

Town of Deer Lake

Development Regulations

2019-2029

Prepared for

The Town of Deer Lake

Prepared by

Baird Planning Associates

September 2019

Urban and Rural Planning Act 2000 Resolution to Adopt

Town of Deer Lake Development Regulations 2019 - 2029

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Deer Lake adopts the Deer Lake Development Regulations.

Adopted by the Town Council of Deer Lake on the 25th day of March 2019.

Signed and sealed this _____ day of _____, 2019

Mayor:

Dean Ball

(Council Seal)

Clerk:

Lori Humphrey

Canadian Institute of Planners Certification

I certify that the attached Municipal Plan has been prepared in accordance with the requirements of the *Urban and Rural Planning Act 2000*.

John Baird, MCIP

(MCIP Seal)

Urban and Rural Planning Act 2000 Resolution to Approve

Town of Deer Lake Development Regulations 2019 - 2029

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

- (a) Adopted the Deer Lake Development Regulations on the 25th day of March 2019.
- (b) Gave notice of the adoption of the Deer Lake Development Regulations by advertisement inserted on the 28th day of March and the 17th day of April 2019 in the Western Star newspaper.
- (c) Set the 17th day of April 2019 at the Town Hall, Deer Lake for the holding of a public hearing to consider objections and submissions.

Now under the authority of section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Deer Lake approves the Deer Lake Development Regulations with the following change.

- In Section 9.4 - Residential Medium Density zone, Condition No. 2 is changed to allow the approval of a residential dwelling without hook-up to municipal sewer in an exceptional situation where such connection would be physically or financially prohibitive.

SIGNED AND SEALED this ____ day of October 2019.

Mayor:

Dean Ball

(Council Seal)

Clerk:

Lori Humphrey

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PART 1: APPLICATION

1.1 Title

These Regulations may be cited as the Deer Lake Development Regulations.

1.2 Interpretation

(1) Words and phrases used in these Regulations shall have the meanings ascribed to them in Part 2.

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

1.3 Commencement

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

1.4 Municipal Regulations and Codes

The building regulations and any other municipal regulations controlling the development, conservation, and use of land shall under these Regulations apply to the entire Planning Area. The National Building Code of Canada, the Fire Code of Canada, and all ancillary codes and regulations, shall also apply to the entire Planning Area.

1.5 Council

In these Regulations, "Council" means the Municipal Council of the Town of Deer Lake having jurisdiction over the Deer Lake Development Regulations.

1.6 Delegation of Authority

By a resolution, Council may delegate its authority to administer these Regulations or part thereof to an employee or other agent of Council.

1.7 Provincial Development Regulations

The Provincial Development Regulations, enacted under Section 36 of the Act, shall apply to development within the Planning Area. Where there is conflict between these and the Deer Lake Development Regulations, the Provincial Regulations shall prevail. The Provincial Development Regulations are appended as Appendix D.

PART 2: DEFINITIONS

GENERAL NOTE:

A definition marked with one asterisk is also included in the Provincial Development Regulations. A definition marked with two asterisks is also included in the Urban and Rural Planning Act, 2000.

ABATTOIR means a building or structure where animals are slaughtered for use as food and may also include the packing, treating, storing, and sale of the product on the premises.

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

***ACCESSORY BUILDING** includes:

- (i) A detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory, which has a use that is customarily incidental or complementary to the main use of the building or land,
- (ii) For a residential use, a domestic garage, carport, ramp, deck, patio, shed, swimming pool, greenhouse, cold frame, fuel shed, vegetable storage cellar, shelter for domestic pets, or antennae. It also includes a portable shelter (see definition) that is used on more than a temporary basis.
- (iii) For a commercial use, an office, workshop, storage building, garage, or portable shelter,
- (iv) For an industrial use, an office, workshop, storage building, garage, portable shelter, ramp, or dock.

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

AGRICULTURE, CROP means a commercial crop operation, which may include:

- (a) the clearing, draining, irrigating or cultivation of land for crop production,
- (b) the production of agricultural field crops,
- (c) the production of fruit and vegetables and other specialty horticultural crops,
- (d) the operation of agricultural machinery and equipment,
- (e) storage, use or disposal of organic wastes for farm purposes,
- (f) the preparation of a non-livestock farm product for distribution from the farm gate, including cleaning, grading and packaging,
- (g) the operation of pick-your-own farms, roadside stands, farm produce stands, and tourist operations as part of a farm operation, or
- (h) any other non-livestock agricultural activity or process prescribed by Provincial regulation that is carried on for gain or reward or in the hope or expectation of gain or reward.

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AGRICULTURE, LIVESTOCK means a commercial livestock operation, which may include;

- (a) the clearing, draining, irrigating or cultivation of land for livestock grazing,
- (b) the raising of livestock, including poultry,
- (c) the raising of fur-bearing animals,
- (d) the raising of bees,
- (e) the production of eggs and milk,
- (f) the preparation of a livestock, poultry, or dairy product for distribution from the farm gate, including cleaning, grading and packaging,
- (g) the on-farm processing of farm products for the purpose of preparing livestock, poultry, or dairy products for wholesale or retail consumption,
- (h) any other livestock activity or process prescribed by Provincial regulation that is carried on for gain or reward or in the hope or expectation of gain or reward.

AGRICULTURE, PERSONAL USE means the use of land, buildings, or structures to produce vegetables, fruit, or other crops for personal use and consumption. It includes home gardens, community gardens, and hobby farming, but does not include the keeping of poultry or other livestock animals.

ANIMAL, DOMESTIC (PET) means any animal normally and customarily kept by domestic households for pleasure and companionship, excluding poultry, livestock, horses, and similar animals or fowl.

ANIMAL, PERSONAL LIVESTOCK USE means the use of land, buildings, or structures for the limited keeping of livestock animals for personal use and consumption.

ANIMAL UNIT means any one of the following animals or groups of animals as specified by the Agrifoods Development Branch (Department of Fisheries and Land Resources):

Type of Livestock	Average Weight per Animal (kg)	No. of Livestock per Animal Unit
Dairy Cows	545-640	1
Heifers	300	2
Veal	91	5
Bulls	545	1
Beef cows	360	2
Sows (F to F)	454	1
Sows	150	3
Hogs	75	6
Boars	150	3
Sheep (ewe)	54	8
Sheep (lamb)	27	16
Goats	64	7
Foxes	11.35	40
Mink	3	150
Rabbits	2.27	200

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Type of Livestock	Average Weight per Animal (kg)	No. of Livestock per Animal Unit
Laying Hens	1.8	252
Broilers	.9	500
Pullets	1.3	350
Broiler turkey	6.5	70
Heavy turkey	7.5	60
Heavy toms	12	40

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

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

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

APPROVAL IN PRINCIPLE means a preliminary approval of a development conditional upon the submission of additional plans and details before a development approval or building permit is issued.

ARTERIAL STREET means a main traffic artery to and through the Planning Area, which is shown as an arterial street on the zoning maps. Arterial streets in Deer Lake include the Trans Canada Highway (Route 1) and the Northern Peninsula Highway (Route 430),

AUTHORITY means the Municipal Council of the Town of Deer Lake.

