the consideration and approval of the Town a Mineral Working Reclamation Plan for the proposed mineral working use which shall explain, illustrate and show to the satisfaction of the Town a plan for restoration of the site which includes final ground contours, slopes, depth of topsoil, and vegetation and a phasing plan if necessary in the form of a grading and landscape plan or plans.

Nothing in this Regulation shall prevent the Town from accepting a development or reclamation plan, or similar plan submitted to the Department of Natural Resources under a provision of the Quarry Materials Act 1998.

#### Permit Fee

In consultation with the Department of Natural Resources, the development permit fee for a mineral working shall be determined by the Town in an amount sufficient to cover the review of any required Development and Reclamation Plans by a professional engineer, ongoing inspection of the site for conformity with any required Plans and with the conditions of the development permit, and inspection of the site to determine acceptable reclamation, and, where applicable, for purposes of return or cancellation of the financial guarantee required under this Regulation.

### **58. Non-Conforming Uses**

- (1) This Regulation is derived from Section 108 (2) of the Urban and Rural Planning Act 2000, and Sections 14, 15, and 16 of the Ministerial Development Regulations.
- (2) Notwithstanding a plan, scheme or regulations made under the Urban and Rural Planning Act 2000, the Town 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 (Urban and Rural Planning Act) Act of the plan, scheme or regulations made with respect to that kind of development or use.
- (3) A right to resume a discontinued non-conforming use of land shall not exceed one year. For the purpose of this Regulation, discontinuance of a non-conforming use begins when any one of the following conditions is met:

- a) the building or use of land is clearly vacated or the building is demolished;
  - b) the owner or tenant has ceased paying business occupancy taxes for that use;
  - c) the owner or tenant has stated in writing that the use has ceased.
- (4) A building, structure or development that does not conform to a scheme, plan or regulations made under this (Urban and Rural Planning Act) Act that is allowed to continue under subsection (2):
- a) shall not be internally or externally varied, extended or expanded unless otherwise approved by the Town;
  - 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 Town to a use that is, in their opinion more compatible with a plan and regulations applicable to it;
  - e) may have the existing building extended by the Town where, in its opinion that extension is not more than 50% of the existing building;
  - f) where the non-conformance is with respect to the standards included in development regulations, 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;
  - g) where the building or structure is primarily zoned and used for residential purposes, may, in accordance with the appropriate plan and regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed; and
  - h) a residential building or structure referred to in the above paragraph must, where being repaired or rebuilt, be repaired or rebuilt in accordance with the plan and development regulations applicable to that building or structure.
- (5) Notice and hearings on change of use – Where considering a non conforming building, structure or development under clause 4 (d) of this Regulation 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.

**59. 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 Town and any other authority having jurisdiction.

**60. Offstreet Loading and Parking Requirements**

See Schedule D.

**61. Pending Protected Public Water Supply Area Overlay**

The Pending Protected Water Supply Area Overlay is applied to an area currently under review by the Provincial Government as a future long term protected public water supply area for Stephenville and Kippens which would supplant the wells currently being used. Notwithstanding the underlying or primary zones, within the Pending Protected Public Water Supply Area Overlay as indicated on the Land Use Zoning Maps. all development must be reviewed and approved by the Department of Environment and Conservation before a permit issued by the Town.

**Requirements:** Development, including Permitted and Discretionary Uses and conditions pertaining to development is subject to the requirements of the Wellhead Protected Water Supply Area Stephenville zone under Schedule C.

**62. Protected Roads**

Highway 490, from the Planning Area Boundary at Stephenville Crossing to the Minnesota Drive intersection is a Protected Road.

Outside the Town of Stephenville Municipal Boundary, but inside the Planning Area Boundary any development within 150 metres of Highway 490 from the Town of Stephenville Boundary to Stephenville Crossing must be jointly approved by the Department of Government Services and Lands and the Town of Stephenville.

Within the Town of Stephenville Municipal Boundary, any development within 100 metres of the centre-line of Highway 490 must be approved by both the Department of Government Services and the Town of Stephenville.

**63. Residential Buffer**

- (1) Where any proposed non-residential use is to abut an existing or proposed residential use or a residential zone, the proponent of the non-residential development may be required to provide a buffer. Conversely, in the case of a residential development locating adjacent to an existing or proposed non-residential use or zone, the Town may require the developer of the residential use to provide a buffer. Any such buffer shall be made up of hedges, trees, shrubs, earthen berms or structural barriers that will sufficiently mitigate noise, visual unpleasantness and other undesirable effects. Trees and shrubs existing on the site prior to development which could form all or part of a buffer shall not be removed.
- (2) Before approving any non-residential development near existing or proposed residential development or Residential zones, the Town must be satisfied that the proposed non-residential development:
  - a) will not give rise to excessive noise or other forms or pollution;
  - b) will not generate vehicle traffic which is above the level acceptable to adjacent residential amenities;
  - c) will not cause an unacceptable nuisance or hazard to adjacent residential uses; and;
  - d) in general, can be considered acceptable to the amenity of residential uses.

**64. Road Access – Kippens Gaudon’s Brook, Highways 460-490**

The proposed connector road to Kippens coming off Hillier Road and crossing Gaudon’s Brook at the transmission line, and, the proposed connector road joining Highway 460 and Highway 490 in the vicinity of the west of Long Gull Pond as indicated on a land use zoning map are protected from developments which may negatively affect the future development of these roads..

The exact location and design of these roads is subject to final design.

Any development near these proposed roads is to be reviewed by the Department of Transportation and Works and other appropriate agencies before an approval is granted by the Town.

## 65. Scrapyard and Solid Waste

A scrap yard and solid waste storage or disposal facility shall only be permitted subject to the following conditions:

1) Separation from Adjacent Uses

Unless the Town 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 scrap yard or solid waste storage or disposal site shall be located closer than the minimum distances set out below to the specified development or natural feature:

Existing or proposed Residential Development	300 metres
Any other developed area or area likely to be developed during the life of the scrap yard or solid waste use	150 metres
Public highway or street	50 metres
Protected Road	90 metres
Body of water or watercourse	50 metres

2) Screening

A scrap yard or solid waste storage or disposal 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:

- a) 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 Town may require new trees of a minimum height of 1 metre be planted to fill in the areas affected to the satisfaction of the Town or, at the discretion of the

Town, condition 2(b) must be undertaken.

- b) Where no tree screens exist of sufficient width and density to constitute a visual screen, earthen berms shall be constructed to a height sufficient to prevent visibility of any part of the use from adjacent uses (excepting forestry and agriculture), or adjacent public highways and streets. The berms shall be landscaped to the Town's satisfaction.
- c) Where natural topography creates a visual screen between a solid waste storage or disposal site and adjacent public highways and streets or other land use (excepting forestry and agriculture), additional screening may not be required.
- d) Where effective screening for any scrap yard or solid waste disposal or storage use cannot be installed or located as required in a) - c) above, or where the site is highly visible from a distance, the Town may refuse to permit the use or associated activity.

3) Fencing

The Town may require a scrap yard or solid waste storage or disposal site to be enclosed by a fence designed and constructed to its specifications and no less than 1.8 metres in height.

**66. Screening and Landscaping**

The provision of adequate and suitable landscaping or screening may be made a condition of any development permit where, in the opinion of the Town, the landscaping or screening is desirable to preserve amenity, or protect the environment, and, in the case of existing unsightly development, the Town may 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.

**67. Site Development**

When reviewing a development proposal, including roads, the Town shall consider the suitability of a site in terms of steepness of slopes, soils and geology, potential for coast-line erosion, location of waterways and wetlands along with other matters and shall, when considering approval, ensure, to the best of its ability, that the development has minimal or no negative effects on

other properties and bodies of water or that the development itself will not be negatively affected.

If the Town is of the opinion that development of a site may create negative impacts on nearby properties and water bodies, and/or raises concerns about short or long term the safety of the development itself, the Town can require the submission of a review of the development proposal by a certified engineer, geoscientist, landscape architect or similar professional.

**68. Site Development – Fill and Landscaping Permit Requirements**

- (1) A permit shall not be required for ordinary landscaping of a property or the creation of a garden and similar activity unless such activity is likely to affect adjacent properties or a water body.
- (2) A permit shall be obtained from the Town before any filling-in or excavation of land takes place. This permit may be the same as the one obtained for the construction of a dwelling or other use.
- (3) Where such filling-in or excavation can affect the buffer of water body or the water body, then a permit shall also be obtained from the Department of Environment and Conservation, and where applicable, the Department of Transportation Canada (Navigable Waters Act).
- (4) A landscaping and site grading plan for any new development shall form part of the application for a development permit for a development which entails the development of the entire site or significant portion thereof and to this application shall be attached a plan showing vegetation – particularly trees, water-bodies, rock outcrops and other natural features.

**69. Site Development – Slope Greater than 15 Percent or 20 Percent**

- (1) Before approving development of a site having a slope greater than 15 percent up to 20 percent, the Town may require the submission of a review of the development proposal by a certified planner, engineer, landscape architect or similar professional. The review shall evaluate the adequacy of site grading, drainage and landscaping and storm water management and the potential of the development to cause erosion onto and pollution of adjacent development and lands and bodies of water receiving run-off from the site, and other similar matters.
- (2) No development shall be permitted on a slope greater 20 percent unless it is a public or private recreational use or public service or utility.

## **70. Street Construction Standards**

A new street may not be constructed except in accordance with and to the design and specifications laid down by the Town and/or the Department of Transportation and Works.

## **71. Subsidiary Apartment**

A subsidiary apartment can be permitted in a single dwelling and a double dwelling, and for the purposes of calculating lot area and yard requirements, shall be considered part of the single dwelling or double dwelling. One subsidiary apartment can be permitted in a single dwelling or double dwelling provided that:

- a) the apartment has not more than two bedrooms;
- b) the floor area of the apartment does not exceed 75% of the floor area of the main dwelling;
- c) there is at least two parking spaces for the apartment;
- d) the main dwelling meets all of the requirements of the Zone in which it is located, including parking;
- e) the subsidiary apartment does not adversely affect the residential amenities or character of the area;.
- f) the Town is satisfied that water, sewer, storm drainage and streets are of adequate capacity to accommodate a subsidiary apartment.

## **72. Tourist Cabins**

Tourist Cabins fall within the Commercial Residential Use Class of Schedule B and are situated within a Tourist Cabin Establishment as defined in Schedule A – Definitions.

Unless it is included within a commercial-residential development that contains other tourist accommodation and catering facilities, such as a hotel or motel, and is therefore subject to the applicable zone requirements for commercial-residential development, tourist cabins are subject to the following conditions:

- (a) the development is compatible with other developments in the area;
- (b) minimum lot area is 5,000 square metres for a tourist cabin establishment;
- (c) minimum floor area per tourist cabin is 45 square metres;
- (d) minimum building line setback, side yard and rear yard are the same as that for single dwellings in the Residential Medium Density 2 Zone whether or not the cabins access off a private lane or road;

- (e) adequate separation is provided between the tourist cabins and associated facilities and dwellings situated on nearby properties;

### **73. Trails and T’Railway Provincial Park**

Well known, historical and/or traditional and/or designated trails such as the Walk-a-Ways Parks and Trails, the T’Railway and the Appalachian Trail are protected from non-compatible development.

Wherever feasible 15 metre wide buffers measured from the centre-line of trails to create a corridor 30 metres wide are established along trails to protect the trail system and to protect nearby residents.

Within a trail buffer only the uses allowed under Regulation 75 can be permitted unless the Town has determined that certain permitted and discretionary uses of the zone in which the Corridor is located can or may be permitted without detriment to the Trail.

T’Railway Provincial Park – The T’Railway Provincial Park falls within the jurisdiction of the Parks and Natural Areas Division. Any development affecting the T’Railway, such as a culvert or an access must be approved by the Parks and Natural Areas Division before approval is granted by the Town.

### **74. 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.

### **75. Uses Allowed In All Zones**

In addition to conservation, which includes architectural, historical and scenic sites under Schedule B, accessory buildings and uses, public services and public utilities, recreational open space including recreational trails, roads, accesses and driveways can be allowed in all zones subject to the necessary reviews and compliance with these Regulations and the Municipal Plan.

### **76. Utilities – Wind Mills, Wind Farms, Other Energy Sources**

Wind mills, wind turbines, wind farms and other energy forms, including solar

based and small hydro generating facilities – “Utilities” in Schedule B – and associated facilities and services are subject to the approval of the Town and the conditions set out below.

Utilities are subject to the approval of or exemption by relevant provincial and federal departments and agencies and public utilities, including the Mines and Energy Division of the Department of Natural Resources and Transport Canada.

The design and location of such facilities shall take into consideration their impact on nearby land uses and persons, scenery, cultural landscapes, the environment and archaeological resources within the Town, along with other matters that the Town may deem to be significant.

Wind driven energy systems are restricted to rural areas, but solar and geo-thermal based energy and other low impact systems can be treated as accessory uses.

To prevent damage to persons and properties due to the failure of a windmill or any of its components or the shedding of ice, the Town shall ensure that there is adequate separation distance between the windmill and nearby structures and properties.

Unless specifically exempted by the relevant agencies, the design, construction and location of a utility shall be certified by a professional engineer who has consulted with the required agencies.

## **77. Waterways and Wetlands**

- (1) Development within waterways and wetlands and their 15 metre buffers is subject to this Regulation and all relevant provincial and federal policies and statutes, including Department of Environment and Conservation Policy Directives W.R. 91-1 – Policy for Infilling Bodies of Water, W.R. 96-1 – Policy for Flood Plain Management, W.R. 97-1, Development in Shorewater Zones and 97-2, Development in Wetlands. Where there is a conflict between the Policy Directives and this Regulation, the more restrictive standards shall apply.
- (2) The minimum width of a buffer along a waterway or wetland shall be 15 metres from the highwater mark, or flood zone, of the water body or wetland.

