TOWN OF HARBOUR GRACE

DEVELOPMENT REGULATIONS
2023-2033

PLAN-TECH

ENVIRONMENT

July 2023

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TOWN OF HARBOUR GRACE MUNICIPAL PLAN

DEVELOPMENT REGULATIONS

PART I - APPLICATION

1. Short Title

These Regulations may be cited as the Harbour Grace Development Regulations. Hereafter the Harbour Grace Development Regulations shall be referred to as the Development Regulations.

2. Interpretation

(1) Words and phrases used in these Development Regulations shall have the meanings ascribed to them in Schedule A.

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

(3) In these Regulations,

(a) "Council" means Council of the Town Council of Harbour Grace.

(b) "Act" means the *Urban and Rural Planning Act, 2000*.

(c) "Town" means the Town of Harbour Grace.

(d) "Municipal Plan" means the Harbour Grace Municipal Plan.

(e) "Municipal Planning Area" means the Harbour Grace Municipal Planning Area.

3. Commencement

These 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

(1) The Development Regulations (Newfoundland and Labrador Regulation 3/01), made under Section 36 of the *Urban and Rural Planning Act, 2000* (URPA), 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 Harbour Grace Development Regulations, the Minister's Development Regulations shall prevail.

(2) The Minister's Development Regulations are included in the Development Regulations.

5. National Building Code 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, Street Standard Regulations, Municipal Heritage Site Designation Regulations, and any other

municipal regulations regulating or controlling the development, conservation, and use of land in force in the Town of Harbour Grace 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 these Development Regulations.

7. Permit Required

No person shall carry out any development within the Municipal Planning Area unless a development permit has been issued by Council.

8. Permit to be Issued

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

(1) 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,

(2) the standards set out in the Building Code and/or other ancillary codes, and any Building Regulations, Waste Disposal Regulations, Street Standard Regulations, Municipal Heritage Site Designation Regulations, and/or any other municipal regulation in force in the Planning Area regulating or controlling development, conservation and use of land and buildings,

(3) the standards set out in Part III of these Development Regulations in the case of advertisement,

(4) the standards set out in Part IV of these Development Regulations in the case of subdivision, and

(5) 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

(1) In considering an application for a development permit or for approval in principle to carry out development, Council shall take into account the policies expressed in the Municipal Plan, and any further scheme, plan or regulations pursuant thereto, and shall assess the 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 this Regulation, approve, approve with conditions, or refuse the application.

(2) 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.

(3) Council may use its discretion to interpret boundaries of zones shown on the Land Use Zoning Map. 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 zoning boundary, Council may interpret the exact location of the zoning boundary in a manner that is consistent with the intent and policies of the Harbour Grace Municipal Plan without amendment to the Land Use Zoning Map.

11. Variances

(1) 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 application 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.

(2) 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%.

(3) 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, Council 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

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

(2) A service levy shall not exceed the cost, or estimated cost, including finance charges to Council of constructing or improving the public works referred to in Regulation 14(1) 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.

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

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

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

(4) Council may require a service levy to be paid by the owner of the real property,

(a) at the time the levy is imposed,

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

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

(d) at such other time as Council may decide.

14. Financial Guarantees by Developer

(1) 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 licence.

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

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

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

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

(d) an annual contribution to a sinking fund held by Council, or,

(e) 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 78, 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

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

(2) If application is for Crown Land, the applicant must provide a lease or grant issued by the Crown Lands Branch, Department of Fisheries, Forestry and Agriculture.

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

(4) A site plan shall accompany all applications for development or building. The site plan shall show,

(a) lot area and lot dimensions,

(b) the placement of all buildings, including measurements for building line, side yards and rear yard depth,

(c) building measurements, floor area and building height,

(d) access,

(e) off-street parking,

(f) fencing and retaining walls,

(g) site grading, placement or removal of fill, ditching and storm water management,

(h) landscaping, and

(i) in the case of non-residential development, loading, lot circulation, buffers, fencing, retaining walls, site grading, storm water management and location of features such as dumpsters, lighting and other amenities.

18. Comprehensive Development Plan

In addition to the site plan required in Regulation 17 (3), an application for a major development or subdivision development shall include a comprehensive development plan showing,

(1) site topography and nature features including,

(a) site constraints and opportunities,

(b) wetlands and water bodies,

(c) site drainage patterns, and

(d) slopes exceeding 15 percent.

(2) proposed lots, streets, infrastructure, storm water management and utilities,

(3) connections with existing development including streets, infrastructure, and utilities,

(4) access to existing streets, emergency accesses, and future access to adjacent undeveloped land,

(5) buffers between proposed development and dwellings and areas zoned Residential,

(6) outdoor storage, and

(7) phasing of development.

19. Register of Application

Council 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.

20. Deferment of Application

(1) An application properly submitted in accordance with these Regulations shall be determined within eight (8) weeks of receipt of the application by Council.

(2) Council may defer consideration of an application where additional information or consideration is required.

(3) Where no decision on an application has been made within eight (8) weeks of its submission, the application shall be deemed to be refused.

21. Approval in Principle

(1) An application for Approval in Principle shall include,

(a) a description of the proposed development,

(b) a description of the limits of the land to be used with the proposed development, and may include a survey description of the subject lands, and

(c) submission of any pertinent information that may be required by Council.

(2) Council may issue an Approval in Principle if it determines the application conforms to the Municipal Plan and these Development Regulations.

(3) 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 that that time. If an applicant does not submit a written request to extend an approval in principle, the approval in principle shall expire.

(4) No development shall be carried out under an Approval in Principle.

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

22. Development Permit

(1) 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 full responsibility of obtaining all other approvals, prior to the commencement of development, complying with the application, complying with any conditions, and complying with the requirements of all other regulations and statutes during development.

(2) Council may attach conditions to a Development Permit to ensure compliance with the Municipal Plan and these Regulations, and the permit holder shall be responsible for full compliance with the permit conditions.

(3) 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.

(4) 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 these Regulations.

(5) Council may revoke a Development Permit for failure by the developer to comply with the Municipal Plan and these Regulations, or any condition attached to the Permit to Develop, or where the Development Permit was issued in error or was issued on the basis of incorrect information.

(6) No person shall change the application for which a Development Permit has been issued unless the change has been approved by a resolution of 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.

(7) A copy of the Development Permit, and the plans and specifications, shall be kept on the site until completion of the development.

23. Development Agreement

(1) Where a development agreement is required as 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.

(2) 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. Reasons for Refusing Permit

24. Right to Appeal

(1) Where Council makes a decision that may be appealed under section 41 of the Act, Council shall, in writing, at the time of making that decision, notify the person to whom the decision applies of the,

(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.

(2) An appeal may be filed with the Appeal Officer with the Department of Municipal and Provincial Affairs, P.O. Box 8700, St. John's, Newfoundland Labrador, A1B 4J6 or by email to URPAAppeals@gov.nl.ca.

(3) An appeal shall be made in writing and shall include,

(a) a summary of the decision being appealed;

(b) the grounds of the appeal; and

(c) the required fee.

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

(4) A person or a group of persons aggrieved by a decision may appeal the decision where:

(a) the decision is permitted to be appealed to an adjudicator under the Act or another Act or

(b) the decision is permitted to be appealed under the Development Regulations and the decision relates to the following,

(i) an application to undertake a development,

(ii) a revocation of an approval or a permit to undertake a development, or

(iii) the issuance of a stop work order.

(5) An appeal shall be filed with an appeal officer with the Department of Municipal and Provincial Affairs not more than 14 days after the person who made the original application receives the decision.

(6) Provisions with respect to appeals are found in Part VI of the Act and sections 5 to 11 of the Minister's Development Regulations.

25. Development Prohibited

(1) 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.

(2) Sections 102 and 104 of the Act apply to 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, Council shall not carry out work related to the matter being appealed.

26. Non-Conforming Use

(1) In accordance with section 108 of the Act, and notwithstanding the Municipal Plan, scheme or regulations made under the Act, Council shall, in accordance with regulations made under this Act, allow a development or use of land to continue in a manner that does not conform with a regulation, scheme, or plan that applies to that land provided that the non-conforming use legally existed before the registration under section 24 of the Act, scheme or regulations made with respect to that kind of development or use.

(2) Notwithstanding subsection (1), a right to resume a discontinued non-conforming use of a development of use of land shall not exceed 12 months after that discontinuance.

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

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

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

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

(d) 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,

(e) 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,

(f) where the non-conformance is with respect to the standards included in these development regulations, shall not be expanded if the expansion would increase the non-conformity,

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

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

27. Notice of Application

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 deemed necessary. 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

(1) 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.

(2) A person who does not comply with an order made under Regulation 28 (1) is guilty of an offence under the provisions of the Act.

30. Delegation of Powers

(1) In accordance with section 109 of the Act, Council may appoint an employee or employees to approve or reject applications to development land in accordance with the Harbour Grace Municipal Plan and Development Regulations. That employee may outline conditions applicable to that development.

(2) An employee may issue an order under section 102 of the Act.

(3) Where Council appoints an employee or employees to issue orders, the delegation shall be in writing.

(4) Where an application 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

(1) 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).

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

(3) 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

(1) Accessory buildings shall be clearly incidental and complementary to the use of the main buildings in character, use, and size, and shall be contained on the same lot.

(2) No accessory building or part thereof shall project in front of the main building except with Council approval where:

(a) the proposed location complements the historical development pattern in the surrounding area, such as the heritage homes and areas that have reduced setbacks,

(b) the physical limitations of the property do not allow for the development of an accessory building in the rear or side yards, or

(c) the proposed location would adversely affect the view from neighbouring homes.

(3) The side yard requirements set out in the use zone tables in Schedule C of these Development Regulations shall apply to accessory buildings wherever they are located on the lot but accessory buildings on two (2) adjoining properties may be built to property boundaries provided they shall be of fire-resistant construction and have a common firewall.

(4) 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.

(5) An accessory building shall not be any higher than the main building on the lot.

(6) An accessory building shall be complimentary to the main building on the lot in style and exterior finish.

(7) An accessory building shall not be used for human habitation.

(8) An accessory building, in the form of a private garage only, may be permitted in the side yard of a residential lot at Council's discretion, but shall not be located in the flanking yard of a corner lot.

(9) Accessory buildings shall not be used for performing motor vehicle or heavy equipment repairs, auto painting, dismantling or scrapping of vehicles or other machinery.

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

(1) In accordance with Regulation 17 (3), 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.

(2) Council may impose conditions on a development permit to ensure that the off-site impact of the alterations to the natural topography are minimal.

(3) Alterations to the natural topography which shall adversely affect adjacent property or water courses are not permitted.

(4) Topsoil and sods shall not be removed except with the approval of Council.

35. Archaeological Sites

(1) 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.