BED AND BREAKFAST means an owner-occupied single dwelling, which includes guest rooms for the accommodation of travellers. The establishment must be approved by the Provincial Tourism Department as a Bed and Breakfast operation.

BOARDING HOUSE means a dwelling in which accommodation is provided for two (2) to twelve (12) persons inclusive, and in which kitchen, dining, and bathroom facilities may be used in common by some or all of the occupants.

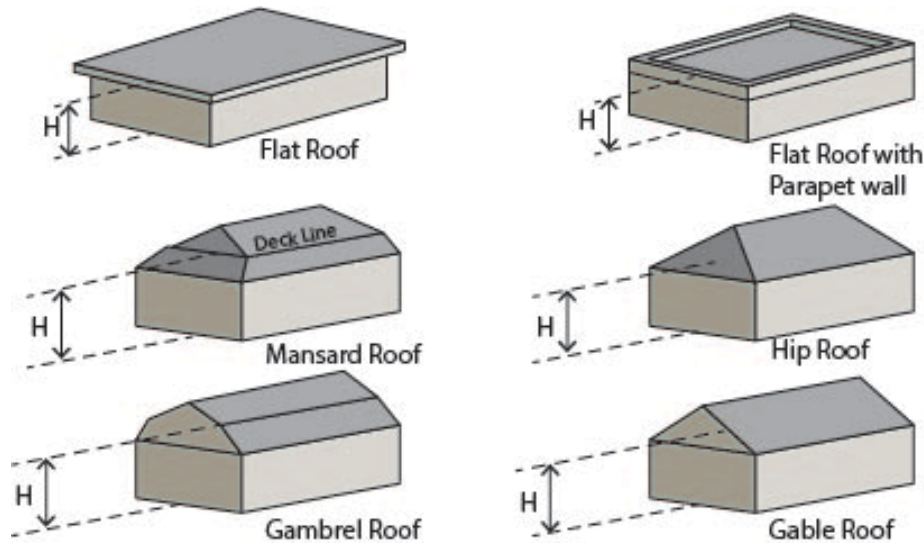
****BUILDING** means:

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

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

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



***BUILDING LINE** (See also SETBACK, FRONTYARD) means a line established by Council that runs parallel to a street line and is set at the closest point to a street that building may be placed.

CAMPGROUND means a contiguous parcel of land, managed as a unit, for the accommodation of any combination of ten (10) or more tents, recreational vehicles, or travel trailers used on a short term or seasonal basis, and where accessory uses could include an administrative office, clubhouse, snack bar, laundry, convenience store, swimming pool, washroom, and recreational area or facility.

CAR WASH means a commercial establishment used for washing or cleaning motor vehicles.

CATERING means a building or part of a building where food is prepared and served within the premises and includes a restaurant and coffee shop, but does not include a take-out food service or drinking establishment.

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CEMETERY means a facility or site reserved for the burial of the dead and may include a related maintenance facility.

CHILD CARE means a building or part of a building in which services and activities are regularly provided to children of pre-school age during the full daytime period as defined under the Child Care Act, but which does not include a school as defined by the Schools Act.

CLUB AND LODGE means land, a building, or part of a building used by a non-profit association or organization for fraternal, social, recreational or religious purposes.

COLLECTOR STREET means a street that links local streets with arterial streets or other collector streets, and which is designated as a collector street in the Municipal Plan and shown on the Future Land Use and Land Use Zoning Maps.

COMMERCIAL ACCOMMODATION means a building, or part thereof, used to provide short-term accommodation for paying guests. Accommodation may be self-contained (with full kitchen, bathroom and laundry services) or serviced (laundry service and meals are provided). A commercial accommodation may include a hotel, motel, or inn, but not a bed and breakfast, visitor rental dwelling, tourist cottage establishment, or campground, which are each defined separately.

COMMUNICATIONS means a building, structure, mast, or antenna used to facilitate the receiving or transmitting of radio, television, telephone, cellular, Internet, or satellite communications, and may include radio and television stations.

COMMUNITY GARDEN means a common outdoor space where residents grow and care for vegetables and/or flowers for personal consumption or non-commercial purposes.

COMPREHENSIVE DEVELOPMENT means an integrated development on a suitable, large site that responds to a unique market opportunity and involves special development standards not otherwise permitted in the zone. A comprehensive development may allow for a mix of different housing types and densities, and innovations such as cluster layouts and zero lot line housing, and privately owned and maintained roadways and infrastructure.

CONSERVATION means a use of land that serves to protect, maintain, or improve an environmental resource or feature.

CONSTRUCTION YARD means an area used for the storage of construction materials, supplies, equipment, tools, stockpiles of construction materials, and other items including temporary storage containers, construction trailers, and temporary office trailers.

CONVENIENCE STORE means a retail store that is compatible with a residential area, which does not exceed a floor area of two hundred square metres (200 m²) and in which at least eighty percent (80%) of the retail floor space is devoted to the sale and display of groceries.

COUNCIL means the Council of the Town of Deer Lake having jurisdiction of the Deer Lake Municipal Plan and Development Regulations.

CREMATORIUM means a building fitted for the cremation of human remains and includes everything incidental and ancillary thereto. In these Regulations an application to develop a crematorium will be considered separately from an application to develop or expand a funeral home.

CROP AGRICULTURE – See “AGRICULTURE, CROP”.

CULTURAL AND CIVIC means land or a building used for a cultural or civic activity such as a museum, art gallery, interpretation centre, cultural centre, outdoor interpretive or educational display, or used for a government activity not otherwise defined in these Regulations.

DECK means a structure abutting a dwelling or other building that has no walls and is constructed on piers or a foundation above-grade for use as an outdoor living area.

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

- (a) the making of an access onto a highway, road or way,
- (b) the erection of an advertisement or sign,
- (c) the construction of a building,
- (d) the parking of a trailer, or vehicle of any description used for the sale of refreshments or merchandise, or as an office, or for living accommodation, for any period of time.

and excludes:

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

***DEVELOPMENT REGULATIONS** means these regulations and regulations and by-laws respecting development that have been enacted by Council.

***DISCRETIONARY USE** means a use that is listed within the discretionary use classes established in the use zone tables of Council’s development regulations.

DISTANCE means the shortest separation, measured on a horizontal plane, between a lot line, street line, a watercourse, or other point specified in these Regulations and the nearest part of a building, structure, excavation, or other use of land.

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DOCK means a recreational wharf or slipway structure extending into a body of freshwater but does not include a marina or marine facility.

DOMESTIC ANIMAL – See ANIMAL, DOMESTIC (PET)

DOUBLE DWELLING means a building containing two dwelling units, placed one above the other (duplex), or side by side (semi-detached), but does not include a single dwelling containing a subsidiary apartment.

DRAINAGE means the removal of surface or subsurface water by a channel, open ditch, grassed waterway, or conservation structure.

DRINKING ESTABLISHMENT means a commercial operation, assembly hall, club, or lounge in which the sale and consumption of liquor is licensed under the *Liquor Control Act*, and in which meals and food may be served for consumption on the premises and entertainment may be provided.