- (3) However, where land adjacent a waterway or wetland is zoned Environmental Protection, then the buffer shall be the Environmental Protection Zone or the minimum buffer under Clause (2) of this Regulation, whichever is greater.
- (4) Unless it is within the Floodway Fringe or Climate Change Flood Zone (see Schedule C – Designated Floodway, Floodway Fringe and Climate Change Flood Zones and Schedule E – Policy For Floodplain Management), subject to the approval of the Department of Environment and Conservation where appropriate, and the Town, the only uses that can be permitted in the buffer area of a waterway are fences, roads, driveways, public services, public utilities, recreational open space and trails and uses requiring direct access to a body of water, such as wharves and docks and other marine related uses.
- (5) Development, and this includes culverts, bridges, infilling, dredging, stream diversions, debris removal, development (infilling, draining, etc.) of a wetland or a waterway is subject to the approval of the Town, the Provincial Government where necessary, and where necessary, the Government of Canada.
- (6) The Town or the Provincial Government may subject development within the buffer area of a water body or wetland to an environmental review, and may approve, approve subject to conditions, or refuse such development. The matter of adequate and usable legal public access to the waterway shall be a consideration in the review of an application for a structure within a buffer and/or waterway.
- (7) Any development within a body of water or involving the alteration of a body of water must be approved by or exempted by the Department of Environment and Conservation for Crown Lands and referrals Department of Transportation Canada – Navigable Waters Act, Fish Habitat Division of the Department of Fisheries and Oceans and/or, the Water Resources Division of the Department of Environment and Conservation before a permit is issued by the Town.

Development within a buffer is subject to the approval of the Water Resources Management Division of the Department of Environment and Conservation, Department of Fisheries and Oceans Canada and where applicable, the Government Service Centre of the Department of Government Services.

- (8) Wetlands can only be developed in such a way as to minimize damage and impacts on the hydrology and environment of the area.

- (9) Any development within a wetland or the buffer of a wetland shall require the approval of the Minister of Environment and Conservation (where necessary) as well as the Town whether or not that wetland is zoned Environmental Protection under the Development Regulations.
- (10) If a waterway or wetland is deemed to be minor, wherever possible such waterways and wetlands shall remain undeveloped and protected by a buffer. If a site is to be developed, alternatives to covering over or eliminating such waterways and wetlands shall be explored, including relocation of the waterway or wetland and/or redesign of the development.
- a) A **minor waterway** is defined as being a drainage course, an intermittent stream which does not carry significant storm flows and/or a stream which is not a fish habitat.
  - b) A **minor wetland** is defined as a wetland less than 5,000 square metres in area not associated with a waterway and not deemed have a role in water management, wildlife habitat or the conservation of an environmentally sensitive area.

#### **78. Well Field Protection Area Private Overlay**

The Well Field Protection Area Private Overlay overlays other Zones. Development within this Zone is subject to review and approval of the Groundwater Section of the Department of Environment and Conservation along with the Town and other relevant agencies and stakeholders.

No development or other activity shall be permitted within 150 metres of the well head, except for maintenance and operation of the water supply system.

In addition to the foregoing, development is subject to the requirements of the underlying Zones.

## PART III – ADVERTISEMENTS

### 79. Advertisements and Signs

Note: The terms “advertisement” and “sign” are interchangeable.

(1) Permit Required

Unless specifically exempted, no advertisement shall be erected or displayed in the Planning Area unless a permit for the advertisement is first obtained from the Town, and, where necessary, from Service NL.

(2) Form of Application

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

(3) Advertisements in Street Reservation

No advertisement shall be permitted to be erected or displayed within, on or over any highway or street reservation unless it is a premises sign (advertisement relating to onsite uses) and unless this sign has been approved by the Town and where necessary, Service NL.

(4) Permit Valid for Limited Period

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

(5) Advertisements, Non-Compliant

Except where an advertisement is deemed to fall under one of the categories described under Clause (6) of this Regulation, an advertisement presently not in compliance with the Regulations shall be removed or brought into compliance within one year of the date of written notification by the Town.

(6) Removal of Advertisements

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

- a) hazardous to road traffic by reason of its siting, colour, illumination, maintenance or structural condition, or;
- b) detrimental to the amenities of the surrounding area.

(7) Advertisements - Non-Conforming Uses

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 Town.

(8) Prohibition

A sign shall not be erected, posted or placed:

- a) where, in the opinion of the Town, that sign would be hazardous to road traffic by reason of its siting, illumination or structural condition;
- b) where, in the opinion of the Town that sign would be detrimental to the amenities of surrounding areas or length of highway or road;
- c) where that sign is not maintained to the satisfaction of the Town;
- d) within or over a highway or street intersection unless otherwise approved by the Town for Town roads, or by the Department of Transportation and Works for roads under Provincial jurisdiction;
- e) with the exception of premises advertisements, within 300 metres, or a distance specified by the Department Transportation and Works, or the Town of the intersection of two or more highways and/or for Town roads, or from the crossing of a public road; and
- f) on a sign erected by the Department Transportation and Works.

(9) Signs or Advertisements Not Specifically Covered

If an application is received for a sign or advertisement that does not fall into one of the categories set out under these Regulations, subject to the other applicable requirements of these Regulations, the Town may

approve, approve with conditions, or refuse to approve the sign or advertisement.

#### **80. Advertisements Exempt from Control**

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

- a) a posting of a candidate in a federal, provincial or municipal election or a regional school board election;
- b) a temporary sign relating to federal, provincial or municipal public works;
- c) a notice required by law to be posted;
- d) a regulatory, warning, directional, guide or informational sign erected by the Department of Transportation and Works;
- e) a sign placed by a telephone, telegraph or electric power company to indicate danger;
- f) a sign, not exceeding 0.5 square metres, advertising the sale or rental of a building or lot upon which the sign is located;
- g) a flag, emblem or insignia of a nation, country or province;
- h) one temporary sign related to building construction located on a site on which the work is being carried out;
- i) on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.2 square metres in area;
- j) on an agricultural holding or farm, a notice board not exceeding 1.5 square metres in area and relating to the operations being conducted on the land;
- k) on land used for forestry purposes, signs or notices not exceeding 1 square metre in area and relating to forestry operations or the location of logging operations conducted on the land;
- l) on land used for mining or quarrying operations, a notice board not exceeding 1 square metre in area relating to the operation conducted on the land;
- m) on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.2 square metres in area in connection with the practice of a business carried on in the premises;
- n) on any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board placed no closer than 3 metres from a street line;
- o) on the principal facade of any commercial, industrial or public building, the name of the building or the name of the occupants of the building, in letters not exceeding one-tenth of the height of that facade or 3 metres, whichever is the lesser;
- p) on any parking lot directional signs and one sign not exceeding 1 square metre in size, identifying the parking lot;

- q) a sign indicating the location of a municipal or municipal planning area boundary, located beyond the back slope of a highway ditching; and
- r) a sign indicating the location of a trail or walkway and/or a sign providing direction within a trail or walkway system.

#### **81. Advertisements - Temporary and/or Portable Signs**

- (1) A temporary and/or portable sign may be permitted in any zone for a period not exceeding 30 consecutive days, or 45 days at the Town's discretion where purpose of the sign is to promote a not-for-profit initiative, provided the sign:
  - a) does not exceed 3 square metres in area;
  - b) does not create or aggravate a traffic hazard, such as by blocking a sight-line;
  - c) does not interfere with other lawful signs, including directional signs;
  - d) is of a location, materials, design and colour in keeping with the character and appearance of the area;
  - e) if necessary, is approved by the Service NL, together with the Town.
- (2) A renewal permit for a temporary sign may only be issued after 30 days have passed since the original permit has expired.
- (3) A free standing temporary or portable sign affixed to the ground by legs shall be properly anchored to the ground in a manner that is sound and attractive.
- (4) If it is not exempted from these Regulations, with the written permission of Newfoundland Power, or the owner if not Newfoundland Power, a sign may be permitted on a utility pole.

#### **82. Advertisements and Signs near Highways**

Pursuant to Newfoundland Regulation 85/99 as amended, the Provincial Government has designated "control lines" alongside each provincially maintained route. These lines extend 400 metres from the highway centrelines, except that the control area is reduced within Municipal Boundaries to 100 metres from the centreline of a provincial highway.

Advertisements and signs falling within the designated control lines of any highway must be referred to and approved or exempted by the Service NL office serving the area.

### **83. Advertisements Relating to On-Site Uses**

This section deals with signage relating to on site uses - that is, uses located on the same property as the sign or signs. Sign types include free standing signs, signs affixed to buildings, fences and other structures, fascia signs and the use of building surfaces for advertising.

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 a use zone shall be as set out below.

- (1) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Town, having regard for the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (2) The maximum allowable size of the advertisement shall be determined in accordance with Clause (1) above and in consideration of the size of the premise or premises being advertised. For example, a sign for a large shopping centre would necessarily be of a different scale than one for a convenience store.
- (3) Only one free standing advertisement per entrance or exit shall be permitted in the front of a multi-use building, strip mall, shopping centre and similar facilities containing more than one premise. However, one additional sign shall be permitted in the front of a building if it is a free-standing temporary sign as set out under Regulation 81.
- (4) Where an advertisement is attached to the roof of a building and protrudes above the roof, then it shall be included in the calculation of the height of the building.

### **84. Advertisements Relating to Off-Site Uses**

This Regulation deals with signage relating to off-site site uses – that is, uses not located on the same property as the sign or signs. Sign types include free standing signs, signs affixed to buildings, fences and other structures, fascia signs and the use of building surfaces for advertising.

The conditions to be applied to the erection or display of an advertisement on any site, relating to a use permitted in a zone, or not relating to a specific land use, shall be as set out below.

- (1) Except as set out under Clause (4) of this Regulation, the advertisement shall not exceed 3 square metres in area.
- (2) Except as set out under Clause (4) of this Regulation, 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.
- (3) The location, siting and illumination of each advertisement shall be to the satisfaction of the Town, 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) The size and location restriction of this Regulation is waived where the Town has erected or permitted to be erected an advertisement related to a civic or improvement or other public purpose;

## PART IV - SUBDIVISION OF LAND

### 85. Permit Required and Sureties

- (1) No land in the Planning Area shall be subdivided into two or more lots unless a permit for the development of the subdivision is first obtained from the Town.
- (2) Before an Approval in Principle or permit is issued for a subdivision requiring the construction and/or upgrading of roads and municipal water and/or sewer services the Town shall require the deposit of surety in a form satisfactory to the Town to ensure the completion of the work in accordance with the approval. The requirements for a surety, along with other matters, shall be set out in the Subdivision Policy adopted by the Town and any agreements pursuant to that policy.

### 86. Subdivisions inside the Planning Area outside the Town Boundary

Where the subdivision occurs outside the Town boundary, but within the Planning Area boundary, including Cold Brook, Noel's Pond, Long Gull Pond:

- a) The Town cannot accept sureties, etc., the dedication of land or cash in lieu thereof or roads or other public facilities or lands where the subdivision occurs outside the Town boundary;
- b) Any streets outside the Town boundary must be approved by the Department of Transportation and Works.

### 87. Subdivision Agreement

The Town may subject any subdivision of land and its development to a subdivision agreement between the developer and the Town.

The subdivision agreement may set forth the financial, servicing, road, lotting, open space, building line standards or requirements, together with other relevant requirements.

A subdivision agreement may have the effect of modifying the road design standards contained in Part IV of the Development Regulations.

### 88. Services to be Provided

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

satisfactory to the Town 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.

Development in areas designated Residential on the Future Land Use Maps within the Town or Municipal Boundary must be connected to the Town's municipal water supply and sewage disposal systems.

**89. 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 Town 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 the Development Regulations.

**90. Issue of Permit Subject to Considerations**

A permit shall not be issued when, in the opinion of the Town, 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 Town shall, without limiting the generality of the foregoing, consider:

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

**91. Groundwater Supply Assessment – New and Existing Subdivisions**

See Regulation 49.

**92. Building Permits Required**

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

**93. Form of Application**

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

**94. Subdivision Subject to Zoning and Plan Adopted by Town**

The subdivision of land shall be permitted only in conformity with the Use Zones delineated on the Zoning Maps or other plan adopted by the Town.

**95. Building Lines**

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

**96. Land for Public Open Space**

(1) Before a development commences, the developer shall, if required, dedicate to the Town, at no cost to the Town, an area of land equivalent to 10% of the gross area of the subdivision for park land or other public use, provided that:

- a) where land is subdivided for any purpose other than residential use, the Town shall determine the percentage of land to be dedicated;
- b) if, in the opinion of the Town, no public open space is required, the land may be used for such other public use as the Town 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 Town but in any case, the Town shall not accept land which, in its opinion is incapable of development for any purpose;
- d) the Town 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 Town in accordance with Clause (1) d) above, shall be reserved by the Town for the purpose of the acquisition or development of land for public open space or other public purpose.
- (2) Land dedicated for public use in accordance with this Regulation shall be conveyed to the Town and may be sold or leased by the Town 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 Town 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 Town, constitute the requirement of land for park land under Clause (1) of this Regulation.
- (4) Land that the Town requires to be set aside for storm water management, roads, public services, public utilities or environmental protection and that this shall be in addition to whatever land the Town may require under Clause (1) of this Regulation and Regulation 15.

**97. Structure in Street Reservation**

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

**98. Subdivision Design Standards**

Except as otherwise specified in a Subdivision Policy adopted by the Town, no permit shall be issued for the development of a subdivision under these Regulations unless the design of the subdivision conforms to the standards below and the Government of Newfoundland and Labrador Municipal Water, Sewer and Roads Specifications. See also Regulations 70 (Street Construction Standards) and 86 (Subdivisions Inside the Planning Area Outside the Town Boundary).

