

# TOWN OF LEWISPORTE

---

## DEVELOPMENT REGULATIONS 2025-2035

---

**PLAN-TECH**



**ENVIRONMENT**  
**December 2024**

**Urban and Rural Planning Act, 2000**  
Resolution to Approve  
Lewisporte Development Regulations, 2025-2035

Under the authority of sections 16, 17 and 18 of the **Urban and Rural Planning Act, 2000**, the Town Council of Lewisporte:

- (a) Adopted the Lewisporte Development Regulations, 2025-2035, on the day of \_\_\_\_\_, 2025.
  
- (b) Gave notice of the adoption of the Lewisporte Development Regulations, 2025-2035, by advertisement inserted on the \_\_\_\_\_ day of \_\_\_\_\_, 2025 in the \_\_\_\_\_ newspaper.
  
- (c) Set the \_\_\_\_\_ day of \_\_\_\_\_, 2025 for the holding of a public hearing to consider objections and submissions.

Now under section 23 of the **Urban and Rural Planning Act, 2000**, the Town Council of Lewisporte approves the Lewisporte Development Regulations, 2025-2035, as adopted (or amended).

Signed and Sealed this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Mayor: \_\_\_\_\_ (Council Seal)

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

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





**Urban and Rural Planning Act, 2000**  
Resolution to Adopt  
Lewisporte Development Regulations, 2025-2035

Under the authority of section 16 of the **Urban and Rural Planning Act, 2000**, the Town Council of Lewisporte adopts the Lewisporte Development Regulations, 2025-2035.

Adopted by the Town Council of Lewisporte on the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Signed and Sealed this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Mayor: \_\_\_\_\_ (Council Seal)

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

**Canadian Institute of Planners Certification**

I certify that the attached Lewisporte Development Regulations, 2025-2035, have been prepared in accordance with the requirements of the **Urban and Rural Planning Act, 2000**.



## TABLE OF CONTENTS

PART I - APPLICATION .....	1
1. Short Title .....	1
2. Interpretation .....	1
3. Commencement .....	1
4. Minister’s Development Regulations .....	1
5. National Building Code of Canada and Municipal Regulations .....	1
PART II - GENERAL REGULATIONS .....	3
6. Compliance with Regulations .....	3
7. Permit Required.....	3
8. Permit to be Issued.....	3
9. Permit Not to be Issued in Certain Cases .....	3
10. Discretionary Powers of Council.....	3
11. Variances .....	4
12. Notice of Variance .....	4
13. Service Levy .....	5
14. Financial Guarantees by Developer.....	5
15. Dedication of Land for Public Use.....	5
16. Reinstatement of Land .....	5
17. Application.....	6
18. Register of Application .....	6
19. Deferment of Application .....	6



20.Approval in Principle..... 7

21.Development Permit ..... 7

22.Development Agreement ..... 8

23. Decisions .....8

24.Right to Appeal ..... 8

25.Development Prohibited ..... 9

26.Non-Conforming Use ..... 9

27.Notice of Application ..... 10

28.Right of Entry ..... 10

29.Stop Work Order and Prosecution ..... 10

30.Delegation of Powers..... 11

PART III - GENERAL DEVELOPMENT STANDARDS ..... 12

31. Accesses and Service Streets.....12

32. Accessory Buildings..... 12

33. Accessory Uses.....13

34. Alternations to Natural Topography .....13

35. Archaeological Sites.....13

36. Bottom Brook Management Area.....13

37. Buffer ..... 13

38.Building Height..... 13

39.Building Line Setback ..... 14

40.Building Placement.....14

41. Childcare Services.....14



42. Climate Change Buffer .....14

43. Commercial Wood Harvesting and Silviculture.....14

44. Corner Lots.....15

45. Corner Lot Sight Triangle .....15

46. Domestic Wood Harvesting.....15

47.Easements..... 15

48.Emergency Access.....16

49. Fronting on a Public Street.....16

50. Group Home..... 16

51. Habitat Management.....16

52. Height Exceptions ..... 16

53. Home-Based Business .....16

54. Land Suitability .....17

55. Livestock Buffer .....17

56.Livestock Structures and Uses ..... 18

57. Infilling within 15 Metres of a Body of Water .....18

58.Lot Area..... 18

59.Lot Area and Size Exceptions ..... 18

60. Manufactured Home.....19

61. Mineral Workings, Mining and Mineral Exploration .....19

62. Non-Domestic Water Use .....20

63.Offensive and Dangerous Uses..... 20

64.Off-Street Parking Requirements ..... 20



65. Off-Street Loading Requirements ..... 21

66. On-site Sewerage Disposal ..... 21

67. Parks, Playgrounds, Trails, and Conservation Uses ..... 22

68. Screening and Landscaping ..... 22

69. Streets, Services and Public Utilities ..... 22

70. Service Stations ..... 22

71. Sewer and Water Connections and Extensions ..... 22

72. Shore Water Zone ..... 23

73. Side Yards ..... 23

74. Stormwater Management ..... 23

75. Survey Control Markers ..... 23

76. Street Reservation and Street Standards ..... 24

77. Subsidiary Apartments ..... 24

78. Tourism Accommodation ..... 24

79. Unsubdivided Land ..... 25

80. Uses Permitted or Discretionary in all Zones ..... 25

81. Waste Disposal Buffer ..... 26

82. Water Course and Water Body Buffer ..... 26

83. Wetland Protection ..... 26

84. Zero Lot Line and Other Comprehensive Development ..... 26

PART IV - ADVERTISEMENTS ..... 27

85. Permit Required ..... 27

86. Form of Application ..... 27





87. Advertisements Prohibited in Street Reservation ..... 27

88. Permit Valid for Limited Period ..... 27

89. Removal of Advertisements ..... 27

90. Advertisements Exempt from Control ..... 27

91. Approval Subject to Conditions ..... 28

92. Non-Conforming Uses ..... 28

93. Informational Wayfaring Signs ..... 28

PART V - SUBDIVISION OF LAND ..... 29

94. Permit Required ..... 29

95. Application ..... 29

96. Services to be Provided ..... 29

97. Payment of Service Levies and Other Charges ..... 29

98. Issue of Development Permit Subject to Considerations ..... 29

99. Groundwater Assessment ..... 30

100. Building Permits Required ..... 30

101. Subdivision Subject to Zoning ..... 30

102. Building Lines ..... 30

103. Land for Public Open Space ..... 30

104. Structure in Street Reservation ..... 31

105. Subdivision Development Standards ..... 31

106. Engineer to Design Works and Certify Construction Layout ..... 32

107. Developer to Pay Engineer's Fees and Charges ..... 32

108. Street Works May Be Deferred ..... 33



109. Transfer of Streets and Utilities to Council .....33

110. Restriction on Sale of Lots .....33

111. Lot Grading .....34

112. Grouping of Buildings and Open Space .....34

113. Open Space .....34

PART VI - USE ZONES.....35

114. Use Zones .....35

115. Use Classes .....35

116. Permitted Uses .....35

117. Discretionary Uses .....35

118. Uses Not Permitted .....35

Development Regulations under the **Urban and Rural Planning Act, 2000**. ..... 36

SCHEDULE A - DEFINITIONS ..... 43

SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS..... 54

SCHEDULE C - STANDARD CONDITIONS FOR ALL USE ZONES..... 60



**SCHEDULE C - USE ZONE TABLES**

Land Use Zone	Abbreviation	Page
Residential Medium Density	RDM	63
Residential Senior	RS	67
Residential Rural	RR	70
Commercial General	CG	73
Commercial Town Centre	CTC	75
Marina	M	77
Mixed Development	MD	78
Public Buildings	PB	80
Industrial General	IG	82
Industrial Port Related	IPR	84
Open Space Conservation	OSC	86
Open Space Recreation	OSR	87
Watershed	W	88
Rural	RUR	90

SCHEDULE D - OFF-STREET PARKING REQUIREMENTS ..... 93



**TOWN OF LEWISPORTE MUNICIPAL PLAN  
DEVELOPMENT REGULATIONS**

**PART I - APPLICATION**

**1. Short Title**

- (a) These Regulations may be cited as the Lewisporte Development Regulations.
- (b) In this document, the Lewisporte Development Regulations shall be referred to as the Development Regulations hereafter.

**2. Interpretation**

- (a) Words and phrases used in the Development Regulations shall have the meanings ascribed to them in Schedule A.
- (b) Words and phrases not defined in Schedule A shall have the meaning which are commonly assigned to them in the context in which they are used in the Development Regulations.
- (c) Schedule B provides examples of each use classification. Council may interpret these groups, classes and examples provided that the uses are like those uses listed as permitted or discretionary in the applicable use zone table and are of a similar scale and intensity.
- (d) In these Development Regulations,
  - “Council” means Council of the Town Council of Lewisporte.
  - “Act” means the **Urban and Rural Planning Act, 2000**.
  - “Town” means the Town of Lewisporte.
  - “Municipal Plan” means the Lewisporte Municipal Plan.
  - “Municipal Planning Area” means the Lewisporte Municipal Planning Area.

**3. Commencement**

The Development Regulations come into effect throughout the Municipal Planning Area on the date of publication of a notice to that effect in the **Newfoundland and Labrador Gazette**.

**4. Minister’s Development Regulations**

- (a) The Development Regulations (Newfoundland and Labrador Regulation 3/01), made under Section 36 of the **Urban and Rural Planning Act, 2000**, hereinafter referred to as the Minister’s Development Regulations, shall apply within the Municipal Planning Area. Where there is conflict between the Minister’s Development Regulations and the Development Regulations, the Minister’s Development Regulations shall prevail.
- (b) The Minister’s Development Regulations are included in the Development Regulations.

**5. National Building Code of Canada and Municipal Regulations**

- (1) The National Building Code of Canada including the Plumbing Code, the Fire Code, the Electrical Code, and any other ancillary code and any Building Regulations, Waste Disposal Regulation, and any other municipal regulations regulating or controlling the development,



conservation, and use of land in force in the Town shall, under these Development Regulations, apply to the entire Municipal Planning Area.

- (2) All new buildings shall comply with the energy efficiency requirements of the National Building Code of Canada.



## PART II - GENERAL REGULATIONS

### 6. Compliance with Regulations

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

### 7. Permit Required

No person shall carry out development within the Municipal Planning Area unless a Development Permit has been issued by the Town.

### 8. Permit to be Issued

Subject to Regulations 9 and 10, a Development Permit may be issued for development within the Municipal Planning Area that conforms to:

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

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

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

### 10. Discretionary Powers of Council

- (a) In considering an application for a Development Permit or for approval in principle, Council shall take into account the policies expressed in the Municipal Plan, and any further scheme, plan or regulations pursuant thereto, and shall assess the impact of the development on the general appearance of the area, the amenity of the surroundings, availability of utilities, public safety and convenience, and any other considerations which are, in Council's opinion, material, and notwithstanding the conformity of the application



with the requirements of these Development Regulations, Council may, in its discretion, and as a result of its consideration of the matters set out in the Development Regulations, approve, approve with conditions, or refuse the application.

- (b) Council may, in its discretion, determine the uses that may be developed in a use zone provided that those uses are similar to those uses listed as permitted or discretionary in the applicable use zone table and examples listed in Schedule B, and are of a similar scale and intensity.
- (c) Council may use its discretion to interpret boundaries of zones shown on the Development Regulations maps. Those boundaries which coincide with streets or other prominent physical features are intended to define exact limits. Where possible, the boundaries of the use zones follow identified features such as streets, fences, watercourses, transmission lines, or lot lines. Where there is any uncertainty, contradiction, or conflict concerning the intended location of a zone boundary, Council may interpret the location of the zone boundary in a manner that is consistent with the intent and policies of the Municipal Plan without amendment to the Development Regulations maps.

**11. Variances**

- (a) Where an approval or Development Permit cannot be given by Council because a proposed development does not comply with the numeric development standards set out in the applicable use zone table of the Development Regulations, Council may, in its discretion, vary the yard, area, lot coverage, setback, size, height, frontage and any other numeric requirements set out in the applicable use zone table to a maximum of 10% if, in Council's opinion, compliance with the development standards would prejudice the proper development of the land, building or structure in question or would be contrary to public interest.
- (b) Council shall not allow a variance from the numeric development standards set out in the applicable use zone table if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10% variance even though the individual variances are separately no more than 10%.
- (c) Council shall not permit a variance from the numeric development standards set out in the applicable use zone table where the proposed development would increase the non-conformity of an existing development.

**12. Notice of Variance**

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



**13. Service Levy**

- (a) Council may require a developer to pay a service levy where development is made possible or where the density of potential development is increased, or where the value of property is enhanced by the carrying out of public works either on or off the site of the development.
- (b) A service levy shall not exceed the cost, or estimated cost, including finance charges to Council of constructing or improving the public works referred to in Regulation 13 (a) that are necessary for the real property to be developed in accordance with the standards required by Council and for uses that are permitted on that real property.
- (c) A service levy shall be assessed on the real property based on,
  - (i) the amount of real property benefited by the public works related to all the real property so benefited; and,
  - (ii) the density of development made capable or increased by the public work.
- (d) Council may require a service levy to be paid by the owner of the real property,
  - (i) at the time the levy is imposed,
  - (ii) at the time development of the real property commences,
  - (iii) at the time development of the real property is completed, or,
  - (iv) at such other time as Council may decide.

**14. Financial Guarantees by Developer**

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

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

In addition to the requirements for dedication of land under Regulation 103, Council may require the dedication of a percentage of the land area of any subdivision or other development for public use, and such land shall be conveyed to Council in accordance with the provisions of the Act.

**16. Reinstatement of Land**

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





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

**17. Application**

- (a) 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 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 Council.
- (b) If application is on Crown Land, the applicant must provide a lease or grant issued by the Crown Lands Branch, Department of Fisheries, Forestry and Agriculture.
- (c) The Town shall supply to every applicant a copy of the application forms referred to in Regulation 17 (a) and a description of the plans, specifications and drawings required to be provided with the application and any information or requirements applicable to the application.
- (d) A site plan shall accompany all applications for development or building. The site plan shall show,
  - (i) lot area and lot dimensions,
  - (ii) the placement of all buildings, including measurements for building line, side yards and rear yard depth,
  - (iii) building measurements, floor area and building height,
  - (iv) access,
  - (v) off-street parking,
  - (vi) fencing and retaining walls,
  - (vii) site grading, placement or removal of fill, ditching and storm water management,
  - (viii) landscaping, and
  - (ix) in the case of non-residential development, loading bays, lot circulation, buffers, fencing, retaining walls, site grading, storm water management and location of features such as dumpsters, lighting and other amenities.

**18. Register of Application**

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

**19. Deferment of Application**

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



**20. Approval in Principle**

- (a) An application for Approval in Principle shall include,
  - (i) a description of the proposed development,
  - (ii) a description of the limits of the land to be used with the proposed development, and may include a survey description of the subject lands,
  - (iii) submission of any pertinent information that may be required by Council, and
  - (iv) meet the requirements of Regulation 17.
- (b) Council may issue an Approval in Principle if it determines the application conforms to the Municipal Plan and the Development Regulations.
- (c) An Approval in Principle shall be valid for a period of 1 year and may be extended 1 year by written request by the applicant. An Approval in Principle shall be valid for up to a total maximum period of 2 years. If a Development Permit is not issued within 2 years of the issuance of the Approval in Principle, the applicant must reapply, and Council shall assess the application under the Development Regulations in effect at that time. If an applicant does not submit a written request to extend an approval in principle, the approval in principle shall expire.
- (d) No development shall be carried out under an Approval in Principle.
- (e) Council may revoke an Approval in Principle if it determines the applicant has changed the proposed development in a way that significantly alters the original intent of the applications.