DRIVEWAY means a vehicular passageway having at least one end thereof connected to a public street and providing ingress to and/or egress from a lot.

DWELLING means a main building or portion thereof, which contains one or more dwelling units.

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

EDUCATIONAL means a public or private institution of learning that includes primary, elementary, junior high, and senior high schools, colleges, universities, as well as buildings used for temporary training activities.

EMERGENCY SERVICE means a fire station, police station, ambulance station, rescue centre, or other facility for the provision of emergency services, including a related training facility.

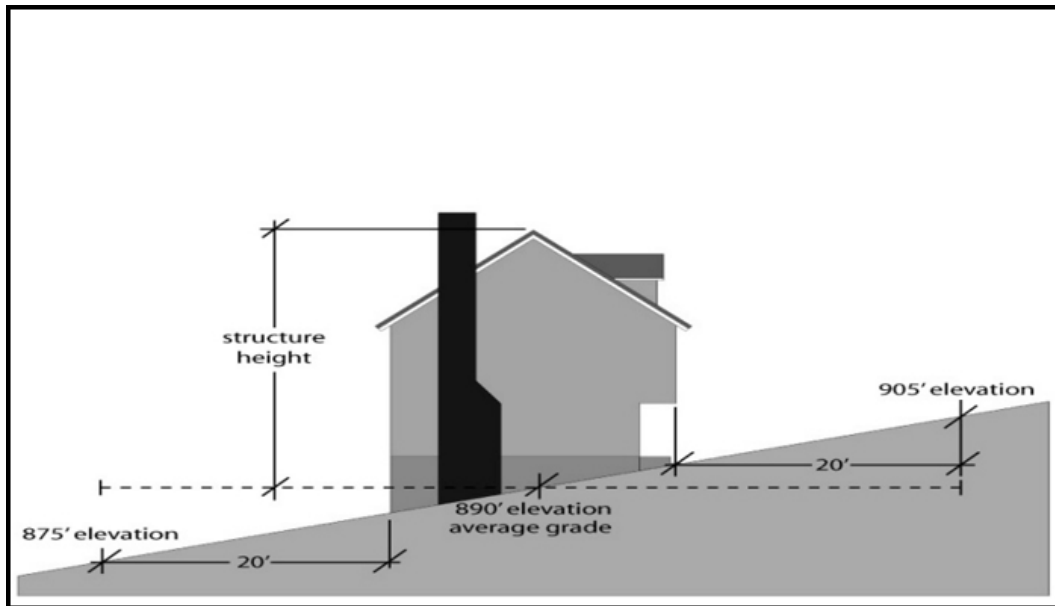
ENERGY GENERATION FACILITY means a facility for the generation of electricity from wind, biomass, water, oil, or gas.

ENGINEER means a professionally certified engineer who is employed or retained by Council or is employed or retained by a developer in relation to a development that requires Council approval.

ENTERTAINMENT means the internal use of a building for entertainment activities, and may include a bowling alley, movie or performing arts theatre, games arcade, poolroom, youth centre, or similar uses, but does not include a drinking establishment, which is defined separately.

***ESTABLISHED GRADE** means:

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



EXCAVATION OF LAND means the extraction or removal of soil, gravel, or bedrock material to prepare a site for development or to sell for off-site use.

FENCE means a barrier, railing or other upright structure to mark a boundary, control access, prevent escape, serve as a landscape feature, or provide some combination of all these functions. The construction of a fence in Deer Lake requires a development permit.

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

FORESTRY means the general growing and harvesting of trees and, without limiting the generality of the foregoing, shall include the cutting of fuelwood, sawlogs, Christmas trees, and other products.

FRONT LOT LINE – See “LOT LINE, FRONT”

***FRONTAGE** - See “LOT WIDTH”

FRONTYARD SETBACK - See “SETBACK, FRONTYARD”

FUNERAL HOME means the use of a building for the provision of funeral services, which may include a facility to prepare human remains for interment and a chapel for commemorative services. While a crematorium may be permitted as a part of a funeral home, a development application for a crematorium will be considered separately from a funeral home application.

FUTURE STREET means a portion of land delineated on a development plan as a “Future Street”, which is to be used as a street at some date in the future and which the title of the land will be vested with Council upon the completion of the development.

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

GARDEN CENTRE means the use of land, buildings, or structures or part thereof for the purpose of growing and selling plants and garden equipment and supplies.

GENERAL ASSEMBLY means land or buildings used as gathering places for substantial numbers of people and, without limiting the generality of the foregoing, includes auditoriums, convention centres, public and private halls, gymnasiums, bowling alleys, theatres, and similar gathering places.

GENERAL GARAGE means land or a building used for repair, maintenance and storage of motor vehicles and may include the sale of gasoline or diesel oil.

GENERAL INDUSTRY means the use of land or a building to store, assemble, alter, repair, manufacture, fabricate, pack, can, prepare, break up, demolish, or treat any article, commodity or substance. "Industry" shall be construed accordingly.

GENERAL SERVICE means an outlet for servicing, repairing, installing, or renting things and equipment, without limiting the generality of the foregoing, includes the following examples:

- (a) radio, television, and computer service and repair shops
- (b) locksmith shops
- (c) small appliance service or repair shops
- (d) household and carpenter tool service or repair shops
- (e) tools and equipment rental shops

GRADE – See “ESTABLISHED GRADE”.

GREENHOUSE means a building whose roof and sides are made largely of transparent or translucent material for the cultivation of plants for subsequent sale, transplanting, or personal use.

GROUP HOME means a residential facility accommodating and providing care to no fewer than four and no more than six persons, exclusive of staff, in a home-like setting. Subject to the size limitation, this definition includes, but is not limited to, facilities referred to as "group care homes", "halfway houses", and "foster homes." Any residential facility that provides care to three or fewer persons is treated the same in these Regulations as any other private dwelling.

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HABITAT means an area where plants, animals, and other organisms live and find adequate amounts of food, water, shelter, and space needed to sustain their populations. Specific habitats of concern may include areas where species (i.e. geese, ducks, salmon) concentrate at a vulnerable point in their life cycle or annual migration.

HAZARD LAND means land that poses a hazard or constraint to development such as wetlands, organic soils, steep slopes, flood plains, contaminated soils, and landslide prone areas.

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.

HAZARDOUS USE means the use of land or buildings for any purpose that constitutes a hazard by reason of fire, explosion, radiation, pollution, noxiousness, and risk to human health, or other hazard.

HEIGHT – See “BUILDING HEIGHT”.

HOME OCCUPATION means a secondary use of a dwelling or its accessory building by a resident of the dwelling to conduct a gainful occupation or business activity.

HOME OFFICE means a secondary use of a dwelling by a resident of the dwelling to conduct a gainful occupation or business activity with such occupation or business activity being limited to office uses that do not involve visitation by clients, customers, or the general public to the site.

HOTEL means a commercial establishment that consists of a building with three or more attached sleeping units grouped under one roof designed to accommodate the traveling public, which may or may not have restaurant, retail, and personal services.