- (1) The finished grade of streets shall not exceed 10 percent, up to 12 percent at the discretion of the Town where it would otherwise be impossible to develop the site, or compliance with the 10 percent requirement would entail

- excessive cutting and filling.
- (2) Every cul de sac shall be provided with a turning circle of a diameter of not less than 30 metres.
  - (3) The maximum length of any cul de sac shall be 250 metres where no emergency access is provided; or 300 metres where emergency access is provided. However, the maximum length of a cul de sac may be extended where the Town is satisfied that such an extension will not endanger lives or property.
  - (4) The 250 metres under clause (3) is measured from the mid-point of the intersection to the beginning of the cul de sac bulb, or the beginning of the loop in a p-loop.
  - (5) Emergency vehicle access to a cul de sac shall be not less than 3 metres wide and shall connect the head of the cul de sac with an adjacent street.
  - (6) No cul de sac shall be located so as to appear to terminate a collector street.
  - (7) A cul de sac shall not be permitted unless the Town is satisfied that there is no reasonable alternative to developing the property.
  - (8) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land and where deemed necessary by the Town new subdivisions shall have street connections with an existing street or streets. See also Regulation 30.
  - (9) All street intersections shall be constructed within 5 degrees of a right angle and this alignment shall be maintained for 30 metres from the intersection.
  - (10) No street intersection shall be closer than 60 metres to any other street intersection.
  - (11) No more than four streets shall join at any street intersection.
  - (12) No residential street block shall be longer than 490 metres between street intersections unless otherwise determined by the Town and provided that the Town is satisfied that there is adequate access provided to lands adjoining the subdivision.
  - (13) Streets subdivisions shall be designed in accordance with the Subdivision

Policy adopted by the Town, but in the absence of such standards, shall conform to the following minimum standards:

Type of Street	Street Reservation	Pavement Width	Walkway Number
Arterial Streets	30 metres	15 metres	Discretion of Town
Collector Streets	20 metres	15 metres	2
Local Streets	15 metres	9 metres	1, 2 if 50% or more of the units are row houses or apartments

- (14) No lot intended for residential purposes shall have a depth exceeding four times the frontage except as otherwise approved by the Town.
- (15) Residential lots shall not be permitted which abut a local street at both front and rear lot lines except as otherwise approved by the Town.
- (16) The Town may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed.
- (17) Water and sewer mains shall be designed as loops to avoid dead-ending.

**99. 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 Town 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 Town, be incorporated in the plan of subdivision.
- (2) Upon approval by the Town 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 Town to service the said area.

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

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

**101. Street Works May Be Deferred**

The construction and installation of all curbs and gutters, catch basins, sidewalks and paving specified by the Town as being necessary, may, at the Town's discretion, be deferred until a later stage of the work on the development of the subdivision but the developer shall deposit with the Town 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 Town 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 Town the amount of the excess. If the contract price is less than the deposit, the Town shall refund the amount by which the deposit exceeds the contract price. Any amount so deposited with the Town by the developer shall be placed in a separate savings account in a bank and all interest earned thereon shall be credited to the developer.

**102. Transfer of Streets and Utilities to Town**

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

- a) all lands in the area proposed to be developed or subdivided which are approved and designated by the Town 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 Town.

(2) Before the Town 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 Town 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 Town.

**103. 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 Town 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.

**104. 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 Town, shall not be changed without written application to and subsequent approval of the Town.

**105. Coordination of Development**

See Regulation 47.

## PART V - USE ZONES

### 106. Use Zones

- (1) For the purpose of these Regulations, the Planning Area is divided into Use Zones which are shown on the Zoning Map attached to and forming part of these Regulations.
- (2) Subject to Regulation 106 (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 Town may in its discretion, determine the standards, requirements and conditions which shall apply.

### 107. Use Classes

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

### 108. Permitted Uses

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

### 109. Discretionary Uses

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone Table in Schedule C may be permitted in that Use Zone if the Town 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 Town has given notice of the application in accordance with Regulation 24 and has considered any objections or representations which may have been received on the matter.

**110. 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

### GENERAL NOTE:

**A definition marked with an asterix is also included in the Ministerial Development Regulations or the Act. Where there is a conflict, the Ministerial Development Regulations or the Act prevail.**

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

**ACCESSORY BUILDING\*** includes:

- (i) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory 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, vegetable storage cellars, shelters for domestic pets, or radio and television antennae,
- (iii) for commercial uses, workshops, or garages, and
- (iv) for industrial uses, garages, offices, raised ramps and docks.

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

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

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

**AGRICULTURE** means horticulture, fruit growing, grain growing, seed growing, dairy farming, the breeding or rearing of livestock, including any 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** means the use of land or buildings equipped for the playing of electronic, mechanical, or other games and amusements including electronic games, pinball games and slot machine arcades and billiard and pool halls.

**ANIMAL UNIT (AU) LIVESTOCK** means any one of the animals or groups of animals as set out in Table C.1 of Appendix C of the Environmental Farm Practices Guidelines for Livestock and Poultry Producers in Newfoundland and Labrador and Table C.1 of the Environmental Guidelines for Poultry Producers of Newfoundland and Labrador.

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

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

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

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

**AUTHORITY\*** means a council, authorized administrator or regional authority.

**BED AND BREAKFAST** means an owner-occupied or owner-managed establishment for paid temporary accommodation for up to sixteen (16) overnight guests that may include a dining room for the use of overnight guests and their invitees. The establishment must be registered with and receive a rating from Canada Select and also must be approved by the Provincial Department of Tourism, Culture and Recreation as a Bed and Breakfast operation.

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

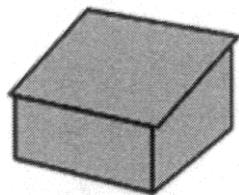
**BUILDING\*** means

- (i) a structure, erection, alteration or improvement placed on, over or under land or attached, anchored or moored to land,
- (ii) mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other similar uses,
- (iii) a part of and fixtures on buildings referred to in subparagraphs (i) and (ii),

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

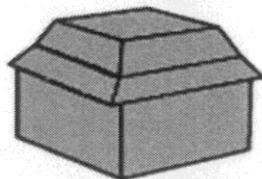
**BUILDING HEIGHT\*** means the vertical distance, measured in metres, from the established grade to:

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



Flat Roof

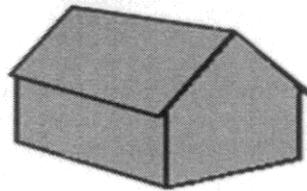
- (ii) the deck line of a mansard roof



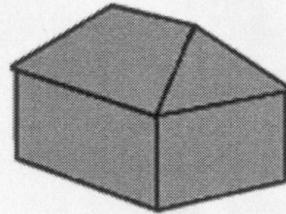
Mansard Roof

And

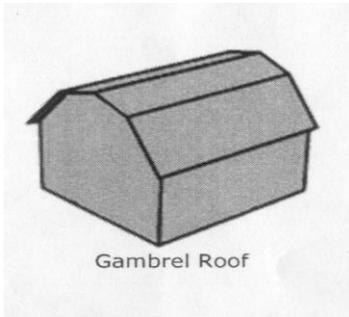
- (iii) the mean height level between eave and ridge of a gable, hip or gambrel roof,



Gable Roof



Simple Hip Roof



Gambrel Roof

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

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

**CAMPGROUND** means the use of land for the accommodation of travel trailers, recreational vehicles, and/or tents and includes a **wilderness campground** that is designed to provide a natural environment for camping, in which modern conveniences and services would be inappropriate.

**COLLECTOR STREET** means a street that is designed to link local streets with arterial streets.

**DAYCARE CENTRE** or **DAY NURSERY** means 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.

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

**DEVELOPMENT\*** means 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 the

- (i) making of an access onto a highway, road or way,
- (ii) erection of an advertisement or sign,
- (iii) construction of a building,
- (iv) parking of a trailer, or vehicle 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 excludes the

- (v) carrying out of works for the maintenance, improvement or other alteration of 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,
- (vi) 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,
- (vii) 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 street or other land for that purpose, and
- (viii) 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 a dwelling.

**DEVELOPMENT REGULATIONS\*** means regulations made under sections 34 to 38 (of the Urban and Rural Act 2000).

**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.

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

**ENGINEER** means a professional engineer employed or retained by the Town.

**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.

**FAMILY AND GROUP CARE CENTRE** means 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, the facilities called "Group Homes", "Halfway House", and "Foster Home".

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

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

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

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

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

**HOME BUSINESS** means a secondary use of a dwelling and/or its accessory building by at least one of the residents of the dwelling to conduct a gainful occupation or business activity.

**HOME OFFICE** means an office class use carried out within a dwelling or dwelling accessory building.

**HYDROCARBON EXPLORATION** means the exploration for oil and natural gas.

**INSPECTOR** means any person appointed and engaged as an Inspector by the Town or by any federal or provincial authority or the agent thereof.

**INSTITUTION** means 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, under the soil and fixtures that form part of those buildings and structures.

**LIGHT INDUSTRY** means the 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.

**LIVESTOCK** means horses, cattle, sheep, goats, swine, poultry, llamas, alpacas, bison and fur bearing animals raised in captivity and another domesticated animal that may be prescribed by regulation to be livestock, but does not include companion animals such as dogs and cats or other animal kept for companionship or bred or raised for sale for companionship and not an agricultural purpose. (source: Animal Health and Protection Act Section 2(1) e) and (o).)

**LOCAL STREET** means a street designed primarily to provide access to adjoining land and which is not designated as a collector street or arterial street.

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

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

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

**LOT COVERAGE\*** means the combined area of all buildings on the 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.

**MAIN BUILDING** – See Principal Building.

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

**MINERAL EXPLORATION** means the activity of searching for minerals or mineral occurrences, including oil exploration, where, for the purposes of these Regulations it takes the form of development –that is, visible and appreciable disturbance to soil.

**MINERAL WORKING** means land or buildings used for the working or extraction of construction aggregates.

**MINI-HOME** means a prefabricated single dwelling complying with the National Building Code and having the dimensions of a single-wide mobile home and which has been transported to the site on a single trailer.

**MINING** means land or buildings used for the extraction of ores and salts.

**MOBILE HOME** means 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 and;
  - (ii) connected to exterior public utilities approved by the Town, 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** means 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, snow clearing 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 Town.

**MOBILE HOME SUBDIVISION** means 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 Town.

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

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

**PERMITTED USE\*** means a use that is listed within the permitted use classes set out in the use zone tables of an authority's development regulations.

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

**PRINCIPAL BUILDING(S)** means the building or buildings in which the primary use of the lot on which the building is located is conducted. This term is interchangeable with the term Main Building.

**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.

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

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

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

**SEMI-SERVICED DEVELOPMENT** means development which is connected to the municipal water or municipal sewer system, whether or not the sewage is piped directly to a body of water.

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

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

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

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

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

**SINGLE DWELLING** means a single dwelling which is free standing, separate, and detached from other main buildings and consists of a constructed, prefabricated, or manufactured detached dwelling unit, but not including a mini-home or a mobile home.

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

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

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

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

**TAKE-OUT FOOD SERVICE** means 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.

**TOURIST CABIN ESTABLISHMENT** means an area of land, managed as a unit, consisting of three or more self-contained accommodations units ('tourist cabins') used for short term stays, and where accessory uses could include an administrative office, clubhouse, snack bar, convenience store, swimming pool, and recreational facilities.

**UNSERVICED DEVELOPMENT** means development which is not connected to the municipal water and sewer system, whether or not the sewage is piped directly to a body of water.

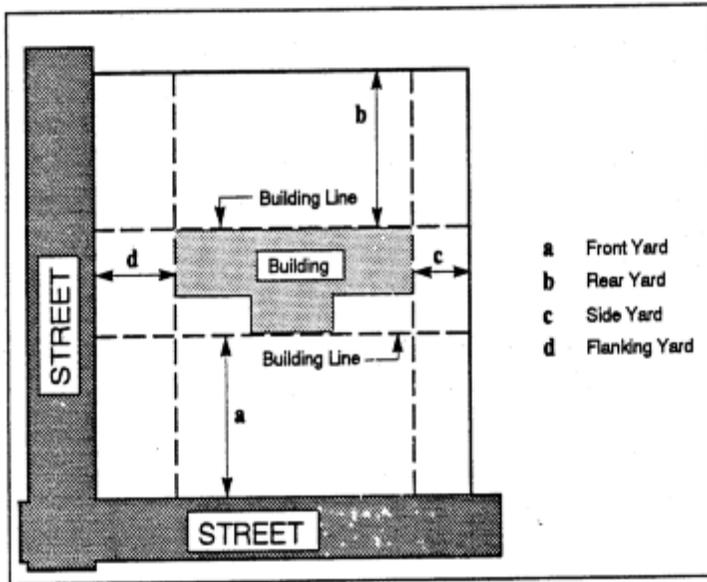
**USE\*** means a building or activity situated on a lot or a development permitted on a lot.

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

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

**ZONING MAP\*** means the map or maps attached to and forming part of the authority's regulations.

**YARDS**



<b>SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS</b>		
<b>GROUP</b>	<b>CLASS</b>	<b>EXAMPLES</b>
ASSEMBLY USES	Theatre	Motion Picture Theatres T.V. Studios admitting an audience, theatres.
ASSEMBLY USES	Cultural and Civic	Libraries, Museums, Art Galleries, Court Rooms, Meeting Rooms, Council Chambers
ASSEMBLY USES	Protection	Police and Fire Stations
ASSEMBLY USES	General Assembly	Community Halls, Lodge Halls, Dance Halls, Gymnasia, Auditoria, Bowling Alleys
ASSEMBLY USES	Educational	Schools, Colleges (non-residential)
ASSEMBLY USES	Place of Worship	Churches and similar places of worship, Church Halls
ASSEMBLY USES	Passenger Assembly	Passenger Terminals
ASSEMBLY USES	Club and Lodge	Private Clubs and Lodges (non-residential)
ASSEMBLY USES	Catering	Restaurants, Bars, Lounges
ASSEMBLY USES	Funeral Home	Funeral Homes and Chapels
ASSEMBLY USES	Child Care	Day Care Centres
ASSEMBLY USES	Amusement	Electronic Games Arcades, Pinball Parlours, Poolrooms
ASSEMBLY USES	Indoor Assembly	Arenas, Armouries, Ice Rinks, Indoor Swimming Pools

<b>SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS...cont'd</b>		
<b>GROUP</b>	<b>CLASS</b>	<b>EXAMPLES</b>
ASSEMBLY USES	Outdoor Assembly	Bleachers, Grandstands, Outdoor Ice Rinks and Swimming Pools, Amusement Parks and Fair-grounds, Exhibition Grounds, Drive-in Theatres, Paint Ball
ASSEMBLY USES	Campground	Campgrounds, recreational Vehicle and Travel Trailer, Wilderness Campgrounds
INSTITUTIONAL USES	Penal and Correctional	Jails, Penitentiaries Police Stations (with detention quarters) Prisons Psychiatric Hospitals (with detention quarters) Reformatories
INSTITUTIONAL USES	Medical Treatment and Special Care	Children's Homes, Convalescent Homes Homes for Aged, Hospitals, Infirmarys
INSTITUTIONAL USES	Family and Group Care Home	Family and Group Care Home
RESIDENTIAL USES	Single Dwelling	Single Detached Dwellings
RESIDENTIAL USES	Subsidiary Apartment	Subsidiary Apartment
RESIDENTIAL USES	Subsidiary Dwelling	Subsidiary Dwelling
RESIDENTIAL USES	Mini-Home	Mini-Home
RESIDENTIAL USES	Double Dwelling	Semi-detached Dwelling, Duplex Dwellings
RESIDENTIAL USES	Row Dwelling	Row Houses, Town Houses
RESIDENTIAL USES	Apartment Building	Apartment Building