**21. Development Permit**

- (a) A written Development Permit, including a temporary Development Permit, issued by Council shall be permission to develop. This permission shall not relieve the applicant from:
  - (i) responsibility of obtaining all other approvals, prior to the commencement of development,
  - (ii) complying with the application,
  - (iii) complying with any conditions on the permit, and
  - (iv) complying with the requirements of all other regulations and statutes during development.
- (b) Council may attach conditions to a Development Permit to ensure compliance with the Municipal Plan and the Development Regulations, and the permit holder shall be responsible for full compliance with the permit conditions.
- (c) A Development Permit is valid for a period of 1 year and may be extended twice up to a total maximum period of 3 years.
- (d) The issuance of a Development Permit shall not prevent Council from requiring the correction of errors, or ordering the cessation, removal of, or remedial work on any development being carried out that is in violation of the Municipal Plan and the Development Regulations.
- (e) The Authority may revoke a Development Permit for:



- (i) failure by the developer to comply with the Municipal Plan and the Development Regulations,
  - (ii) failure by the developer to comply with any condition attached to the Development Permit to Develop,
  - (iii) where the Development Permit was issued in error, or
  - (iv) where the Development Permit was issued on the basis of incorrect information.
- (f) No person shall change the application for which a Development Permit has been issued unless the change has been approved by Council, and written approval has been issued. No person may erase, alter, or modify any drawings or specifications approved by Council. Any changes or modifications to drawings or specifications shall be approved by Council.
- (g) A copy of the Development Permit, and the plans and specifications, shall be kept on the site until completion of the development.

## 22. Development Agreement

- (a) Where a development agreement is a condition of a Development Permit, the development agreement shall set out the specific terms, obligations and standards, and shall secure service levies and financial guarantees.
- (b) The development agreement shall be signed by the applicant and Council. Development cannot proceed until the development agreement is signed by the applicant and Council and the service levies and financial guarantees identified in the development agreement have been paid.

## 23. Decisions

- (a) An applicant shall be informed of Council's decision in writing.
- (b) A written decision to refuse a Development Permit shall include reasons.
- (c) A written decision to impose conditions to a Development Permit shall include reasons.

## 24. Right to Appeal

- (a) Where Council makes a decision that may be appealed under section 41 of the Act, Council shall, in writing, at the time of making that decision, notify the person to whom the decision applies of the,
  - (i) person's right to appeal the decision to the board,
  - (ii) time by which an appeal is to be made,
  - (iii) right of other interested persons to appeal the decision, and
  - (iv) manner of making an appeal and the address for the filing of the appeal.
- (b) An appeal may be filed with the Appeal Officer with the Department of Municipal and Provincial Affairs, P.O. Box 8700, St. John's, Newfoundland Labrador, A1B 4J6 or by email to [URPA.Appeals@gov.nl.ca](mailto:URPA.Appeals@gov.nl.ca).
- (c) An appeal shall be made in writing and shall include,
  - (i) a summary of the decision being appealed,
  - (ii) the grounds of the appeal, and
  - (iii) the required fee.



- (d) An appeal form is available at [www.gov.nl.ca/mpa/for/appeals/](http://www.gov.nl.ca/mpa/for/appeals/).
- (e) A person or a group of persons aggrieved by a decision may appeal the decision where:
  - (i) the decision is permitted to be appealed to an adjudicator under the Act or another Act or
  - (ii) the decision is permitted to be appealed under the Development Regulations and the decision relates to the following,
  - (iii) an application to undertake a development,
  - (iv) a revocation of an approval or a permit to undertake a development, or
  - (v) the issuance of a stop work order.
- (f) An appeal shall be filed with an appeal officer at the Department of Municipal and Provincial Affairs not more than 14 days after the person who made the original application receives the decision.
- (g) Provisions with respect to appeals are found in Part VI of the Act and sections 5 to 11 of the Minister's Development Regulations.

**25. Development Prohibited**

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

**26. Non-Conforming Use**

- (a) In accordance with section 108 of the Act, Council shall allow a development or use of land to continue in a manner that does not conform with the Municipal Plan and/or Development Regulation provided that the non-conforming use legally existed before the registration of the Municipal Plan, Development Regulations, scheme or amendment.
- (b) Notwithstanding subsection (a), a right to resume a discontinued non-conforming use of a development or use of land shall not exceed 12 months after that discontinuance.
- (c) A building, structure or development that does not conform to the Municipal Plan, Development Regulations or scheme that is allowed to continue under subsection (a):
  - (i) shall not be internally or externally varied, extended or expanded unless otherwise approved by Council,
  - (ii) shall not be structurally modified except as required for the safety of the building, structure or development,
  - (iii) 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,
  - (iv) may have the existing use for that building, structure or development varied by Council to a use that is, in Council's opinion, more compatible with the plan and regulations applicable to it,



- (v) may have the existing building extended by approval of Council where, in Council's opinion, the extension is not more than 50% of the existing building,
- (vi) where the non-conformance is with respect to the standards included in these development regulations, shall not be expanded if the expansion would increase the non-conformity,
- (vii) where a building, structure or development does not meet the development standards included in development regulations, the building, structure or development shall not be expanded if the expansion would increase the non-conformity and an expansion must comply with the development standards applicable to that building, structure or development,
- (viii) where the building or structure is primarily zoned and used for residential purposes, may, in accordance with the municipal plan and regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed.

## 27. Notice of Application

- (a) Council may, and when a variance is necessary under Regulation 11 and Council wishes to consider whether to authorize such a variance, when a change in nonconforming use is to be considered under Regulation 25, or when the development proposed is listed as a discretionary use in Schedule C of the Regulations shall, at the expense of the applicant, give notice of an application for a permit or for approval in principle, by public advertisement in a newspaper circulating in the area or by any other means such as posting on Council's website and/or social media, posters or by written notices distributed in the surrounding area.
- (b) Under Regulation 12, Council shall give written notice of the proposed variance from numeric development standards to all persons whose land is in the immediate vicinity of the land that is the subject of the variance and allow a minimum period of 7 days for response.

## 28. Right of Entry

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

## 29. Stop Work Order and Prosecution

- (a) Where a person has undertaken or commenced a building or other development contrary or apparently contrary to these Regulations, Council may order that person to stop the development or work connected therewith under section 102 of the Act. Council may order that person to pull down, remove, stop construction, fill in or destroy that building or development. Council may order that person to restore the store or area to its original



state.

- (b) A person who does not comply with an order made under Regulation 29 (a) is guilty of an offence under the provisions of the Act.

**30. Delegation of Powers**

- (a) In accordance with section 109 of the Act, Council may appoint an employee or employees to approve or reject applications for a Development Permit or approval in principle in accordance with the Municipal Plan and Development Regulations. That employee may establish conditions applicable to that development and attach those conditions to a Development Permit or an approval in principle.
- (b) An employee may issue an order under section 102 of the Act.
- (c) Where Council appoints an employee or employees to issue orders, the delegation shall be in writing.
- (d) Where an employee issues an order, the order shall be confirmed by a majority vote of Council present at the next meeting of Council after the order is made. If the order is not confirmed by Council, it shall be considered cancelled.



## PART III - GENERAL DEVELOPMENT STANDARDS

### 31. Accesses and Service Streets

- (a) Access shall be located to the specification of Council to ensure the greatest possible convenience and safety of the street system and Council may require the construction of service streets to reduce the number of accesses to collector and arterial streets. Service streets shall meet the street reservation and other standards in Regulation 113 (9).
- (b) No vehicular access shall be closer than 10 metres to the street line of any street intersection.
- (c) An access to a provincial highway requires approval of the Department of Transportation and Infrastructure. Such an access must be constructed to the Department of Transportation and Infrastructure requirements.

### 32. Accessory Buildings

- (a) Accessory buildings shall be clearly incidental and complementary to the use of the main buildings in character, use, and size, and shall be contained on the same lot.
- (b) No accessory building or part thereof shall project in front of the main building except with Council approval where:
  - (i) the proposed location complements the development pattern in the surrounding area, or
  - (ii) the physical limitations of the property do not allow for the development of an accessory building in the rear or side yards.
- (c) More than one accessory building shall be permitted on a lot. The area of the main building and the accessory buildings shall not exceed total lot coverage set out in the applicable use zone table in Schedule C of these Development Regulations. Where there is no lot coverage specified in the applicable use zone table, Council may exercise its discretion to determine the appropriate number of accessory buildings and maximum lot coverage.
- (d) An accessory building shall not have a building height greater than 6.1 metres.
- (e) An accessory building shall be complimentary to the main building on the lot in style and exterior finish.
- (f) An accessory building shall not be used for human habitation.
- (g) Unless approved by Council, electrical services to an accessory building shall only be through the same service as the main building.
- (h) Accessory buildings shall not be used for performing motor vehicle or heavy equipment repairs, auto painting, dismantling, or scrapping of vehicles or other machinery.
- (i) School buses, semi-trailers, ISO sea/shipping/freight containers or other vehicle body types shall be prohibited from being used as accessory buildings.



**33. Accessory Uses**

Council may permit an accessory use that is subsidiary to a permitted or discretionary use listed in the applicable use zone table in Schedule C of these Development Regulations provided that the use is customarily expected to occur in association with the permitted or discretionary use.

**34. Alterations to the Natural Topography**

- (a) Applications involving the alteration of the natural topography through site grading, placement or removal of fill, ditching, or substantial landscaping must submit a site plan.
- (b) Council may impose conditions on a Development Permit to ensure that the off-site impact of the alterations to the natural topography are minimal.
- (c) Alterations to the natural topography which adversely affect adjacent property or water courses shall not be permitted.

**35. Archaeological Sites**

- (a) All applications for development involving ground disturbance shall be referred to the Provincial Archaeological Office, Department of Tourism, Culture, Arts and Recreation before a Development Permit is issued.
- (b) If an archaeological site is accidentally discovered, work cease immediately, and Council shall contact the Provincial Archaeological Office.

**36. Bottom Brook Management Unit**

Any application for development in the Bottom Brook Management Unit shown on the Development Regulations maps shall be referred to the Wildlife Division, Department of Fisheries, Forestry and Agriculture.

**37. Buffer**

- (a) Where any commercial or industrial development is permitted in any Use Zone that abuts an existing or proposed residential area, a dwelling, or is separated from a residential area by a street only, the owner shall provide a buffer strip not less than ten (10) metres wide. The buffer shall include the provision of such natural or structural barrier as may be required by Council and shall be maintained by the owner or occupier to the satisfaction of Council.
- (b) Council may require a financial guarantee to ensure that the required buffer is put in place and is maintained to Council's satisfaction.

**38. Building Height**

- (a) Council may permit the erection of buildings of a height greater than that specified in Schedule C, but in such cases the building line setback and rear yard requirements shall be enlarged as follows,
- (b) The building line setback shall be increased by 2 metres for every 1 metre increase in height.





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

**39. Building Line Setback**

- (a) Buildings must be setback from the street reservation in accordance with the standards in the applicable use zone table in Schedule C of these Development Regulations.
- (b) Notwithstanding 39 (a), Council may establish a building line setback to accommodate infill development on an existing street to ensure that new buildings fit with the existing development pattern and streetscape.
- (c) By resolution, Council may establish building lines on a proposed street within a subdivision development and may require any new buildings to be located on those building lines, whether such building lines conform to the standards set out in the tables in Schedule C of these Regulations.

**40. Building Placement**

The front wall of a building shall be parallel to the street on which it is fronting and has a civic number unless otherwise approved by Council.

**41. Childcare Services**

Where permitted in an applicable use zone in Schedule C of these Development Regulations, childcare services shall be subject to the following:

- (a) License from the Department of Education or an approved by a licensed childcare agency,
- (b) Provision for off-street parking in accordance with the off-street parking requirements, in Schedule D of these Development Regulations; and
- (c) Any conditions that may be imposed by the Council to ensure that the childcare service is compatible with the surrounding area.

**42. Climate Change Buffer**

Within the Climate Change Buffer, the following conditions shall apply to all development:

- (a) No development shall be permitted within 15 metres of the highwater mark or top of coastal cliff. Existing vegetation within 15 metres of the highwater mark or top of coastal cliff shall be maintained.
- (b) New development and the repair, redevelopment and extension of existing development, subject to the applicable zone tables, may be permitted at the discretion of Council.
- (c) Council may impose any of the following conditions on a development permit to mitigate climate change impacts:
  - (i) Provision of coastal protection measures,
  - (ii) Enhanced construction and/or engineering standards,
  - (iii) Floodproofing,
  - (iv) Increased setback from the highwater mark or cliff edge, or
  - (v) Protecting existing vegetation.



- (d) Council may require preparation of a climate change mitigation study for a development by a qualified individual or company which will identify potential climate change impacts and identify mitigation measures.
- (e) Activities that may destabilize coastal cliffs or natural flood protection features shall be prohibited.

**43. Commercial Wood Harvesting and Silviculture**

All commercial wood harvesting and silviculture activities require a permit issued by the Forestry Branch, Department of Fisheries, Forestry and Agriculture and are permitted in harvest areas identified in the forestry geo-hub <https://geohub-gnl.hub.arcgis.com/search?tags=forestry>

**44. Corner Lots**

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

**45. Corner Lot Sight Triangle**

On a corner lot, no fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall be erected or permitted to grow to a height greater than 1 metre above grade of the street or in a manner that obstructs visibility within a triangular area extending 6 metres along both streets from the point of intersection on both streets.

**46. Domestic Wood Harvesting**

Domestic wood harvesting shall be permitted within Domestic Harvest Areas identified by the Forestry Branch, Development of Fisheries, Forestry and Agriculture <https://geohub-gnl.hub.arcgis.com/search?tags=forestry> **provided that:**

- (a) No cutting occurs within 30 metres of the shoreline,
- (b) No cutting occurs within 30 metres of any water body or water course including wetlands
- (c) Cutting is not visible from the shore,
- (d) No cutting within 100 metres of the abandoned trunk railway line,
- (e) No cutting within 100 metres of a cabin development area or 30 metres of a cabin,
- (f) No cutting within 100 metres of the centreline of a provincial highway except for dead or blowdown timber.

**47. Easements**

- (a) Where land is required for a utility or infrastructure easement, the easement shall be conveyed to the appropriate agency, company, or Council prior to issuance of an occupancy permit.
- (b) No permanent building shall be constructed over any known easement or right of way, whether that easement or right of way has been assigned to Council, the provincial or



federal government, a utility company, or Crown Land. Permanent buildings include, but are not limited to, all dwellings and accessory buildings.

**48. Emergency Access**

Where Council requires land for an emergency access, the land shall be conveyed to Council.

**49. Fronting on a Public Street**

- (a) Except where specifically provided for in the Use Zone Tables in Schedule C of these Development Regulations or in subsection (b), no assembly use, institutional use, business and personal service use, mercantile use, industrial use, or residential use shall be erected unless the lot on which it is situated fronts directly onto a street or has direct access onto an internal street which forms part of a comprehensive development.
- (b) Parks, playgrounds and trails are not required to front onto a public street provided that pedestrian and vehicle access is safe, and the park, playground and/or trailhead is visible from a public street.

**50. Group Home**

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

**51. Habitat Management**

- (a) Large-scale land clearance shall be minimized during habitat breeding season where possible.
- (b) Development impacts on endangered species shall be minimized where possible.
- (c) Riparian buffers along bodies of water shall be maintained as a green belt and provide habitat for wildlife where possible.

**52. Height Exceptions**

The height requirements prescribed in Schedule C of these Development Regulations are waived in the case of communication masts and antennae, flagpoles, water towers, spires, belfries, or chimneys.

**53. Home-Based Businesses**

- (a) Where permitted as a discretionary use in the applicable use zone table in Schedule C of these Development Regulations, a home-based business may be operated in a dwelling, or in an accessory building on the same lot, by the occupants of the dwelling.
- (b) A home-based business shall meet the following requirements:
  - (i) The uses allowed as a home-based business shall be identified in the applicable use zone table in Schedule C of these Development Regulations.