INDOOR ASSEMBLY means land or a building used as a gathering place for sports-related recreational activities and, without limiting the generality of the foregoing, includes arenas, armoires, ice rinks, and indoor swimming pools.

INDOOR MARKET means the use of a building for the display and sale of goods and produce by a number of retail enterprises.

INFILL DEVELOPMENT means development or redevelopment occurring on an infill lot.

INFILL LOT means vacant land along a built-up street that is suitable for further construction or development.

INFILLING means the depositing of soil, gravel, or bedrock material to prepare a site for development.

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

KENNEL means any land, building, or structure where five (5) or more dogs, cats or other domestic animals are boarded, bred, trained, and cared for, and may include a pet grooming business, but does not include a veterinary clinic.

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

LANDSCAPING WALL means a continuous vertical brick or stone structure built on the ground to enclose or divide an area of land, mark a boundary, serve as a landscape feature, or provide some combination of all these functions. Unlike a retaining wall (see definition), it does not function to hold or support excavated soil. The construction of a landscaping wall in Deer Lake requires a development permit.

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

LIVESTOCK means any species of poultry, cattle, sheep, swine, goats, llamas, horses, or other animals that are normally kept and raised on farms for producing food or other animal derived products, riding (e.g. horses), boarding, breeding, or improving animal nutrition, for profit, personal use, or otherwise. Livestock does not include domestic animals as defined in these regulations.

LIVESTOCK AGRICULTURE – See “AGRICULTURE, LIVESTOCK”.

LIVESTOCK FACILITY means a building or confined area used or intended to be used to house or confine livestock, and includes a structure or area used or intended to be used to store manure.

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.

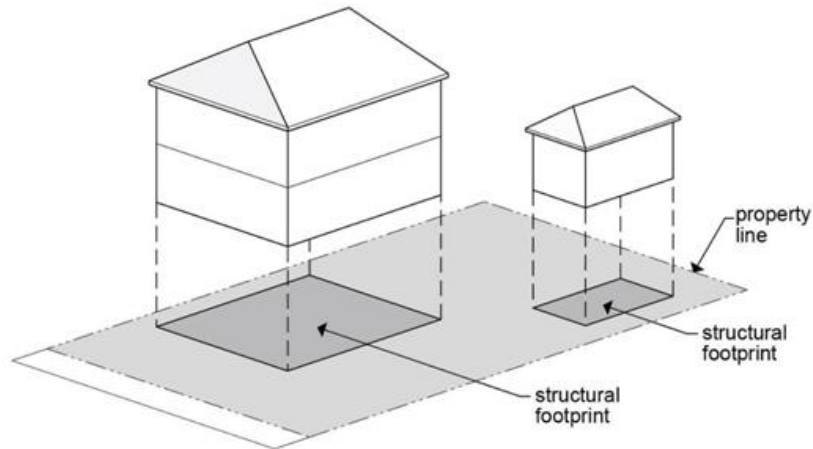
***LOT** means a plot, tract or parcel of land, which can be considered as a unit of land for a particular use or building.

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

LOT, CORNER means a lot having two or more sides fronting onto two or more adjacent streets.

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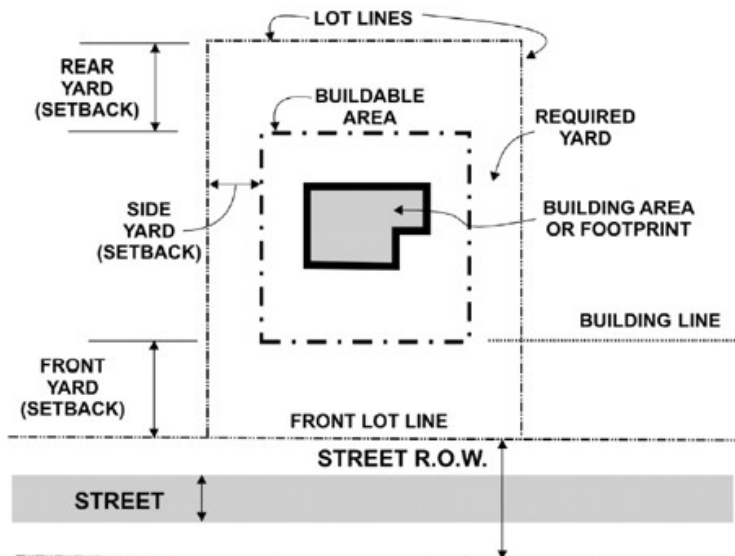
***LOT COVERAGE** means the combined area of all buildings on the lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot.



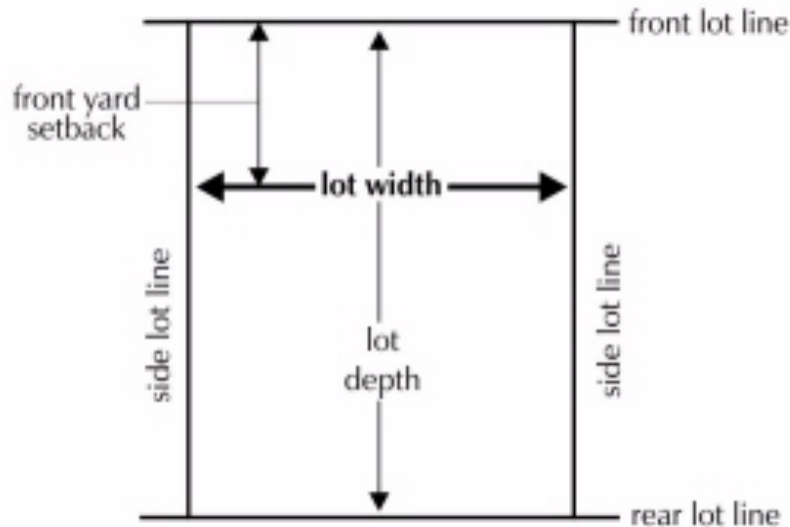
$$\text{lot coverage (\%)} = \frac{\text{total area of structural footprint(s)}}{\text{total lot area}}$$

LOT LINE means a common boundary between a lot and an abutting lot or street.

LOT LINE, FRONT means the boundary between a lot and the street on which a lot has its civic address.



LOT WIDTH (or FRONTAGE) means the horizontal distance between side lot lines measured at the building line.



MAIN BUILDING means the building or buildings in which the primary use(s) of a lot on which the building is located is conducted.

MAIN USE means the primary use for which a building, structure or lot is designed, arranged, or intended, or for which a lot may be used under this regulation.

MARINA means a dock or basin together with associated facilities where slips, moorings, supplies, repairs, storage, rentals, refueling, and other services available for watercraft. Facilities may include boathouses, storage facilities, clubhouses and catering facilities.

MEDICAL CLINIC means a building or part thereof, used exclusively by physicians, dentists or other health professionals, their staff, and patients for consultation, diagnosis, and office treatment of humans. Without limiting the generality of the foregoing, a medical clinic may include administrative offices, waiting rooms, examination rooms, treatment rooms, laboratories, pharmacies, and dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms.

MEDICAL TREATMENT means a building for the medical care, supervision, and skilled nursing care of persons suffering from sickness, disease or injury, or for convalescent or chronically ill persons.