<b>SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS...cont'd</b>		
<b>GROUP</b>	<b>CLASS</b>	<b>EXAMPLES</b>
RESIDENTIAL USES	Boarding House Residential and/or Bed and Breakfast	Boarding Houses, Lodging Houses, Bed and Breakfast
RESIDENTIAL USES	Commercial Residential	Hotels & Motels, Hostels, Residential Clubs, Tourist Cabin Establishment
RESIDENTIAL USES	Seasonal Residential	Summer Homes & Cabins, Hunting & Fishing Cabins
RESIDENTIAL USES	Mobile Homes	Mobile Homes
RESIDENTIAL USES	Seniors' Housing and Personal Care Facilities	Seniors' Housing and Personal Care Facilities
BUSINESS & PERSONAL SERVICE USES	Office	Offices (including Government Offices), Banks
BUSINESS & PERSONAL SERVICE USES	Home Business	Home Business
BUSINESS & PERSONAL SERVICE USES	Home Office	Home Office
BUSINESS & PERSONAL SERVICE USES	Medical and Professional	Medical Offices and Consulting Rooms, Dental Offices & Surgeries, Legal Offices & Similar Professional Offices
BUSINESS & PERSONAL SERVICE USES	Personal Service	Barbers, Hairdressers, Beauty Parlours, Small Appliance Repairs
BUSINESS & PERSONAL SERVICE USES	General Service	Self-service Laundries, Dry Cleaners (not using flammable or explosive substances), Small Tool and Appliance Rentals, Travel Agents
BUSINESS & PERSONAL SERVICE USES GROUP	Communications Class	Radio Stations, Telephone Exchanges

<b>SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS...cont'd</b>		
BUSINESS & PERSONAL SERVICE USES	Police Station	Police Stations without detention quarters
BUSINESS & PERSONAL SERVICE USES	Taxi Stand	Taxi Stands
BUSINESS & PERSONAL SERVICE USES	Take-out Food Service	Take-out Food Service
BUSINESS & PERSONAL SERVICE USES	Veterinary	Veterinary Surgeries
MERCANTILE USES	Shopping Centre	Shopping Centres
MERCANTILE USES	Shop	Retail Shops and Stores and Showrooms, Department Stores
MERCANTILE USES	Indoor Market	Market Halls, Auction Halls
MERCANTILE USES	Outdoor Market	Market Grounds, Animal Markets, Produce and Fruit Stands, Fish Stalls
MERCANTILE USES	Convenience Store	Confectionary Stores, Corner Stores, Gift Shops, Specialty Shops
INDUSTRIAL USES	Hazardous Industry	Bulk Storage of hazardous liquids and substances, Chemical Plants, Distilleries Feed Mills, & Lacquer, Mattress, Paint, Varnish, and Rubber Factories, Spray Painting
INDUSTRIAL USES	General Industry	Factories, Cold Storage Plants, Freight Depots General Garages, Warehouses, Workshops, Laboratories, Laundries, Planing Mills, Printing Plants, Contractors' Yards
INDUSTRIAL USES	Service Station	Gasoline Service Stations, Gas Bars, Car Wash

<b>SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS...cont'd</b>		
INDUSTRIAL USES GROUP	Light Industry Class	Light Industry, Parking Garages, Indoor Storage, Warehouses, Workshops
NON-BUILDING USES	Agriculture	Commercial Farms, Hobby Farms, Market Gardens, Nurseries, Greenhouses
NON-BUILDING USES	Forestry	Tree Nurseries, Silviculture
NON-BUILDING USES	Mineral Exploration	Mineral Exploration
NON-BUILDING USES	Mineral Working	Quarries, Pits
NON-BUILDING USES	Mining	Mining
NON-BUILDING USES	Oil Wells and Natural Gas Wells	Oil Wells and Natural Gas Wells
NON-BUILDING USES	Recreational Open Space and Trails	Playing Fields, Sports Grounds, Parks, Playgrounds, Recreational Trails
NON-BUILDING USES	Conservation	Watersheds, Buffer Strips, Flood Plains, Architectural, Historical and Scenic Sites, Steep Slopes, Wildlife Sanctuaries
NON-BUILDING USES	Cemetery	Cemeteries, Graveyards
NON-BUILDING USES	Scrap Yard	Car Wrecking Yards, Junk Yards, Scrap Dealers
NON-BUILDING USES	Solid Waste	Solid Waste Disposal, Sanitary Land Fill Incinerators
NON-BUILDING USES	Animal	Animal Pounds, Kennels, Zoos
NON-BUILDING USES	Antenna	TV, Radio and Communications Transmitting and Receiving Masts and Antennae

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<b>SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS...cont'd</b>		
NON-BUILDING USES	Transportation	Airfields, Docks, Marina, Yacht Club, Boating Club, Boat House and Harbours
NON-BUILDING USES GROUP	Utilities Class	Windmills, Wind Turbines, Solar, and other energy sources not classed as a Public Utility under the Public Utilities Act.

### **SCHEDULE C – USE ZONE SCHEDULES**

Schedule C 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.

Before issuing an Approval in Principle or a permit for a development, the Town shall review the application to ensure that it is in compliance with Application, Parts I – General Regulations, II – General Development Standards, III – Advertisements, IV – Subdivision of Land; and Schedules A – Definitions, B – Classification of Uses of Land and Buildings, C – Use Zone Schedules, D – Offstreet Loading and Parking Requirements of the Development Regulations and Schedule E – Policy for Flood Plain Management.

Schedule C contains tables for the following Use Zones:

- Country Living Residential (CLR)
- Residential Low Density (RLD)
- Residential Medium Density (RMD)
- Residential Medium Density 2 (RMD 2)
- Residential Special (RSP)
- Rural Residential (RR)
- Seasonal Residential (SR)
- Commercial General (CG)
- Industrial General (IG)
- Airport (AP)
- Public (PU)
- Open Space Recreation (OSR)
- Environmental Protection (EP)
- Designated Floodway (F), Floodway Fringe (FF) and Climate Change Flood (CF),
- Rural (RU)
- Wellhead Protected Water Supply Area – Kippens (WPWSA-K)
- Wellhead Protected Water Supply Area – Stephenville (WPWSA PA-S)
- Comprehensive Development Area Residential (CDA-R)
- Comprehensive Development Community Services (CDA-CS)

**USE ZONE TABLE**

**COUNTRY LIVING RESIDENTIAL (CLR) ZONE**

ZONE TITLE		COUNTRY LIVING RESIDENTIAL (CLR)
PERMITTED USE CLASSES - (see Regulation 108)		
Conservation, Home Office, Recreational Open Space, Single Dwelling, Subsidiary Apartment		
DISCRETIONARY USE CLASSES - (see Regulations 24 and 109)		
Agriculture, Antenna, Home Business		
STANDARDS		WHERE PERMITTED
		Single Dwelling
Lot Area per Dwelling (Minimum)		450 m <sup>2</sup>
Floor Area (Minimum) per Dwelling		80 m <sup>2</sup>
Frontage (Minimum) per Dwelling		15 m
Building Line Setback (Minimum)*		8 m
Side Yard Width (Minimum)		3m and 1 m
Side Yard Width Flanking Road (Minimum)		3 m and building line setback for flanking road
Rear Yard Depth (Minimum)		10 m
Lot Coverage (Maximum)		33%
Height (Maximum)		8 m

\* The minimum building setback shall be 30 m from the centre-lines of Highways 460 and 490, or the building line setback as set out herein or determined by the Town, whichever is greater. Elsewhere, subject to Regulation 41 of Part II, the Town may establish the building line and setback for any street or portion thereof to reflect existing setbacks of nearby buildings and dwellings.

STANDARDS WHERE AGRICULTURE IS A DISCRETIONARY USE	
Lot area per dwelling (Minimum)	5,500 m <sup>2</sup>
Floor area (Minimum) per dwelling	80 m <sup>2</sup>
Frontage per Dwelling (Minimum)	45 m
Building Line Setback (Minimum)	15 m*
Building Line Setback (Maximum)	30 m
Side yard Width (Minimum)	5 m
Side yard Width, Flanking Road (Minimum)	5 m and building line set back for flanking road
Rear yard Depth (Minimum)	30 m
Lot Coverage (Maximum – all Buildings)	30%
Height (Maximum)	8 m

\* The minimum building setback shall be 30 m from the centre-lines of Highways 460 and 490, or the building line setback as set out herein or determined by the Town, whichever is greater. Elsewhere, subject to Regulation 41 of Part II, the Town may establish the building line and setback for any street or portion thereof to reflect existing setbacks of nearby buildings and dwellings.

### CONDITIONS FOR THE COUNTRY LIVING RESIDENTIAL ZONE

#### 1. Municipal Services

Development shall be connected to municipal water and sewer services.

#### 2. Agriculture

No person shall keep more than the equivalent of four animal units in the form of four horses on a property – no other livestock is permitted on a property.

Agricultural use is subject to the approval of the Agrifoods Development Branch.

#### 3. Non-Residential and Discretionary Uses

See also Regulation 38 – Appropriate Residential Uses.

Non-residential and discretionary uses shall be compatible with nearby residential uses, which is to say that they shall not interfere with the use and enjoyment of nearby residential properties by virtue of appearance, noise, odours, traffic or dust.

The standards for non-residential uses shall be as determined by the Town, except that where applicable lot area, frontage, building line setback minimum, building line setback maximum, sideyard, sideyard flanking road, rear yard and lot coverage shall be at least that set out for single dwellings.

**5. Home Business and Home Office**

See Regulations 51 and 52.

**6. Subsidiary Apartment**

See Regulation 71.

**USE ZONE TABLE**

**RESIDENTIAL LOW DENSITY (RLD) ZONE**

<b>ZONE TITLE</b> RESIDENTIAL LOW DENSITY (RLD)	
<b>PERMITTED USE CLASSES</b> - (see Regulation 108) Conservation, Home Office, Recreational Open Space, Single Dwelling, Subsidiary Apartment	
<b>DISCRETIONARY USE CLASSES</b> - (see Regulations 24 and 109) Antenna, Bed and Breakfast and Boarding House, Home Business	
<b>STANDARDS</b>	<b>WHERE PERMITTED</b>
	Single Dwelling
Lot Area per Dwelling (Minimum)	450 m <sup>2</sup>
Floor Area (Minimum) per Dwelling	80 m <sup>2</sup>
Frontage (Minimum) per Dwelling	15 m
Building Line Setback (Minimum)*	8 m
Side Yard Width (Minimum)	3m and 1 m
Side Yard Width Flanking Road (Minimum)	3 m and building line setback for flanking road
Rear Yard Depth (Minimum)	10 m
Lot Coverage (Maximum)	33%
Height (Maximum)	8 m

\* The minimum building setback shall be 30 m from the centre-lines of Highways 460 and 490, or the building line setback as set out herein or determined by the Town, whichever is greater. Elsewhere, subject to Regulation 41 of Part II, the Town may establish the building line and setback for any street or portion thereof to reflect existing setbacks of nearby buildings and dwellings.

## **CONDITIONS**

### **1. Municipal Services**

Development shall be connected to municipal water and sewer services.

### **2. Non-Residential and Discretionary Uses**

See also Regulation 38 – Appropriate Residential Uses.

Non-residential and discretionary uses shall be compatible with nearby residential uses, which is to say that they shall not interfere with the use and enjoyment of nearby residential properties by virtue of appearance, noise, odours, traffic or dust.

The standards for non-residential uses shall be as determined by the Town, except that where applicable lot area, frontage, building line setback minimum, building line setback maximum, sideyard, sideyard flanking road, rear yard and lot coverage shall be at least that set out for single dwellings.

### **3. Home Business and Home Office**

See Regulations 51 and 52.

### **4. Subsidiary Apartment**

See Regulation 71.

**USE ZONE TABLE**

**RESIDENTIAL MEDIUM DENSITY (RMD) ZONE**

<b>ZONE TITLE</b> RESIDENTIAL MEDIUM DENSITY (RMD)						
<b>PERMITTED USE CLASSES - (see Regulation 108)</b>						
Apartment Building, Bed and Breakfast and Boarding House, Child Care, Conservation, Double Dwelling, Home Business, Home Office, Recreational Open Space, Single Dwelling, Subsidiary Apartment						
<b>DISCRETIONARY USE CLASSES - (see Regulations 24 and 109)</b>						
Antenna, Personal Service						
<b>STANDARDS</b>	<b>WHERE PERMITTED</b>					
	Single Dwelling	Double Dwelling	APARTMENT BUILDING			
			1 Bedroom Apt.	2 Bedroom Apt.	3 Bedroom Apt.	4 Bedroom Apt.
Lot area (Minimum) per dwelling or dwelling unit	450 m <sup>2</sup> or 300 m <sup>2</sup> at the discretion of the Town	390 m <sup>2</sup>	200 m <sup>2</sup>	250 m <sup>2</sup>	280 m <sup>2</sup>	300 m <sup>2</sup>
Frontage (Minimum) per dwelling	15 m or 12 m at the discretion of the Town	21 m	30 m			
Building Line Setback (Minimum)	8 m* or 7 m* at the discretion of the Town	8 m *	8 m*			

Side yard Width (Minimum)	3 m and 1 m	3 m & 1 m	5 m
Side yard Width, Flanking Road (Minimum)	3 m and building line setback for flanking road	3 m and building line setback for flanking road	5 m and building line setback for flanking road
Rear yard Depth (Minimum)	10 m or 8 m at the discretion of the Town	10 m	14 m
Height (Maximum)	8 m	8m	10 m
<p>* The minimum building setback shall be 30 m from the centre-lines of Highways 460 and 490, or the building line setback as set out herein or determined by the Town, whichever is greater. Elsewhere, subject to Regulation 41 of Part II, the Town may establish the building line and setback for any street or portion thereof to reflect existing setbacks of nearby buildings and dwellings.</p>			

## CONDITIONS

### 1. Municipal Services

Development shall be connected to municipal water and sewer services.