- (ii) The use is clearly subsidiary to the residential use, does not alter the residential character of the dwelling unit, and does not detract from the residential character of the neighbourhood.
- (iii) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use, no repairs to vehicles or heavy equipment are carried out.
- (iv) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, or inconvenience to occupants of adjoining residences.
- (v) Activities associated with the use shall be carried on inside the dwelling or in a building separate from the dwelling.
- (vi) One building only, separate from the dwelling, may be used in connection with a light industrial use and service use and shall conform to the Accessory Buildings conditions height and floor area limit for this zone.
- (vii) No more than 30% of the total floor area of the dwelling is devoted to the use.
- (viii) The use shall not generate traffic, parking, sewage or water use in excess of what is normal in the residential area.
- (ix) The residential lot has sufficient area to accommodate the parking requirements of the dwelling unit and the home occupation.
- (x) No regular parking of commercial vehicles except for one vehicle with a gross weight of no greater than one tonne shall be permitted on the lot or on the street reservation adjacent to the lot.

**54. Land Suitability**

- (a) Development may only occur on suitable land.
- (b) No development shall be permitted on land with a slope greater than 15 percent unless a study is prepared by a qualified individual, such as an engineer or geoscientist licensed to practice in the Province of Newfoundland Labrador provides guidance to reduce potential for erosion, landslides or other hazards.
- (c) No development shall be permitted on unstable land, land with poor drainage, land with a highwater table, wetlands, or land subject to erosion or flooding unless a study prepared by a qualified engineer or geoscientist licensed to practice in the Provincial of Newfoundland Labrador provides guidance to reduce on and off-site hazards.
- (d) The study shall address site grading, drainage, and landscaping and identify the potential of the development of being impacted by, or causing, erosion or flooding to adjacent properties. The study shall propose mitigation measures which may include site grading, drainage easements, flood proofing or other actions.
- (e) Council may impose conditions to mitigate site hazards and any potential impacts on neighbouring properties, Town land and/or infrastructure.

**55. Livestock Buffer**

- (a) Notwithstanding the permitted and discretionary uses allowed in the zones within the livestock buffer shown on the Development Regulations maps, development shall be



restricted to commercial, industrial and rural land uses which shall not be affected by noise, odour, traffic and other negative impacts from the existing intensive livestock operation.

- (b) Where an underlying zone permits single dwellings, those dwellings will be restricted to those that are accessory to a permitted rural use.

**56. Livestock Structures and Uses**

- (a) No structure designed to contain more than five animal units shall be erected or used unless it complies with the following requirements:
  - (i) The structure shall be at least 600 metres from a dwelling (except a farm dwelling), a dwelling which is a non-conforming use in any zone in which agriculture is a permitted use class in the Use Zone Tables in Schedule C of these Regulations, and from any area within a residential zone.
  - (ii) The structure shall be at least 60 metres from the boundary of the property on which it is to be erected.
  - (iii) The structure shall be at least 90 metres from the centre line of a street.
  - (iv) The erection of the structure shall be approved by the Department of Fisheries, Forestry and Agriculture and the Department of Environment and Climate Change.
- (b) No dwelling shall be permitted within 600 metres of an existing structure designed to contain more than five animal units unless the development is first approved by the Department of Fisheries, Forestry and Agriculture.

**57. Infilling Within 15 metres of a Body of Water**

No Development Permit shall be issued for any development involving infilling within 15 metres of a body of water unless a permit has been issued by the Water Resources Management Division, Department of Environment and Climate Change.

**58. Lot Area**

- (a) 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 Development Regulations for the zone in which such lot is located.
- (b) Where any part of a lot is required by these Development 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.

**59. Lot Area and Size Exceptions**

Where, at the time of coming into effect of these Development Regulations, one or more lots already exist in the Residential Medium Density, Residential Senior, Residential Rural, Mixed Development, Commercial Town Centre and Commercial General zones, with insufficient



frontage or area to permit the owner or purchaser of such a lot or lots to comply with the provisions of these Development Regulations, then these Development Regulations shall not prevent the issuing of a permit by Council for the erection of a dwelling thereon, provided that the lot coverage and height are not greater than, and the yards and floor area are not less than the standards set out in these Development Regulations in the Residential use zone table.

**60. Manufactured Homes**

Manufactured homes are permitted for all residential dwelling types provided that a permanent foundation is provided, and the manufactured home complies with CSA A227.

**61. Mineral Workings, Mining and Mineral Exploration**

- (a) Any development proposed to take place within
  - (i) 50 metres of a mineral working operation or mining lease,
  - (ii) 300 metres of an operational mineral working or mine, or
  - (iii) 1000 meters of a mineral working or mine in which blasting may take place, must be referred to the Mineral Lands Division, Department of Industry, Energy and Technology.
- (b) Any development involving mineral working, mining or mineral exploration must obtain approval from the Mineral Lands Division, Department of Industry, Energy and Technology.
- (c) Mineral Working and mining shall comply with the terms and conditions of a permit and/or license issued by the Mineral Lands Division, Department of Industry, Energy and Technology.
- (d) All blasting activities shall be carried out in accordance with **Occupational Health and Safety Act** and regulations made under that Act.
- (e) A mineral working or mine shall be located a minimum distance from the following of:
  - (i) 300 metres from the Residential zone or a dwelling unit,
  - (ii) 1000 metres from the Residential zone or a dwelling unit if blasting is to occur,
  - (iii) 50 metres from the Residential Medium Density, Residential Senior, Residential Rural, Commercial Town Centre, Marina, Mixed Development and Public Building zones,
  - (iv) 30 metres from any street, and
  - (v) 50 metres from any water body, water course or wetland.
- (f) Council may adjust the separation distances in (e) above where Council is satisfied that there will be no adverse effect on surrounding development.
- (g) Where development encroaches into the separation distances identified in (e) above, the mineral working shall be not be required to be discontinued or impeded.
- (h) Council may impose conditions to minimize impact on surrounding development. Such conditions may mitigate, reduce, limit or eliminate any potential negative effects such as noise, dust, traffic, vibration, smell and other nuisances.
- (i) Council may permit a washing and screening plant, crusher, concrete batch plant and similar mineral working processing activities as a mineral working or mining use provide that the use shall not significantly affect surrounding land uses by reasons of noise,



vibration, fumes, dust, odour, water drainage, unsightly storage of materials or general appearance.

- (j) An undisturbed buffer of 30 metres shall be maintained between the final perimeter of the mineral working or mine and the lot boundary.
- (k) Where a proposed mineral working or mine is located in the vicinity of a public street, Council may require screening to obstruct the visibility of the site.
- (l) All topsoil and organic material shall be stockpiled for future rehabilitation of the site.
- (m) No mineral working or mine shall create excessive drainage or erosion affecting adjacent land or into water bodies, water courses or wetlands.
- (n) No mineral working or mine shall cause the accumulation or ponding of water in any part of the site.
- (o) The mineral working and mine shall be kept clean of refuse, abandoned vehicles, abandoned machinery and equipment, and derelict buildings.
- (p) Upon abandonment of a mineral working or mine, the owner shall,
  - (i) Removal all buildings, machinery and equipment,
  - (ii) Grade all slopes to a slope less than 60 percent,
  - (iii) Rehabilitate the entire excavated area with stockpiled topsoil and organic material,
  - (iv) Close, bar and decommission the access road, and
  - (v) Comply with any conditions imposed by Council.

**62. Non-Domestic Water Use**

No Development Permit shall be issued for an application involving non-domestic water use from any water source unless a license from the Water Resources Management Division, Department of Environment and Climate Change is provided to Council.

**63. 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 approved by Council.

**64. Off-Street Parking Requirements**

- (a) 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.
- (b) The number of parking spaces to be provided for any building, structure, use of occupancy shall conform to the standards set out in Schedule D of these Regulations.
- (c) Each parking space, except in the case of one or two-family dwellings, shall be made accessible by means of a hard surfaced right-of-way at least 3 metres in width. Parking required in the Residential Medium Density, Residential Rural and Mixed Development



zones 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 any non-residential zone, parking spaces shall be provided within the limits of the zone in which the use is situated and not more than 200 metres distant from the use concerned.

- (d) The parking facilities required by these Development 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.
- (e) Where parking facilities for more than four vehicles are required or permitted,
  - (i) parking space shall mean an area of land, not less than 15 square metres size, capable of being used for the parking of a vehicle without the need to move other vehicles on adjacent areas,
  - (ii) the parking area shall be constructed and maintained to the specifications of Council,
  - (iii) the lights used for illumination of the parking area shall be so arranged as to divert the light away from adjacent development,
  - (iv) a structure, not more than 3 metres in height and more than 5 square metres in area may be erected in the parking area for the use of attendants in the area,
  - (v) 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,
  - (vi) no part of any off-street parking area shall be closer than 1.5 metres to the front lot line in any zone,
  - (vii) access to parking areas in non-residential zones shall not be by way of residential zones, and
  - (viii) 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.
- (f) Where, in the opinion of Council, strict application of the above parking requirements is impractical or undesirable, Council may as a condition of a permit require the developer to pay a service levy in accordance with these Development Regulations in lieu of the provision of a parking area, and the full amount of the levy charged shall be used by Council for the provision and upkeep of alternative parking facilities within the general vicinity of the development.

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

- (a) 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 metres long, 4 metres wide, and having a vertical clearance of at least 4 metres with direct access to a street or with access by a driveway of a minimum width of 6 metres to a street.
- (b) The number of loading spaces to be provided shall be determined by Council.





- (c) The loading facilities required by these Development 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.

**66. On-Site Sewerage Disposal**

- (a) An on-site sewerage disposal system shall be located at minimum of 30 metres from a waterbody, wetland, or water course.
- (b) Approval for an on-site sewerage disposal system issued by the Government Service Centre, Department of Digital Government and Service NL must be provided to Council before Council shall issue a Development Permit.
- (c) If the Government Service Centre, Department of Digital Government and Service NL permits a dwelling on a lot which does not meet the minimum lot area and frontage standards in the applicable use zone table, the dwelling is permitted provided that it meets the minimum building line setback, rear yard and side yard standards.

**67. Parks, Playgrounds, Trails, and Conservation Uses**

Nothing in these Regulations shall prevent the establishment of parks, playgrounds and trails or the development of conservation uses in any zone provided that such uses are not located in areas which may be hazardous and are not operated for commercial purposes.

**68. Screening and Landscaping**

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

**69. Streets, Services and Public Utilities**

Streets, public services, and public utilities are permitted in all use zones provided Council is satisfied that it is necessary to the proper operation of a land use, the public service or public utility.

**70. Service Stations**

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



**71. Sewer and Water Connection and Extensions**

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

**72. Shore Water Zones**

- (a) No development shall be permitted in a shore water zone without a permit issued by the Water Resources Management Division, Department of Environment and Climate Change.
- (b) Any development shall comply with the requirements of the applicable zone shown on the Development Regulations maps and the Department of Environment and Climate Change “Policy for Development in Shore Water Zones”.

**73. Side Yards**

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

**74. Stormwater Management**

- (a) Where possible, development shall be designed on the basis of zero net run-off.
- (b) No run-off from a development shall negatively impact adjoining properties.
- (c) Any improvements to Town infrastructure to accommodate storm water shall be at the expense of the applicant. Council may impose a service levy or require a financial guarantee to ensure that Town infrastructure has the capacity to manage stormwater from a development.

**75. Survey Control Markers**

- (a) Any application for development in the vicinity of a survey control marker shall be referred to the GIS and Mapping Division, Department of Fisheries, Forestry and Agriculture.
- (b) Any disturbance of a survey control marker shall be referred to the GIS and Mapping Division, Department of Fisheries, Forestry and Agriculture.



**76. Street Reservation and Street Standards**

- (a) A new street or street extension may not be constructed except in accordance with and to the design and specifications laid down by Council. A subdivision development shall meet the standards set out in Part IV of these Development Regulations. All new streets and street extensions shall be constructed as the expensive of the owner or developer.
- (b) All new streets and street extensions shall be designed and certified by a professional engineer who is a member in good standing of the Professional Engineers and Geoscientists Newfoundland Labrador.
- (c) All new streets and street extensions shall have a reservation of 15 metres except for arterial and collector streets which shall meet the street reservation standard set out in Regulation 113 (9) of these Development Regulations.
- (d) All new streets shall be constructed to the standards set out in Regulation 113 of these Development Regulations.
- (e) Street extensions shall be finished with the same surface of the existing road and shall have a driving surface which meets the standards set out in Regulation 113 (9) of these Development Regulations.
- (f) A street extension shall be a minimum of 23 metres beyond the last driveway on the road extension.
- (g) Driveway culverts shall be installed to Council standards at the expensive of the owner or developer.
- (h) Council may require the construction of ditches on both side of the street at the expense of the owner or developer. Ditches shall be constructed to Council standards.
- (i) Council shall not accept any new street or street extension as a public street unless,
  - (i) the street or street extension has received a Development Permit,
  - (ii) the street or street extension has received approval from Council’s engineer that it has been constructed to Town standards, and
  - (ii) the developer transfers to Council, at no cost to Council, and clear of all liens and encumbrances all lands in the street reservation.
- (j) Council shall not provide maintenance for any street, service, or public work until such time as such street, service or public work has been transferred to and accepted by Council.

**77. Subsidiary Apartments**

- (a) Subsidiary apartments are permitted in single dwellings only.
- (b) Only one subsidiary apartment shall be permitted in a single dwelling.
- (c) A subsidiary apartment shall be an independent dwelling unit providing living, sleeping, eating, cooking and sanitation facilities.
- (d) For calculating lot area and yard requirements, the subsidiary apartment shall be considered part of the single dwelling.



- (e) For lots without municipal water and sewer services, Government Service Centre, Department of Digital Government and Service NL shall determine water and sewerage disposal requirements, and a permit shall be issued subject to its approval.

**78. Tourism Accommodation**

All development providing tourism accommodation shall be registered in accordance with the **Tourism Accommodation Act**.

**79. 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.

**80. Uses Permitted or Discretionary in all Zones**

- (a) Conservation, recreational open space, trails, and antenna are permitted in all zones provided that:
  - (i) Recreational open space and trails must not conflict with surrounding land uses,
  - (ii) Recreational open space and trailheads must provide off-street parking in accordance with Schedule D, and
  - (iii) Conservation, recreational open space, and trails comply with Regulation 67.
- (b) Wharves, boathouses, slipways and breakwaters are permitted in all zones subject to compliance with “Guidelines for the Construction of Wharves, Breakwaters, Slipways and Boathouses” developed by the Water Resources Management Division, Department of Environment and Climate Change subject to restrictions and conditions set out in the applicable use zone table in Schedule C.
- (c) Antenna are permitted in all zones provided that the applicant consults with Council with respect to site selection and compatibility with existing land uses, completes the Innovation, Science and Economic Development Canada public consultation process and provides Council with details of any mitigation measures that address local concerns.
- (d) Mineral exploration is a discretionary use in all zones subject to the following conditions:
  - (i) A permit is issued by the Mines Branch, Department of Industry, Energy and Technology.
  - (ii) Any ground disturbance is remediated to Council’s satisfaction.
  - (iii) Any accesses are removed or barred to prevent further use once the exploration activities are completed.
  - (iv) Mineral exploration may be subject to conditions to control noise, appearance, street construction, ground disturbance, duration of the exploration activity, hours of operations and other measures to minimize impact on residential uses, assembly use, institutional use, business and personal service use, mercantile use,



recreational open space use, conservation use, water courses, water bodies, wetlands, steep slopes and other environmentally sensitive features.

- (v) Mineral exploration that is not classed as development is allowed anywhere in the Municipal Planning Area with adequate notification to Council.

**81. Waste Disposal Buffer**

Any development applications within the Dump Buffer shown on the Development Regulations maps shall be referred to the Government Service Centre, Department of Digital Government and Service NL.