(2) An archaeological survey shall be required in areas with high archaeological potential.

(3) If an archaeological site is accidently discovered, work cease immediately, and the Town shall contact the Provincial Archaeological Office.

36. Band Saws

A band saw is permitted on any residential lot as an accessory use provided that:

(1) the band saw is located on the same lot as a single dwelling,

(2) the band saw can only be used to saw lumber for the resident of the lot,

(3) storage of harvested logs and sawn lumber is restricted to the rear yard,

(4) harvested lots and sawn lumber must be organized and stored in a fashion which is not unsightly and does not impede the views or amenity of adjacent property owners,

(5) no sale of logs, firewood or sawn lumber is permitted,

(6) no accumulation is sawdust, wood chips or bark is permitted,

(7) the band saw must be located in the rear yard and must be placed so to minimize impacts on adjacent property owners from noise, dust and odour, and

(8) an accessory building used to house or store the bandsaw, harvested lots and sawn lumber must meet the requirements of Regulation 32 and requires a permit from Council.

37. Buffer

(1) Where any commercial or industrial development permitted in any Use Zone 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.

(2) Council may require a financial guarantee to ensure that the required buffer in put in place.

38. Building Height

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,

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

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

39. Building Line Setback

(1) 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.

(2) Notwithstanding 34 (1), 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.

(3) 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. Blueberry Management Unit

Any applications for development within the Blueberry Management Units identified on the Land Use Zoning Map shall be referred to the Agriculture Branch, Department of Fisheries, Forestry and Agriculture before a development permit can be issued.

42. Child-Care Services

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

(1) Licensed by the Department of Education or approved by a licensed child-care agency,

(2) Provision for off-street parking in accordance with the off-street parking requirements, in Schedule D of these Development Regulations; and

(3) Any conditions that may be imposed by the Council to ensure that the child-care service is compatible with the surrounding area.

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.

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. Cottage Planning Area

Any application for development within the Cottage Planning Area identified on the Land Use Zoning Map shall be referred to the Land Management Division, Crown Land Branch, Department of Fisheries, Forestry and Agriculture before a development permit can be issued.

47. Development Below the 4.0 Metre Contour

(1) Where there is no established development pattern, structures and building shall not be permitted below the 4.0 metre contour.

(2) Where there is an established development pattern, an application for new land uses and buildings or the repair or extension of existing buildings or land uses may be approved subject to conditions imposed by Council.

48. Domestic Wood Cutting

(1) Any application for development within a Domestic Harvest Block identified on the Land Use Zoning Map shall be referred to the Forestry Branch, Department of Fisheries, Forestry and Agriculture before a development permit can be issued.

(2) All domestic wood cutting must be carried out in accordance with a permit issued by the Forestry Branch, Department of Fisheries, Forestry and Agriculture.

49. Easements

(1) Where land is required for a utility or infrastructure easement, the easement shall be conveyed to the appropriate agency, company, or the Town prior to issuance of an occupancy permit.

(2) 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 the Town, the provincial or federal government, any utility company, or Crown Land. Permanent buildings include, but are not limited to, all dwellings and accessory buildings.

50. Emergency Access

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

51. Endangered and Vulnerable Species

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

(2) The habitat of the Rustry Blackbird, which is a species listed as vulnerable under the provincial *Endangered Species Act* and of special concern under the federal *Species at Risk Act,* shall be protected from development.

52. Fronting on a Public Street

(1) Except where specifically provided for in the Use Zone Tables in Schedule C of these Development Regulations or in subsection 2, 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 subdivision or comprehensive development.

(2) 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 the public street.

53. Geological Hazards

(1) No development permit shall be issued for any land use or building within 30 metres of the Harbour Grace Harbour or Bristol's Hope Cove, or within 30 metres of a cliff edge, unless there is an established development pattern.

(2) Where there is an established development pattern within 30 metres of the Harbour Grace Harbour or Bristol's Hope Cove, or within 30 metres of a cliff edge, new land uses, structures and buildings and the repair and extension of existing buildings and development may be permitted subject to conditions mitigating risk from storm surges, sea level rise and/or coastal erosion.

54. Group Home

A group home is permitted in any dwelling or apartment 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 or apartment 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.

55. Heritage Buildings

(1) The demolition of a municipally designated heritage building is subject to a permit from the Town in accordance with the Harbour Grace Municipal Heritage Site Designation Regulations.

(2) Exterior renovations of a municipally designated heritage building are subject to a permit from the Town in accordance with the Harbour Grace Municipal Heritage Site Designation Regulations. Exterior renovations shall be guided by "The Standards and Guidelines for the Conservation of Historic Places in Canada" prepared by Parks Canada.

(3) Renovations to designated heritage buildings shall not remove, replace, or substantially alter character defining elements.

(4) Re-use of provincially registered and/or municipally designated heritage buildings is permitted in all zones provided that the proposed use is,

(a) Residential, or

(b) Tourism related in the form of short-term tourism accommodation, theatre, cultural and civic, catering, micro-brewery, commercial residential, take-out, shop, indoor market, convenience store, recreational open space, and conservation,

(c) Compatible with the surrounding area in scale, traffic, and visual impact, and

(d) Any renovations retain the heritage style and character defining elements of the building and site.

56. Height Exceptions

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

57. Home-Based Businesses

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. A home-based business shall meet the following requirements:

(1) The uses allowed as a home-based business shall be identified in the applicable use zone table in Schedule C of these Development Regulations.

(2) 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.

(3) 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.

(4) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, or inconvenience to occupants of adjoining residences.

(5) Activities associated with the use shall be carried on inside the dwelling or in a building separate from the dwelling.

(6) 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;

(7) No more than 30% of the total floor area of the dwelling is devoted to the use.

(8) The use shall not generate traffic, parking, sewage or water use in excess of what is normal in the residential area.

(9) The residential lot has sufficient area to accommodate the parking requirements of the dwelling unit and the home occupation.

(10) 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.

58. Land Suitability

(1) Development may only occur on suitable land.

(2) No development shall be permitted on land with a slope greater than 15 percent unless a study prepared by a qualified individual, such as an engineer or geoscientist licensed to practice in the Province of Newfoundland Labrador.

(3) 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.

(4) 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.

(5) Council may impose conditions to mitigate site hazards and any potential impacts on neighbouring properties, Town land and/or infrastructure.

59. Livestock Structures and Uses

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

(a) The structure shall be at least 600 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, from any area zoned Residential.

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

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

(d) The erection of the structure shall be approved by the Department of Fisheries, Forestry and Agriculture and the Department of Environment and Climate Change.

(2) No 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.

60. 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.

61. Lot Area

(1) No lot shall be reduced in area, either by the conveyance or alienation of any portion thereof or otherwise, so that any building or structure on such lot shall have a lot coverage

that exceeds, or a front yard, rear yard, side yard, frontage or lot area that is less than that permitted by these Development Regulations for the zone in which such lot is located.

(2) 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.

62. 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 zone, with insufficient frontage or area to permit the owner or purchaser of such a lot or lots to comply with the provisions of these 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.

63. Mineral Workings, Mining and Mineral Exploration

(1) Any development proposed to take place within

(a) 50 metres of a mineral working operation or mining lease,

(b) 300 metres of an operational mineral working or mine, or

(c) 1000 meters of a mineral working or mine in which blasting may take place,

must obtain approval from the Mineral Lands Division, Department of Industry, Energy and Technology.

(2) Any development involving mineral working, mining or mineral exploration must obtain approval from the Mineral Lands Division, Department of Industry, Energy and Technology.

(3) 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.

(4) All blasting activities shall be carried out in accordance with *Occupational Health and Safety Act* and regulations made under that Act.

(5) A mineral working or mine shall be located a minimum of

(a) 300 metres from the Residential zone or a dwelling unit,

(b) 1000 metres from the Residential zone or a dwelling unit if blasting is to occur,

(c) 50 metres from the Mixed Development, Town Centre, Heritage, Commercial, Public Use, Open Space Recreation, Open Space Recreation Park, Protected Water Supply and Cottage Control zones,

(d) 30 metres from any street, and

(e) 50 metres from any water body, water course or wetland.

(6) 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.

(7) An undisturbed buffer of 30 metres shall be maintained between the final perimeter of the mineral working or mine and the lot boundary.

(8) 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.

(9) All topsoil and organic material shall be stockpiled for future rehabilitation of the site.

(10) No mineral working or mine shall create excessive drainage or erosion affecting adjacent land or into water bodies, water courses or wetlands.

(11) No mineral working or mine shall cause the accumulation or ponding of water in any part of the site.

(12) The mineral working and mine shall be kept clean of refuse, abandoned vehicles, abandoned machinery and equipment, and derelict buildings.

(13) Upon abandonment of a mineral working or mine, the owner shall,

(a) Removal all buildings, machinery and equipment,

(b) Grade all slopes to a slope less than 60 percent,

(c) Rehabilitate the entire excavated area with stockpiled topsoil and organic material,

(d) Close, bar and decommission the access road, and

(e) Comply with any conditions imposed by Council.

64. Non-Domestic Water Use

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

65. 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.

66. Off-Street Parking Requirements

(1) For every building, structure or use to be erected, enlarged, or established, there shall be provided and maintained a quantity of off-street parking spaces sufficient to ensure that the flow of traffic on adjacent streets is not impeded by the on-street parking of vehicles associated with that building, structure or use.

(2) The number of parking spaces to be provided for any building, structure, use of occupancy shall conform to the standards set out in Schedule D of these Regulations.

(3) Each parking space, except in the case of one or two-family dwellings, shall be made accessible by means of a hard surfaced right-of-way at least 3 metres in width. Parking required in the Residential Zone shall be provided on the same lot as the dwelling or dwellings. Parking space for apartments shall be provided in the rear yard where possible. In 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.

(4) 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.

(5) Where parking facilities for more than four vehicles are required or permitted,

(a) 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,

(b) the parking area shall be constructed and maintained to the specifications of Council,

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

(d) a structure, not more than 3 m in height and more than 5 m^2 in area may be erected in the parking area for the use of attendants in the area,

(e) except in zones in which a service station is a permitted use, no gasoline pump or other service station equipment shall be located or maintained on a parking area,

(f) no part of any off-street parking area shall be closer than 1.5 metres to the front lot line in any zone,

(g) access to parking areas in non-residential zones shall not be by way of residential zones,

(h) where a parking area is in or abuts a residential zone, a natural or structural barrier at least 1 m in height shall be erected and maintained along all lot lines,

(6) 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.

67. Off-Street Loading Requirements

(1) For every building, structure or use to be erected, enlarged or established requiring the shipping, loading or unloading of animals, goods, wares or merchandise, there shall be provided and maintained for the premises loading facilities on land that is not part of a street comprised of one or more loading spaces, 15 metres long, 4 metres wide, and having a vertical clearance of at least 4 metres with direct access to a street or with access by a driveway of a minimum width of 6 metres to a street.