MINERAL EXPLORATION means the searching for minerals or mineral occurrences, wherein, for the purposes of these Regulations, it takes the form of a development that involves appreciable soil disturbance, uses equipment other than hand tools, or involves the construction of roads to access the exploration site.

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MINERAL WORKING means the use of land for the surface extraction, processing, crushing, and stockpiling of sand, gravel, clay, shale, bedrock, or other aggregates, and may include washing and blasting where permitted under Provincial regulation, along with associated buildings and machinery.

MINI-HOME means a prefabricated single dwelling unit that complies with the National Building Code, is designed to be used with or without a permanent foundation, has a width of less than six (6) metres throughout its entire length exclusive of steps or porches, is not fitted with facilities for towing or to which towing apparatus can be attached, and is capable of being transported by means of a single trailer from the site of its construction without significant alteration.

MINI-HOME SUBDIVISION means a mini-home development requiring the subdivision of land whether in single or joint ownership into two or more pieces or parcels of land for the purpose of locating thereon mini-home units where the maintenance of streets and services is the responsibility of Council.

MINING means the use of land or buildings for the extraction of ores and/or salts.

MINISTER means the Minister responsible for the Urban and Rural Planning Act 2000.

MINOR WATERCOURSE means a watercourse that flows for only part of the year, such as during snowmelt, spring runoff, rainstorms, and wet periods.

MODULAR HOME means a dwelling unit constructed in accordance with the standards applicable to site-built homes in the National Building Code and comprised of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

MOTEL means an establishment that serves the travelling public, which consists of one or more buildings containing four or more attached accommodation units, which may or may not have restaurant, retail, and personal services.

MULTI-USE TRAIL means a recreational trail for multiple purposes including non-motorized uses such as hiking and motorized uses such as snowmobiles and ATVs.

***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.

NOXIOUS USE means a use of land or a building which, from its nature or operation, creates a nuisance, or is liable to become a nuisance, which is offensive or dangerous by reason of noise, vibration, or emission of gas, fumes, dust, or objectionable odour.

NURSING HOME means a residence licensed under Provincial legislation, in which the proprietor supplies lodging and meals and, if required, nursing, medical, or similar care and

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treatment, and without limiting the generality of the foregoing, may include a rest home, personal care home, or any similar provincially licensed establishment.

OFFICE means a use providing for administrative, governmental, professional services and general office functions, and includes accounting, bookkeeping, advertising, architectural, engineering, planning and design, surveying, legal services, counseling, data processing, telephone services, social services, public relations, consulting, realty offices and similar uses.

OPEN SPACE USE means land set aside to preserve natural areas or to develop passive recreational uses. Open space may include community gardens, woodlands, fields, walking trails, and passive recreational uses, but shall not include structures such as buildings, tennis courts, parking lots, or other impervious land uses.

OUTDOOR ASSEMBLY means land or outdoor facilities used as a gathering place for substantial numbers of people and, without limiting the generality of the foregoing, includes bleachers, grandstands, outdoor ice rinks and swimming pools, amusement parks, fair grounds, exhibition grounds, drive-in theatres, and similar gathering places.

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

PARKING AREA means a designated area on a lot, other than a driveway, for off-street parking of automobiles.

PARKING SPACE means a designated space in a parking area or a driveway adequate for one automobile with room to open doors on both sides, together with related maneuvering room and access to a public street.

PASSIVE RECREATIONAL USE means a recreation activity that generally does not require a developed site, and includes such uses as walking, bicycling, and skiing trails, but does not include sports fields, structures, or facilities to accommodate any type of motorized vehicle.

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

PERSONAL CARE HOME – See "NURSING HOME".

PERSONAL SERVICE means a service oriented to the personal needs of persons, and without limiting the generality of the foregoing, includes hairdressing shops, gyms, taxi stands, computer services, hobby shops, and photo studios.

PERSONAL USE AGRICULTURE – See "AGRICULTURE, PERSONAL USE"

PERSONAL LIVESTOCK USE - See "ANIMAL, PERSONAL LIVESTOCK USE"

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PETROLEUM EXPLORATION means the searching for petroleum or petroleum occurrences, wherein, for the purposes of these Regulations, it involves appreciable soil disturbance, uses equipment other than hand tools, and/or involves the construction of roads to access the exploration site.

PETROLEUM EXTRACTION means the use of land or buildings for the extraction of petroleum oil and/or natural gas.

PLANNED UNIT DEVELOPMENT (PUD) means a type of development that meets overall municipal density and land use standards without being fully bound by zoning requirements. A PUD is planned and built as a unit thus fixing the type and location of uses and buildings over the entire project. It may include clustering of buildings, common open space, and incorporation of various building types and mixed land uses. Potential benefits of a PUD include more efficient site design, preservation of open space, lower construction costs, and lower maintenance costs for the municipality.

****PLANNING AREA** means a municipal planning area established under section 6 and 11 of the Act. For the purpose of these Regulations, the Deer Lake Planning Area takes in the Deer Lake municipal boundaries as well as land to the south in the vicinity of St. Jude's.

PORTABLE SHELTER, for the purpose of these Regulations, means a collapsible structure, covered with plastic or fabric, more than 30 square metres in floor area, is used as an accessory building on a residential property, and for the purposes of these Regulations is considered by Council to be a permanent accessory building.

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

PUBLIC BUILDING means a building that can be used for a public or non-profit purpose and without limiting the generality of the foregoing, may include such a building such as a school, place of worship, municipal facility, community centre, hospital, town hall, and government office.

PUBLIC RIGHT-OF-WAY means a route across privately or publicly owned land that may be followed, but not deviated from, by members of the public.

***REARYARD SETBACK** - See "SETBACK, REARYARD"

RECREATIONAL DWELLING means a single dwelling that is used primarily for recreational purposes and is not inhabited on a full-time basis.

RECREATIONAL OPEN SPACE means an outdoor recreational use for the conduct of sports and/or leisure activities, and may include a park, playground, outdoor rink, golf course, playing field, dog park, outdoor theatre, target shooting range, water slide, multi-use trail, or similar outdoor facility.

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RECREATIONAL VEHICLE means a motor vehicle, usually with facilities for sleeping and eating, used for recreational activities such as camping.

RECYCLING FACILITY means land or a building used to deposit, store, separate, clean, or redistribute discarded materials such as drink containers, paper, glass, plastic, and cardboard.

RESIDENTIAL CARE HOME means a facility for the accommodation and care of aged, sick, injured, or special needs persons, and may include a personal care home, nursing home, rest home, seniors home, or group home, but does not include any home that provides care to fewer than four persons, which is treated the same in these Regulations as any other private dwelling.

RESTAURANT means a building or part thereof, used or occupied for the purpose of serving the general public with meals or refreshments for consumption on the premises.

RETAINING WALL means a structure that supports excavated or filled earth on a property. The construction of a retaining wall in Deer Lake requires a development permit.

RETIREMENT HOME means a residential facility with self-contained dwelling units for seniors who can live independently with minimal to moderate support.