**82. Water Course and Water Body Buffer**

- (a) No development shall be permitted within 15 metres of the high-water mark of rivers or streams, or within 15 metres of the shoreline of ponds or wetlands, except for conservation structures such as those designed to control flooding and erosion, the construction of ditches, streets, culverts, bridges, trails, transmission lines or other utilities, or trails and recreational open uses.
- (b) Development of marine or water related uses such as wharfs, slipways, boathouse, breakwaters and docks may be permitted within 15-metres of a water body or water course subject to approval from Crown Lands, Department of Fisheries, Forestry and Agriculture.
- (c) Any infilling shall require approval from the Water Resources Management, Department of Environment and Climate Change.

**83. Wetland Protection**

- (a) No development involving infilling, drainage, dredging, channelization, removal of vegetation, soil or organic cover of wetlands which could aggravate flooding or adverse water quality, water quality or hydrological impacts shall be permitted.
- (b) Development affecting wetlands must be approved by the Water Resources Management Division, Department of Environment and Climate Change.

**84. Zero Lot Line and Other Comprehensive Development**

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



## PART IV - ADVERTISEMENTS

### 85. Permit Required

- (a) No advertisement shall be erected or displayed in the Municipal Planning Area unless a Development Permit for the advertisement is first obtained from Council.
- (b) A Development Permit for erection or display of advertisement within 100 metres from the highway centre line on Provincial Highways shall be obtain from the Government Service Centre, Department of Digital Government and Service NL.
- (c) All signs within 100 metres from the centre line of a provincial highway shall conform to the requirements of the *Highway Sign Regulations, 1999*.

### 86. Form of Application

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

### 87. Advertisements Prohibited in Street Reservation

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

### 88. Permit Valid for Limited Period

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

### 89. Removal of Advertisements

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

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

### 90. Advertisements Exempt from Control

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

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



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

**91. Approval Subject to Conditions**

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

**92. Non-Conforming Uses**

Notwithstanding the provisions of Regulation 26, a permit may be issued for the erection or display of advertisements on a building or within the courtyard of a building or on a parcel of land, the use of which is a non-conforming use, provided that the advertisement does not exceed the size and type of advertisement which could be permitted if the development was in a Use Zone appropriate to its use, and subject to any other conditions deemed appropriate by Council.

**93. Informational Wayfaring Signs**

Informational wayfaring signs erected by Council, or a community organization with the approval of Council, are permitted in all zones but cannot be located within 100 metres of the centreline of any provincial highway in the Municipal Planning Area.



**PART IV - SUBDIVISION OF LAND**

**94. Permit Required**

- (a) No land in the Municipal Planning Area shall be subdivided unless a Development Permit is obtained from Council. Any lot created by subdivision must meet the lot standards for frontage and lot area for the applicable use zone table.
- (b) No development of a residential, commercial, industrial, or other subdivision or a comprehensive development may occur unless a Development Permit is obtained from Council.

**95. Application**

The application shall be accompanied by the following,

- (a) a legal survey of the subject property,
- (b) a preliminary site plan showing the proposed development which shall include, but not limited to, street and lot layout, identification of services and connections, water courses and wetlands, open space, utilities and street connections prepared and stamped by a professional engineer licensed to practice in Newfoundland Labrador, and
- (c) assessment of site suitability including the identification of slopes greater than 15 percent, unstable land, land subject to poor drainage, land with a highwater table, land subject to erosion or flooding or other site hazards.

**96. Services to be Provided**

No Development Permit shall be issued for the development of a residential, commercial, industrial, or other subdivision or a comprehensive development unless provisions satisfactory to Council have been made in the application for a supply of drinking water, a properly designed sewage disposal system, and a properly designed storm drainage system.

**97. Payment of Service Levies and Other Charges**

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

**98. Issue of Development Permit Subject to Considerations**

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

- (a) the location of the land,
- (b) the availability of and the demand created for schools, services, and utilities,
- (c) the provisions of the 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, and
- (n) such other matters as may affect the proposed development.

**99. Groundwater Assessment**

A groundwater assessment report, approved by the Water Resources Management Division, Department of Environment and Climate Change shall be required for new subdivisions consisting of five or more lots served by private wells before Council shall issue a Development Permit. The groundwater assessment report must be prepared in accordance with the *“Groundwater Supply Assessment and Reporting Guidelines for Subdivisions serviced by Individual Private Wells”*.

**100. Building Permits Required**

Notwithstanding the approval of a subdivision by Council, a separate building permit shall be obtained for each building proposed to be erected in the subdivision. 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.

**101. Subdivision Subject to Zoning**

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

**102. Building Lines**

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

**103. Land for Public Open Space**

- (a) Before a development commences, the developer shall, if required, dedicate to Council, at no cost to Council, an area of land equivalent to not more than 10% of the gross area of the subdivision for public open space.
- (b) Where land is subdivided for any purpose other than residential use, Council shall determine the percentage of land to be dedicated,
- (c) If, in the opinion of Council, no public open space is required, the land may be used for such other public use as Council may determine,



- (d) The location and suitability of any land dedicated under the provisions of these Development Regulation shall be subject to the approval of Council but in any case, Council shall not accept land which, in its opinion is incapable of development for any purpose,
- (e) Council may accept from the developer in lieu of such area or areas of land the payment of a sum of money equal to the value of the land which would otherwise be required to be dedicated,
- (f) Money received by Council in accordance with Regulation 103 (e) above, shall be reserved by Council for the purpose of the acquisition or development of land for public open space or other public purpose.
- (g) Land dedicated for public use in accordance with this Regulation shall be conveyed to Council and may be sold or leased by Council for the purposes of any development that conforms with the requirements of these Regulations, and the proceeds of any sale or other disposition of land shall be applied against the cost of acquisition or development of any other land for the purposes of public open space or other public purposes.
- (h) Council may require a strip of land to be reserved and remain undeveloped along the banks of any river, brook or pond, and this land may, at the discretion of Council, constitute the requirement of land for public use under Regulation 103 (a).

**104. Structure in Street Reservation**

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

**105. Subdivision Development Standards**

No permit shall be issued for a subdivision development the site design conforms to the following standards:

- (a) The finished grade of streets shall not exceed 10 percent.
- (b) New subdivisions shall have street connections with an existing street or streets.
- (c) Every cul de sac shall be provided with a turning circle of a diameter of not less than 30 metres.
- (d) The maximum length of any cul de sac shall be,
  - (i) 250 metres in areas served by or planned to be served by municipal piped water and sewer services, or
  - (ii) 300 metres in areas not served by or planned to be served by municipal piped water and sewer services.
- (e) The length of a cul de sac shall be measured from the middle of the street intersection to the top of the turning circle.
- (f) Where required by Council, an 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.
- (g) No cul de sac shall be located to terminate a collector street.



- (h) All street intersections shall be constructed within 5° of a right angle and this alignment shall be maintained for 30 metres from the intersection.
- (i) No street intersection shall be closer than 60 metres to any other street intersection.
- (j) No more than four streets shall join at any street intersection.
- (k) No residential street block shall be longer than 490 metres between street intersections.
- (l) Streets in residential subdivisions shall be designed in accordance with the approved standards of Council, but in the absence of such standards, shall conform to the following minimum standards,

Type of Street	Street Reservation	Pavement Width	Sidewalk Width	Sidewalk Number
Arterial Streets	30m	15m	1.5m	2
Collector Streets	20m	15m	1.5m	2
Local Streets	15m	9m	1.5m	1
Service Streets	15m	9m	1.5m	1

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

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

- (a) Plans and specifications for all water mains, hydrants, sanitary sewers, storm sewers and all appurtenances thereto and all streets, paving, curbs, gutters and catch basins and all other utilities deemed necessary by Council to service the area proposed to be developed or subdivided shall be designed and prepared by or approved by the Town’s Engineer. Such designs and specifications shall, upon approval by Council, be incorporated in the plan of subdivision.
- (b) Upon approval by Council of the proposed subdivision, the Town’s Engineer shall certify all work of construction layout preliminary to the construction of the works and thereupon the developer shall proceed to the construction and installation, at his own cost and in accordance with the approved designs and specifications and the construction layout certified by the Town’s Engineer, of all such water mains, hydrants, sanitary sewers and all appurtenances and of all such streets and other works deemed necessary by Council to service the said area.

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

The developer shall pay to Council all the Engineer's fees and charges for the preparation of designs and specifications and for the layout and supervision of construction; such fees and charges being percentages of the total cost of materials and labour for the construction and installation of all



works calculated in accordance with recommended by the Professional Engineers and Geoscientists Newfoundland & Labrador (PEGNL) and in effect at the time the work is carried out.

**108. Street Works May Be Deferred**

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

**109. Transfer of Streets and Utilities to Council**

- (a) The developer shall, following the approval of the subdivision of land and upon request of Council, transfer to Council, at no cost to Council, and clear of all liens and encumbrances,
  - (ii) all lands in the area proposed to be developed or subdivided which are approved and designated by Council for public uses as streets, or other rights-of-way, or for other public use,
  - (iii) all services or public works including streets, water supply and distribution and sanitary an storm drainage systems installed in the subdivision that are normally owned and operated by Council.
- (b) Before Council 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.
- (c) Council shall not provide maintenance for any street, service or public work in any subdivision until such time as such street, service or public work has been transferred to and accepted by Council.

**110. Restriction on Sale of Lots**

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

- (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.



**111. Lot Grading**

- (a) Subdivision design and lot layout shall take into consideration natural topography and stormwater drainage.
- (b) Drainage design shall not create flooding or result in excessive stormwater flow on adjoining lots, Town land or infrastructure.
- (c) Retaining walls shall be avoided where possible and grading plans shall take into consideration the difference in elevation on adjoining lots
- (d) Council may require a drainage easement to be constructed and conveyed to Council.

**112. Grouping of Buildings and Landscaping**

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

**113. Open Space**

- (a) All open space to be conveyed to Council shall be graded with suitable fill material in accordance with the approved plan of subdivision.
- (b) Minimum landscaping of open space shall be topsoil and grass sods or hydro seed and must be completed prior to the conveyance to Council.
- (c) All trails shall be developed to Council's standards.



## PART VI - USE ZONES

### 114. Use Zones

- (a) The Municipal Planning Area is divided into Use Zones which are shown on the Development Regulations maps attached to and forming part of these Regulations.
- (b) 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.
- (c) Where standards, requirements, and conditions applicable in a Use Zone are not set out in the Use Zone Tables in Schedule C, Council may in its discretion, determine the standards, requirements and conditions which shall apply.

### 115. 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 Council in accordance with the classification and examples set out in Schedule B.

### 116. Permitted Uses

Subject to these Development 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 Council in that Use Zone.

### 117. Discretionary Uses

Subject to these Development 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 Council is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if Council has given notice of the application in accordance with Regulation 27 and has considered any objections or representations which may have been received on the matter.

### 118. 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. Those uses that are listed as prohibited uses in the appropriate Use Zone Tables in Scheduled C, shall not be permitted in that Use Zone.



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

(Filed January 2, 2001)

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

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

**Minister of Municipal and Provincial Affairs**

**REGULATIONS**

Analysis

1. Short title
2. Definitions
3. Application
4. Interpretation
5. Notice of right to appeal
6. Appeal requirements
7. Appeal registration
8. Development prohibited
9. Hearing notice and meetings
10. Hearing of evidence
11. Board decision
12. Variances
13. Notice of variance
14. Residential non-conformity
15. Notice and hearings on change of use
16. Non-conformance with standards
17. Discontinuance of non-conforming use
18. Delegation of powers
19. Commencement

**1. Short title**

These regulations may be cited as the Development Regulations.

**2. Definitions**

In these regulations,

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



- (b) "applicant" means a person who has applied to an Council for an approval or permit to carry out a development;
- (c) "Council" means a council, authorized administrator or regional Council; and
- (d) "development regulations" means these regulations and regulations and by-laws respecting development that have been enacted by the relevant Council.

### 3. Application

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

### 4. Interpretation

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





- (i) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or
- (ii) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment;
- (iii) "floor area" means the total area of all floors in a building measured to the outside face of exterior walls;
- (iv) "frontage" means the horizontal distance between side lot lines measured at the building line;
- (v) "lot" means a plot, tract or parcel of land which can be considered as a unit of land for a particular use or building;
- (vi) "lot area" means the total horizontal area within the lines of the lot;
- (vii) "lot coverage" means the combined area of all building on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot;
- (viii) "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;
- (ix) "owner" means a person or an organization of persons owning or having the legal right to use the land under consideration;
- (x) "permitted use" means a use that is listed within the permitted use classes set out in the use zone tables of an Council's development regulations;
- (xi) "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 Council specifies as not permitted within a use zone;
- (xii) "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;
- (xiii) "rear yard depth" means the distance between the rear lot line and the rear wall of the main building on a lot;
- (xiv) "side yard depth" means the distance between the side lot line and the nearest side wall of a building on the lot;
- (xv) "street" means a street, street, highway or other way designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles;
- (xvi) "street line" means the edge of a street reservation as defined by Council having jurisdiction;
- (xvii) "use" means a building or activity situated on a lot or a Development Permitted on a lot;
- (xviii) "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;



- (xix) "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 Council's regulations; and
- (xx) "zoning map" means the map or maps attached to and forming a part of Council's regulations.

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

## 5. Notice of right to appeal

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

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

## 6. Appeal requirements

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

## 7. Appeal registration

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



- (2) Where an appeal has been registered the secretary of the board shall notify the appropriate Council of the appeal and shall provide to Council a copy of the appeal and the documentation related to the appeal.
- (3) Where an Council has been notified of an appeal that Council 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 Council 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 Council, a notice that the appeal has been registered.
- (5) A notice published under subsection (4) shall be published not fewer than 2 weeks before the date upon which the appeal is to be heard by the board.

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

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

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

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

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

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

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

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



## 12. Variances

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

## 13. Notice of variance

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

## 14. Residential non conformity

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

## 15. Notice and hearings on change of use

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

## 16. Non-conformance with standards

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



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

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

**18. Delegation of powers**

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

**19. Commencement**

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



## SCHEDULE A - DEFINITIONS

The defined words below are primarily intended to assist in the interpretation of specific terms in these Development Regulations. Words that are in **bold** are from the **Urban and Rural Planning Act, 2000** and the Minister's Development Regulations. In all instances, the definitions included in the Act and the Minister's Development Regulations take precedence over any other definition provided in Schedule A.

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

**ACCESSORY BUILDING** means,

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

**ACCESSORY DWELLING UNIT** means a separate dwelling unit constructed within and subsidiary to the main use.

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

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

**ADJUDICATOR** means an adjudicator appointed under section 40 of the **Urban and Rural Planning Act, 2000**.

**APPEALS OFFICER** means an employee of the department designated under subsection 40 (5) of the **Urban and Rural Planning Act, 2000**.

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

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

- (a) the clearing, draining, irrigating or cultivation of land,
- (b) the raising of livestock, including poultry,
- (c) the raising of fur-bearing animals,
- (d) the raising of bees,



- (e) the production of agricultural field crops,
- (f) the production of fruit and vegetables and other specialty horticultural crops,
- (g) the production of eggs and milk,
- (h) the operation of agricultural machinery and equipment, including irrigation,
- (i) storage, use or disposal of organic wastes (manure) for farm purposes, and
- (j) any other agricultural activity or process prescribed by Provincial regulation that is carried on for gain or reward.