(2) The number of loading spaces to be provided shall be determined by Council.

(3) The loading facilities required by 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.

68. On-Site Sewerage Disposal

(1) An on-site sewerage disposal system shall be located at minimum of 30 metres from a waterbody, wetland, or water course.

(2) Approval for an on-site sewerage disposal system issued by the Government Service Centre, Department of Digital Government and Service NL must be provided to the Town before the Town shall issue a development permit.

69. Preservation of Trees

(1) Mature trees shall be preserved where possible.

(2) Mature trees shall only be removed if it is:

(a) dangerous because of age, disease, or proximity to an existing building,

(b) overcrowded,

(c) unduly inhibit light and air circulation, or

(d) inhibit construction.

(3) Council may require trees to be replaced or enhanced landscaping as a condition of a development permit.

70. Private Wellhead Protection Area

(1) No development shall be permitted within the private wellhead protection area shown on the Land Use Zoning Map.

(2) No storage or use of any potential contaminates, or the spread of fertilizer or pesticides, is permitted with 100 metres of a private wellhead.

71. Protected Street, Route 75

(1) All development within 100 metres of the centreline of Veteran's Memorial Drive (Route 75) requires a permit under the *Protected Street Zoning Regulations.*

(2) A permit from the Government Service Centre, Department of Digital Government and Service NL must be provided to the Town before the Town shall issue a development permit.

72. Public Wellhead Protection Area

(1) No development shall be permitted within the public wellhead protection area shown on the Land Use Zoning Map.

(2) No storage or use of any potential contaminates, or the spread of fertilizer or pesticides, is permitted with 100 metres of a public wellhead.

(3) Council shall determine whether the well has sufficient capacity to accommodate new development and, where it does, the development shall be connected to the well.

73. 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.

74. 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.

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

76. Service Stations

An application for a service station shall meet the following requirements:

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

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

(3) 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.

77. Sewer and Water Connection and Extensions

(1) Development must connect to municipal water and sewer services where available at the expense of the owner or developer.

(2) Council shall require connection in areas within 50 metres of existing municipal services.

(3) Council shall exercise discretion to determine the extent of water and sewer services in areas beyond 50 metres of existing services.

(4) Any installation and/or extension of municipal sewer and water mains is the responsibility of the applicant and must be constructed in accordance with engineering drawings prepared by a professional engineer in good standing with the Professional Engineers and Geoscientist of Newfoundland Labrador.

(5) The sewer and water main must be designed in accordance with the “Newfoundland and Labrador Guidelines for the Design, Construction and Operation of Water and Sewerage Systems”.

(6) Approval from the Department of Environment and Climate Change is required before a development permit for the sewer and water main installation is issued by the Town.

78. Shore Water Zones

(1) 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.

(2) Any development shall comply with the requirements of the applicable zone shown on the Land Use Zoning Map and the Department of Environment and Climate Change "Policy for Development in Shore Water Zones".

79. Side Yards

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

80. Stormwater Management

(1) Where possible, development shall be designed on the basis of zero net run-off.

(2) No run-off from a development shall negatively impact adjoining properties.

(3) 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.

81. Stewardship Conservation Areas

Any application for development in Stewardship Conservation Areas shown on the Land Use Zoning Map shall be referred to the Wildlife Division, Department of Fisheries, Forestry and Agriculture.

82. Survey Control Markers

(1) 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.

(2) Any disturbance of a survey control marker shall be referred to the GIS and Mapping Division, Department of Fisheries, Forestry and Agriculture.

83. Street Reservation and Street Standards

(1) 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.

(2) 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.

(3) 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.

(4) All new streets shall be constructed to the standards set out in Regulation 113 of these Development Regulations.

(5) 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.

(6) A street extension shall be a minimum of 23 metres beyond the last driveway on the road extension.

(7) Driveway culverts shall be installed to Council standards at the expensive of the owner or developer.

(8) 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.

(9) The Town shall not accept any new street or street extension as a public street unless,

(a) the street or street extension has received a development permit;

(b) the street or street extension has received approval from the Town's engineer that it has been constructed to Town standards;

(c) the developer transfers to Council, at no cost to Council, and clear of all liens and encumbrances all lands in the street reservation.

(10) 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.

84. Subsidiary Apartments

(1) Subsidiary apartments are permitted in single dwellings only.

(2) Only one subsidiary apartment shall be permitted in a single dwelling.

(3) For calculating lot area and yard requirements, the apartment shall be considered part of the single dwelling.

(4) Two off street parking spaces shall be required for the subisidiary apartment.

(5) The minimum floor area required is 40 square metres for a one-bedroom subsidiary apartment, plus 10 square metres for each additional bedroom.

(6) For lots without municipal water and sewer services, the Service NL shall determine water and sewerage disposal requirements and a permit shall be issued subject to its approval.

85. Tourism Accommodation

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

86. 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.

87. Urban Agriculture

(1) Urban agriculture may be permitted, as a discretionary use, in all land use zones.

(2) Council shall ensure that the urban agriculture use is compatible with the surrounding area and takes place on a lot sufficient in size to accommodate the proposed use.

(3) Council may exercise its discretion to limit the number of poultry and livestock being kept on-site to reduce any potential negative impacts on surrounding properties.

(4) Council may exercise its discretion to place limitations on the sale of eggs, meat, manure, or other agricultural products to ensure that the urban agriculture use occurs at a scale that is appropriate to the site and surrounding area.

(5) Council shall ensure that the urban agriculture use shall be nuisance free and the surrounding property owners shall not be negatively impacted. Council may impose conditions to minimize any potential impacts on surrounding property owners and/or the environment.

(6) Any structures and buildings associated with an urban agriculture use shall be considered an accessory building and must comply with the accessory building requirements including in the overall calculation of the maximum combined floor area of accessory buildings on a lot applicable to the zone in which the urban agriculture use is located.

(7) All structures and buildings association with an urban agricultural use, including greenhouses, shall be located a minimum of 3 metres from the nearest part of the main building and a minimum of 3 metre from a side and rear lot line.

(8) The applicant shall comply with the environmental guidelines for livestock, poultry and horticulture producers, issued by Newfoundland and Labrador Agriculture.

(9) No structure or building associated with an urban agricultural use, including greenhouses, shall be located in front of the dwelling located on a residential lot.

(11) No new dwelling unit shall be permitted as an accessory use to an urban agriculture use in the Public Buildings Zone, Commercial General Zone, Industrial General Zone, Open Space Recreation Zone, Open Space Recreation Park Zone, Environmental Protection Zone, Protected Public Water Supply Zone, the Cottage Control Zone, the Commercial General Zone, and the Transportation Highway Zone.

(12) No dwelling unit shall be permitted as an accessory use to an urban agriculture use in the Rural zone unless the urban agriculture use is classified as a commercial farm by the

Agriculture Branch, Department of Fisheries, Forestry and Agriculture, has been in operation for at least 3 years and the farm dwelling has been approved by the Agriculture Branch, Department of Fisheries, Forestry and Agriculture.

88. Uses Permitted or Discretionary in all Zones

(1) Conservation, recreational open space, trails, and antenna are permitted in all zones provided that:

(a) Recreational open space and trails must not conflict with surrounding land uses,

(b) Recreational open space and trailheads must provide off-street parking in accordance with Schedule D, and

(c) Conservation, recreational open space and trails comply with Regulation 73.

(2) 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.

(3) 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.

(4) Mineral exploration is a discretionary use in all zones subject to the following conditions:

(a) A permit is issued by the Mines Branch, Department of Industry, Energy and Technology.

(b) Any ground disturbance is remediated to Council's satisfaction.

(c) Any accesses are removed or barred to prevent further use once the exploration activities are completed.

(d) 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, protected water supply, public and private wellheads and water courses, water bodies, wetlands, steep slopes and other environmentally sensitive features.

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

89. Water Course and Water Body Buffer

(1) No development shall be permitted within 15 metres of the high-water mark of rivers or streams, or within 15 metres of the shoreline of ponds or wetlands, with the exception of conservation structures such as those designed to control flooding and erosion, the construction of ditches, streets, culverts, bridges, trails, transmission lines or other utilities, or trails and recreational open uses.

(2) Development of marine or water related uses such as wharfs, slipways, boathouse, breakwaters and docks may be permitted within 15-metres of a water body or water course subject to approval from Crown Land.

(3) Any infilling shall require approval from the Water Resources Management, Department of Environment and Climate Change.

90. Wetland Protection

(1) 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.

(2) Development affecting wetlands must be approved by the Water Resources Management Division, Department of Environment and Climate Change.

91. Wind Energy Land Reserve

No development shall be permitted within the Wind Energy Land Reserve without written approval from the Crown Lands Branch, Department of Fisheries, Forestry and Agriculture.

92. 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

93. Permit Required

(1) Subject to the provisions of Regulation 67, no advertisement shall be erected or displayed in the Municipal Planning Area unless a development permit for the advertisement is first obtained from Council.

(2) 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.

(3) All signs within 100 metres from the highway centre of a provincial highway shall conform to the requirements of the *Highway Sign Regulations, 1999.*

94. Form of Application

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

95. Advertisements Prohibited in Street Reservation

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

96. 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.

97. Removal of Advertisements

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

(1) hazardous to street traffic by reason of its siting, colour, illumination, or structural, condition, or,

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

98. Advertisements Exempt from Control

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

(1) on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.2 square metres in area,

(2) 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,

(3) 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,

(4) 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,

(5) 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,

(6) 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,

(7) 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,

(8) on any parking lot directional signs and one sign not exceeding 1 square metres in size, identifying the parking lot.

99. 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.

100. 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.

101. 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 Route 70, Route 75 or any other provincial highway in the municipal planning area.

PART IV - SUBDIVISION OF LAND

102. Permit Required

(1) 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.

(2) No development of a residential, commercial, industrial, or other or other subdivision or a comprehensive development may occur unless a development permit is obtained from Council.

103. Application

The application shall be accompanied by the following,

(1) a legal survey of the subject property;

(2) 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

(3) 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.

104. 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.

105. 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.

106. 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,

(1) the location of the land;

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

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

(4) the land use, physical form and character of adjacent developments;

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

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

(7) soil and subsoil characteristics;

(8) the topography of the site and its drainage;

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

(10) prevailing winds

(11) visual quality,

(12) community facilities,

(13) energy conservation,

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

107. 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".*

108. 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 area of the subdivision, and no building permit for any building in the area shall be issued until the developer has complied with all the provisions of these Regulations with respect to the development of the subdivision.

109. Subdivision Subject to Zoning

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

110. Building Lines

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

111. Land for Public Open Space

(1) 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.