ROW DWELLING (OR TOWNHOUSE) means a dwelling containing not less than three and no more than four dwelling units at ground level in one building, each unit separated vertically from the others and with individual entrances directly from the outside.

SALVAGE YARD means premises where scrap metals or other scrap materials are sorted or stored; or where automobiles, other vehicles, machinery, or parts thereof are dismantled, demolished, or stored; or where used goods, wares, merchandise, or articles are processed for further use. This definition excludes recycling facility. .

SENSITIVE AREA means an area that is easily disrupted by human activity, and may include steep slopes, cliffs, watercourses, wetlands, riparian areas, springs, coastal features, wet and unstable soils, unstable geology, and vulnerable or threatened flora or fauna.

SERVICE STATION means any land or building used for the sale of petroleum products, automotive parts and accessories, and the repairing, washing and polishing of motor vehicles.

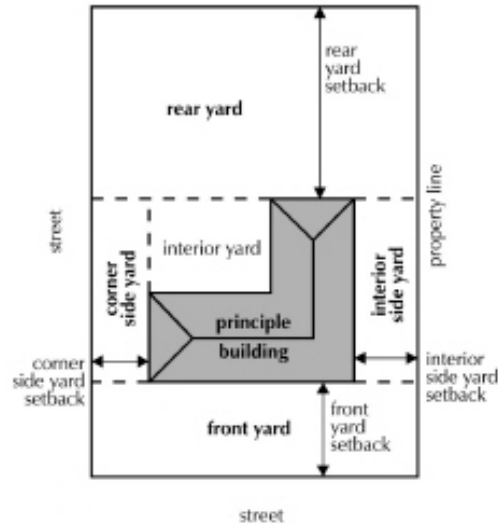
SERVICE STREET means a street constructed parallel to or close to another street for the purpose of limiting direct access to that street.

SETBACK, FRONTYARD means the distance between the “building line” as defined in these regulations and the front street line of a lot.

SETBACK, REARYARD means the distance between the rear lot line and the rear wall of the main building on the lot.

SETBACK, SIDEYARD means the distance between the side lot line and the nearest sidewall of a building on the lot.

ILLUSTRATION OF YARDS AND YARD SETBACKS

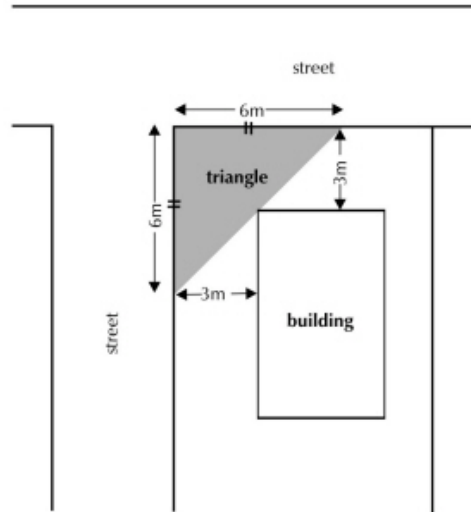


SHOP means a building or part thereof used for retail trade wherein the primary purpose is the selling or offering for sale of goods, wares or merchandise by retail or the selling or offering for sale of retail services but does not include an establishment wherein the primary purpose is the serving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

SHOPPING CENTRE means a group of shops and complementary uses with integrated parking and which is planned, developed and designed as a unit.

***SIDEYARD SETBACK** - See "SETBACK, SIDEYARD"

SIGHT TRIANGLE means a triangle-shaped portion of land established at a street intersections in which nothing can be erected, placed, planted or allowed to grow in such a manner as to obstruct the sight distance of motorists entering or leaving the intersection. The triangular-shaped portion of land is formed by the street lines and a line drawn from a point on one street line to a point in the other street line.

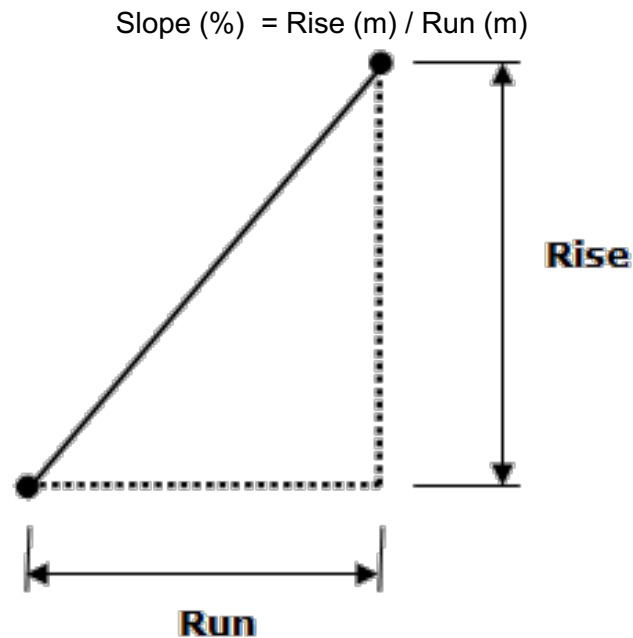


***SIGN** means a word, letter, model, placard, board, device or representation whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement or direction and excludes those things employed wholly as a memorial, advertisements of local government,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

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

SLIPWAY means a ramp on the shore by which boats can be launched or removed from the water.

SLOPE means the rate of vertical change of the surface of the ground expressed as a percentage and determined by dividing the change in vertical distance (rise) by the change in horizontal distance (run).



SOD FARM means the use of land for the cultivation and harvesting of lawn grass, along with the soil that supports it, for commercial sale.

***STREET** means a street, road or highway or other way designed for the passage of vehicles and pedestrians with the following characteristics:

- (a) it is accessible by fire department and other emergency vehicles,
- (b) it includes related infrastructure, for example, the roadway itself, side ditches, culverts, and bridges, and
- (c) its maintenance is the responsibility of Council or the Provincial Department of Transportation and Works.

STREET CENTRE LINE as used by the Province under the *Protected Road Zoning Regulations* means the centre of the roadway in the case of an undivided highway, and the centre of the nearest driving lane in the case of a divided highway. The street centre line is used to establish building control lines along Protected Provincial Highways, which in Deer Lake include the Trans Canada Highway (Route 1) and the Great Northern Peninsula Highway (Route 430).

***STREET LINE** means the edge of a street reservation as defined by Council or the Province.

STREET RESERVATION means the entire right-of-way in which a street or highway roadway is located, and which is public property owned by the Town of Deer Lake or the Province.

STRUCTURE means anything constructed or erected with a fixed location on or below the ground, or attached to something having a fixed location on the ground, and includes buildings, walls, fences, signs, billboards, utility poles, and similar items.

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

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

SURFACE WATER means any flowing or standing water on the surface of the earth.

SUSTAINABLE DEVELOPMENT means development that meets the needs of the present without compromising the ability of future generations to meet their own needs, and applies to the environmental, economic, social, cultural, and local governance aspects of the community.

SWIMMING POOL means any in-ground or aboveground structure that is capable of containing water with a minimum depth of 90 cm (0.9 m), including swimming pools, non-portable wading pools, and landscape water features, but excluding hot tubs.