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

**ANIMAL UNIT** means any one of the following animals or groups of animals as specified by the Agriculture Branch, Department of Fisheries, Forestry and Agriculture:

TYPE OF LIVESTOCK	AVERAGE WEIGHT PER ANIIMAL (Kilograms)	NUMBER OF LIVESTOCK PER ANIMAL UNIT
Dairy Cows	545-640	1
Heifers	300	2
Veal	91	5
Bulls	545	1
Beef Cows	360	2
Sows (F to F)	454	1
Sows	150	3
Hogs	75	6
Boars	150	3
Sheep (ewe)	54	8
Sheep (lamb)	27	16
Goats	64	7
Foxes	3	150
Rabbits	2.27	200
Laying Hens	1.8	252
Broilers	0.9	500
Pullets	1.3	350
Broiler turkey	6.5	70



Heavy turkey	7.5	60
Heavy toms	12	40

**ANTENNA** means a system that involves the transmission or receiving of data through radio waves, air monitoring, weather collection devices or other sources, typically forming part of a mast or tower. Small monitoring structures located near the base are accessory to the main use.

**APARTMENT BUILDING** means a building containing three or more dwelling units. A unit, units or an apartment building may be used for supervised housing, subsidized housing or a group home.

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

**ARTERIAL STREET** means the streets in the Municipal Planning Area constituting the main traffic arteries of the area.

**APPROVAL IN PRINCIPLE** means that Council when considering a development application shall evaluate the application to the development requirements within the Town. If the proposed development meets the development requirements of the Town, an approval in principle may be given to the application. An approval in Principle outlines the specific conditions that must be met by the applicant prior to the issuance of a Development Permit to commence development.

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

**BUILDING** means,

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

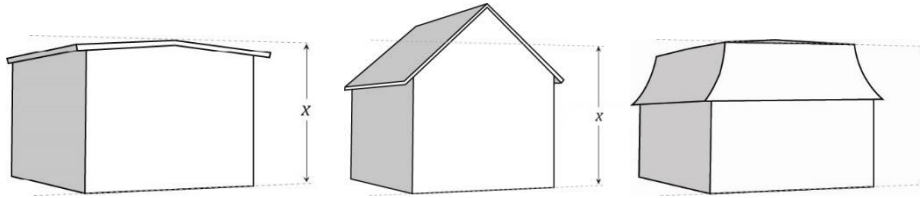
**BUILDING HEIGHT** means the vertical distance, in metres, from established grade to the,

- (i) highest point of the roof surface of a flat roof,
- (ii) deck line of a mansard roof, and
- (iii) mean height level between the eave and ridge of a gable, hip or gambrel roof





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



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

**CAMPGROUND** means a parcel of land, managed as a single entity, for the accommodation of any combination of recreational vehicles or tents on a short term or seasonal basis including semi-permanent accommodation such as yurts, glamping pods or similar structures, and may include accessory uses such as administrative office, laundry and shower building, comfort station, clubhouse and recreational facilities. Campgrounds must be licensed by the Department of Tourism, Culture, Arts and Recreation.

**CHILDCARE SERVICE** means an activity or other arrangement that provides temporary care or supervision of a child and is licensed in accordance with the **Childcare Act** and **Childcare Regulations**. Childcare Service includes family home care services as well as childcare centres.

**CLUSTER HOUSING** means a groups of buildings, each building containing more than one dwelling unit, which may be in various forms, and so located on a lot that each building may not front on a public street or road and more than one building may exist on one lot.

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

**COMPREHENSIVE DEVELOPMENT** means a development, approved by Council, which is designed, developed, and managed as a unit which may include an interior road network, infrastructure, and utilities. A comprehensive development is subject to conditions outlined in an approval in principle, Development Permit and a development agreement. A comprehensive development may be for residential, commercial, industrial, or other purposes.

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

**COUNCIL** means the Municipal Council of the Town of Lewisporte.

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

- (i) making of an access onto a highway, street or way,
- (ii) erection of an advertisement or sign,
- (iii) construction of a building,



- (iv) the parking of a trailer, or vehicle used for the sale of refreshments or merchandise, or as an office, or for living accommodation,

and excludes the,

- (v) the carrying out of works for the maintenance, improvement or other alteration of a building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building,
- (vi) the carrying out by a highway authority of works required for the maintenance or improvement of a street, being works carried out on land within the boundaries of the street reservation,
- (vii) the carrying out by a local authority or statutory undertaker of works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of streets or other land for that purpose, and
- (viii) the use of a building or land within the courtyard of a dwelling house for a purpose incidental to the enjoyment of a dwelling house as a dwelling.

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

**DEVELOPMENT PERMIT** means written permission, and to which approved plans, conditions, and specifications may be attached. No development can proceed until a Development Permit has been issued by Council.

**DEVELOPMENT REGULATIONS** means Regulations made under sections 34 to 38 of the Urban and Rural Planning Act, 2000.

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

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

**DRAINAGE PLAN** means a report, prepared by a professional engineer, based on a bio-physical assessment of the development to determine how surface water and storm water shall be managed, controlled and mitigated so as to not cause water runoff to adjoining land.

**DWELLING UNIT** means a self-contained unit consisting of one or more habitable rooms used or designed as the living quarters for one or more persons. Each dwelling unit shall provide living, sleeping, eating, cooking and sanitation facilities.

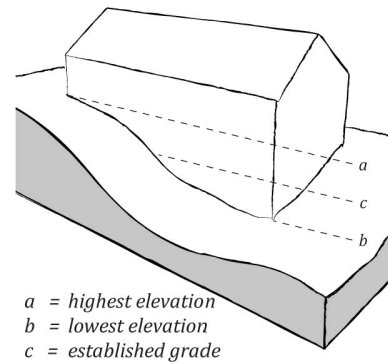
**ENGINEER** means an engineer who is a member of the Association of Professional Engineers and Geoscientists of Newfoundland Labrador.



**ESTABLISHED GRADE** means

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

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.



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

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

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

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

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

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

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

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

**GROUP HOME** means a dwelling unit for individuals that need a supervised living environment. This definition includes, but is not limited to, facilities called "Community Living Facility", "Group Home", "Youth Treatment Centre" or "Transition House".

**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-BASED BUSINESS** means the use of part of a dwelling or an accessory building for pursuits compatible with a domestic household and which is carried out by residents of the dwelling.

**INFILL LOT** means an empty lot between existing dwellings on a street.

**INFORMATIONAL WAYFARING SIGN** means a sign, erected by the Town, or a community group or organization with the approval of Council, that provides direction to specific sites or information about specific sites.



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

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

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

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

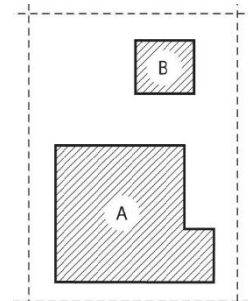
**LOCAL STREET** means a street designed primarily to provide access to adjoining land and which is not designated as a collector street or arterial street in the Municipal Plan, or on the Zoning Map.

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

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

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

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

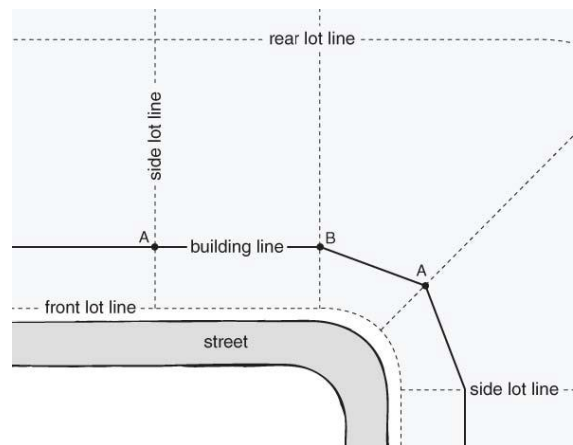


**LOT FRONTAGE** means the horizontal distance between side lot lines measured at the building line (the distance between points A and B in illustration at right). See Frontage.

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

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

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



**MANUFACTURED HOME** means a single dwelling or other dwelling type which is factory built and placed on a permanent foundation on a lot. A manufactured home must be constructed in accordance with CSA A277 and must meet the standards of the applicable zone table. A manufactured home may include a modular home or a tiny home but does not include a mobile home, camper or recreational vehicle.

**MINERAL EXPLORATION** means the search for and sampling of minerals or quarry materials where the activity or activities involved meet the definition of “development” under the **Urban and Rural Planning Act, 2000**. “Mineral” and “quarry material” for the purpose of interpreting the definition of mineral exploration



(development) are as defined in the provincial **Mineral Act** and **Quarry Materials Act, 1998**, respectively. Mineral exploration does not include mining or mineral working (e.g., quarrying). Activities which meet the definition of mineral exploration (development) are to be contrasted with mineral exploration activities that do not meet the definition of development, examples of which typically include traditional prospecting, geochemical sampling surveys (of rock, soil, sediment, water, or vegetation), ground-based and airborne geophysical surveys, and the cutting of survey lines.

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

**MINING** means an operation involving the extraction of a mineral for sale and for which a mining lease is required under the provincial *Mineral Act* administered by the Department of Industry, Energy and Technology. “Mineral” for the purpose of interpreting the definition of mining is as defined under the **Mineral Act**. Mining may include, as secondary activities, mineral exploration (development) and mineral working. Note that under the **Mineral Act** dimension stone (i.e., stone used for building facades, gravestones, etc.) is considered a mineral in Newfoundland (but a quarry material in Labrador) and therefore extraction of dimension stone within the Lewisporte Municipal Planning Area would be considered mining.

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

**MODULAR HOME** means a single dwelling built in modules in a factory complete with kitchen, bedrooms, bath and transported to the building site for joining and placement on a foundation. Modular home construction shall conform to the National Building Code and placed in accordance with the Development Regulations.

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

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

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

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

**PLANNING AREA** means a Municipal Planning Area established under section 6 and 11 of the **Urban and Rural Planning Act, 2000**. For the purpose and context of these regulations, the Municipal Planning Area shall mean the area described in Newfoundland and Labrador Regulation 36/96, or any subsequent Regulation, as the Lewisporte Municipal Planning Area.



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

**PROHIBITED USE** means a use that is listed as prohibited in a use zone table or is not listed in a use zone within the permitted use classes or discretionary use classes.

**PUBLIC STREET** means a main street or thoroughfare owned and maintained by Council or the Department of Transportation and Infrastructure, and includes a provincial highway or Town street, available to the public for pedestrian use or vehicular transportation.

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

**RESTAURANT** means a building or part of a building, licensed for the purpose of serving meals.

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

**SEASONAL DWELLING** means a dwelling which is designed or intended for seasonal or recreational use. A seasonal dwelling is not a permanent living quarters, is not be used as full-time accommodation and is vacant for periods of time each year.

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

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

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

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

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

**SHORT-TERM TOURISM ACCOMMODATION** means the provision of an accommodation for compensation to an individual or group of individuals for overnight lodging for a maximum period of 30 days for each stay. All short-term tourism accommodation must operate with a licensed from the Department of Tourism, Culture, Arts and Recreation.

**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 a side lot line and the nearest side wall of a building on the lot.

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

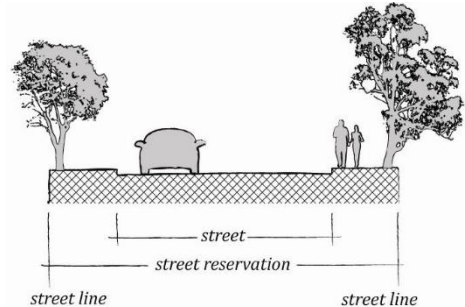


**SINGLE DWELLING** means one building containing a single dwelling unit, placed on its own lot, and can include a subsidiary apartment. A single dwelling may accommodate boarders or be a group home.

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

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

**STREET RESERVATION** means an area determined by Council that is reserved for a street and street infrastructure including sidewalk, verge and ditching, a future street and/or future street improvements.



**STUDIO** means a building or part of a building used as an artist studio, to produce handicrafts, or for one on one or small group lessons such as music lessons or teaching handicraft skills. A studio may include the display and retail sales of artist supplies and products provided that the sales are minor in nature.

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

**SUBDIVISION DEVELOPMENT** means a development which subdivides property into lots in accordance with a site plan which is subject to conditions outlined in an approval in principle, Development Permit and a development agreement. A subdivision development may include public streets, infrastructure, utilities and open space. A subdivision development may be for residential, commercial, industrial or other purposes.

**SUBSIDIARY APARTMENT** means a separate dwelling unit constructed within and subsidiary to a single dwelling providing living, sleeping, eating, cooking and sanitation facilities.

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

**TINY HOME** means a small, private and self-contained dwelling unit with living and sleeping area, and kitchen and bathroom facilities, intended for year around living and placed on a permanent foundation. A tiny home does not include a RV, camper or mobile home. A tiny home shall have a ground floor area of less than 46 square metres and must be constructed in compliance with the National Building Code of Canada or CSA A277.

**TOURISM CABINS** means self-contained accommodation unit or units, used for short-term tourism accommodation, forming a single entity, and may include accessory uses such as administrative office, clubhouse and recreational facilities for the use of visitors renting a tourism cottage. Tourism cabins must be licensed by the Department of Tourism, Culture, Arts and Recreation.

**URBAN AGRICULTURE** means an agricultural operation which does not involve intensive livestock structures or uses, land intensive uses such as sod farming or forage production, or agricultural uses which involve the spreading of manure over large areas.

**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 Council's regulations.

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

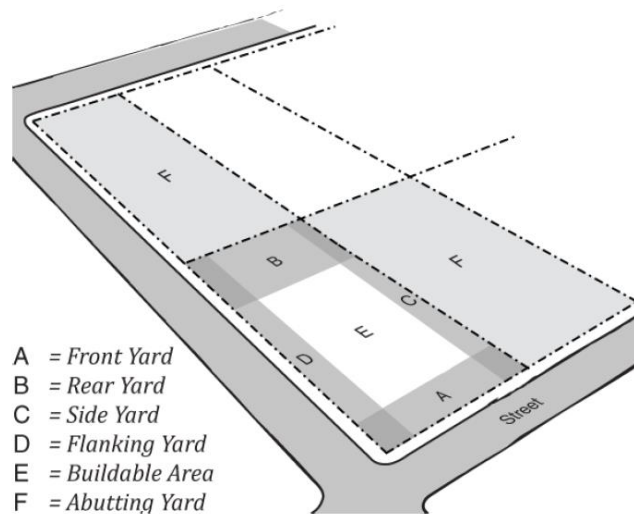
**YARD, REAR** means the distance between the rear lot line and the rear wall of the main building on a lot. See Rear Yard Depth.