### 2. Non-Residential and Discretionary Uses

See also Regulation 38 – Appropriate Residential Uses.

Non-residential and discretionary uses shall be compatible with nearby residential uses, which is to say that they shall not interfere with the use and enjoyment of nearby residential properties by virtue of appearance, noise, odours, traffic or dust.

**3. Child Care, Bed and Breakfast and Boarding House Residential Establishments**

Child care, Bed and Breakfast and Boarding House Residential establishments shall conform to all the requirements for a single dwelling. Minimum lot area shall conform to lot area requirements for a single dwelling provided lot area is sufficient to accommodate the building and meet parking requirements.

**4. Home Business and Home Office**

See Regulations 51 and 52.

**5. Subsidiary Apartment**

See Regulation 71.

**USE ZONE TABLE**

**RESIDENTIAL MEDIUM DENSITY 2 (RMD 2) ZONE**

<b>ZONE TITLE</b>		<b>RESIDENTIAL MEDIUM DENSITY 2 (RMD-2)</b>				
<b>PERMITTED USE CLASSES - (see Regulation 108)</b>						
Apartment Building, Bed and Breakfast and Boarding House, Child Care, Conservation, Double Dwelling, Home Business, Home Office, Mini-Home (Condition 5), Mobile Home (Conditions 7,8,9,10) , Recreational Open Space, Single Dwelling, Subsidiary Apartment						
<b>DISCRETIONARY USE CLASSES - (see Regulations 24 and 109)</b>						
Antenna, Convenience Store, Educational, Personal Service, Place of Worship						
<b>STANDARDS</b>		<b>WHERE PERMITTED</b>				
	Single Dwelling	Double Dwelling	<b>APARTMENT BUILDING</b>			
			1 Bedroom Apt.	2 Bedroom Apt.	3 Bedroom Apt.	4 Bedroom Apt.
Lot area (Minimum) per dwelling unit	450 m <sup>2</sup> or 300 m <sup>2</sup> at the discretion of the Town	390 m <sup>2</sup>	200 m <sup>2</sup>	250 m <sup>2</sup>	280 m <sup>2</sup>	300 m <sup>2</sup>
Frontage (Minimum) per dwelling	15 m or 12 m at the discretion of the Town	21 m	30 m			
Building Line Setback (Minimum)	7 m*	7 m *	7 m*			
Side yard Widths (Minimum)	3 m and 1 m	3 m and 1m	5 m			

Side yard Widths, Flanking Road (Minimum)	3 m and building line setback for flanking road	3m and building line setback for flanking road	5 m and building line setback for flanking road
Rear yard Depth (Minimum)	6 m	10 m	14 m
Height (Maximum)	8 m	8m	10 m

**NOTES:**

\* The minimum building setback shall be 30 m from the centre-lines of Highways 460 and 490, or the building line setback as set out herein or determined by the Town, whichever is greater. Elsewhere, subject to Regulation 41 of Part II, the Town may establish the building line and setback for any street or portion thereof to reflect existing setbacks of nearby buildings and dwellings.

**CONDITIONS**

**1. Municipal Services**

Development shall be connected to municipal water and sewer services.

**2. Non-Residential and Discretionary Uses**

See also Regulation 38 – Appropriate Residential Uses.

Non-residential and discretionary uses shall be compatible with nearby residential uses, which is to say that they shall not interfere with the use and enjoyment of nearby residential properties by virtue of appearance, noise, odours, traffic or dust.

**3. Child Care, Bed and Breakfast and Boarding House Residential Establishments**

Child care, Bed and Breakfast and Boarding House Residential establishments shall conform to all the requirements for a single dwelling. Minimum lot area shall conform to lot area requirements for a single dwelling provided lot area is sufficient to accommodate the building and meet parking requirements.

**4. Home Business and Home Office**

See Regulations 51 and 52.

**5. Mini Homes**

Provided the characteristics are substantially the same as a mobile home a mini home can only be located in an approved mobile home park or park or subdivision which meets the criteria for a mobile home park or subdivision.

**6. Mobile Home**

A mobile home can only be located in an approved mobile home park.

**7. Mobile Home Lot Development Standards**

Development of each mobile home lot shall conform to the following standards:

- a) a mobile home lot must be provided with a mobile home stand capable of supporting the maximum anticipated load of the mobile home throughout all seasons of the year without settlement or other movement;
- b) a mobile home stand must be designed to fit the dimensions of the particular mobile home positioned on the mobile home stand and must be paved or provided with some other hard surface;
- c) a mobile home stand shall be required to be supported and secured by foundation walls, piers, posts or other means, carried to a depth sufficient to prevent movement by frost and sufficient to support the anticipated load at such points on its chassis frame as required;
- d) anchors in the form of eyelets embedded in concrete, screw augers or arrow head anchors, or alternative devices acceptable to the Authority must be provided at all corners of the mobile home stand and at additional points where necessary to secure the mobile home against the forces exerted by wind or other naturally occurring forces;
- e) anchors or devices must be connected to each anchor point of the mobile

- home chassis frame by a cable or other device approved by the Authority;
- f) anchors and connections must be made capable of withstanding a tension of at least 2,180 kilograms;
  - g) a mobile home shall be placed on an approved mobile home lot, and in a manner allowing it to be placed and removed from the lot without interfering with other lots;
  - h) mobile homes will be blocked with approved materials so that there will be a minimum clearance of 0.6 metres from the underside of the steel beam frame to the ground, and the maximum clearance will be 1.2 metres from the underside of the frame to the ground; and,
  - i) when a mobile home is in the correct position and secured in place, the open space beneath it will be skirted with minimum 1.25 centimetre plywood or equivalent, secured to a minimum 5 centimetre by 5 centimetre framing on 60 centimetre centres and this skirting must be acceptable to the Authority and have an accessible, removable panel to give access to service connections.

#### **8. Mobile Home Park/Subdivision Development Standards**

- 1) A perimeter buffer of 7.6 metres consisting of natural vegetation shall be maintained along all boundaries of the mobile home park or subdivision. No mobile home or accessory building shall be located within this buffer.
- 2) The maximum density of the mobile home park shall be 16 mobile homes per gross hectare.
- 3) No more than one mobile home shall be placed on each mobile home lot.
- 4) Vacant lots shall be maintained so not to become derelict or otherwise deteriorate.

#### **9. Mobile Home Park or Subdivision Municipal Services**

- 1) A mobile home park or subdivision shall be fully serviced with water and sewer connected to the municipal water and sewer system. The cost of installing water and sewer and connecting them to the municipal water

and sewer system and their ongoing maintenance shall be the responsibility of the developer. Each mobile home shall be serviced with water and sewer.

- 2) The development and maintenance of site facilities including underground services, communal areas and garbage collection are the responsibility of the mobile home park developer and/or operator.

#### **10. Mobile Home Outdoor Living Area**

A mobile home shall have a minimum of 40 square metres for an outdoor living area. This area will be located at the rear or side (or combination of both) of the mobile home. The purpose of the living area is to provide an area for privacy, recreation and amenity.

#### **11. Subsidiary Apartment**

See Regulation 71.

**USE ZONE TABLE**  
**RESIDENTIAL SPECIAL (RSP) ZONE**

ZONE TITLE					RESIDENTIAL SPECIAL (RSP)				
PERMITTED USE CLASSES - (see Regulation 108)									
Apartment Building, Child Care, Double Dwelling, Home Business, Home Office, Recreational Open Space, Row Dwelling, Single Dwelling and Subsidiary Apartment									
DISCRETIONARY USE CLASSES - (see Regulations 24 and 109)									
Antenna, Personal Service									
STANDARDS		WHERE PERMITTED							
		Single Dwelling	Double Dwelling	Row Dwelling	Apartment Building				
Lot area (Minimum) per dwelling unit		450 m <sup>2</sup>	390 m <sup>2</sup> *	240 m <sup>2</sup> *	200 m <sup>2</sup> *				
Floor area (Minimum) per dwelling unit		80 m <sup>2</sup>	80 m <sup>2</sup>	80 m <sup>2</sup>	20 m <sup>2</sup>				
Frontage (Minimum) per dwelling		15 m	21 m	24 m or 6 m per unit whichever is greater	30 m				
Building Line Setback (Minimum)		8 m*	8 m *	8 m *	8 m*				

Side yard Width (Minimum)	3 m and 1 m	3 m and 1m	3 m & 3m	5 m
Side yard Width, Flanking Road (Minimum)	3 m and building line setback for flanking road	3 m and building line setback for flanking road	3 m and building line setback for flanking road	5 m and building line setback for flanking road
Rear yard Depth (Minimum)	10 m	10 m	8 m	14 m
Height (Maximum)	8 m	8m	8 m	10 m
<p>* The minimum building setback shall be 30 m from the centre-lines of Highways 460 and 490, or the building line setback as set out herein or determined by the Town, whichever is greater. Elsewhere, subject to Regulation 41 of Part II, the Town may establish the building line and setback for any street or portion Thereof to reflect existing setbacks of nearby buildings and dwellings.</p>				

**CONDITIONS FOR THE RESIDENTIAL SPECIAL ZONE**

**1. Municipal Services**

Development shall be connected to municipal water and sewer services.

**2. Non-Residential and Discretionary Uses**

See also Regulation 38 – Appropriate Residential Uses.

Non-residential and discretionary uses shall be compatible with nearby residential uses, which is to say that they shall not interfere with the use and

enjoyment of nearby residential properties by virtue of appearance, noise, odours, traffic or dust.

**3. Discretionary Use Classes**

The Discretionary Use Classes listed in the Use Zone Table may be permitted at the discretion of the Town 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.

**4. Home Business and Home Office**

See Regulations 51 and 52.

**5. Lot Area and Yard Reduction Standards**

Lot area, frontage, building line setback, and rear yard depth can be reduced at the discretion of the Town provided that it constitutes infill development. This discretion can only be exercised in accordance with the public notification requirements of Regulation 24.

**6. Subsidiary Apartment**

See Regulation 71.

**USE ZONE TABLE**

**RURAL RESIDENTIAL (RR) ZONE**

<b>ZONE TITLE</b>	<b>RURAL RESIDENTIAL (RR)</b>
<b>PERMITTED USE CLASSES - (see Regulation 108)</b>	
Conservation, Family and Group Care Centre (Conditions 3 and 9), Home Business, Home Office, Mini Home (Conditions 3 and 9), Mobile Home (Conditions 3 and 9), Recreational Open Space, Seasonal Residential, Single Dwelling (Condition 3), Subsidiary Apartment	
<b>DISCRETIONARY USE CLASSES (see Regulations 24 and 109)</b>	
Agriculture, Antenna, Assembly Uses Group (Condition 3), Commercial Residential (Tourist Cabins – Condition 4), Convenience Store, Forestry, General Industry, Mineral Exploration, Mineral Working, Personal Service	

<b>SINGLE DWELLING STANDARDS</b>	<b>Single Dwelling</b>
Lot area (Minimum)	2,500 m <sup>2</sup>
Frontage (Minimum)	30 m
Building line setback (Minimum)	15 m*
Building Line setback (Maximum)	30 m
Sideward width (Minimum)	10 and 5 m
Sideward width Flanking Road (Minimum)	10 m and building line setback for flanking road
Rear yard depth (Minimum)	30 m
Height (Maximum)	8 m

- |   |
|---|
| <p>* The minimum building setback shall be 30 m from the centre-lines of Highways 460 and 490, or the building line setback as set out herein or determined by the Town, whichever is greater. Elsewhere, subject to Regulation 41 of Part II, the Town may establish the building line and setback for any street or portion thereof to reflect existing setbacks of nearby buildings and dwellings.</p> |
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## CONDITIONS

### 1. Municipal Services, Unserviced Lots

Development shall not be connected to municipal water and/or sewer services.

Development on unserviced lots is subject to the requirements set out under the “Private Sewage Disposal and Water Supply Standards”, and/or other applicable requirements of Service NL and the Department of Environment and Conservation.

### 2. Discretionary Use Classes

The Discretionary Use Classes listed in the Use Zone Table may be permitted at the discretion of the Town 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. Residential and Assembly Uses

Residential, including mini homes, mobile homes, and Assembly uses can be permitted only as infilling within areas of existing development and elsewhere within the zone only in accordance with an approved development scheme.

### 4. Commercial – Residential – Tourist Cabins

See Regulation 72.

### 5. Convenience Store

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

- a) The store shall form part of, or be attached to the single dwelling;
- b) The retail use shall be subsidiary to the dwelling and in keeping with the residential character of the area, and shall not adversely affect residential amenities of adjoining properties;
- c) Off-street parking for at least two automobiles shall be provided for customer use or as required for convenience stores in Schedule “D”, whichever is greater;
- d) The maximum floor area of a convenience store shall be 60 m<sup>2</sup> and shall not infringe on the minimum floor area of the dwelling.

## **6. General Assembly Uses**

Where permitted, general assembly uses shall conform with the minimum standards prescribed for single dwellings. The maximum lot coverage shall be 4% and the maximum height shall be 10 m.

## **7. General Industry**

General Industry shall be restricted to development required for the maintenance and repair of equipment, processing, storage, or animal shelter related to agricultural, animal or forestry uses, or the development of such other rural resource based industry as the Town may determine to be compatible with the rural residential environment.

## **8. Mineral Exploration and Mineral Working**

See Regulations 56 and 57.

Mineral working shall be limited to a small scale pit not exceeding 5,000 square metres in area.

## **9. Mini Homes, Mobile Homes and Family and Group Centres**

A mini home use, a mobile home use and a family and group centre use shall conform with the development standards prescribed for single dwellings. A family and group care centre must be approved by the Province before a permit is issued by the Town.

**10. Subsidiary Apartment**

See Regulation 71.

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**USE ZONE TABLE**

**SEASONAL RESIDENTIAL (SR) ZONE**

ZONE TITLE	SEASONAL RESIDENTIAL (SR)
PERMITTED USE CLASSES - (see Regulation 108)	Conservation, Seasonal Residential, Recreational Open Space
DISCRETIONARY USE CLASSES - (see Regulations 24 and 109)	Antenna, Transportation

**CONDITIONS**

**1. Municipal Services, Unserviced Lots**

Development shall not be connected to municipal water and/or sewer services.