(2) Where land is subdivided for any purpose other than residential use, Council shall determine the percentage of land to be dedicated,

(3) 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,

(4) 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,

(5) 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,

(6) Money received by Council in accordance with Regulation 103 (5) above, shall be reserved by Council for the purpose of the acquisition or development of land for public open space or other public purpose.

(7) 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.

(8) 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 (1).

112. 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.

113. Subdivision Development Standards

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

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

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

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

(4) The maximum length of any cul de sac shall be,

(a) 250 metres in areas served by or planned to be served by municipal piped water and sewer services, or

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

(5) The length of a cul de sac shall be measured from the middle of the street intersection to the top of the turning circle.

(6) 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.

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

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

(7) No street intersection shall be closer than 60 metres to any other street intersection.

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

(8) No residential street block shall be longer than 490 metres between street intersections.

(9) 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

(10) No lot intended for residential purposes shall have a depth exceeding four times the frontage.

(11) Residential lots shall not be permitted which abut a local street at both front and rear lot lines.

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

(13) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land.

114. Engineer to Design Works and Certify Construction Layout

(1) Plans and specifications for all water mains, hydrants, sanitary sewers, storm sewers and all appurtenances thereto and all streets, paving, curbs, gutters and catch basins and all other utilities deemed necessary by 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.

(2) 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.

115. 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.

116. 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.

117. Transfer of Streets and Utilities to Council

(1) 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,

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

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

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

(3) 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.

118. 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.

119. Lot Grading

(1) Subdivision design and lot layout shall take into consideration natural topography and stormwater drainage.

(2) Drainage design shall not create flooding or result in excessive stormwater flow on adjoining lots, Town land or infrastructure.

(3) Retaining walls shall be avoided where possible and grading plans shall take into consideration the difference in elevation on adjoining lots

(4) Council may require a drainage easement to be constructed and conveyed to the Town.

120. Grouping of Buildings and Landscaping

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

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

121. Open Space

(1) All open space to be conveyed to the Town shall be graded with suitable fill material in accordance with the approved plan of subdivision.

(2) Minimum landscaping of open space shall be topsoil and grass sods or hydro seed and must be completed prior to the conveyance to the Town.

(3) All trails shall be developed to Council's standards.

PART VI - USE ZONES

122. Use Zones

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

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

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

123. 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.

124. 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.

125. 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.

126. Uses Not Permitted

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

NEWFOUNDLAND REGULATION 3/01

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

(Filed January 2, 2001)

Under 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
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1. Short title

These regulations may be cited as the Development Regulations.

2. Definitions

In these regulations,

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

(b) "applicant" means a person who has applied to an 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 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. The main use shall not be a single dwelling, double dwelling, multi-dwelling, and apartment building.

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

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

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 LIVESTROCK 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 are located near the base are accessory to the main use.

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

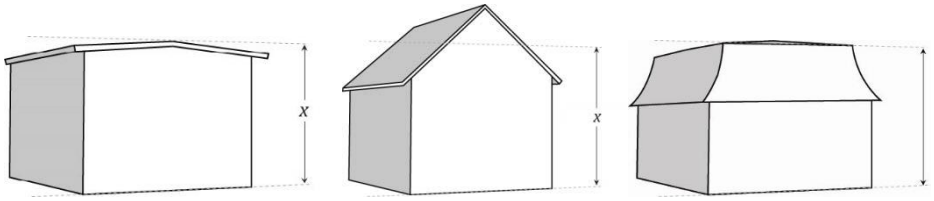
BUILDING means,

- **(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.

CHILD-CARE SERVICE means an activity or other arrangement that provides temporary care or supervision of a child and is licensed in accordance with the *Child-care Act* and *Child-care Regulations*.

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 Harbour Grace.

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.

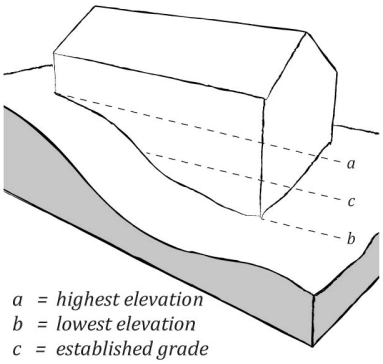
DWELLING UNIT means a self-contained unit consisting of one or more habitable rooms used or designed as the living quarters for one or more persons.

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

ESTABLISHED GRADE means

93. 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,

94. 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,



a = highest elevation
b = lowest elevation
c = established grade

exclusive of any artificial embankment or entrenchment.

FLANKING STREET means the secondary street bordering a corner lot.

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

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

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

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

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

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

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

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

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

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

GROUP 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 Centres" or "Transition House". A group home shall be considered a single dwelling.

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 a 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.

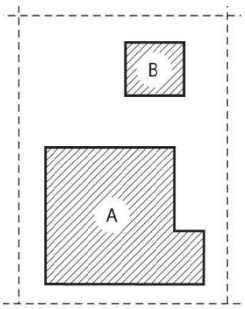
LOCAL STREET means a street designed primarily to provide access to adjoining land and which is not designated as a collector street or arterial street in the Municipal Plan, or on the Zoning Map.

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.

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

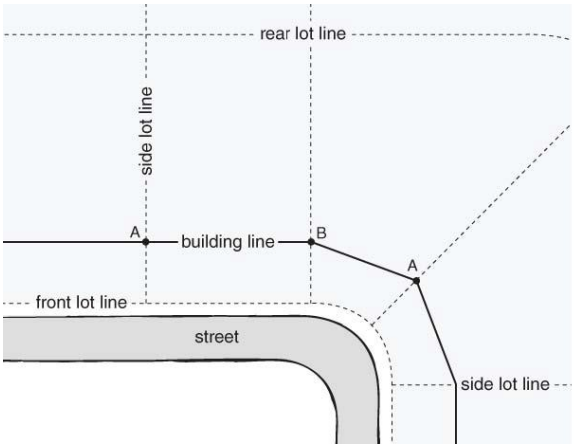


LOT FRONTAGE means the horizontal distance between side lot lines measured at the building line (the distance between points **A** and **B** in illustration at right). See Frontage.

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.



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 Town of the Harbour Grace 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 the Town of Harbour Grace 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 Planning Area shall mean the area within the municipal boundaries of the Town of Harbour Grace.

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

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

PUBLIC STREET means a main 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.

RESERVATION means a distance 15 metres from the high-water mark of a lake, pond, river, or seashore or foreshore, restricted from development and forming an easement for public access and movement as required by the *Lands Act, 1991*.

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.

SEASONAL RECREATION PARK means any area designated as a recreation park for the purpose of picnicking, overnight camping or use of recreational vehicles (RV) by the general public. A RV Park or Campground shall have the same meaning. A Seasonal Recreation Park may include but is not limited to areas open to use free of charge or through payment of a fee or by virtue of rental, lease, license, membership, association or common ownership.

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 ACCOMMODATION means the provision of an accommodation for compensation to an individual or group of individuals for overnight lodging for a period of 30 days with a licensed from the Department of Tourism, Culture, Arts and Recreation. Short-term tourism accommodation shall be rented as a single unit to an individual or group.

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

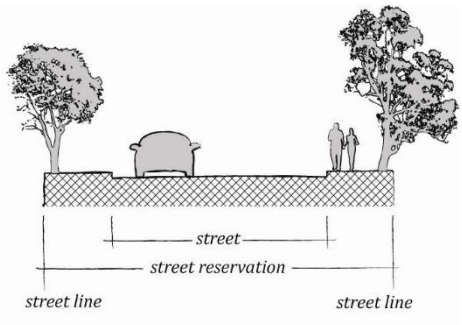
SIDE YARD DEPTH means the distance between a side lot line and the nearest side wall of a building on the lot.

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.

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.

TOURISM CABINS means self-contained accommodation unit or units, used for short-term visitor rentals, 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.

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.

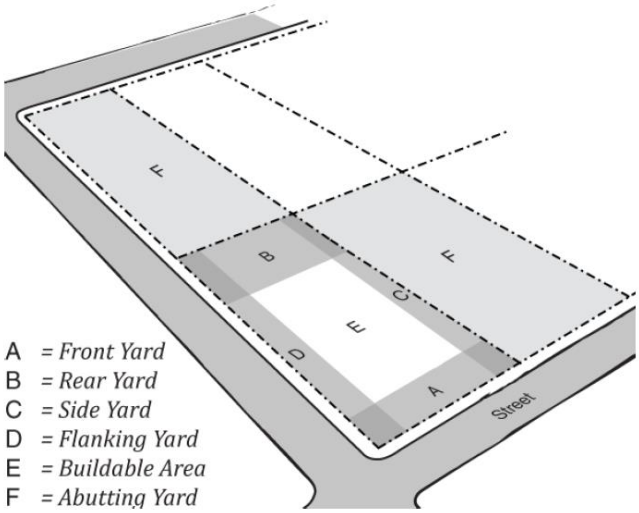
YARD, REAR means the distance between the rear lot line and the rear wall of the main building on a lot. See Rear Yard Depth.

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 Harbour Grace Development Regulations.

SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS

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

SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS … cont'd

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

SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS … cont'd

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

SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS … cont'd

GROUP	CLASS	EXAMPLES
MERCANTILE USES	Convenience Store	Confectionary store, corner store, gift shop, craft shop
INDUSTRIAL USES	Hazardous Industry	Bulk storage of hazardous liquids and substances, chemical plants, feed mills, lacquer, mattress, paint, varnish, and rubber factories, fibreglass and spray painting
INDUSTRIAL USES	General Industry	Factory, cold storage plant, freight depot, general garages, warehouse, workshop, saw-mill, printing plants, contractors' yards, outdoor storage, heavy equipment storage
INDUSTRIAL USES	Service Station	Gas station, garage, gas bar
INDUSTRIAL USES	Light Industry	Light industry, indoor storage, workshop, storage units
INDUSTRIAL USES	Mining	Mine, extraction of dimension stone
INDUSTRIAL USES	Mineral Working	Quarry, pit, processing of quarry materials, concrete plant, asphalt plant, soil production, soil reclamation
NON-BUILDING USES	Agriculture	Commercial farm, livestock farm, forage production
NON-BUILDING USES	Urban Agriculture	Hobby farm, nursery, small scale horticulture farm, community garden
NON-BUILDING USES	Forestry	Tree nurseries, silviculture, domestic and commercial wood harvesting
NON-BUILDING USES	Recreational Open Space	Sports fields, park, playground, trail, rest area, splash pad, golf course
NON-BUILDING USES	Conservation	Historical and scenic sites, wildlife sanctuary, interpretive walks, scenic look-out
NON-BUILDING USES	Cemetery	Cemeteries, graveyards, pet cemeteries

SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS … cont'd

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
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	Marine Service Centre	Marine fabrication, offshore service centre, marine vessel repair, shipyard, dry dock
NON-BUILDING USES	Marina	Marina, yacht club, boating club

TOWN OF HARBOUR GRACE

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 27 and 125, 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 *Environmental Assessment Regulations, 2003*	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	Eastern Health and Department of Digital Government and Service NL
Micro-brewery or micro-distillery	Environmental Assessment Division, Department of Environment and Climate Change
Marine Service Centre	Environmental Assessment Division, Department of Environment and Climate Change and Habitat Management Division, Fisheries and Oceans Canada, Crown Lands Branch, Department of Fisheries, Forestry and Agriculture.