TAKE-OUT FOOD SERVICE means a building in which meals and refreshments are prepared and sold for consumption off the premises.

TEMPORARY USE means a use or structure permitted to exist for a limited amount of time.

TEMPORARY VENDING FACILITY means a transient facility or structure such as a trailer, hotdog stand, ice cream cart, or tent that is used to display, store, or sell food, beverages, articles or goods to the public.

TOURIST COTTAGE ESTABLISHMENT means a contiguous parcel of land, managed as a unit, consisting of six (6) or more self-contained accommodation units used for short-term stays, and where accessory uses could include an administrative office, clubhouse, snack bar, convenience store, swimming pool, and recreational facilities.

TOWNHOUSE – See “ROW HOUSE”

TRAILER means a vehicle used for temporary sleeping accommodation and constructed so as to be suitable for being attached to and drawn by a motor vehicle, and not used as a full time residence.

TRANSPORTATION means transportation infrastructure such as airfields, streets, bridges, culverts, and sidewalks, along with associated buildings and structures.

***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.

UTILITY means a facility used to provide the public with electricity, heat, steam, communications, water, sewage, waste disposal, recycling, or similar services.

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***VARIANCE** means a departure, to a maximum of 10 percent from the yard area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of these Development Regulations.

VEHICLE SALES means a building or an open area used for storage or display, for sales purposes, of three (3) or more motor vehicles.

VETERINARY means an establishment used by veterinarians, or practitioners in related specialties, for practicing veterinary medicine, where animals are admitted for examination or treatment, and where limited laboratory and other diagnostic services may be offered, but excludes a kennel.

VISITOR RENTAL DWELLING means a single dwelling, other than the owner's primary residence, which is used for rentals to the travelling and vacationing public.

WASTE TRANSFER STATION means a site used for the collection, storage and transfer of solid waste to the regional waste management site.

WATER UTILITY means any infrastructure or facility used for water supply management, operations, and protection such as intake pipes and filters, treatment plants, and pipelines.

WATERCOURSE means the full width and length, including the bed, banks, side and shoreline, or other part, of a river, stream, spring, brook, lake, pond, reservoir, canal, estuary, or other natural or artificial freshwater body or channel open to the atmosphere, the primary function of which is the conveyance or containment of water, whether the flow is continuous or not.

WATERSHED means the surface area contained within a topographical divide above a specified point on a river, brook, stream, or other flowing body of water.

WETLAND means a land whose soil is saturated with moisture either permanently or seasonally. Wetlands include swamps, marshes, bogs, fens, and shallow water, among others. The water found in wetlands can be saltwater, freshwater, or brackish.

ZONE – See "USE ZONE"

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

PART 3: GENERAL REGULATIONS

3.1 Compliance with Regulations

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

3.2. Permit Required

Except where otherwise provided for in these Regulations, no person shall undertake a development within the Planning Area unless Council has issued a permit for the development.

3.3 Permit to be Issued

Subject to **Regulation 3.4**, **Regulation 3.5**, and **Regulation 3.6**, a permit shall be issued for development within the Planning Area that conforms to all requirements of these Regulations, including:

- (a) Part 4 - General Development Standards,
- (b) Part 5 – Specific Use Regulations,
- (c) Part 6 – Subdivision of Land in the case of subdivision.
- (d) Part 8 – Use Zones
- (e) The use classes, standards, and conditions prescribed in Part 9 – Use Zone Schedules for the use zone in which the proposed development is located.
- (f) The National Building Code and other ancillary codes, waste disposal regulations, and any other municipal regulation in force in the Planning Area regarding development, conservation, and use of land and buildings.
- (g) Any other standards of design and appearance established by Council.

3.4 Permit Subject to Proof of Land Ownership

- (1) Before Council will issue a permit to develop on a property, the applicant will provide proof of ownership of the property in the form of a letter or other document signed by a Commissioner of Oaths, Notary Public, or Justice of the Peace.
- (2) If a development application is submitted by a person who does not own the property, a letter of authorization from the owner must be provided along with the proof of ownership required in Paragraph (1).

3.5 Permit Not to be Issued in Certain Cases

Neither a development permit or approval in principle will be issued for development within the Planning Area when, in the opinion of Council, it is premature by reason of the site lacking adequate road access, power, drainage, municipal water and sewer, 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.

3.6 Discretionary Powers of Council

- (1) In considering an application for a development permit or approval in principle, Council shall take into account the policies of the Municipal Plan and any further scheme, plan or regulations pursuant thereto, and shall assess:
 - (a) the general appearance of the development,
 - (b) the amenity of the surroundings,
 - (c) the capacity of municipal water and sewer infrastructure to service the development,
 - (d) the capacity of the street network to handle the traffic load generated by the development,
 - (e) the availability of utilities,
 - (f) public safety and convenience, and
 - (g) other considerations, which in its opinion, are material,and notwithstanding the conformity of the application with these Regulations, Council may, in its discretion, and as a result of its consideration of the matters set out in this Regulation, conditionally approve or refuse the application.
- (2) Where Council is considering an application for a discretionary use, it will give public notice in accordance with **Regulation 3.22 (4)**.
- (3) When approving or refusing a discretionary use, Council shall state in writing the basis for its approval or refusal.

3.7 Variances (See Provincial Development Regulations, Section 12)

- (1) Where an approval or a permit cannot be given by Council because a proposed development does not comply with development standards set out in these Regulations, Council may, in its discretion, vary the applicable development standards to a maximum of 10 percent if, in Council's opinion, requiring strict compliance with the development standards would prejudice the proper development of the land, building or structure in question, or would be contrary to the public interest.
- (2) Council shall not allow a variance from a development standard set out in these Regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10 percent variance even though the individual variances are separately not greater than 10 percent.
- (3) Council shall not permit a variance from the development standards where the proposed development would increase the non-conformity of an existing development or would result in the creation of non-conformity of any existing legal development.
- (4) Where Council is to consider a proposed variance from a development standard, in accordance with **Regulation 3.22(2)**, it will give written notice of the proposed variance to all persons whose land, in the opinion of Council, may be affected. At

a minimum, this will include all land located within sixty (60) metres of the property that is the subject of the variance. Where it deems necessary, Council may provide the notice to a wider area.

3.8 Non-Conforming Uses (Refer to Section 108(2) of the *Urban and Rural Planning Act 2000* and Sections 14, 15, and 16 of the *Provincial Development Regulations*)

- (1) Notwithstanding the Municipal Plan, a scheme, or regulations made under the *Urban and Rural Planning Act 2000*, 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* of the plan, scheme or regulations made with respect to that kind of development or use.
- (2) Notwithstanding Paragraph (1), a right to resume a discontinued non-conforming use of land shall not exceed one year after the discontinuance occurred. For the purpose of this Regulation, discontinuance of a non-conforming use begins when any one of the following conditions is met:
 - (a) The building or use of land is clearly vacated,
 - (b) The owner or tenant has ceased paying business taxes for that use, and
 - (c) The owner or tenant has stated in writing that the use has ceased.
- (3) A non-conforming building, structure, or development under the *Act*, which is allowed to continue under Paragraph (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 percent or more of the value of that building, structure or development has been destroyed, except as provided for in Paragraph (g) below,
 - (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 where, in Council's opinion that extension is not more than 50 percent of the existing building,
 - (f) where the non-conformance is with respect to the standards in these Regulations, shall not be expanded if the expansion would increase the non-conformity, and
 - (g) where the building, structure, or development is primarily zoned and used for residential purposes, may, in accordance with the appropriate plan and regulations, be repaired or rebuilt where 50 percent or more of the value of that building or structure is destroyed.
- (4) In accordance with **Regulation 3.22(3) - Notice of Application** of these Regulations, when considering an application to vary an existing use of a non-

conforming building, structure or development under Paragraph (3)(d), Council will, at the applicant's expense, provide public notice of the application and shall consider any representations or objections received in response to that advertisement.