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

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

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

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



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





SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS

GROUP	CLASS	EXAMPLES
ASSEMBLY USES	Theatre	Movie theatre, performing arts centre, dinner theatre
ASSEMBLY USES	Cultural and Civic	Library, museum, art gallery, courthouse, meeting rooms, town hall
ASSEMBLY USES	General Assembly	Community hall, community centre, lodge halls, private clubs, service group facilities, food bank
ASSEMBLY USES	Educational	Schools, colleges, private training facilities
ASSEMBLY USES	Place of Worship	Church, chapel, temple, church hall, synagogue, convent, seminary, monastery, rectory, parish house
ASSEMBLY USES	Passenger Assembly	Bus station, boat tours
ASSEMBLY USES	Catering	Restaurants, bars, lounges, soup kitchen
ASSEMBLY USES	Funeral Home	Funeral home, chapel, crematorium
ASSEMBLY USES	Childcare Service	Childcare centre, nursery school, pre-school, family home childcare
ASSEMBLY USES	Amusement	Video arcade, escape room, paint ball venue, zip line
ASSEMBLY USES	Indoor Assembly	Arena, skating rink, indoor swimming pool, gymnasium, bowling alley, fitness centre, dance school, karate school
ASSEMBLY USES	Outdoor Assembly	Outdoor concert venue, outdoor ice rink, outdoor swimming pool, amusement park, fairground
TOURISM USES	Commercial Residential	Hotel, motel, hostels, inn, tourism cabins
TOURISM USES	Short-Term Tourism Accommodation	Airbnb, bed and breakfast



GROUP	CLASS	EXAMPLES
INSTITUTIONAL USES	Penal and Correctional Detention	Jail, penitentiary, youth centre
INSTITUTIONAL USES	Medical Treatment and Special Care	Long term care facility, personal care home, hospital, health care centre, protective care community residence, shelter, assisted living facility
INSTITUTIONAL USES	Fire Station	Fire Station
INSTITUTIONAL USES	Police Station	Police Station
RESIDENTIAL USES	Single Dwelling	Single detached dwellings, manufactured home, modular home, boarding house, group home
RESIDENTIAL USES	Double Dwelling	Semi-detached dwellings, duplex dwellings, manufactured home, modular home, boarding house, group home
RESIDENTIAL USES	Row Dwelling	Row houses, town houses, stacked town houses, manufactured home, seniors independent living cottages
RESIDENTIAL USES	Apartment Building	Apartment building, group home, manufactured home, seniors independent living building
RESIDENTIAL USES	Seasonal Residential	Cabins, cabins, summer homes, hunting and fishing cabins
RESIDENTIAL USES	Tiny Home	Manufactured home, module home, site built tiny home
BUSINESS and PERSONAL SERVICE USES	Office	Offices (including Government Offices), banks, travel agents, insurance brokers, legal offices
BUSINESS AND PERSONAL SERVICE USES	Medical and Professional	Medical clinic, dental office, physiotherapy office, family resource centre, denturist, massage
BUSINESS AND PERSONAL SERVICE USES	Personal Service	Hair salon, household repairs and services, pet grooming, nail salon



GROUP	CLASS	EXAMPLES
BUSINESS AND PERSONAL SERVICE USES	General Service	Laundromat, dry cleaners, tool rental, medical equipment supply and rental
BUSINESS AND PERSONAL SERVICE USES	Studio	Artist studio, craft studio, music lessons, handicraft lessons
BUSINESS AND PERSONAL SERVICE USES	Media	Film studio, music studio, recording or sound studio, editing suite
BUSINESS AND PERSONAL SERVICE USES	Taxi Stand	Taxi and bus services
BUSINESS AND PERSONAL SERVICE USES	Take-out Food Service	Take-out food service, food truck, mobile soup kitchen
BUSINESS AND PERSONAL SERVICE USES	Veterinary	Veterinary surgeries, animal day care facilities, animal rescue, animal pounds
MERCANTILE USES	Shopping Centre	Shopping centre
MERCANTILE USES	Shop	Retail shop, store, showroom, drugstore
MERCANTILE USES	Indoor Market	Indoor farm market, garden centre with greenhouses, nursery
MERCANTILE USES	Outdoor Market	Outdoor flea market, outdoor farm market, vegetable and fruit stands, fish stalls, sale of firewood, sale of new or used automobiles, sale of recreational trailers
MERCANTILE USES	Convenience Store	Confectionary store, corner store, gift shop, craft shop
INDUSTRIAL USES	Hazardous Industry	Bulk storage of hazardous liquids and substances, chemical plants, feed mills, lacquer, mattress, paint, varnish, and rubber factories, fibreglass and spray painting
INDUSTRIAL USES	General Industry	Factory, cold storage plant, freight depot, garages, warehouse, workshop, saw-mill, printing plants, contractors' yards, outdoor storage, heavy equipment storage



GROUP	CLASS	EXAMPLES
INDUSTRIAL USES	Service Station	Gas station, gas bar
INDUSTRIAL USES	Light Industry	Light industry, indoor storage, workshop, storage units
INDUSTRIAL USES	Mining	Mine, extraction of dimension stone
INDUSTRIAL USES	Mineral Working	Quarry, pit, processing of quarry materials, concrete plant, asphalt plant, soil production, soil reclamation
INDUSTRIAL USES	Mineral Exploration	Prospecting, trenching, xxx
INDUSTRIAL USES	Marine Service Centre	Marine fabrication, offshore service centre, marine vessel repair, shipyard, dry dock
RECREATION USES	Trails	Walking trail, hiking trail, bike trail, ATV trail
RECREATION USES	Recreation Open Space	Soccer field, baseball diamond, softball diamond, tennis court, basketball court, frisbee cages, park, tot lot, splash pad, golf course, community garden
RECREATION USES	Campground	RV park, tent campground, yurts, glamping pods
NON-BUILDING USES	Agriculture	Commercial farm, livestock farm, poultry barn, forage production, nursery
NON-BUILDING USES	Urban Agriculture	Hobby farm, nursery, small scale horticulture farm, animal barn, poultry coop
NON-BUILDING USES	Forestry	Tree nurseries, silviculture, domestic and commercial wood harvesting
NON-BUILDING USES	Conservation	Historical and scenic sites, wildlife sanctuary, interpretive walks, scenic look-out, rest area
NON-BUILDING USES	Cemetery	Cemeteries, graveyards, pet cemeteries



GROUP	CLASS	EXAMPLES
NON-BUILDING USES	Scrap Yard	Car Wrecking Yard, Junk Yards, Scrap Dealers
NON-BUILDING USES	Utilities	Wind turbines, windmills, solar generation plant, transmission lines, sub-station
NON-BUILDING USES	Solid Waste	Solid Waste Disposal, Sanitary Land Fill, Incinerators, Recycling Depot
NON-BUILDING USES	Animal	Kennel, zoo, petting zoo, horse riding stable
NON-BUILDING USES	Antenna	TV, radio and media mast, cell tower, antenna
NON-BUILDING USES	Transportation	Airfield, dock, wharf, slipway, breakwater, boat house, fishing shed
NON-BUILDING USES	Marina	Marina, yacht club, boating club





## TOWN OF LEWISPORTE

### SCHEDULE C - STANDARD CONDITIONS FOR ALL USE ZONES

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

**1. General Development Regulations**

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

**2. Discretionary Uses**

The discretionary uses listed in the use zone tables may be permitted at the discretion of Council if they are complimentary to uses within the permitted use class, or that their development shall not inhibit or prejudice the existence or the development of uses within the permitted use class. In accordance with Regulation 28 and 126, Council must advertise an application for a discretionary use and must consider any written submissions before making a decision to approve, approve with conditions or refuse the application.

**3. Referral to Federal and Provincial Departments**

Prior to the issuance of a Development Permit for the foregoing developments, approvals must be obtained from the agencies noted below in addition to any approvals identified in Part III – General Development Standards.

Commercial Farm	Agriculture Branch, Department of Fisheries, Forestry and Agriculture
Manure System	Government Service Centre, Department of Digital Government and Service NL
On-Site Services	Government Service Centre, Department of Digital Government and Service NL
Undertakings identified Part III of the <i>Environmental Assessment Regulations, 2003</i>	Environmental Assessment Division, Department of Environment and Climate Change
Development which may release an air contaminant	Pollution Control Division, Department of Environment and Climate Change
Storage and Handling of Gasoline and Associated Products	Pollution Control Division, Department of Environment and Climate Change
Waste Disposal	Waste Management Division, Department of Environment and Climate Change



Long-Term Care Facilities, Personal Care Homes, Protective Care Community Residences	NL Health Services and Department of Digital Government and Service NL
Where development would occupy Crown Land, is within 15 metres of the highwater mark, or is on land covered by water	Crown Lands Branch, Department of Fisheries, Forestry and Agriculture
Lewisporte Port	Transport Canada
Non-forestry development within a domestic harvest area	Forestry Division, Department of Fisheries, Forestry and Agriculture

**4. Water Resources Permits**

A permit from the Water Resources Management Division, Department of Environment and Climate Change is required before Council shall issue a Development Permit for the following uses,

- (a) Development within the Watershed Zone,
- (b) Development within Shore Water Zones,
- (c) Infilling within 15 metres of a body of water including a wetland,
- (d) Sewer and water main installation, and
- (e) Non-domestic water use.

**5. Growth Management**

- (a) Council shall ensure that development occurs in an orderly manner.
- (b) Council may require connections and access with adjacent undeveloped land to protect future development opportunities.
- (c) No property shall be retained by a developer or owner to prevent future development of adjoining lands.

**6. Climate Change**

Council shall consider the potential risks resulting from more frequent and extreme weather events, such as flooding, sea surges, coastal erosion, and sea level rise, resulting from climate change when evaluating applications. Development within the Climate Change Buffer shall comply with Regulation 42.

**7. Infill Development**

- (a) To accommodate infill development along existing streets and in areas with municipal water and sewer, Council shall ensure that new development is compatible with the character of the area by ensuring that the placement of new buildings align with the existing development pattern.
- (b) Council may adjust the building line setback for new development to align with adjacent





existing buildings notwithstanding the building line setback established in the applicable use zone.

- (c) The Government Service Centre, Department of Digital Government and Service NL, shall determine lot area and frontage necessary to accommodate an on-site well and septic system for an existing unserviced infill lot. Where the Government Service Centre, Department of Digital Government and Service NL, determines lot area and frontage, the standards prescribed in the applicable zone shall not apply.

**8. Land Use Zones**

Schedule C contains tables for the following Use Zones.

Land Use Zone	Abbreviation	Page
Residential Medium Density	RDM	63
Residential Senior	RS	67
Residential Rural	RR	70
Commercial General	CG	73
Commercial Town Centre	CTC	75
Marina	M	77
Mixed Development	MD	78
Public Buildings	PB	80
Industrial General	IG	82
Industrial Port Related	IPR	84
Open Space Recreation	OSR	86
Open Space Conservation	OSC	87
Watershed	W	88
Rural	RUR	90



**RESIDENTIAL MEDIUM DENSITY USE ZONE TABLE**

<b>ZONE TITLE – RESIDENTIAL MEDIUM DENSITY (RMD)</b>
<p>PERMITTED USE CLASSES - (see Regulation 116)                      Single dwelling, double dwelling, row dwelling, apartment building, medical treatment and special care, home-based businesses, short-term tourism accommodation, childcare services (Regulation 41), transportation, uses permitted in all zones (Regulation 80 (a), (b) and (d)), streets, services and public utilities (Regulation 69)</p>
<p>DISCRETIONARY USE CLASSES - (see Regulations 27 and 117)                      Tiny home, cluster housing, educational, place of worship, convenience store, veterinary clinic, discretionary uses in all zones (Regulation 80 (d))</p>

STANDARD	WHERE PERMITTED (with water and sewer)					
	Single Dwelling and Tiny Home	Double Dwelling	Row Dwelling	Apartment Building		
1 bedroom				2 bedrooms	3+ bedrooms	
Lot Area (m <sup>2</sup> ) (minimum)	450 <sup>1</sup>	390 <sup>2</sup>	350 <sup>2</sup>	200	250	280
Frontage (m) (minimum)	15	26	12 <sup>2</sup>	36		
Building Line Setback (m) (minimum)	6	6	6	8		
Side Yard (m) (minimum)	1.2	1.2	1.2	5		
Rear Yard (m) (minimum)	6	6	6	6		
Lot Coverage (%) (maximum)	40	40	40	40		
Height (m) (maximum)	8	8	10	10		
<ol style="list-style-type: none"> <li>1. Unserviced lots shall meet the minimum lot standards prescribed by the Government Service Centre, Department of Digital Government and Service NL.</li> <li>2. Per unit</li> <li>3. Tiny homes within a subdivision designed to accommodate only tiny homes shall meet the standards in Condition 3.</li> </ol>						



**CONDITIONS FOR RESIDENTIAL MEDIUM DENSITY (RMD) ZONE**

**1. Public Street**

All development shall front onto a public street except for an antenna.

**2. Residential Lots with On-Site Services**

- (a) A residential lot serviced with on-site septic service and well shall meet the lot area requirements of Government Service Centre, Department of Digital Government and Service NL.
- (b) Where the Government Service Centre, Department of Digital Government and Service NL determines lot area and frontage for an infill lot, the standards prescribed in the applicable zone shall not apply.
- (c) Only a single dwelling shall be permitted on a lot with on-site septic service and well.

**3. Tiny Home Subdivision**

- (a) Lots in a subdivision designed to accommodate only tiny homes shall meet the following standards:

Standards	
Lot Area (m <sup>2</sup> ) (minimum)	150
Lot Frontage (m) (minimum)	7.5
Building Line Setback (m) (minimum)	6
Side Yard (m) (minimum)	1.2
Rear Yard (m) (minimum)	5
Building Height (m) (maximum)	8

- (b) A tiny home subdivision shall contain a minimum of five lots and each tiny home shall be connected to municipal water and sewer services with separate service lines for each tiny home.
- (c) A tiny home subdivision shall comply with Part IV – Subdivision of Land unless it is designed and constructed to be under common ownership where Council may prescribe the road, sidewalk and infrastructure standards.

**4. Tiny Home**

- (a) A single tiny home shall be permitted on a lot meeting the standards for a single dwelling in the Residential Medium Density (RMD) zone and must be connected to municipal water and sewer services with separate service lines for each tiny home.
- (b) Subdivision of a lot to accommodate one tiny home only must meet the single dwelling standards and the tiny home must be connected to municipal water and sewer services with separate service lines for each tiny home.



**5. Cluster Housing**

- (a) Council shall use its discretion to prescribe the minimum lot area for a cluster housing development.
- (b) The minimum frontage for a cluster housing shall be 26 metres.
- (c) A cluster housing development shall comply with the minimum building line, building height, rear yard and side yard requirements for a row dwelling.

**6. Medical Treatment and Special Care**

- (a) Medical treatment and special care facility shall be designed and maintained to a high standard with respect to safety and appearance.
- (b) Council may require screening through the provision of trees, shrubs, berms, landscaping or fencing between a medical treatment and special care facility and adjacent residential uses.
- (c) Medical treatment and special care uses shall be connected to municipal water and sewer services.
- (d) A medical treatment and special care use shall be located on a lot that shall conform to the frontage, building line setback, side yard, rear yard and lot coverage requirements specified for an apartment building with studio and one-bedroom units.

**7. Medical and Professional Use, Personal Service Use, Childcare Services and Shop**

A medical service and professional use, personal service use, childcare services and shop shall be permitted provided that it:

- (a) Meets the frontage, lot area, building line, flanking side yard, side yard, height and lot coverage requirements for a single dwelling as established in the Residential Medium Density (RMD) zone, and
- (b) Does not distract from the residential character of the surrounding area.

**8. Home-Based Business**

Council shall allow a home-based business, accessory to a dwelling unit, consisting of the following uses subject to the provisions of Regulation 52,

- (a) medical and professional,
- (b) personal services,
- (c) offices,
- (d) studios,
- (e) family childcare services.

**9. Transportation**

Transportation uses shall be permitted provided that:

- (a) the use is limited to wharves, docks, boathouses and slipways on ponds and marine shorelines that are accessory to a permitted or discretionary use,
- (b) the size, scale, and use of the structures is compatible with surrounding development, and



- (c) any infilling is subject to approval from the Water Resources Management Division, Department of Environment and Climate Change.