Development on unserviced lots is subject to the requirements set out under the “Private Sewage Disposal and Water Supply Standards”, and/or other applicable requirements of Service NL and the Department of Environment and Conservation.

**2. Non-Residential and Discretionary Uses**

Non-residential and discretionary uses shall be compatible with nearby residential uses, which is to say that they shall not interfere with the use and enjoyment of nearby residential properties by virtue of appearance, noise, odours, traffic or dust.

**3. Discretionary Use Classes**

- 1) The Discretionary Use Classes listed in the Use Zone Table may be permitted at the discretion of the Town 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) The Discretionary Use Seasonal Residential class may be permitted only in accordance with an approved development plan for the area.

**4. Transportation**

Transportation Use is limited to uses requiring direct access to a body of water.

**USE ZONE TABLE**

**COMMERCIAL GENERAL (CG) ZONE**

ZONE TITLE	COMMERCIAL GENERAL (CG)
PERMITTED USE CLASSES (see Regulation 108)	
All uses in the Assembly Use Group, Boarding House Residential, all uses in the Business Professional, and Personal Service Uses Group except Taxi Stand and Veterinary, Commercial-Residential, Conservation, all uses in the Mercantile Uses Group, Recreational Open Space, Single Dwelling, Subsidiary Apartment, Transportation, Antenna	
DISCRETIONARY USES (see Regulations 24 and 109)	
Apartment Building, Double Dwelling, Light Industry, Service Station, Taxi Stand and Veterinary.	

**CONDITIONS FOR THE COMMERCIAL GENERAL ZONE**

**1. Development Standards**

(1) Except for Boarding House Residential, Single Dwelling and Subsidiary Apartment and Double Dwelling, the development standards for this zone shall be as follows:

- a) **Minimum Building Line Setback**, Main Street and West Street - As determined by the Town, except for that portion which also runs along Highway 460, in which case the minimum setback be 30 metres from the centre-line of Highway 460.
- b) **Minimum Building Setback** - Highways 460 (Hansen Highway) 490 (Stephenville Crossing access) - 30 metres from the centre-line or 4 metres from the front lot line, whichever is greater.
- c) **Minimum Building Line Setback** - Other Roads - as determined by the Town.
- d) **Minimum Side Yard Width** except where buildings adjoin is 4 metres, and this may be reduced to 1.2 metres at the discretion of the Town.
- e) **Minimum Side Yard Width, Flanking Road** - Same as Building Line Setback
- f) **Minimum Rear yard Depth** 5 metres
- g) **Maximum Height** 15 metres

- (2) The Development Standards for Boarding House Residential, Single Dwelling and Subsidiary Apartment and Double Dwelling shall be that set out for these use classes under the Residential Medium Density (RMD) Zone

**2. Access**

The number of accesses to the street from non-residential uses shall be limited by, and designed to the satisfaction of, the Town, having regard to the safety and efficiency of the street for both vehicles and pedestrians.

**3. Advertisements and Signage - Main Street**

Notwithstanding any other provisions of these Regulations, the Town may in its discretion require that signage along Main Street be in character with or comply with the proposals or requirements contained in any approved design plan or scheme for the area.

**4. Buffer**

Where any proposed non-residential use abuts a residential zone or an existing dwelling unit, the owner of the site of the non-residential development may be required to provide a buffer strip between any non-residential building or activity and the residential zone or dwelling. The buffer shall include the provision of grass strips, hedges, trees or shrubs or structural barrier as may be required by the Town, and shall be maintained by the owner or occupier to the satisfaction of the Town.

**5. Business Improvement Area - Main Street/West Street**

Within the Business Improvement Area along Main Street and adjoining streets, the Town shall review any development proposal, and may, where it deems necessary to enhance the appearance and function of the area, require that such development comply with the design guidelines set out in any approved design plan or scheme for the area.

**6. Commercial Residential – Tourist Cabins**

See Regulation 72.

**7. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at the discretion of the Town 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. In particular, the Town shall be satisfied that a discretionary use:

- a) will not have a negative affect on adjacent residential uses because of noise, smoke, dust, vibrations or unsightly appearance;
- b) will not generate vehicle traffic to a volume that will affect residential amenity; and
- c) will not cause unacceptable nuisance or hazard to adjacent residential uses.

**8. Landscaping and Surfacing**

Non-residential lots shall be landscaped or provided with a stable surface to prevent raising or movement of dust, clay, mud or loose particles.

**9. Municipal Services, Unserviced and Semi-serviced Lots**

Where deemed necessary by the Town development shall be connected to municipal water and sewer services.

Development on unserviced and semi-serviced lots is subject to the requirements set out under the “Private Sewage Disposal and Water Supply Standards”, and/or other applicable requirements of Service NL and the Department of Environment and Conservation.

**10. Open Storage**

The Town may permit open storage of materials and goods, provided the following conditions are met:

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- a) Open storage shall not be located in the front yard or in any required setback or buffer area;
  - b) Open storage shall be enclosed by a wall or fence not less than 2 metres in height constructed of uniform materials approved by the Town; and
  - c) Open storage shall be maintained with a stable surface to prevent raising or movement of dust, clay, mud or loose particles.

**11. Parking and Loading**

Adequate parking, as prescribed in Schedule D, and loading facilities shall be provided on the site of non-residential uses for all employees; vehicles used in or associated with the activity carried out on the site; and for vehicles of customers, clients, or other persons who visit the establishment. This parking and loading area shall be paved.

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**USE ZONE TABLE**  
**INDUSTRIAL GENERAL (IG) ZONE**

ZONE TITLE	INDUSTRIAL GENERAL (IG)
PERMITTED USE CLASSES - (see Regulation 108)	All uses in the Assembly Use group except Educational, All uses in the Business Professional and Personal Service Uses group, Commercial-Residential (Condition 3), Conservation, General Industry, Light Industry, all uses in the Mercantile Uses group, Recreational Open Space, Service Station, Transportation, and Antenna.
DISCRETIONARY USE CLASSES - (see Regulations 24 and 109)	Hazardous Industry, Mineral Exploration, Mineral Working, Scrap Yard,

**1. Development Standards**

The development standards for this zone shall be as set out below.

- a) **Minimum Building Line Setback** – Except where there is frontage on a Provincial Highway the minimum building line setback shall be 10 metres. Where there is frontage on a Provincial Highway the minimum building line setback shall be the greater of 10 metres or 30 metres from the centre-lines of Highways 460 and 490.
- b) **Minimum Sideyard Width** – 5 metres.
- c) **Minimum Sideyard Width Flanking Road** – Same as Minimum Building Line Setback under Clause 1. a)
- d) **Minimum Frontage** – 15 metres except for arterial and major roads, in which case the minimum frontage is 30 metres.
- e) **Minimum Rear yard Depth** – 15 metres.
- f) **Maximum Height** – 15 metres.

**2. Commercial – Residential – Tourist Cabins**

Tourist cabins of this Use Class (Schedule B) are not permitted in this Zone.

**3. General Service**

The General Service Use Class of the Business Professional Uses Group is limited to dry-cleaning and small tool and appliance repair uses.

**4. Hazardous Industry – Storage of Flammable Liquids**

See also Schedule B.

All uses and structures for the on-site storage of flammable liquids shall conform to the requirements of the Provincial Fire Commissioner and shall be surrounded by such buffers and landscaping as the Town and other appropriate agencies may require in order to prevent damage to adjacent uses by fire, explosion or spillage of flammable materials.

**5. Landscaping and Surfacing**

Non-residential lots shall be landscaped or provided with a stable surface to prevent raising or movement of dust, clay, mud or loose particles.

**6. Mineral Exploration and Mineral Working**

See Regulations 56 and 57.

**7. Municipal Services**

Where deemed necessary by the Town, development shall be connected to municipal water and sewer services.

**8. Open Storage**

The Town can permit open storage of materials and goods, provided the following conditions are met:

- a) Open storage shall not be located in the front yard or in any required setback or buffer area;
- b) Open storage shall be enclosed by a wall or fence not less than 2 metres in height constructed of uniform materials approved by the Town; and
- c) Open storage shall be maintained with a stable surface to prevent raising or movement of dust, clay, mud or loose particles.

**9. Parking and Loading**

Adequate parking, as prescribed in Schedule D, and loading facilities shall be provided on the site of non-residential uses for all employees; vehicles used in or associated with the activity carried out on the site; and for vehicles of customers, clients, or other persons who visit the establishment. This parking and loading area shall be paved.

**10. Scrap Yard**

See Regulation 65.

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**USE ZONE TABLE**  
**AIRPORT (AP) ZONE**

ZONE TITLE	AIRPORT (AP)
PERMITTED USE CLASSES - (see Regulation 108)	All uses in the Assembly Use group, all uses in the Business Professional and Personal Service Uses group, Commercial-Residential (Condition 3), Conservation, General Industry, Light Industry, all uses in the Mercantile Uses group, Recreational Open Space, Service Station, Transportation, and Antenna
DISCRETIONARY USE CLASSES - (see Regulations 24 and 109)	Hazardous Industry, Scrap Yard

**1. General Development Requirements**

Whether or not the development falls within the permitted use class or the discretionary use class, all development within this Zone shall be approved by the Stephenville Airport Authority along with the Town and other appropriate agencies before a permit is issued by the Town.

**2. Development Standards**

Development Standards shall be as determined by the Stephenville Airport Authority along with the Town and other appropriate agencies. However, where there is frontage on a Provincial Highway the minimum building line setback shall be the greater of 10 metres or 30 metres from the centre-lines of Highways 460 and 490.

**3. Commercial Residential – Tourist Cabins**

Tourist Cabins of the Commercial Residential Use Class are not permitted.

**4. Hazardous Industry – Storage of Flammable Liquids**

See also Schedule B.

All uses and structures for the on-site storage of flammable liquids shall conform to the requirements of the Provincial Fire Commissioner and shall be surrounded by such buffers and landscaping as the Town and other appropriate agencies may require in order to prevent damage to adjacent uses by fire, explosion or spillage of flammable materials.

**5. Municipal Services**

Development shall be connected to municipal water and sewer services.

**6. Scrap Yard**

See Regulation 65.

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**USE ZONE TABLE**

**PUBLIC (PU) ZONE**

ZONE TITLE	PUBLIC (PU)
PERMITTED USE CLASSES - (see Regulation 108)	Apartment Building, Assembly Uses Group (except Catering and Amusement classes), Cemetery, Commercial Residential, Communications, Cultural and Civic, Educational, Funeral Home, General Assembly, Institutional Uses Group classes, Medical and Professional, Office including Drug Dispensary, Personal Service, Conservation and Recreational Open Space
DISCRETIONARY USE CLASSES (see Regulations 24 and 109)	Antenna, Catering

**CONDITIONS**

**1. Development Standards**

The development standards for this zone shall be as set out below.

- a) **Minimum Building Line Setback** – Except where there is frontage on a Provincial Highway the minimum building line setback shall be 10 metres. Where there is frontage on a Provincial Highway the minimum building line setback shall be the greater of 10 metres or 30 metres from the centre-lines of Highways 460 and 490.
- b) **Minimum Sideyard Width Minor** – 2 metres.
- c) **Minimum Sideyard Width Major** – 5 metres.
- d) **Minimum Sideyard Width Flanking Road** – Same as Minimum Building Line Setback under Clause 1. a)
- e) **Minimum Rear yard Depth** – 15 metres.

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- f) **Maximum Height** – 15 metres, except that the Town may permit a height greater than 15 metres if the building line setback is increased by 2 metres for every 1 metre increase in height, and, minimum rear yard depth is not less than the greater of 15 metres or the building line setback set out under this clause.

**2. Cemetery**

Except in respect of building line setback, cemeteries are not subject to Condition 1 of this Zone. On the Land Use Zoning Maps cemeteries are identified by a cross symbol.

**3. Municipal Services, Unserviced and Semi-serviced Lots**

Where deemed necessary by the Town development shall be connected to municipal water and sewer services.

Development on unserviced and semi-serviced lots is subject to the requirements set out under the “Private Sewage Disposal and Water Supply Standards”, and/or other applicable requirements of Service NL and the Department of Environment and Conservation.

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**USE ZONE TABLE**

**OPEN SPACE RECREATION (OSR) ZONE**

ZONE TITLE	OPEN SPACE RECREATION (OSR)
PERMITTED USE CLASSES - (see Regulation 108)	Conservation, Outdoor Assembly, Recreational Open Space
DISCRETIONARY USE CLASSES - (see Regulations 24 and 109)	Antenna, Indoor Assembly

**CONDITIONS**

**1. Recreational Open Space Access and Frontage**

Recreational open space (playgrounds, trails, etc.) may be developed on back land but shall have at least one 5 metre wide vehicular access to a publicly owned and maintained street.

**2. Building Line and Setback and Other Standards**

Except where there is frontage on a Provincial Highway the minimum building setback shall be determined by the Town.

Where there is frontage on a Provincial Highway the minimum setback shall be the greater of 10 metres, or 30 metres from the centre-lines of Highways 460 and 490.

Other standards shall be as determined by the Town.

**3. Indoor Assembly**

The development shall be directly accessible from a collector or arterial street and/or by such other means as will not be disruptive to a residential neighbourhood.

**4. Municipal Services, Unserviced and Semi-serviced Lots**

Where deemed necessary by the Town development shall be connected to municipal water and sewer services.

Development on unserviced and semi-serviced lots is subject to the requirements set out under the “Private Sewage Disposal and Water Supply Standards”, and/or other applicable requirements of Service NL and the Department of Environment and Conservation.

**5. Outdoor Assembly**

Outdoor assembly development intended for community-wide or regional use shall provide parking deemed sufficient by the Town to accommodate the estimated parking demand generated by the average weekly peak hour of use.

The development shall be directly accessible from a non-residential street.

**USE ZONE TABLE**

**ENVIRONMENTAL PROTECTION (EP) ZONE**

ZONE TITLE	ENVIRONMENTAL PROTECTION (EP)
PERMITTED USE CLASSES - (see Regulation 108)	
Conservation, Recreational Open Space	
DISCRETIONARY USE CLASSES - (see Regulations 24 and 109)	
Agriculture, Antenna, Transportation	

**CONDITIONS**

**1. General**

Development in this zone shall be subject to the requirements set out by the Town and other relevant agencies in order to ensure that such development does not have a negative effect on waterways and wetlands and other features of the environment.