(4) **Water Resources Permits**

A permits 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 Public Well Head Protection Area shown on the Land use Zoning Map,

(b) Development within the Protected Public Water Supply Zone,

(c) Development within the designated 1,20 and 1,100 flood risk areas on the north shore of Bristol's Hope Cove,

(d) Development within Shore Water Zones,

(e) Infilling within 15 metres of a body of water including a wetland,

(f) Sewer and water main installation, and

(g) Non-domestic water use.

(5) **Growth Management**

(1) Council shall ensure that development occurs in an orderly manner.

(2) Council may require connections and access with adjacent undeveloped land to protect future development opportunities.

(3) 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.

(7) **Land Use Zones**

Schedule C contains tables for the following Use Zones,

Land Use Zone	Abbreviation	Page
Residential	RES	71
Mixed Development	MD	75
Town Centre	TC	78
Heritage	HD	82
Public Building	PB	88
Commercial General	CG	90
Industrial General	IG	94
Open Space Recreation	OSR	96
Open Space Recreation Park	OSRP	97
Environmental Protection	EP	100
Protected Public Water Supply	PPWS	101
Transportation Highway	TH	103
Transportation Highway	CC	104
Rural	RUR	106

USE ZONE TABLE

ZONE TITLE – RESIDENTIAL (RES)							
PERMITTED USE CLASSES - (see Regulation 124) Single dwelling, double dwelling, child-care services (Regulation 42), cemetery, uses permitted in all zones (Regulation 88 (1), (2) and (3)), streets, services and public utilities (Regulation 75)							
DISCRETIONARY USE CLASSES - (see Regulations 27 and 125) Apartment building, multi-dwelling, educational, medical treatment and special care, place of worship, convenience store, short-term tourism accommodation, tourism cabins, home-base business (Regulation 57), urban agriculture (Regulation 87), discretionary uses in all zones (Regulation 88 (4))							
				APARTMENT BUILDING			
STANDARDS	**Single Dwelling**	**Double Dwelling**	**Multi-Dwelling**	**1 Bed Apt.**	**2 Bed Apt.**	**3 Bed Apt.**	**4 Bed Apt.**
Lot area (m^2) minimum	450	390*	350* (average)	200*	250*	280*	300*
Floor area (m^2) minimum	65	65*	65*	65*	70*	75*	80*
Frontage	15	26	10*	36			
Minimum Frontage at Front Lot Line	10	20	10*	36			
Flanking Lot Side Yard Width	6	6	6	6			
Building Line Setback (m) (min)	6	6	6	8			
Building Line Setback (m) (min)(unserviced)	10	10	N/A	N/A			
Building Line Setback (m) (maximum)	30	30	30	30			
Side yard Width (m)(min.) Major and Minor	3 and 1.5	3	3	3			
Rear yard Depth (m)(min.)	9	9	9	9			
Lot Coverage (%)(max.)	33	33	33	33			
Height (max.)	8	8	10	10			
(See Conditions) * Per dwelling unit							

CONDITIONS FOR RESIDENTIAL (RES) ZONE

(1) **Public Street**

All development shall front onto a public street with the exception of antenna.

(2) **Residential Lots with On-Site Services**

A residential lot serviced with on-site septic tank and well shall have a minimum frontage of 30 metres and meet the lot area requirements of Government Service Centre, Department of Digital Government and Service NL.

(3) **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.

(4) **Place of Worship and Educational Use**

A place of worship and an educational uses 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 a single dwelling.

(5) **Convenience Store**

A convenience store may be permitted provided that:

(a) it meets the frontage, lot area, building line, flanking side yard, side yard, height and lot coverage requirements for a single dwelling;

(b) it is located on a collector or arterial street; and

(c) it does not distract from the residential character of the surrounding area.

(6) **Short-Term Tourism Accommodation**

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

(c) 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.

(d) 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.

(5) **Tourism Cabins**

(a) An application for tourism cabins shall include the following information:
- (i) Layout of accesses and internal roadways,
- (ii) Layout and number of parking spaces,
- (iii) Number and location of each cottage unit and/or campsite,
- (iv) Location and size of accessory uses such as comfort station, laundry facilities, staff accommodation, office, convenience store, clubhouse and recreational facilities,
- (v) Water and sewer lines and connection to the Town's water and sewer system, and
- (vi) Landscaping and buffers between the site and residential land uses.

(b) Tourism cabins may be permitted at the discretion of Council subject to the following conditions:
- (i) the maximum floor area of each tourist cottage shall not exceed 45 square metres and the maximum height does not exceed four metres,
- (ii) all cabins and accessory uses shall only be accessible by an internal road which forms part of the development,
- (iii) the lot shall have a minimum area of 4050 square metres and a minimum frontage of 30 metres,
- (iv) buildings and amenities of the tourism cottage use shall be located a minimum of 10 metres from the street reservation, flanking street, side yard and rear yard,
- (v) total lot coverage of all buildings does not exceed 33%,
- (vi) all the cottage units shall be connected to municipal water and sewer services,
- (vii) 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,
- (viii) Council may require screening through the provision of trees, shrubs, berms, landscaping or fencing between the tourism cottage use and adjacent residential uses,
- (ix) parking shall include one parking space for each tourism cottage and 5 additional parking spaces for visitors and staff, and
- (x) Tourism cabins shall not be used for permanent, full-time habitation.

(6) **Convenience Store**

Convenience stores shall only be permitted as a discretionary use under the following conditions,

(a) The retail use shall be subsidiary to the residential character of the area and shall not affect residential amenities of adjoining properties.
(b) On-site parking, loading, waste disposal, buffering, and landscaping shall be provided.

(7) **Home-Based Business**

Council may, at its discretion, allow a home-based business, accessory to a dwelling unit, consisting of the following uses subject to the provisions of Regulation 57,

(a) medical and professional,

(b) personal services,

(c) offices,

(d) studios.

(8) **Wharves, boathouses, slipways and docks**

Wharves, boathouses, slipways and docks shall be permitted provided that:

(a) the use is limited to recreational wharves and docks on ponds and marine shorelines and 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.

USE ZONE TABLE

ZONE TITLE - MIXED DEVELOPMENT (MD)
PERMITTED USE CLASSES - (see Regulation 124) Single dwelling, double dwelling, multi-amusement, dwelling, apartment building, cultural and civic, media, general assembly, educational, place of worship, passenger assembly, catering, funeral home, medical treatment and special care, amusement, indoor assembly, outdoor assembly, medical and professional, media, fire station, police station, shopping centre, shop, convenience store, take-out, veterinary, service station (Regulation 76), transportation, and uses permitted in all zones (Regulation 88 (1), (2) and (3)), and street, services and utilities (Regulation 75)
DISCRETIONARY USE CLASSES - (see Regulations 27 and 125) Light industry, Home-based business (Regulation 57), urban agriculture (Regulation 87), and discretionary uses in all zones (Regulation 88 (4))

CONDITIONS FOR MIXED DEVELOPMENT ZONE

(1) **Development Standards**

The development standards for this zone shall be as follows,

a)	Minimum Building Line Setback	8 metres
b)	Minimum Side yards	5 metres
c)	Minimum Rear yard	10 metres
d)	Maximum Height	10 metres
e)	Minimum Floor Area	50 m²

(2) **Residential Development**

Residential development shall conform to the standards of the Residential (RES) Land Use Zone.

(3) **Public Street**

All development shall front onto a public street with the exception of 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) **Medical Treatment and Special Care**

(a) Medical treatment and special care facility shall be designed and maintained to a high standard with regard 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) 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.

(7) **Short-Term Tourism Accommodation**

(a) Short-term tourism accommodation shall meet the frontage, lot area, building line, flanking side yard, side yard, height and lot coverage requirements specified for a single dwelling or be located in an existing 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.

(8) **Home-Based Business**

Council may, at its discretion, allow a home-based business, accessory to a dwelling unit, consisting of the following uses subject to the provisions of Regulation 57,

(a) medical and professional,

(b) personal services,

(c) offices,

(d) studios.

(9) **Light and General Industry Uses**

General industry uses and light industrial uses shall be permitted at the discretion of Council provided that:

(a) Activities associated with the use are not hazardous and do not create a nuisance by reason of noticeable noise, odour, dust, flames, or result in electrical interference.

(b) Retail sales are incidental and subsidiary to the approved use.

(c) No change is made in the type, class or extent of the use without a permit.

(d) Adequate on-site parking, loading, buffering and landscaping is provided.

USE ZONE TABLE

ZONE TITLE – TOWN CENTRE (TC)
PERMITTED USE CLASSES - (see Regulation 124) Single dwelling, double dwelling, multi-dwelling, apartment building, short-term tourism accommodation, tourism cabins, commercial residential, medical treatment and special care, club and lodge, catering, micro-brewery, child-care services (Regulation 42), media, convenience store, cultural and civic, educational, fire station, general service, indoor market, medical and professional, office, outdoor market, passenger assembly, personal service, place of worship, police station, shop, studio, uses permitted in all zones (Regulation 88 (1), (2) and (3)) and streets, services and utilities (Regulation 75)
DISCRETIONARY USE CLASSES - (see Regulations 27 and 125) Amusement, campground, funeral home, general assembly, light industry, general industry, take-out, taxi stand, urban agriculture (Regulation 87), home-based business (Regulation 57), and discretionary uses in all zones (Regulation 88 (4))

CONDITIONS FOR TOWN CENTRE (TC) ZONE

(2) **Development Standards**

The development standards for this zone shall be as follows,

a)	Minimum Building Line Setback	6 metres
b)	Minimum Side yards	3 metres
c)	Minimum Rear yard	10 metres
d)	Maximum Height	10 metres
e)	Minimum Floor Area	50 m^2

(2) **Residential Development**

Residential development shall conform to the standards of the Residential (RES) Land Use Zone.

(3) **Public Street**

All development shall front onto a public street with the exception of antenna.

(4) **Services**

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

(5) **Compatibility with Surrounding Area**

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

(6) **Buffer for Residential Uses**

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

(8) **Outdoor Storage**

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

(9) **Re-Use of Existing Buildings and Infill Development**

Re-use of existing buildings and infill development hall be subject to:

(a) building façade and appearance being compatible with surrounding uses,

(b) provision of screening and landscaping compatible with surrounding uses,

(c) provision of parking and signage compatible with the surrounding area,

(d) minimal impact on adjacent uses in terms of noise, dust, glare, vibration, odour, traffic, hours of operation and other factors that Council may determine, and

(e) the provisions of Regulation 55 (4).