**10. Accessory Buildings**

- (a) An accessory building on a residential lot shall have a maximum height no greater than 6.1 metres.
- (b) An accessory building shall not be used for non-residential purposes without the permission of Council.
- (c) An accessory building shall be no closer than 3 metres from another building and 1.5 metres from any property line.
- (d) Where it can be clearly demonstrated that a need exists for a larger accessory building, Council shall have the discretion to approve it where the lot coverage and maximum floor exceeds the standards in (e).
- (e) Accessory buildings shall meet the following standards:

Lot Size	Accessory Building Standards
Lot area less than 1860 m <sup>2</sup>	9% of total lot area or 85 m <sup>2</sup> whichever is less
Lot area equal to or greater than 1860 m <sup>2</sup>	9% of total lot area or 112 m <sup>2</sup> whichever is less
	Where the proposed size is greater than 112 m <sup>2</sup> , Council may exercise its discretion

**11. Short-Term Tourism Accommodation**

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



**RESIDENTIAL SENIORS USE ZONE TABLE**

ZONE TITLE – RESIDENTIAL SENIORS (RS)
<p>PERMITTED USE CLASSES - (see Regulation 116)                      Double dwelling, row dwelling, apartment building, medical treatment and special care, medical and professional, personal services, shop, and uses permitted in all zones (Regulation 80 (a), (b) and (c)), streets, services and public utilities (Regulation 69)</p>
<p>DISCRETIONARY USE CLASSES - (see Regulations 27 and 117)                      Tiny home, cluster housing, and discretionary uses in all zones (Regulation 80 (d))</p>

STANDARDS				
	Double Dwelling and Tiny Home	Row Dwelling	Apartment Building	
			1 bedroom and studio	2 and more bedrooms
Lot Area (m <sup>2</sup> ) (minimum)	250 <sup>1</sup>	350 <sup>1</sup>	200	250
Frontage (m) (minimum)	10 <sup>1</sup>	10 <sup>1</sup>	30	
Building Line Setback (m) (minimum)	6	6	8	
Side Yard (m) (minimum)	1.2	1.2	5	
Rear Yard (m) (minimum)	6	6	6	
Lot Coverage (%) (maximum)	40	40	40	
Height (m) (maximum)	8	10	10	
1. Per unit				

**1. Public Street**

- (a) All development shall front onto a public street except for an antenna.
- (b) Buildings within a cluster housing development may front onto an internal road network which shall be maintained by the owner and built to standards required by the Town provided that:
  - (i) the overall development fronts onto a public road, and
  - (ii) the internal road network connects to a public road.

**2. Servicing**

All development in the Residential Seniors (RS) zone shall be connected to municipal water and sewer services.



**3. Tiny Homes Subdivision**

- (a) Lots in a subdivision designed to accommodate only tiny homes shall meet the following standards:

Standards	
Lot Area (m <sup>2</sup> ) (minimum)	150
Lot Frontage (m) (minimum)	7.5
Building Line Setback (m) (minimum)	6
Side Yard (m) (minimum)	1.2
Rear Yard (m) (minimum)	5
Building Height (m) (maximum)	8

- (b) A tiny home subdivision shall contain a minimum of five lots and shall be connected to municipal water and sewer services with separate services lines for each tiny home.
- (c) A tiny home subdivision shall comply with Part IV – Subdivision of Land unless it is designed and constructed to be under common ownership where Council may prescribe the road, sidewalk and infrastructure standards.

**4. Tiny Homes**

- (a) A lot for a single tiny home shall meet the standards for a double dwelling.
- (b) A tiny home shall be connected to municipal water and sewer services with separate service lines for each tiny home.

**5. Cluster Housing**

- (a) Council shall use its discretion to prescribe the minimum lot area for a cluster housing development.
- (b) The minimum frontage for a cluster housing shall be 26 metres.
- (c) A cluster housing development shall comply with the minimum building line, building height, rear yard and side yard requirements for a row dwelling.

**6. Medical Treatment and Special Care**

- (a) Medical treatment and special care shall be restricted to assisted living and personal care facilities in the Residential Seniors (RS) zone.
- (b) Medical treatment and special care facility shall be designed and maintained to a high standard with respect to safety and appearance.
- (c) Council may require screening through the provision of trees, shrubs, berms, landscaping or fencing between a medical treatment and special care facility and adjacent residential uses.
- (d) Medical treatment and special care uses shall be connected to municipal water and sewer services.
- (e) A medical treatment and special care use shall be located on a lot that shall conform to the frontage, building line setback, side yard, rear yard and lot coverage requirements specified for an apartment building with studio and one-bedroom units.



**7. Medical and Professional Use, Personal Service Use, and Shop**

A medical service and professional use, personal service use, and shop shall be permitted provided that:

- (a) It is an accessory use to an apartment building, cluster housing or a medical treatment and special care facility, and
- (b) It does not distract from the residential character of the surrounding area.





**RESIDENTIAL RURAL USE ZONE TABLE**

<b>ZONE TITLE – RESIDENTIAL RURAL (RR)</b>
<p>PERMITTED USE CLASSES - (see Regulation 116)                      Single dwelling, double dwelling, row dwelling (up to 4 dwelling units only), apartment building (up to 4 dwelling units only), home-based businesses, short-term tourism accommodation, transportation, uses permitted in all zones (Regulation 80 (a), (b) and (c)), streets, services and public utilities (Regulation 69)</p>
<p>DISCRETIONARY USE CLASSES - (see Regulations 27 and 117)                      Agriculture, forestry, general industry, cemetery, animal, urban agriculture, discretionary uses in all zones (Regulation 80 (d))</p>

<b>STANDARDS</b>				
	Single Dwelling	Double Dwelling	Row Dwelling (up to 4 units only)	Apartment Building (up to 4 units only)
Lot Area (m <sup>2</sup> ) (minimum)	1860 <sup>1</sup>	1400 <sup>1</sup>	2	2
Frontage (m) (minimum)	30 <sup>1</sup>		2	2
Building Line Setback (m) (minimum)	8	8	8	8
Building Line Setback (m) (maximum)	100	100	25	25
Side Yard (m) (minimum)	3	3	5	5
Rear Yard (m) (minimum)	6	6	6	6
Lot Coverage (%) (maximum)	40	40	40	40
Height (m) (maximum)	8	8	10	10

1. Unserviced lots shall meet the minimum lot standards prescribed by the Government Service Centre, Department of Digital Government and Service NL. The Government Service Centre may prescribe lesser lot area and frontage requirements which shall be accepted by Council. Where the Government Service Centre, Department of Digital Government and Service NL determines lot area and frontage, the standards prescribed in the applicable zone shall not apply.
2. Subject to the discretion of Council provided that minimum standards prescribed by the Government Service Centre, Department of Digital Government and Service NL are met.



## CONDITIONS FOR RESIDENTIAL RURAL (RR) ZONE

### 1. Public Street

All development shall front onto a public street except for antenna.

### 2. Short-Term Tourism Accommodation

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

### 3. Home-Based Business and Childcare Services

Council shall allow a home-based business, accessory to a dwelling unit, consisting of the following uses subject to the provisions of Regulation 52,

- (a) medical and professional,
- (b) personal services,
- (c) offices,
- (d) studios,
- (e) family childcare services.

### 4. Transportation

Transportation uses shall be permitted provided that:

- (a) the use is limited to wharves, docks, boat houses, slipways on ponds and marine shorelines that are accessory to a permitted or discretionary use,
- (b) the size, scale, and use of the structures is compatible with surrounding development, and
- (c) any infilling is subject to approval from the Water Resources Management Division, Department of Environment and Climate Change.

### 5. Accessory Buildings

- (a) An accessory building on a residential lot shall have a maximum height no greater than 6.1 metres.



- (b) An accessory building shall not be used for non-residential purposes without the permission of Council.
- (c) An accessory building shall be no closer than 3 metres from another building and 1.5 metres from any property line.
- (d) Where it can be clearly demonstrated that a need exists for a larger accessory building, Council shall have the discretion to approve it where the lot coverage and maximum floor exceeds the standards in (e).
- (e) Accessory buildings shall meet the following standards:

Lot Size	Accessory Building Standards
Lot area less than 1860 m <sup>2</sup>	9% of total lot area or 85 m <sup>2</sup> whichever is less
Lot area equal to or greater than 1860 m <sup>2</sup>	9% of total lot area or 112 m <sup>2</sup> whichever is less
	Where the proposed size is greater than 112 m <sup>2</sup> , Council may exercise its discretion

**6. General Industry**

General industrial uses shall be restricted to maintenance and repair of equipment, processing and storage related to agriculture, forest or other natural resource uses. Industrial uses shall be further limited to those uses which must be located in a rural area in order to avail or raw materials, to avoid creation of nuisance within the built-up community or to accommodate those general industrial uses which require extensive land.

**7. Agriculture and Forestry**

Agriculture and forestry uses may be permitted at the discretion of Council provided that they are of a scale that is compatible with rural residential uses and that they shall not pose a nuisance or hazard to adjacent dwellings.

**8. Urban Agriculture**

- (a) Urban agriculture, in the form of agricultural operations which do not involve intensive livestock structures or uses, land intensive uses such as sod farming or forage production, or agricultural uses which involve the spreading of manure over large areas, may be permitted at the discretion of Council.
- (b) Council may impose conditions including:
  - i) limiting the number of livestock or poultry kept on a lot,
  - ii) setting conditions with respect to buffers, fencing, and proportion of the lot to be kept with natural vegetation,
  - iii) setting separation distances to ensure that noise, odour, dust or other nuisance factors do not negatively affect surrounding land uses,



- iv) setting the maximum number of animals or poultry to be kept on a lot,
- v) setting the maximum size of a animal barn, green house or poultry coop to ensure compatibility with surrounding land uses,
- vi) setting location of manure pile and establishing conditions for manure disposal,
- vii) limiting on-site sales of vegetables, poultry, eggs, manure, or other farm products, or
- viii) other conditions that Council may require to minimize any negative impacts of the urban agriculture operation on surrounding uses.



**COMMERCIAL GENERAL (CG) USE ZONE TABLE**

ZONE TITLE - COMMERCIAL GENERAL (CG)
<p>PERMITTED USE CLASSES - (see Regulation 116)                      All uses in the Assembly Use Group, all uses in the business and personal service group, all uses in the mercantile uses group, all uses in the tourism group, light industry, general industry, service station (Regulation 68), police station, uses permitted in all zones (Regulation 80 (a), (b) and (c)), and streets, services and utilities (Regulation 69)</p>
<p>DISCRETIONARY USE CLASSES - (see Regulations 27 and 117)                      Discretionary uses in all zones (Regulation 80 (d))</p>

**CONDITIONS FOR COMMERCIAL GENERAL (CG) ZONE**

**1. Development Standards**

The development standards for this zone shall be as follows,

Standards	
Minimum Building Line Setback	10 metres
Minimum Side yards	5 metres
Minimum Rear yard	15 metres
Maximum Height	14 metres

**2. Public Street**

All development shall front onto a public street except for antenna.

**3. Servicing**

All development shall be serviced with municipal water and sewer.

**4. Access and Parking**

- (a) All accesses to a public road shall be paved, and clearly identified.
- (b) All parking lots, aisles and parking stalls shall be paved and parking stalls shall be clearly identified.

**5. Light and General Industry**

- (a) General and light industry uses shall be permitted provided the use operates without hazard or intrusion and without detriment to the surrounding area by reason of noise, vibration, smell, and fumes.
- (b) Council may require such uses to be screened from view using landscaping or fences.



**6. Outdoor Storage**

Outdoor storage of materials, goods and machinery shall meet the following conditions,

- (a) Where outdoor is not the primary use of land, storage areas shall not be located in the front yard.
- (b) Where storage areas are not screened from general view by vegetation or topography, a storage area may be required to be enclosed by an opaque wall or fence not less than 2 metres in height constructed of uniform materials and approved by Council.
- (c) Storage of vehicles or other machinery or equipment, except transport vehicles which may be parked in the open provided their parking area is landscaped and suitably located, shall be prohibited in areas where there is no screening or fencing.
- (d) Buffer areas shall not be used as storage areas.

**7. Buffer**

Council may require provision of a buffer made up of hedges, trees, shrubs, earthen berms or structural barriers that shall 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.



**COMMERCIAL TOWN CENTRE USE ZONE TABLE**

ZONE TITLE – COMMERCIAL TOWN CENTRE (CTC)
<p>PERMITTED USE CLASSES - (see Regulation 116)                      All uses in the tourism group, all uses in the assembly group, all uses in the business and personal service group, all uses in the mercantile group, single dwelling, double dwelling, apartment building (up to 4 dwelling units), row house (up to 4 dwelling units), home-based business (Regulation 52), uses permitted in all zones (Regulation 80 (a), (b) and (c)) and streets, services and utilities (Regulation 69)</p>
<p>DISCRETIONARY USE CLASSES - (see Regulations 27 and 117)                      Apartment building (more than 4 dwelling units), row house (more than 4 dwelling units), cluster housing, and discretionary uses in all zones (Regulation 80 (d))</p>

**CONDITIONS FOR TOWN CENTRE (TC) ZONE**

**1. Development Standards**

The development standards for this zone shall be as follows:

Standards	
Minimum Building Line Setback	6 metres
Minimum Side yards	3 metres
Minimum Rear yard	10 metres
Maximum Height	10 metres
Minimum Floor Area	50 m <sup>2</sup>

**2. Residential Development**

- (a) Residential development shall conform to the standards of the Residential (RMD) Land Use Zone and shall be connected to municipal water and sewer services.
- (b) Single dwellings, double dwelling, apartment buildings with up to 4 dwelling units and row houses with up to 4 dwelling units shall be permitted on the side streets only.
- (c) Apartment buildings, row houses, cluster housing with more than 4 dwelling units may be permitted on Main Street subject to Council discretion.

**3. Public Street**

All development shall front onto a public street except for antenna.

**4. Services**

All development shall be serviced with municipal water and sewer services.



**5. Buffer for Residential Uses**

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

**6. Outdoor Storage**

Outdoor storage of material, goods and machinery is not permitted in this zone.

**7. Home-Based Business**

Council shall allow a home-based business, accessory to a dwelling unit, consisting of the following uses subject to the provisions of Regulation 52:

- (a) medical and professional,
- (b) personal services,
- (c) offices,
- (d) studios, and
- (e) family childcare.





**MARINA USE ZONE TABLE**

ZONE TITLE – MARINA (M)
<p>PERMITTED USE CLASSES - (see Regulation 116)                      Marina, marine service centre, catering, commercial recreation, transportation, passenger assembly, uses permitted in all zones (Regulation 80 (a), (b) and (c)), and streets, services and utilities (Regulation 69)</p>
<p>DISCRETIONARY USE CLASSES - (see Regulations 27 and 117)                      Discretionary uses in all zones (Regulation 80 (d))</p>

**CONDITIONS FOR MARINA (M) ZONE**

**1. Compatibility with Surrounding Area**

Development shall fit with the surrounding area and shall not negatively affect adjacent uses with respect to noise, dust, vibration, odour, traffic, hours of operation and other nuisances.

**2. Commercial Residential**

- (a) An application for commercial residential shall include the following information,
  - (i) Layout of accesses and internal roadways,
  - (ii) Layout and number of parking spaces,
  - (iii) Location and size of accessory uses such as comfort station, laundry facilities, office, convenience store, clubhouse, and recreational facilities, and
  - (iv) Landscaping and buffers.
  
- (b) Commercial residential uses shall be permitted subject to the following conditions:
  - (i) Outdoor amenities such as hot tubs, fire pits and recreational amenities shall be placed so to minimize impact on adjacent uses from noise, lighting, litter, odour, smoke, and any other potential negative effects,
  - (ii) Council may require screening through the provision of trees, shrubs, berms, landscaping or fencing between the tourism cottage use and adjacent residential uses, and
  - (iii) Parking shall include one parking space for each commercial residential unit.



**MIXED DEVELOPMENT USE ZONE TABLE**

ZONE TITLE - MIXED DEVELOPMENT (MD)
PERMITTED USE CLASSES - (see Regulation 116) Single dwelling, double dwelling, row house, apartment building, cluster housing, all uses in the assembly group, all uses in the tourism group, all uses in the business and personal services group, shop, convenience store, transportation, passenger assembly, home-based business (Regulation 52), and uses permitted in all zones (Regulation 80 (a), (b) and (c)), and street, services and utilities (Regulation 69)
DISCRETIONARY USE CLASSES - (see Regulations 27 and 117) Medical treatment and special care, and discretionary uses in all zones (Regulation 80 (d))

**CONDITIONS FOR MIXED DEVELOPMENT (MD) ZONE**

**1. Development Standards**

The development standards for this zone shall be as follows:

Standards	
Minimum Building Line Setback	8 metres
Minimum Side yards	5 metres
Minimum Rear yard	10 metres
Maximum Height	10 metres

**2. Residential Development**

Residential development shall conform to the standards of the Residential Medium Density (RMD) Land Use Zone and shall be connected to municipal water and sewer services.