**2. Transportation**

Transportation uses are limited to wharves and docks and other marine related uses.

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**USE ZONE TABLE**

**DESIGNATED FLOODWAY (DF), FLOODWAY FRINGE (FF), CLIMATE  
CHANGE FLOOD (CF) ZONES**

All development within the Designated Floodway, Floodway Fringe, and Climate Change Flood Zones is subject to Schedule E of these Regulations – Policy for Flood Plain Management, Policy Directive 96-1 as amended, Water Resources Management Division, the Department of Environment and Conservation, the Town and other appropriate agencies.

Before issuing a permit, issuing a permit subject to conditions or refusing to issue a permit the Town shall consider the permitted and discretionary uses and conditions of the adjacent zoning under Schedule C together with the applicable requirements of Schedule E.

The Designated Floodway Zone is the same as the “Floodway” as defined under Policy Directive 96-1 as set out under Schedule E.

Compatibility of Development

To ensure that along with fulfilling provincial policies in respect of development in flood risk areas while at the same ensuring that development is compatible with and/or similar to nearby development, the Town in its sole discretion may refuse to issue a permit for a development which is not compatible with existing or proposed development in an abutting zone.

Disclaimer

*The official Flood Risk mapping as derived from the latest flood risk mapping provided by the Department of Environment and Conservation on its website as of July 25, 2014 for the Town of Stephenville and its Planning Area has been integrated into the Future Land Use and Land Use Zoning maps. Some minor line consolidation was done to allow for practical interpretation of the data. However, where land use decisions are required in the areas covered by these maps with the official Flood Risk mapping, it is incumbent upon the users that the original flood risk data as provided by the Department of Environment and Conservation be the ultimate reference document.*

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**USE ZONE TABLE**

**RURAL (RU) ZONE**

ZONE TITLE	RURAL (RU)
PERMITTED USE CLASSES - (see Regulation 108)	Agriculture, Animal, Campground, Cemetery, Conservation, Forestry, General Industry, Home Business, Home Office, Mineral Exploration, Mineral Working, Outdoor Market, Recreational Open Space, Scrapyard, Seasonal Residential, Single Dwelling, Solid Waste, Veterinary
DISCRETIONARY USE CLASSES - (see Regulations 24 and 109)	Antenna, Transportation, Utilities

**CONDITIONS**

**1. Development Standards and Approvals**

Development standards in this zone will be determined by the Town, Service NL and other departments.

All development in this zone shall be approved by the Service NL, Department of Environment and Conservation, Forestry and Agrifoods Agency, the Department of Natural Resources, and other agencies or departments as required, before a permit is issued by the Town.

**2. Campground**

A campground is restricted to a wilderness campground as set out Schedule A – Definitions – Campground.

**3. General Industry**

1) General industry shall be restricted to the maintenance and repair of

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equipment, processing and storage related to agriculture, forestry or mineral working uses, or to those unsuitable to sites adjacent to urban uses. Examples of the latter are industrial uses involving hazardous substances such as bulk fuel storage or industrial uses featuring outdoor storage of machinery and equipment and other items.

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

**4. Mineral Exploration and Mineral Working**

See Regulations 56 and 57.

**5. Municipal Services, Unserviced Lots**

Development shall not be connected to municipal water and sewer services in this Zone.

Development on unserviced lots is subject to the requirements set out under the “Private Sewage Disposal and Water Supply Standards”, and/or other applicable requirements of Service NL and the Department of Environment and Conservation.

**6. Productive Forest**

On lands deemed Productive Forest the Town shall consult with the Forestry and Agrifoods Agency before approving any development. In areas identified as Productive Forest, uses shall be restricted to forestry and forestry related industrial uses.

**7. Scrap Yard and Solid Waste**

See Regulation 65.

**8. Seasonal Residential/Remote Cottage**

A seasonal residential/remote cottage use shall only be permitted if it does not have frontage on a publicly owned and maintained road and is only accessed by

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snowmobiles and all-terrain vehicles in the winter months..

**9. Single Dwelling**

A single dwelling is only allowed in this Zone if it is accessory to a use falling within the agriculture, forestry, mineral working use or scrapyards classes after two years of operation.

**10. Transportation Use**

A transportation use is limited to wharves and docks and a tourism related transportation use such as a float-plane operation together with associated or accessory uses.

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**USE ZONE TABLE**

**WELLHEAD PROTECTED WATER SUPPLY AREA KIPPENS (WPWSA-K) ZONE**

<b>ZONE TITLE</b> WELLHEAD PROTECTED WATER SUPPLY AREA KIPPENS (WPWSA - K)
<b>PERMITTED USE CLASSES</b> (see Regulation 108)  Conservation
<b>DISCRETIONARY USE CLASSES</b> (see Regulations 24 and 109)  Antenna, Mineral Exploration, Recreational Open Space, Utilities

**CONDITIONS**

**1. General Conditions and Referrals**

In addition to any other approvals or requirements by the Town, all development in this zone shall be subject to the approval of the Minister of Environment and Conservation.

Development which pertains to that part of the WPWSA-K Zone that protects the Town of Kippens water supply shall also be submitted to the Town of Kippens for approval prior to the issuance of a permit.

Conditions 1, 2, 3, 4, and 5 are based upon Department of Environment and Conservation Policy Directive W.R. 95-01 - Water Resources Division as modified.

**2. Activities Not Permitted**

The following activities shall not be permitted in this zone:

- a) placing, depositing or discharging or permitting the placing, depositing or discharging into a body of water any sewage, refuse, chemicals, municipal and industrial wastes or any other material which impairs or

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- has potential to impair water quality;
- b) using a waterway or wetland or specified buffer zones for any activity detrimental to water quality, and not permitted in the Environment Act;
  - c) using ice covered water body for transporting logs or wood, riding skidoos/motor vehicles/all terrain vehicles, leading of animals, or any other activity, including littering, which impairs or has potential to impair water quality;
  - d) using or operating existing facilities in such a manner that impairs or has potential to impair water quality;
  - e) storage and disposal of pesticides and manure, application of manure and chemicals in specified buffer zones, extensive land clearing, and peat land drainage without adequate treatment.
  - f) application of herbicides in the right-of-way, and use of chemically treated utility poles and other related structures; and,
  - g) any other storage or disposal facilities that the Minister of Environment and Conservation considers environmentally unacceptable.

### **3. Activities Regulated**

Subject to the other provisions of these Regulations, in this zone no person shall undertake any of the following activities without obtaining prior written approval from the Minister of Environment and Conservation and a permit from the Town:

- a) expansion and upgrading of the existing activities, operations or facilities;
- b) land clearing or drainage, construction of access roads, servicing of lands for subsequent use, or extension and upgrading of existing buildings or facilities;
- c) installation of storm or sanitary sewer pipelines, pipelines for transmission of water for hydroelectric generation, agriculture uses, or any other purposes;
- d) construction of roads, bridges, culverts, and other stream crossings, and

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installation of power and telecommunication transmission lines;

- e) modification to intake structures, pump house, reservoir; and
- f) any other development or activity which, in the opinion of the Minister of Environment and Conservation, has caused impairment or has potential to impair water quality.

#### **4. Approval Process**

- (1) The proponent shall submit a detailed development plan along with maps, drawings and specifications and other information as required by the Town and the Minister of Environment and Conservation for approval.
- (2) The Minister of Environment and Conservation may, on the recommendation of his/her officials, issue a certificate of approval for the proposed development on such terms and conditions as the Minister considers necessary to protect water quality.
- (3) The proponent shall obtain separate approvals from the Minister and Conservation for all permanent or temporary stream crossings or for alteration to bodies of water that may be necessary to carry out the approved development.
- (4) The proponent shall also obtain licences, permits or approvals under other Acts and Regulations, including the Development Regulations as required prior to commencing the approved work.
- (5) The proponent of the approved development shall notify the Town by providing a copy of the approval issued under this policy before commencing the work.
- (6) The proponent shall maintain adequate liaison and consultation with the person or authority responsible for the operation and maintenance of the waterworks during the implementation and operation of the approved work.
- (7) The Minister of Environment and Conservation may require the inspection of the approved development from time to time by his/her officials to ensure that the development is carried out in an environmentally

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acceptable manner and the proponent is complying with the terms and conditions of the approval.

- (8) The Minister of Environment and Conservation may require a proponent to monitor water quality according to a monitoring program approved by the Minister in order to evaluate the impact of the approved development on public water supply.

**5. Well Head**

No development or other activity shall be permitted within 200 metres of the well head except for maintenance and operation of the water supply system.

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**USE ZONE TABLE**

**WELLHEAD PROTECTED WATER SUPPLY AREA STEPHENVILLE (WPWSA-S)  
ZONE**

<b>ZONE TITLE</b> WELLHEAD PROTECTED WATER SUPPLY AREA STEPHENVILLE (WPWSA-S)
<b>PERMITTED USE CLASSES</b> (see Regulation 108)  Conservation
<b>DISCRETIONARY USE CLASSES</b> (see Regulations 24 and 109)  Antenna, Mineral Exploration, Recreational Open Space, Utilities

**CONDITIONS**

**1. General Conditions and Referrals**

In addition to any other approvals or requirements by the Town, all development in this zone shall be subject to the approval of the Minister of Environment and Conservation.

Conditions 1, 2, 3, 4, and 5 are based upon Department of Environment and Conservation Policy Directive W.R. 95-01 - Water Resources Division as modified.

**2. Activities Not Permitted**

The following activities shall not be permitted in this zone:

- a) placing, depositing or discharging or permitting the placing, depositing or discharging into a body of water any sewage, refuse, chemicals, municipal and industrial wastes or any other material which impairs or has potential to impair water quality;

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- b) using a waterway or wetland or specified buffer zones for any activity detrimental to water quality, and not permitted in the Environment Act;
  - c) using ice covered water body for transporting logs or wood, riding skidoos/motor vehicles/all terrain vehicles, leading of animals, or any other activity, including littering, which impairs or has potential to impair water quality;
  - d) using or operating existing facilities in such a manner that impairs or has potential to impair water quality;
  - e) storage and disposal of pesticides and manure, application of manure and chemicals in specified buffer zones, extensive land clearing, and peat land drainage without adequate treatment.
  - f) application of herbicides in the right-of-way, and use of chemically treated utility poles and other related structures; and,
  - g) any other storage or disposal facilities that the Minister of Environment and Conservation considers environmentally unacceptable.

### **3. Activities Regulated**

Subject to the other provisions of these Regulations, in this zone no person shall undertake any of the following activities without obtaining prior written approval from the Minister of Environment and Conservation and a permit from the Town:

- a) expansion and upgrading of the existing activities, operations or facilities;
- b) land clearing or drainage, construction of access roads, servicing of lands for subsequent use, or extension and upgrading of existing buildings or facilities;
- c) installation of storm or sanitary sewer pipelines, pipelines for transmission of water for hydroelectric generation, agriculture uses, or any other purposes;
- d) construction of roads, bridges, culverts, and other stream crossings, and installation of power and telecommunication transmission lines;

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- e) modification to intake structures, pump house, reservoir; and
  - f) any other development or activity which, in the opinion of the Minister of Environment and Conservation, has caused impairment or has potential to impair water quality.

#### **4. Approval Process**

- (1) The proponent shall submit a detailed development plan along with maps, drawings and specifications and other information as required by the Town and the Minister of Environment and Conservation for approval.
- (2) The Minister of Environment and Conservation may, on the recommendation of his/her officials, issue a certificate of approval for the proposed development on such terms and conditions as the Minister considers necessary to protect water quality.
- (3) The proponent shall obtain separate approvals from the Minister and Conservation for all permanent or temporary stream crossings or for alteration to bodies of water that may be necessary to carry out the approved development.
- (4) The proponent shall also obtain licences, permits or approvals under other Acts and Regulations, including the Development Regulations as required prior to commencing the approved work.
- (5) The proponent of the approved development shall notify the Town by providing a copy of the approval issued under this policy before commencing the work.
- (6) The proponent shall maintain adequate liaison and consultation with the person or authority responsible for the operation and maintenance of the waterworks during the implementation and operation of the approved work.
- (7) The Minister of Environment and Conservation may require the inspection of the approved development from time to time by his/her officials to ensure that the development is carried out in an environmentally acceptable manner and the proponent is complying with the terms and conditions of the approval.

- (8) The Minister of Environment and Conservation may require a proponent to monitor water quality according to a monitoring program approved by the Minister in order to evaluate the impact of the approved development on public water supply.

**5. Well Head**

No development or other activity shall be permitted within 200 metres of the well head except for maintenance and operation of the water supply system.

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**USE ZONE TABLE**

**COMPREHENSIVE DEVELOPMENT AREA RESIDENTIAL (CDA-R) ZONE**

ZONE TITLE
COMPREHENSIVE DEVELOPMENT AREA RESIDENTIAL (CDA-R)
PERMITTED USE CLASSES - (see Regulation 108)
Conservation, Recreational Open Space
DISCRETIONARY USE CLASSES - (see Regulations 24 and 109)
Agriculture, Forestry

**CONDITIONS**

**Municipal Services**

Development in this Zone shall be connected to the Town's municipal water and sewer system.

**Agriculture and Forestry**

Agricultural and forestry uses must be relatively low impact and compatible with neighbouring residential uses.

**Comprehensive Development Area Plan and Rezoning**

In accordance with Section 3.1 of the Municipal Plan Areas zoned Comprehensive Development Area Residential (CDA-R) under these Regulations are set aside for future planned residential development as set out in a Comprehensive Development Area Plan (Section 2.1.5 of the Municipal Plan).

The approval of the Comprehensive Development Area Plan will not constitute an Approval in Principle under the Town's Development Regulations. However, if the Town and the relevant agencies are satisfied with the plan, the developer

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can then apply for a rezoning and followed by an application for subdivision approval and/or approval in principle and development permits.

The Comprehensive Development Area Plan shall be prepared by a competent professional, such as a professional engineer, town planner, landscape architect and/or other such qualified person and shall include:

- Roads and Services
- Land Use
- General lot layout
- Historic Resources and Trails
- Waterways and Wetlands
- Public Consultation and consultation with affected property owners
- Other matters deemed necessary by the Town.

Once the Town has approved a Comprehensive Development Area Plan then the area may be rezoned to accommodate residential compatible types of development as set out in the Municipal Plan.