(10) **Medical Treatment and Special Care**

(e) Medical treatment and special care facility shall be designed and maintained to a high standard with regard to safety and appearance.

(f) 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.

(g) Seniors Housing and Personal Care Uses shall be connected to municipal water and sewer services.

(h) 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.

(11) **Short-Term Tourism Accommodation**

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

(c) 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.

(d) 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.

(12) **Tourism Cabins**

(a) An application for tourism cabins shall include the following information,
- (vii) Layout of accesses and internal roadways;
- (viii) Layout and number of parking spaces;
- (ix) Number and location of each cottage unit and/or campsite;
- (x) Location and size of accessory uses such as comfort station, laundry facilities; staff accommodation, office, convenience store, clubhouse and recreational facilities;
- (xi) Water and sewer lines and connection to the Town's water and sewer system; and
- (xii) Landscaping and buffers between the site and residential land uses.

(b) Tourism cabins may be permitted at the discretion of Council subject to the following conditions,
- (i) the maximum floor area of each tourist cottage shall not exceed 45 square metres and the maximum height does not exceed four metres,
- (ii) all cabins and accessory uses shall only be accessible by an internal road which forms part of the development;
- (iii) the lot shall have a minimum area of 4050 square metres and a minimum frontage of 30 metres;
- (iv) buildings and amenities of the tourism cottage use shall be located a minimum of 10 metres from the street reservation, flanking street, side yard and rear yard;
- (v) total lot coverage of all buildings does not exceed 33%,
- (vi) all the cottage units shall be connected to municipal water and sewer services;
- (vii) 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.
- (viii) Council may require screening through the provision of trees, shrubs, berms, landscaping or fencing between the tourism cottage use and adjacent residential uses.
- (ix) Parking shall include one parking space for each tourism cottage and 5 additional parking spaces for visitors and staff.

(13) **Home-Based Business**

Council may, at its discretion, allow a home-based business, accessory to a dwelling unit, consisting of the following uses subject to the provisions of Regulation 57:

(a) medical and professional,

(b) personal services,

(c) offices,

(d) studios.

USE ZONE TABLE

ZONE TITLE – HERITAGE (H)
PERMITTED USE CLASSES - (see Regulation 124) Single dwelling, double dwelling, multi-dwelling, apartment building, catering, club and lodge, micro-brewery, commercial residential, short-term tourism accommodation, cultural and civic, shop, convenience store, studio, media, office, place of worship, uses permitted in all zones (Regulation 88 (1), (2) and (3)) and streets, services and utilities (Regulation 75)
DISCRETIONARY USE CLASSES - (see Regulations 27 and 125) Home-based business (Regulation 57), tourism cabins, campgrounds, take-out, indoor market, urban agriculture (Regulation 87), and discretionary uses in all zones (Regulation 88 (4)

CONDITIONS FOR HERITAGE (H) ZONE

(1) **Development Standards**

The development standards for this zone shall be as follows,

a)	Minimum Building Line Setback	6 metres
b)	Minimum Side yards Width (except where buildings are built with adjoining party walls)	3 metres
c)	Minimum Rear yard Depth	10 metres
d)	Maximum Height	10 metres

(2) **Residential Development**

Residential development shall conform to the standards of the Residential (RES) Land Use Zone.

(3) **Public Street**

All development shall front onto a public street with the exception of antenna.

(4) **Servicing**

All development shall be serviced with municipal water and sewer.

(5) **Building Design Standards**

(a) The prevailing massing, scale, form and style of buildings and structures, including accessory buildings, shall be retained.

(i) Renovations to existing buildings and sites shall reflect the scale and character of adjacent buildings and shall contribute to the overall heritage value of the area. The relationship of the width to the height of the principle façade shall be retained.

(ii) New development shall be compatible with the heritage value of the area in terms of scale, exterior appearance, and landscaping.

(b) The size, shape and prominence of the porch, bridge or deck, entrance projection or doorway shall be compatible with those of existing buildings in the Heritage Zone.

(c) Character defining elements of a building and structure shall not be destroyed. Renovations to existing buildings and sites shall preserve the character defining elements. The removal or alteration of any historic material or distinctive architectural feature shall not be permitted unless the feature is unsalvageable in which case the feature shall be duplicated in the most appropriate material to the original design.
   (i) Original windows and doors including sash, lintels, sills, decorative glass, pediments, trims and hardware shall be retained or replaced with duplications which match the original elements as closely as possible.
   (ii) The proportion of and relationship between doors and windows shall be compatible with the original architectural style and character of the building and with the character of the Heritage zone.
   (iii) The direction, pitch and arrangement of the roof shall be visually compatible with the original architectural style and character of the building and with the character of the Heritage zone.
   (iv) Architectural features of the roof such as dormer windows, cornices, brackets, chimneys, gutters shall not be removed from the roof, nor altered.

(d) Original architectural features which have deteriorated shall be repaired rather than replaced, wherever possible. Where replacement is necessary, the new material shall match the material being replaced in composition, design, colour, texture, and other visual qualities. Repair or replacement of missing original architectural features shall be based on accurate duplication of features as found in the Town.
   (i) Roofing shall be replaced with new material that matches as closely as possible the original material in composition, size, shape, colour and texture.
   (ii) Where original architectural features such as corner boards, cornices, brackets, window architraves, and doorway pediments have deteriorated, they shall be repaired or replaced where necessary with new material that duplicates in size, shape and texture the original as closely as possible.

(e) Contemporary design for alterations or extensions may be permitted when,
   (i) In the opinion of Council, such alterations and extensions do not destroy the character defining historical, architectural or cultural heritage;
   (ii) The design is compatible with the size, scale, colour, material and character of the property and surrounding area; and
   (iii) Extensions to an existing building shall be clad in visually compatible materials, and the original structure and extension should be finished in a uniform colour scheme which highlights the heritage character of the building.

(f) Any new building shall be visually compatible with the size, scale, colour, material, texture, and character of existing buildings on the site, adjacent structures and overall character of the surrounding area and the Heritage zone.

A new building shall have the following features,
(i) a pitched roof;
(ii) be constructed of wood, stone or brick;
(iii) have single or double hung windows; and, if possible
(iv) a chimney.

(g) Non-original materials may be used where the non-original material is similar in appearance to the original and the building reflects the traditional character of the area. Vinyl siding will not be permitted.

(6) **Site Design Standards**

(a) Views of Harbour Grace Harbour shall be retained where possible.

(b) Waterfront access shall be retained where possible.

(c) Development shall incorporate site features such as rock walls, wrought iron fences, fencing, and landscaping which reflects and enhances the character of the Heritage zone and is compatible with surrounding uses.

(7) **Re-Use of Existing Buildings and Infill Development**

Re-use of existing buildings and infill development hall be subject to:

(a) building façade and appearance being compatible with surrounding uses,

(b) provision of screening and landscaping compatible with surrounding uses,

(c) provision of parking and signage compatible with the surrounding area,

(d) minimal impact on adjacent uses in terms of noise, dust, glare, vibration, odour, traffic, hours of operation and other factors that Council may determine, and

(e) the provisions of Regulation 55 (4).

(8) **Effects on Surrounding Areas**

Any development in this use zone shall be generally acceptable within the context of surrounding development and so shall not create unacceptable amounts of noise, traffic, fumes, dust or other pollution or otherwise present a nuisance, hazard or eyesore, especially with respect to existing or potential residential development.

(9) **Residential Buffer**

In the case of a residential development locating adjacent to an existing or proposed non-residential use or zone, Council may require the developer of the residential use to provide a buffer. Any such buffer shall be made up of hedges, trees, shrubs, earthen berms or structural barriers that 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.

(10) **Outdoor Storage**

Outdoor storage of materials, goods and machinery is not permitted in the Heritage zone.

(11) **Short-Term Tourism Accommodation**

(d) Short-term tourism accommodation shall meet the frontage, lot area, building line, flanking side yard, side yard, height and lot coverage requirements specified for a single dwelling.

(e) The building shall be compatible with the surrounding residential area in terms of exterior appearance and design, landscaping, scale and density.

(f) 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.

(c) 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.

(d) 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.

(12) **Tourism Cabins**

(a) An application for tourism cabins shall include the following information:
- (i) Layout of accesses and internal roadways,
- (ii) Layout and number of parking spaces,
- (iii) Number and location of each cottage unit,
- (iv) Location and size of accessory uses such as comfort station, laundry facilities, staff accommodation, office, convenience store, clubhouse and recreational facilities,
- (v) Water and sewer lines and connection to the Town's water and sewer system, and
- (vi) Landscaping and buffers between the site and residential land uses.

(b) Tourism cabins may be permitted at the discretion of Council subject to the following conditions,
- (i) the maximum floor area of each tourist cottage shall not exceed 45 square metres and the maximum height does not exceed four metres,
- (ii) all cabins and accessory uses shall only be accessible by an internal road which forms part of the development,
- (iii) the lot shall have a minimum area of 4050 square metres and a minimum frontage of 30 metres,
- (iv) buildings and amenities of the tourism cottage use shall be located a minimum of 10 metres from the street reservation, flanking street, side yard and rear yard,

(v) total lot coverage of all buildings does not exceed 33%,
(vi) all the cottage units shall be connected to municipal water and sewer services,
(vii) 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,
(viii) Council may require screening through the provision of trees, shrubs, berms, landscaping or fencing between the tourism cottage use and adjacent residential uses,
(ix) Parking shall include one parking space for each tourism cottage and 5 additional parking spaces for visitors and staff,
(x) No dumping station is permitted.

(13) **Campground**

(a) An application for a campground shall include the following information:
(i) Layout of accesses and internal roadways,
(ii) Layout and number of parking spaces,
(iii) Number and location of each cottage unit,
(iv) Location and size of accessory uses such as comfort station, laundry facilities, staff accommodation, office, convenience store, clubhouse and recreational facilities,
(v) Water and sewer lines and connection to the Town's water and sewer system, and
(vi) Landscaping and buffers between the site and residential land uses.

(b) Campgrounds may be permitted at the discretion of Council subject to the following conditions,
(i) Provision of an emergency exit;
(ii) Provision of an access from a public street which is adequate to accommodate the vehicular traffic including recreational vehicles and trailers;
(iii) Have a maximum density of 75 campsites per gross hectare;
(iv) All campsites and amenities shall form part of the development and will only be accessible via an internal road network;
(v) All individual campsites shall be connected to water and sewer and the overall development shall be connected to municipal water and sewer services;
(vi) 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;
(vii) Council may require screening through the provision of trees, shrubs, berms, landscaping or fencing between the campsites and adjacent residential uses;
(ix) Parking shall include one parking space for each campsite and 5 additional parking spaces for visitors and staff; and
(x) Each campsite shall be clearly numbered.