**3. Public Street**

All development shall front onto a public street except for antenna.

**4. Buffer for Residential Uses**

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

**5. Outdoor Storage**

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



**6. Commercial Residential**

- (a) Commercial residential uses shall be motel efficiency units and duplex units.
- (b) Accessory uses such as a marine related tourism use shall be permitted in association with the commercial residential use.
- (c) Commercial residential use shall not detract from the residential character of the area.
- (d) The commercial residential units shall be similar in exterior finish, design, height and scale to adjacent existing dwellings.
- (e) One parking space shall be provided for each rental unit on the lot.
- (f) The parking area shall be screened by a fence or hedge and shall be paved with clearly marked accesses.

**7. Home-Based Business**

Council shall allow a home-based business, accessory to a dwelling unit, consisting of the following uses subject to the provisions of Regulation 52,

- (a) medical and professional,
- (b) personal services,
- (c) offices,
- (d) studios, and
- (e) family childcare.



**PUBLIC BUILDINGS USE ZONE TABLE**

ZONE TITLE - PUBLIC BUILDINGS (PB)
PERMITTED USE CLASSES - (see Regulation 116) Educational, cultural and civic, general assembly, educational, place of worship, indoor assembly, outdoor assembly, medical treatment and special care, fire station, police station, office, childcare services (Regulation 41), catering, take-out food services, uses permitted in all zones Regulation 80 (a), (b) and (c) and streets, services and utilities (Regulation 69)
DISCRETIONARY USE CLASSES - (see Regulations 27 and 117) Discretionary uses in all zones (Regulation 80 (d))

**CONDITIONS FOR PUBLIC BUILDINGS (PB) ZONE**

**1. Development Standards**

The development standards for this zone shall be as follows,

Standards	
Minimum Building Line Setback	10 metres
Minimum Side yards	5 metres
Minimum Rear yard	15 metres
Maximum Height	14 metres

**2. Public Street**

All development shall front onto a public street except for antenna.

**3. New Public Buildings**

All permitted uses shall meet the following standards,

- (a) The development is compatible with surrounding land uses.
- (b) Provision of a buffer made up of hedges, trees, shrubs, earthen berms or structural barriers that shall 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.
- (c) The development must be connected to municipal water and sewer.

**4. Medical Treatment and Special Care**

- (a) Medical treatment and special care shall be restricted to hospital, hospice, medical clinic, health care centre, shelter, and similar medical and care uses.
- (b) Medical treatment and special care facility shall be designed and maintained to a high standard for safety and appearance.



- (c) Council may require screening through the provision of trees, shrubs, berms, landscaping or fencing between a medical treatment and special care facility and adjacent residential uses.
- (d) The medical treatment and special care facility shall conform to the frontage, building line setback, side yard, rear yard and lot coverage requirements specified for an apartment building in the Residential Medium Density (RMD) zone.

**5. Offices**

Only government offices, banks, and similar uses shall be permitted in this zone. Commercial offices or offices associated with a business operation shall not be permitted.

**6. Catering and Take-Out Food Services**

Catering and take-out food services may be permitted as an accessory use.



**INDUSTRIAL GENERAL USE ZONE TABLE**

ZONE TITLE - INDUSTRIAL GENERAL (IG)
PERMITTED USE CLASSES - (see Regulation 116) General industry, light industry, educational, service station (Regulation 68), transportation, uses permitted in all zones (Regulation 80 (a), (b) and (c)), and streets, services and utilities (Regulation 69)
DISCRETIONARY USE CLASSES - (see Regulations 27 and 117) Mineral workings (Regulation 60), hazardous industry, and discretionary uses in all zones (Regulation 80 (d))

**CONDITIONS FOR INDUSTRIAL GENERAL ZONE**

**1. Development Standards**

The development standards for this zone shall be determined by Council, taking into consideration adjacent land uses.

**2. Industrial Uses Abutting Dwellings and Residential Zones**

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

**3. General Industry and Light Industry**

- (a) All industrial uses must be provided with streets and municipal services designed for industrial use.
- (b) Any industrial use must provide adequate off-street parking facilities for all employees.
- (c) Customer parking may be provided in the street right-of way by the construction of suitable bays in which parked vehicles shall not interfere with moving traffic.
- (d) Services must be designed for the industrial use with capacity to service the proposed use and provide firefighting services to the satisfaction of Council.

**4. Outdoor Storage**

Council may permit outdoor storage of materials, goods and machinery provided the following conditions are met:

- (a) outdoor storage shall not occupy more than 50% of the site area and shall not be located in the front yard or in any required buffer areas,
- (b) outdoor storage areas shall be enclosed by a wall or fence not less than 2 metres in height constructed of uniform materials approved by Council,



- (c) outdoor storage areas shall be maintained with a stable surface to prevent raising or movement of dust, clay, mud, and loose particles.

**5. Storage of Flammable Liquids**

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

**6. Educational**

Educational uses shall be limited to those providing heavy equipment, industrial, trade, and post-secondary courses.



**INDUSTRIAL PORT RELATED USE ZONE TABLE**

ZONE TITLE - INDUSTRIAL PORT RELATED (IPR)
PERMITTED USE CLASSES - (see Regulation 116) General industry, light industry, hazardous industry, transportation, office, passenger assembly, uses permitted in all zones Regulation 80 (a), (b) and (c) and streets, services and utilities (Regulation 69)
DISCRETIONARY USE CLASSES - (see Regulations 27 and 117) Discretionary uses in all zones (Regulation 80 (d))

**CONDITIONS FOR INDUSTRIAL PORT RELATED (IPR) ZONE**

**1. Development Standards**

The development standards for this zone shall be determined by Council, taking into consideration adjacent land uses.

**2. Industrial Uses Abutting a Dwellings and Residential Zones**

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

**3. Outdoor Storage**

Council may permit outdoor storage of materials, goods and machinery provided the following conditions are met:

- (a) outdoor storage shall not occupy more than 50% of the site area and shall not be located in the front yard or in any required buffer areas,
- (b) outdoor storage areas shall be enclosed by a wall or fence not less than 2 metres in height constructed of uniform materials approved by Council,
- (c) outdoor storage areas shall be maintained with a stable surface to prevent raising or movement of dust, clay, mud, and loose particles.

**4. Storage of Flammable Liquids**

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

**5. Hazardous Industry**

Uses permitted within the Hazardous Industry use class shall be limited to bulk oil and fuel storage.





**6. General Industry**

Uses within the General Industry use class shall be limited to uses directly related to transportation such as wharfage, warehouses, boat storage and repair, workshops, freight depots, marine transportation terminal, and fuel distribution.

**7. Office**

Offices permitted within this zone shall be limited to accessory uses supporting a permitted use.



**OPEN SPACE USE ZONE TABLE**

<b>ZONE TITLE - OPEN SPACE RECREATION (OSR)</b>
<p>PERMITTED USE CLASSES - (see Regulation 116)                      Recreational open space, campground, indoor assembly, outdoor assembly, cultural and civic, childcare services (Regulation 41), catering, take-out food service, uses permitted in all zones (Regulation 80 (a), (b) and (c)), and streets, services and utilities (Regulation 69)</p>
<p>DISCRETIONARY USE CLASSES - (see Regulations 27 and 117)                      Discretionary uses in all zones (Regulation 80 (d))</p>

**CONDITIONS FOR OPEN SPACE RECREATION (OSR) ZONE**

- 1. Development Standards**  
 The development standards for this zone shall be determined by Council, taking into consideration adjacent land uses.
- 2. Public Street**

  - (a) All development shall front onto a public street except for antenna.
  - (b) Pedestrian access shall be provided to the recreational facilities.
- 3. Catering and Take-Out Food Service**  
 Catering and Take-Out Food Service may be permitted as an accessory use.



**OPEN SPACE CONSERVATION USE ZONE TABLE**

<b>ZONE TITLE - OPEN SPACE CONSERVATION (OSC)</b>
PERMITTED USE CLASSES - (see Regulation 116) Conservation, cemetery, uses permitted in all zones (Regulation 80 (a), (b) and (c)) and streets, services and utilities (Regulation 69)
DISCRETIONARY USE CLASSES - (see Regulations 27 and 117) Discretionary uses in all zones (Regulation 80 (d))

**CONDITIONS FOR OPEN SPACE CONSERVATION ZONE**

- 1. Development Standards**  
 The development standards for this zone shall be determined by Council, taking into consideration adjacent land uses.
- 2. Accessory Building**  
 An accessory building may be permitted in association with a cemetery shall have a maximum floor area of no more than 20 square metres. Accessory buildings shall be located a minimum of 3 metres from the nearest part of the main building, if applicable, and a minimum of 1 metre from a side and rear lot line and a maximum height of an accessory building shall be 4 metres.
- 3. Recreation Open Space**  
 Only passive recreational activities such as hiking and skiing shall be permitted.



**WATERSHED USE ZONE TABLE**

ZONE TITLE – WATERSHED (W)
PERMITTED USE CLASSES - (see Regulation 116) Uses permitted in all zones Regulation 80 (a), (b) and (c) and streets, services, and utilities (Regulation 69)
DISCRETIONARY USE CLASSES - (see Regulations 27 and 117) Agriculture, forestry, recreation open space, and discretionary uses in all zones (Regulation 80 (d))

**CONDITIONS FOR PROTECTED WATERSHED (W) ZONE**

**1. Referrals**

- (a) All development applications within the Protected Public Water Supply zone shall be referred to the Water Resources Management Division, Department of Environment and Climate Change. All development within the Watershed (W) zone must receive a permit from Water Resources Management Division, Department of Environment and Climate Change before Council can issue a Development Permit.
- (b) All development in this zone shall conform to Department of Environment and Climate Change Policy Directive W.R. 95-01 - [Policy for Land and Water Related Developments in Protected Public Water Supply Areas - Environment and Climate Change \(gov.nl.ca\)](https://www.gov.nl.ca/ecc/waterres/regulations/policies/water-related/) (<https://www.gov.nl.ca/ecc/waterres/regulations/policies/water-related/>)

**2. Activities Not Permitted in Designated Watershed Area**

The following activities shall not be permitted in the Protected Public Water Supply zone:

- (a) Placing, depositing, or discharging into a body of water sewage, refuse, chemicals, municipal and industrial wastes or any other material which may impair water quality.
- (b) Using an intake, pond, lake or specified buffer zones for any activity detrimental to water quality.
- (c) Using ice covered water body for transporting logs or wood, or the use of snowmobiles/motor vehicles/all-terrain vehicles, leading of large animals, or any other activity, including littering, which may impair water quality.
- (d) Storage and disposal of pesticides and manure, application of manure and chemicals in specified buffer zones, and extensive land clearing.
- (e) Application of herbicides in the right-of-way, and use of chemically treated utility poles and other related structures.

**3. Separation Distances**

The following widths of buffer zones along and around water bodies shall be maintained from the high-water mark in a designated area,



Water Body	Width of Buffer Zone
Intake pond or lake	150 metres
River intake	150 metres for a distance of one kilometre upstream and 100 metres downstream
Main river channel	75 metres
Major tributaries, lakes or ponds	50 metres
Other water bodies	30 metres

No development activity shall be permitted in buffer zones except those that are intended to promote vegetation.

**4. Forestry and Agriculture**

- (a) Limited forestry activities, agriculture, and the maintenance and limited extension of existing uses may be permitted provided they cause no detrimental effect on water quality and comply with conditions of a permit issued by the Water Resources Management Division, Department of Environment and Climate Change.
- (b) Forestry and Agriculture are exempt from the requirement that development front on a public street.

**5. Recreation Open Space**

Only passive recreational activities such as hiking and skiing shall be permitted.

**6. Antenna**

Antenna are exempt from the requirement that development front on a public street.



**RURAL USE ZONE TABLE**

ZONE TITLE - RURAL (RUR)
<p>PERMITTED USE CLASSES - (see Regulation 116)                      Agriculture, forestry, cemetery, uses permitted in all zones (Regulation 80 (a), (b) and (c)) and streets, services and utilities (Regulation 69)</p>
<p>DISCRETIONARY USE CLASSES - (see Regulations 27 and 117)                      Mineral workings (Regulation 61), mining (Regulation 61), outdoor assembly, veterinary, animal, outdoor market, indoor market, general industry, light industry, and discretionary uses in all zones (Regulation 80 (d))</p>

**CONDITIONS FOR RURAL (RUR) ZONE**

**1. Development Standards**

The development standards for uses in this zone shall be determined by Council.

**2. Access**

- (a) Agriculture, forestry, light industry, general industry, mineral working and mine may be accessed by an access road and are exempt from the requirement that development front on a public street.
- (b) Council may set out requirements for the access road. Council may require the access road to be barred after working hours or during a shutdown of the use. The access road shall not pass through the Residential zone.
- (c) All other permitted and discretionary uses shall front on a public street.

**3. Single Dwellings**

Single dwellings may be permitted as an accessory use to an agricultural use provided that the agricultural use is recognized as a commercial farm by the Agriculture Branch, Department of Fisheries, Forestry and Agriculture and that the commercial farm has been operating a minimum of 2 years. The Agriculture Branch, Department of Fisheries, Forestry and Agriculture must approve the single dwelling.

**4. Industrial Uses**

Light industry, and general industry, may be permitted at the discretion of Council provided that,

- (a) The use is restricted to maintenance and repair of equipment, processing and storage related to agriculture, forestry or mineral working uses,
- (b) The proposed use shall not have an adverse visual impact on the built-up areas of the Town and Council may require that the site be screened by landscaping, buffers or fences or separated so not to be visible from public street and the built-up area,
- (c) The proposed use shall not generate an increase in traffic on streets in the built-up areas of the Town,



- (d) The proposes operate without hazard or intrusion and without detriment to the surrounding area by reason of noise, vibration, smell, and fumes, and
- (e) The proposed site can be developed without negative impact on the natural environment and amenities of the Town, including watercourses and ponds.



**SCHEDULE D - OFF-STREET PARKING REQUIREMENTS**

**1. Parking Area Standards**

The parking area standards for these Regulations shall be as follows,

- (a) parking stall width = 2.75 metres
- (b) parking stall length or depth = 5.80 metres
- (c) aisle width = 7.30 metres
- (d) driveway width = 7.00 metres
- (e) minimum area = 16 square metres

**2. Parking Requirements**

- (a) If no parking space requirements are identified below, Council may specify the number of parking spaces to be provided.
- (b) All parking areas and parking spaces shall be graded and surfaced with concrete, asphalt, or other hard material approved by Council.
- (c) Parking area and parking space surfaces shall not conceal or alter municipal infrastructure.
- (d) Any retaining walls associated with a parking area or parking space shall taper down to be flush with the sidewalk or curb.
- (e) Parking areas and parking spaces shall not adversely affect adjacent properties.

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





(i) Funeral Home	One space for every 10m <sup>2</sup> of gross floor area
(j) Childcare Services	One space for every 20m <sup>2</sup> of gross floor area
(k) Amusement	One space for every 10m <sup>2</sup> of gross floor area
(l) Indoor Assembly	One space for every 10 persons that may be accommodated at one time
(m) Outdoor Assembly	As specified by Council

CLASS - INSTITUTIONAL USES	
(a) Detention Centre	As specified by Council.
(b) Medical Treatment and Special Care	One space for every 20m <sup>2</sup> of gross floor area

CLASS - RESIDENTIAL USES	
(a) Tiny Home	One space for every dwelling unit
(b) Single Dwelling and Double Dwelling	Two spaces for every dwelling unit
(c) Cluster Housing	One spaces for every dwelling unit plus spaces specified by Council for visitor parking
(d) Apartment Building	Three spaces for every 2-dwelling units
(e) Subsidiary Apartment	Two spaces for every apartment unit
(f) Short-Term Rental Accommodation	As specified by Council

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



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

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

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