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**USE ZONE TABLE**

**COMPREHENSIVE DEVELOPMENT AREA COMMUNITY SERVICES (CDA-CS)**

**ZONE**

ZONE TITLE COMPREHENSIVE DEVELOPMENT AREA COMMUNITY SERVICES (CDA - CS)
PERMITTED USE CLASSES - (see Regulation 108) Conservation, Recreational Open Space

**CONDITIONS**

**Municipal Services**

Development in this Zone shall be connected to the Town's municipal water and sewer system where deemed necessary by the Town.

**Comprehensive Development Area Plan and Rezoning**

In accordance with Section 3.2 of the Municipal Plan Areas zoned Comprehensive Development Area Community Services (CDA-CS) under these Regulations are set aside for future planned community services types of uses as set out in a Comprehensive Development Area Plan (Section 2.1.5 of the Municipal Plan).

The approval of the Comprehensive Development Area Plan will not constitute an Approval in Principle under the Town's Development Regulations. However, if the Town and the relevant agencies are satisfied with the plan, the developer can then apply for a rezoning and followed by an application for subdivision approval and/or approval in principle and development permits.

The Comprehensive Development Area Plan shall be prepared by a competent professional, such as a professional engineer, town planner, landscape architect and/or other such qualified person and shall include:

- Roads and Services
- Land Use
- General Lot layout
- Historic Resources and Trails
- Waterways and Wetlands
- Public Consultation and consultation with affected property owners
- Other matters deemed necessary by the Town.

## **SCHEDULE D - OFFSTREET LOADING AND PARKING REQUIREMENTS**

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

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

### **2. Parking Area Standards**

- (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) Each parking space, except in the case of single or double dwellings, shall be made accessible by means of a hard surfaced right-of-way at least 3 m in width. Parking required in a Residential Zone shall be provided on the same lot as the dwelling or dwellings. Parking space for apartments shall be provided in the rear yard where possible. In a Non-Residential Zone, parking spaces shall be provided within the limits of the zone in which the use is situated and not more than 200 m distant from the use concerned.
- (3) The parking facilities required by this Regulation shall, except in the case of single or attached dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.

- (4) Where, in these Regulations, parking facilities for more than four vehicles are required or permitted, with parking perpendicular to the curb the minimum dimensions shall be as follows:
- |  |              |
|--|--------------|
| (a) parking stall width                                | 2.75 metres  |
| (b) parking stall length or depth                      | 5.80 metres  |
| (c) aisle width, parking stalls across from each other | 7.30 metres  |
| (d) aisle width, other obstruction                     | 7.30 metres  |
| (e) driveway width                                     | 7.00 metres. |

Where the parking stall is horizontal to the curb, the minimum length of the stall shall be 7.00 metres, and the minimum aisle width (if applicable) shall be at least 4 metres, more if deemed necessary by the Town. However, for any other parking lot configuration, the requirements shall as be as specified by the Town, but in no instance shall the requirements be less than that specified for perpendicular parking spaces.

- (5) Other requirements for parking areas are as follows:
- (a) the parking area shall be constructed and maintained to the specifications of the Town;
  - (b) the lights used for illumination of the parking area shall be so arranged as to divert the light away from adjacent development;
  - (c) a structure, not more than 3 m in height and more than 5 m<sup>2</sup> in area may be erected in the parking area for the use of attendants in the area;
  - (d) 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;
  - (e) no part of any off-street parking area shall be closer than 1.5 m to the front lot line in any zone;
  - (f) access to parking areas in non-residential zones shall not be by way of residential zones;
  - (g) 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;
  - (h) where, in the opinion of the Town, strict application of the above parking requirements is impractical or undesirable, the Town 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 Town for the provision and upkeep of alternative parking facilities within the general vicinity of the development.

### 3. Parking Requirements

- (1) The off-street parking requirements for any building, structure or use of occupancy under the various use classes set out in Schedule B shall be as set out in the following table, except as otherwise set out in Schedule C or determined by the Town provided that the Town is satisfied that the revised requirement is necessary for the proper development of the property and that the revised requirement will not have a negative effect on nearby properties and traffic flow and safety.
- (2) In the case of developments including uses in more than one class, these standards shall be regarded as cumulative.
- (3) Adequate off-street provision for drop-off and pick-up of persons shall be provided in developments where required, such as uses within the education, passenger assembly, child care, medical treatment and special care, commercial-residential and take-out food service classes.

<b>CLASS</b>	<b>MINIMUM OFF-STREET PARKING REQUIREMENT</b>
Theatre	One space for every 5 seats.
Cultural and Civic	One space for every 50 square metres of gross floor areas.
General Assembly	One space for every 10 square metres of gross floor area.
Educational	Schools - 2 spaces for every classroom. Further education - 1 space for every 5 persons using the facilities (students, faculty and staff).
Place of Worship	One space for every 5 seats.
Passenger Assembly	As specified by the Town.
Club and Lodge	One space for every 3 persons that may be accommodated at one time or as otherwise specified by the Town
Catering	One space for every 3 customers that may be accommodated at one time.

Funeral Home	One space for every 10 square metres of gross floor area.
Child Care	One space for every 20 square metres of gross floor area
Amusement	One space for every 10 square metres of gross floor area.
Outdoor Assembly	As specified by the Town
Campground	As specified by the Town.
Penal and Correctional Detention	As specified by the Town.
Medical Treatment and Special Care	Once space per 20 square metres of suite or ward area
Family and Group Care Centre	As determined by the Town
Single Dwelling	Two spaces for every dwelling unit.
Double Dwelling	Two spaces for every dwelling unit.
Row Dwelling	Two spaces for every dwelling unit.
Apartment Building	Three spaces for every two dwelling units.
Collective Residential	As specified by the Town.
Boarding House Residential and/or Bed and Breakfast	As specified by the Town.
Commercial Residential	One space for every guest room.
Seasonal Residential	One space per dwelling unit.
Mobile Homes	Two spaces for every dwelling unit.
Office	One space for every 20 m <sup>2</sup> of gross floor area.
Medical and Professional	One space for every 20 m <sup>2</sup> of gross floor area.
Personal Service	One space for every 20 m <sup>2</sup> of gross floor area.
General Service	One space for every 20 m <sup>2</sup> of gross floor area.
Communications	As specified by the Town.
Police Station	As specified by the Town.
Taxi Stand	As specified by the Town.
Take-out Food Service	One space for every 20 m <sup>2</sup> of gross floor area.
Veterinary	One space for every 20 m <sup>2</sup> of gross floor area.
Shopping Centre	One space for every 15 m <sup>2</sup> of gross floor area.
Shop	One space for every 20 m <sup>2</sup> of gross floor area.
Indoor Market	As specified by the Town.
Outdoor Market	As specified by the Town.
Convenience Store	One space for every 20 m <sup>2</sup> of gross floor area.
Hazardous Industry	As specified by the Town, but not less than one space per

	100 m <sup>2</sup> of gross floor area or 10 parking spaces, whichever is greater.
General Industry	As specified by the Town, but not less than one space per 100 m <sup>2</sup> of gross floor area or 10 parking spaces, whichever is greater.
Service Station	One space for every 20 m <sup>2</sup> of gross floor area.
Light Industry	As specified by the Town, but not less than one space per 50 m <sup>2</sup> of gross floor area or 5 parking spaces, whichever is greater.
Agriculture	Not specified.
Forestry	Not specified.
Mineral Working	Not specified.
Mining	Not specified.
Recreational Open Space	Not specified.
Conservation	Not specified.
Cemetery	Not specified.
Scrap Yard	Not specified.
Solid Waste	Not specified.
Animal	Not specified.
Antenna	Not specified.
Transportation	As determined by the Town, taking into consideration associated uses, such as boat repairs, and other facilities and services.

## SCHEDULE E

### POLICY FOR FLOOD PLAIN MANAGEMENT

#### Policy for Flood Plain Management

##### POLICY DIRECTIVE

Division:	Water Resources Management	P.D.	W.R. 96-1
Prepared By:	Amir Ali Khan, P. Eng	Issue Date:	May 13, 1996
Approved By:	Haseen Khan	Director Re-Issue Date:	March 19, 2014
Approved By:	Martin Goebel	ADM Review Date:	
Authorized By:	Jamie Chippett	DM Superseded:	
	Joan Shea	Minister Cancelled:	

#### Subject:

Flood Plain Management

#### 1.0 INTRODUCTION

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

#### 2.0 OBJECTIVES

- to prevent loss of human life and avoid personal hardships,
- to minimize flood damage to properties, infrastructure and the environment,
- to restrict activities which would degrade water resources,

- to maintain the natural capability of waterways to convey flood flows,
- to minimize disruption of transportation, social and business activity, and,
- to minimize costs to the taxpayers of Newfoundland and Labrador.

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

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

### **3.0 BACKGROUND**

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

Under the Canada - Newfoundland Flood Damage Reduction Program, both governments agreed that public funds would not be used or provided for development projects in flood risk areas. To identify these areas, hydrotechnical studies were carried out for 37 communities in the province. Without exception, the main recommendation in each study was that the implementation of proper flood plain management policies would minimize flood risk.

### **4.0 LEGISLATION**

*Water Resources Act*, SNL 2002 cW-4.01, ("the Act") sections 30, 32, 33, 34, 35, 48, 64 and 90, the *Lands Act* SNL1991 CHAPTER 36 Section 7.

## 5.0 DEFINITIONS

Body of Water	(Statutory definition from the Act) "body of water" means a surface or subterranean source of fresh or salt water within the jurisdiction of the province, whether that source usually contains liquid or frozen water or not, and includes water above the bed of the sea that is within the jurisdiction of the province, a river, stream, brook, creek, watercourse, lake, pond, spring, lagoon, ravine, gully, canal, wetland and other flowing or standing water and the land usually or at any time occupied by that body of water;
Flood Plain	An area adjacent to a lake, river, seashore etc. which is inundated or covered with water on average at least once in 100 years. Note that a flood plain is considered to be an integral part of a body of water as defined above because it includes "the land usually or at a time occupied by that body of water" and "whether that source usually contains water or not".
Designated Area	A specific flood plain in a community for which a hydrotechnical study has determined the extent of flooding and for which flood risk maps are available. The designation is in accordance with the Canada - Newfoundland Flood Damage Reduction Program Agreements.
Floodway	The portion of a flood plain where the most frequent flooding occurs and where the flow of water is fastest. This area is determined on the basis of the 1 in 20 year (1:20) return period flood.
Floodway Fringe	The portion of a flood plain where less frequent flooding occurs and where the flow of water is considered to be tranquil. This area is where flooding occurs up to 1 in 100 years (1:100) on average.
Climate Change Flood Zone	Based on extension of the floodway fringe, this is the area which is likely to be impacted due to the latest forecasted affects of climate change.
Other Flood Risk Area	An area where flooding is known or has some probability to occur due to unique or unusual circumstances such as areas subject to shoreline recession, areas downstream of dams or areas adjacent to watercourses potentially prone to ice jams.
Flood Control	An area that is subject to periodic flooding which has been designated

Area	(by the Department) a control area in order to reduce the risks to public health and safety and property damages. This area shall normally be treated as a floodway zone (1:20), unless otherwise determined by the Department.
Buffer Zone	A zone of land that is in its natural state and that is intended to separate developed areas from bodies of water to provide basic protection of water resources. This zone may coincide with a Crown land reservation of a shoreline as prescribed by Section 7(1) of the <i>Lands Act</i> . In the absence of specific setback requirements (depending on the activity) the buffer is taken to be 15 metres measured from the high water mark which in turn is understood to be the 1 in 100 year (1:100) high water mark or the Climate Change Flood Zone, where they have been identified.
Coastal Area	The interface or transition area where the land meets the sea/ocean or large inland lakes. The coastal area can be flooded due to storm surges, high tides or waves, erosion, rising sea level, or reclaimed land.

## 6.0 POLICIES

### 6.01 Development Requires Written Approval

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

### 6.02 Project Categories

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

1. **Temporary alterations** in a buffer zone, a climate change flood zone, a designated floodway fringe, a flood plain, a designated floodway, and lastly, the body of water itself.

2. **Non-structural uses** such as open space recreation, pasture, and wildlife habitat enhancement.
3. **Structures related to use of water resources** such as wharves, slipways, boathouses, pumping stations, storm or sewerage discharges.
4. **Minor structural or other projects** where only soil disturbance is involved such as constructed trails, pipelines, transmissions lines, roads, etc., assuming there will be no change in the grade of the land.
5. **Other structures not used primarily for residential**, commercial, industrial or institutional purposes where there will be a change in grade but not a building.
6. **Industrial uses related to the marine shipping** or fishing industries.
7. **Other industrial and commercial** development.
8. **Institutional** developments such as hospitals, senior citizens homes, homes for special care or schools where flooding could pose a significant threat should evacuation become necessary.
9. **Residential and other institutional** development.

### 6.03 Hydraulic Structures

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

### 6.04 Project Classifications

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

Category	All Flood Plains	Where Flood Plains are Designated		
		Floodway	Floodway Fringe	Climate Change

		(1:20 year Zone)	(1:100 year Zone)	Flood Zone
<b>Temporary alterations</b>	Permitted	Permitted	Permitted	Permitted
<b>Non-structural uses</b>	Permitted	Permitted	Permitted	Permitted
<b>Structures related to use of water resources</b>	Permitted	Permitted	Permitted	Permitted
<b>Minor structural or other projects</b>	Permitted	Permitted with conditions*	Permitted with conditions*	Permitted with conditions*
<b>Other structures not used primarily for residential</b>	Permitted with conditions*	Permitted with conditions*	Permitted with conditions*	Permitted with conditions*
<b>Industrial Uses related to shipping (marine only)</b>	Permitted with conditions*	Permitted with conditions*	Permitted with conditions*	Permitted with conditions*
<b>Other industrial and commercial</b>	Not Permitted	Permitted with conditions**	Permitted with conditions*	Permitted with conditions*
<b>Institutional</b>	Not Permitted	Not Permitted	Not Permitted	Not Permitted
<b>Residential and other</b>	Not Permitted	Not Permitted	Permitted with conditions*	Permitted with conditions*

<b>institutional</b>				
<b>Hydraulic Structures</b>	Permitted	Permitted	Permitted	Permitted

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

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

Note: All permits contain standard terms and conditions.

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

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

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

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

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

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

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

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