(c) No dumping stations shall be permitted

(d) The development approval shall specify the number of campsites and any changes the specified number requires the specific approval of Council.

(14) **Home-Based Business**

Council may, at its discretion, allow a home-based business, accessory to a dwelling unit, consisting of the following uses subject to the provisions of Regulation 57,

(a) medical and professional,

(b) personal services,

(c) offices,

(d) studios.

USE ZONE TABLE

ZONE TITLE - PUBLIC BUILDINGS (PB)
PERMITTED USE CLASSES - (see Regulation 124) Educational, cultural and civic, general assembly, indoor assembly, outdoor assembly, office, medical treatment and special care, place of worship, police station, child-care services (Regulation 42), uses permitted in all zones Regulation 83 (1), (2) and (3) and streets, services and utilities (Regulation 75)
DISCRETIONARY USE CLASSES - (see Regulations 27 and 125) Cemetery, catering, club and lodge, collective residential, amusement, passenger assembly, taxi stand, funeral home, take-out, general industry, light industry, urban agriculture (Regulation 87), and discretionary uses in all zones (Regulation 88 (4))

CONDITIONS FOR PUBLIC BUILDINGS ZONE

(1) **Development Standards**

The development standards for this zone shall be as follows,

a)	Minimum Building Line Setback	10 metres
b)	Minimum Side yards	5 metres
c)	Minimum Rear yard	15 metres
d)	Maximum Height	14 metres

(2) **Public Street**

All development shall front onto a public street with the exception of antenna.

(3) **New Public Buildings**

All permitted uses, club and lodge, collective residential, funeral home, general industry and light industry shall meet the following standards,

(a) The lot must front onto a public street which is adjacent to an arterial or collector street.

(b) The development is compatible with surrounding land uses.

(c) 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.

(d) The development must be connected to municipal water and sewer.

(4) **Medical Treatment and Special Care**

(a) Medical treatment and special care facility shall be designed and maintained to a high standard with regard 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) Seniors Housing and Personal Care Uses shall be connected to municipal water and sewer services.

(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.

(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**

(a) Catering and Take-Out may be permitted as an accessory use.

(b) Catering and Take-Out shall only be permitted as a temporary use.

(7) **Amusement**

Amusement may only be permitted as an accessory use located in the building containing the main use.

(8) **Light Industry and General Industry**

Light industry and general industry are restricted to municipal and government uses in the form of municipal depot, highway depot, firefighter training facility and similar government uses.

USE ZONE TABLE

ZONE TITLE - COMMERCIAL GENERAL (CG)
PERMITTED USE CLASSES - (see Regulation 124) General garage, light industry, service station (Regulation 76), transportation, all uses in the Assembly Use Group, all uses in the business and personal service group, all uses in the mercantile uses group, commercial residential, tourism cabins, campground, uses permitted in all zones Regulation 88 (1), (2) and (3), and streets, services and utilities (Regulation 75)
DISCRETIONARY USE CLASSES - (see Regulations 27 and 125) General industry, urban agriculture (Regulation 87), and discretionary uses in all zones (Regulation 88 (4))

CONDITIONS FOR COMMERCIAL GENERAL (CG) ZONE

(1) **Development Standards**

The development standards for this zone shall be as follows,

e)	Minimum Building Line Setback	10 metres
f)	Minimum Side yards	5 metres
g)	Minimum Rear yard	15 metres
h)	Maximum Height	14 metres

(2) **Public Street**

All development shall front onto a public street with the exception of antenna.

(3) **Servicing**

All development shall be serviced with municipal water and sewer.

(4) **Light Industry**

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

(5) **Tourism Cabins**

(a) An application for tourism cabins shall include the following information:
- (i) Layout of accesses and internal roadways,
- (ii) Layout and number of parking spaces,
- (iii) Number and location of each cottage unit,
- (iv) Location and size of accessory uses such as comfort station, laundry facilities, staff accommodation, office, convenience store, clubhouse and recreational facilities,
- (v) Water and sewer lines and connection to the Town's water and sewer system, and

(vi) Landscaping and buffers between the site and residential land uses.

(b) Tourism cabins shall be permitted subject to the following conditions,
(i) the maximum floor area of each tourist cottage shall not exceed 45 square metres and the maximum height does not exceed four metres,
(ii) all cabins and accessory uses shall only be accessible by an internal road which forms part of the development,
(iii) the lot shall have a minimum area of 4050 square metres and a minimum frontage of 30 metres,
(iv) buildings and amenities of the tourism cottage use shall be located a minimum of 10 metres from the street reservation, flanking street, side yard and rear yard,
(v) total lot coverage of all buildings does not exceed 33%,
(vi) all the cottage units shall be connected to municipal water and sewer services,
(vii) 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,
(viii) Council may require screening through the provision of trees, shrubs, berms, landscaping or fencing between the tourism cottage use and adjacent residential uses, and
(ix) Parking shall include one parking space for each tourism cottage and 5 additional parking spaces for visitors and staff.

(5) **Campground**

(a) An application for a campground shall include the following information,
(i) Layout of accesses and internal roadways,
(ii) Layout and number of parking spaces,
(iii) Number and location of each cottage unit,
(iv) Location and size of accessory uses such as comfort station, laundry facilities, staff accommodation, office, convenience store, clubhouse and recreational facilities,
(v) Water and sewer lines and connection to the Town's water and sewer system, and
(vi) Landscaping and buffers between the site and residential land uses.

(b) Campgrounds may be permitted at the discretion of Council subject to the following conditions:
(i) Provision of an emergency exit,
(ii) Provision of an access from a public street which is adequate to accommodate the vehicular traffic including recreational vehicles and trailers,
(iii) Have a maximum density of 75 campsites per gross hectare,
(iv) All campsites and amenities shall form part of the development and will only be accessible via an internal road network,
(v) All individual campsites shall be connected to water and sewer and the overall development shall be connected to municipal water and sewer services,
(vi) 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,

(vii) Council may require screening through the provision of trees, shrubs, berms, landscaping or fencing between the campsites and adjacent residential uses,

(ix) Parking shall include one parking space for each campsite and 5 additional parking spaces for visitors and staff, and

(x) Each campsite shall be clearly numbered.

(c) No dumping stations shall be permitted

(d) The development approval shall specify the number of campsites and any changes the specified number requires the specific approval of Council.

(6) **General Industry**

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

(7) **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.

(8) **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.

USE ZONE TABLE

ZONE TITLE - INDUSTRIAL GENERAL (IG)
PERMITTED USE CLASSES - (see Regulation 124) General industry, light industry, media, general service, shop, service station (Regulation 76), office, passenger assembly, transportation, uses permitted in all zones Regulation 83 (1), (2) and (3) and streets, services and utilities (Regulation 75)
DISCRETIONARY USE CLASSES - (see Regulations 27 and 125) Marine service centre, hazardous industry, urban agriculture (Regulation 87), and discretionary uses in all zones (Regulation 88 (4)

CONDITIONS FOR INDUSTRIAL GENERAL ZONE

(2) **Development Standards**

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

(3) **Industrial Uses Abutting the Heritage Zone, Dwellings and Residential Zone**

Where any industrial use abuts a dwelling, the Residential zone or the Heritage 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, Residential zone or Heritage 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.

(4) **Marine Service Centre**

A marine service centre may be permitted at the discretion of Council provided:

(a) Access to the marine service centre shall be from Beach Hill Roal only,

(b) Services must be designed for a marine service centre with capacity to service the proposed use and provide firefighting services,

(c) The marine service centre shall be sensitive to and reflect the heritage character of the Heritage zone and any nearby registered heritage buildings or sites and any heritage walkways or trails,

(d) Adequate off-street parking must be provided for all employees,

(e) Approval from Water Resources Management Division, Department of Environment and Climate Change is required for any infilling of the harbour to accommodate a marine service centre prior to the issuance of a development permit.

(f) Approval from Habitat Management, Fisheries and Oceans must be obtained, if applicable, prior to the issuance of a development permit,

(g) The owner or developer must obtain a release from Environmental Assessment through the Environmental Assessment Division, Department of Environment and Climate Change prior to the issuance of a development permit, and

(h) The owner and developer may be required to obtain Crown Land within 15 metres of the highwater mark and water rights.

(5) **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.

(6) **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.

(7) **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.

USE ZONE TABLE

ZONE TITLE - OPEN SPACE RECREATION (OSR)
PERMITTED USE CLASSES - (see Regulation 124) Recreational open space, cemetery, uses permitted in all zones (Regulation 88 (1), (2) and (3)) and streets, services and utilities (Regulation 75)
DISCRETIONARY USE CLASSES - (see Regulations 27 and 125) Indoor assembly, outdoor assembly, cultural and civic, catering, take-out food service, transportation, urban agriculture (Regulation 87), and discretionary uses in all zones (Regulation 88 (4))

CONDITIONS FOR OPEN SPACE RECREATION 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 with the exception of antenna.

(b) Pedestrian access shall be provided to the recreational facilities.

(3) **Recreational Open Space, Indoor Assembly and Outdoor Assembly**

Development and operation of recreational open space, indoor assembly and outdoor assembly uses shall not create a negative impact on adjacent residential uses in terms of noise, light, traffic, hours of operation, parking, and hazards.

(4) **Catering and Take-Out**

(a) Catering and Take-Out may be permitted as an accessory use.

(b) Catering and Take-Out shall only be permitted as a temporary use.

(5) **Accessory Building**

An accessory building may be permitted in association with recreational open space and 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.

USE ZONE TABLE

ZONE TITLE – OPEN SPACE RECREATION PARK (OPRP)
PERMITTED USE CLASSES - (see Regulation 124) Campgrounds, tourist cabins, outdoor assembly, convenience store, uses permitted in all zones (Regulation 83 (1), (2) and (3)) and streets, services and utilities (Regulation 75)
DISCRETIONARY USE CLASSES - (see Regulations 27 and 125) Amusement, indoor assembly, catering, take-out food service, light Industry, urban agriculture (Regulation 87), and discretionary uses in all zones (Regulation 88 (4)

CONDITIONS FOR OPEN SPACE RECREATION PARK ZONE

(1) **Development Standards**

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

(2) **Public Street**

All development shall front onto a public street with the exception of antenna.

(3) **Amusement**

Amusement uses shall be accessory to a campground and is restricted to outdoor amusement uses only.

(4) **Catering and Take-Out**

Catering and take-out food service may be considered on a discretionary basis provided it serves open space recreational park activities only.

(5) **Convenience Store**

A convenience store shall be permitted provided that it primarily serves open space recreational park activities.

(6) **Tourism Cabins**

(a) An application for tourism cabins shall include the following information:
- (i) Layout of accesses and internal roadways,
- (ii) Layout and number of parking spaces,
- (iii) Number and location of each cottage unit,
- (iv) Location and size of accessory uses such as comfort station, laundry facilities, staff accommodation, office, convenience store, clubhouse and recreational facilities,
- (v) Water and sewer lines and connection to the Town's water and sewer system, and
- (vi) Landscaping and buffers between the site and residential land uses.

(b) Tourism cabins shall be permitted subject to the following conditions:
- (i) the maximum floor area of each tourist cottage shall not exceed 45 square metres and the maximum height does not exceed four metres,
- (ii) all cabins and accessory uses shall only be accessible by an internal road which forms part of the development,
- (iii) the lot shall have a minimum area of 4050 square metres and a minimum frontage of 30 metres,
- (iv) buildings and amenities of the tourism cottage use shall be located a minimum of 10 metres from the street reservation, flanking street, side yard and rear yard,
- (v) total lot coverage of all buildings does not exceed 33%,
- (vi) all the cottage units shall be connected to municipal water and sewer services,
- (vii) 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,
- (viii) Council may require screening through the provision of trees, shrubs, berms, landscaping or fencing between the tourism cottage use and adjacent residential uses, and
- (ix) Parking shall include one parking space for each tourism cottage and 5 additional parking spaces for visitors and staff.

(6) **Campground**

(a) An application for a campground shall include the following information:
- (i) Layout of accesses and internal roadways,
- (ii) Layout and number of parking spaces,
- (iii) Number and location of each cottage unit,
- (iv) Location and size of accessory uses such as comfort station, laundry facilities, staff accommodation, office, convenience store, clubhouse and recreational facilities,
- (v) Water and sewer lines and connection to the Town's water and sewer system, and
- (vi) Landscaping and buffers between the site and residential land uses.

(b) Campgrounds may be permitted at the discretion of Council subject to the following conditions:
- (i) Provision of an emergency exit,
- (ii) Provision of an access from a public street which is adequate to accommodate the vehicular traffic including recreational vehicles and trailers,
- (iii) Have a maximum density of 75 campsites per gross hectare,
- (iv) All campsites and amenities shall form part of the development and will only be accessible via an internal street network,
- (v) All individual campsites shall be connected to water and sewer and the overall development shall be connected to municipal water and sewer services,
- (vi) 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,
- (vii) Council may require screening through the provision of trees, shrubs, berms, landscaping or fencing between the campsites and adjacent residential uses,

(ix) Parking shall include one parking space for each campsite and 5 additional parking spaces for visitors and staff, and

(x) Each campsite shall be clearly numbered.

(c) The development approval shall specify the number of campsites and any changes the specified number requires the specific approval of Council.

(7) **Accessory Building**

An accessory building may be permitted in association with a permitted use and shall have a maximum floor area of no more than 20 square metres.

USE ZONE TABLE

ZONE TITLE – ENVIRONMENTAL PROTECTION (EP)
PERMITTED USE CLASSES - (see Regulation 124) Uses permitted in all zones (Regulation 83 (1), (2) and (3)) and streets, services and utilities (Regulation 75).
DISCRETIONARY USE CLASSES - (see Regulations 27 and 125) Urban agriculture (Regulation 87) and discretionary uses in all zones (Regulation 88 (4))

CONDITIONS FOR ENVIRONMENTAL PROTECTION ZONE

(1) **Flood Risk Area**

(a) All development within the 1 in 20 and 1 in 100 flood risk areas at Bristol's Hope, identified in the 2022 Climate Change Flood Risk Study for Carbonear Flood Risk Mapping Studies / Public Information Maps - Environment and Climate Change (gov.nl.ca) are subject to approval from the Water Resources Management Division, Department of Environment and Climate Change. All development shall comply with the Policy for Flood Plain Management Policy for Flood Plain Management - Environment and Climate Change (gov.nl.ca).

(b) No use shall involve the storage of pollutants such as fuels, chemicals, or pesticides.

(2) **Conservation and Recreational Open Space**

Conservation and Recreational open space uses shall be restricted to those which are passive in nature and contain no buildings.

(3) **Wharves, Slipways and Docks**

Only wharves, slipways and docks shall be permitted. No buildings such as boathouses or sheds shall be permitted.

(4) **Antenna**

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

USE ZONE TABLE

ZONE TITLE – PROTECTED PUBLIC WATER SUPPLY (PPWS)
PERMITTED USE CLASSES - (see Regulation 124) Uses permitted in all zones Regulation 83 (1), (2) and (3) and streets, services, and utilities (Regulation 75)
DISCRETIONARY USE CLASSES - (see Regulations 27 and 125) Agriculture, forestry, mineral working (Regulation 63), urban agriculture (Regulation 87), and discretionary uses in all zones (Regulation 88 (4))

CONDITIONS FOR PROTECTED PUBLIC WATER SUPPLY ZONE

(1) **Referrals**

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 Protected Public Water Supply zone must receive a permit from Water Resources Management Division, Department of Environment and Climate Change before Council can issue a development permit.

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/)

(2) **Activities Not Permitted in Designated Watershed Area**

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

(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, Agriculture, and Existing Uses**

(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**

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

(6) **Mineral Working**

Mineral working uses are exempt from the requirement that development front on a public street.

(7) **Antenna**

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

USE ZONE TABLE

ZONE TITLE – TRANSPORTATION HIGHWAY (TH)
PERMITTED USE CLASSES - (see Regulation 124) Uses permitted in all zones Regulation 83 (1), (2) and (3) and streets, services and utilities (Regulation 75)
DISCRETIONARY USE CLASSES - (see Regulations 27 and 125) Urban agriculture (Regulation 87) and discretionary uses in all zones (Regulation 8x (iii)

CONDITIONS FOR TRANSPORTATION HIGHWAY ZONE

(1) **Veteran's Memorial Highway**

Lands within this zone are reserved for maintenance of the Veteran's Memorial Highway.

(2) **Approval from Government Service Centre, Department of Digital Government and Service NL**

The Veteran's Memorial Highway, Route 75, is a Protected Road. Development within 100 metres of the highway centerline requires a permit under the *Protected Street Zoning Regulations*. Applications shall be referred to the Department of Digital Government and Service NL. No development approval can be issued by Council until a permit from the Government Service Centre, Department of Digital Government and Service NL has been issued.

(3) **Highway Signs**

No sign can be erected within 100 metres of the highway centre line until a permit under the *Highway Sign Regulations, 1999* has been issued by the Government Service Centre, Department of Digital Government and Service NL.

(4) **Access**

No access can be developed until an approval from the Department of Transportation and Infrastructure has been issued.

USE ZONE TABLE

ZONE TITLE – COTTAGE CONTROL (CC) ZONE
PERMITTED USE CLASSES - (see Regulation 124) Seasonal dwelling, uses permitted in all zones (Regulation 83 (1), (2) and (3)) and streets, services and utilities (Regulation 75)
DISCRETIONARY USE CLASSES - (see Regulations 27 and 125) Urban agriculture (Regulation 87), and discretionary uses in all zones (Regulation 8x (iii)
PROHIBITED USES – (See Regulation 27 and 125) Recreational Vehicles, mobile homes, temporary buildings and structures

CONDITIONS FOR COTTAGE CONTROL ZONE

1. **Seasonal Dwelling**

(a) New seasonal dwellings may only be built on the following Crown Lands Grants and applications only.

Number
158425
158418
158881
158337
157352
148669
146779
146782
146780
146781
152739
153277
153274
153270
153281

(b) All new seasonal dwellings shall have a septic system and well which has received approval from the Government Service Centre, Department of Digital Government and Service NL.

(c) Seasonal dwellings shall not be used for full time, permanent habitation.

(d) Existing seasonal dwellings may be renovation and expanded provided Crown Lands title has been secured and a septic system and well has been installed that has received approval from the Government Service Centre, Department of Digital Government and Service NL.

(e) Seasonal dwellings are exempt from the requirement that development front on a public street. Council accepts no responsibility for repair, maintenance, improvements or snow clearing of Groves Road.

(f) No additional Crown Lands applications will be approved.

2. **Transportation Uses**

Transportation uses, in the form of wharves, slipways, docks and boathouses shall only be permitted as accessory uses to those seasonal dwellings with Crown Lands title and holding a development permit from the Town.

3. **Recreational Vehicles, Mobile Homes, and Temporary Buildings**

No recreational vehicle, mobile home or temporary building and structure is permitted in the Cottage Control zone.

USE ZONE TABLE

ZONE TITLE - RURAL (RUR)
PERMITTED USE CLASSES - (see Regulation 124) Agriculture, forestry, animal, cemetery, outdoor market, transportation, veterinary, uses permitted in all zones (Regulation 88 (1), (2) and (3)) and streets, services and utilities (Regulation 75)
DISCRETIONARY USE CLASSES - (see Regulations 27 and 125) Single dwelling, light industry, general industry, hazardous industry, scrap yard, mineral working (Regulation 63), mining (Regulation 63), urban agriculture (Regulation 87), and discretionary uses in all zones (Regulation 88 (4))

CONDITIONS FOR RURAL ZONE

1. **Development Standards**

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

2. **Access**

(a) Agriculture, forestry, light industry, general industry, scrap yard, 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, general industry, hazardous industry and scrap yard and associated accessory uses 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
(e)	driveway width	=	7.00 metres.

2. Parking Space Requirements

Typical Parking Space Standards,

- Minimum 2.75m x 5.8m,
- Minimum size 16 m^2 (General Regulations 51),
- Graded and surfaced with concrete, asphalt, or other hard material approved by Council,
- Parking space surface shall not conceal or alter municipal infrastructure
- Retaining walls shall taper down flush with the sidewalk or curb
- Parking Spaces shall not adversely affect adjacent properties.

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

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

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

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

CLASS - COMMERCIAL USES	
(a) Shopping Centre	One space for every 20m^2 of gross floor area
(b) Shop	Min. of 2 spaces plus one space for every 20m^2 of gross floor area
(c) Convenience Store	Min. of 2 spaces plus one space for every 20m^2 of gross floor area

(d) Take-Out Food	Min. of 2 spaces plus one space for every 15m^2 of gross floor area
(e) Vending Stand	Minimum of 2 spaces plus additional as specified by Council
(f) Indoor Market	As specified by Council
(g) Outdoor Market	As specified by Council
(h) Service Station	One space for every 20m^2 of gross floor area
(i) Commercial Residential	One space for every rental room

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

CLASS - NON-BUILDING USES	
(a) Outdoor Recreation	As specified by 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^2 of gross floor area
(f) Transportation	As specified by Council