3.9 Service Levy

- (1) In accordance with Section 149(2) of the *Municipalities Act, 1999*, where Council carries out a public work that enables a real property to be developed or developed to a higher density, or enhances the value of a property, Council may charge a service levy on the property.
- (2) The amount of a service levy shall be determined by Council, but shall not exceed the cost, including finance charges, to Council of constructing or improving the public works that are necessary for the real property to be developed in accordance with Council's standards 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 benefitted by the public work related to all the real property so benefitted; 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 property benefitted and may specify the time for payment.

3.10 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 the development is completed within a reasonable timeframe, 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 Paragraph (1) may be made in the form of:
 - (a) A cash deposit from the developer, to be held by Council,
 - (b) A guarantee by a bank, or other institution acceptable to Council, for expenditures by the developer,
 - (c) A performance bond provided by an insurance company or a bank, or
 - (d) An annual contribution to a sinking fund held by Council.

3.11 Dedication of Land for Public Use

Council may require the dedication of a percentage of the land area of any subdivision or other development for public use, and such land will be conveyed to Council in accordance with Section 37 of the *Act*.

Unless Council decides otherwise, such land that is dedicated for public use will not include land that Council requires to be set aside from development for the purposes of

environmental protection, whether or not that land is located within the Environmental Protection zone.

3.12 Restoration of Land

Where the use of a site is discontinued, the intensity of its use is decreased, a development permit has been revoked or has expired, or a temporary development permit has expired, Council may order the developer, the occupier of the site, the owner, or all of them to restore the site, remove all or any buildings or erections, cover or fill all wells or excavations, and close all or any accesses, or do any or all of these things, 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 Council's satisfaction.

3.13 Form of Application

- (1) An application for a development permit or for approval in principle shall be made to Council 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 plans and an application fee if required.
- (2) Council shall supply to each applicant a copy of the application form referred to in Paragraph (1) along with any available information relevant to the application.

3.14 Register of Application

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

3.15 Deferment of Application

- (1) Council may, with the written agreement of the applicant, defer consideration of an application.
- (2) An application that was properly submitted in accordance with these Regulations, which has not been determined by Council and on which a decision has not been communicated to the applicant within sixty (60) days of the application being received by Council, shall be deemed to be refused.

3.16 Approval in Principle

- (1) An application for an approval in principle for a subdivision or other form of development will include a description of the site and the proposed development, including a professionally prepared drawing, which:
 - (a) Delineates the limits of land to be used for the proposed development,
 - (b) Shows contours and significant natural features such as wetlands, watercourses, drainage channels, and slopes that exceed 15 percent,
 - (c) Shows existing streets, buildings, and land uses in the vicinity of the site,
 - (d) Shows a conceptual layout of proposed streets, trails, and other major components of the development, and
 - (e) Provides any additional information that may be requested by Council.

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- (2) Council will not consider an application for an approval in principle unless it includes a full description of the site and proposed development in accordance with Paragraph (1).
- (3) Council may grant an approval in principle if it determines that the proposed development complies generally with the intent and purposes of the Municipal Plan and these Regulations. Council will attach to the approval in principle such conditions that it deems necessary to ensure the proposed development will be in accordance with the Plan and these Regulations. It will also outline such details that the applicant will be required to address before a final development permit will be granted.
- (4) An approval in principle will be valid for a period of one (1) year and may be extended for one (1) additional year, up to a maximum of two (2) years.
- (5) Where approval in principle is granted, approval of a final development permit will be subject to the subsequent approval by Council of any details and conditions that were outlined in the approval in principle.
- (6) Approval in principle will not constitute permission to commence development. No form of development will commence until Council has issued a proper development permit.
- (7) Council may revoke approval in principle if it determines that the applicant has changed the proposed development in a way that significantly alters the original intent of the application or has not adequately addressed conditions or details stipulated in the approval in principal.
- (8) A decision by Council on an application for an approval in principle can be appealed in accordance with Section 42 of the Act.

3.17 Development Permit

- (1) A written development permit issued by Council or its designated staff will constitute permission to develop in accordance with these Regulations, but such permission shall not relieve the applicant from full responsibility to obtain all other permits or approvals prior to commencement of development and to comply with 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 will be responsible for full compliance with these conditions.
- (3) A development permit is valid for a period of one year and may be extended for one (1) additional year if requested by the applicant, up to a maximum of two years.
- (4) The issuance of a development permit does not prevent Council from thereafter requiring the correction of errors or ordering the cessation, removal of, and

remedial work on any development being carried out that is in violation of the Municipal Plan or these Regulations.

- (5) Council may revoke a permit:
 - (a) for failure by the holder of the permit to comply with these Regulations or any condition attached to the permit or approval in principle,
 - (b) where Council determines that the permit holder has changed the proposed development in a way that significantly alters the intent of the original application, or
 - (c) where the permit was issued in error or on the basis of incorrect information.
- (6) No person shall change the application for which a development permit was issued unless Council has issued written approval of the change.
- (7) A copy of the development permit, along with plans and specifications, shall be kept on the site until the development is completed.
- (8) A decision by Council on an application for an approval in principle or a development permit may be appealed in accordance with Section 42 of the Act.

3.18 Temporary Use Permit

- (1) At its discretion, Council may issue a temporary permit for a use that is listed in the permitted or discretionary use classes of a particular zone. It cannot issue a temporary permit for a use that is prohibited in a particular zone.
- (2) The temporary permit will be for a period not exceeding one (1) year, and may be extended at the request of the applicant for one (1) additional year, to a maximum of two (2) years.

3.19 Permit Fees

Council may charge a fee for a development permit in accordance with the schedule of fees adopted by Council.

3.20 Compliance with Legislation

- (1) If Council deems that a proposed development may be affected by a provincial or federal act or regulation, the applicant may be required to provide confirmation that necessary government approvals have been obtained before Council will issue a development permit.
- (2) If Council deems that a proposed development may trigger the requirements of the Environmental Assessment Act, the proponent will be advised to consult with the Department of Municipal Affairs and Environment before Council will issue a development permit.
- (3) Where these Regulations are more stringent than a provincial or federal act of regulation, these Regulations will apply.

3.21 Reasons for Refusing or Setting Conditions on a Permit

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

3.22 Notice of Application (See Provincial Development Regulations, Sections 13 & 15)

- (1) Notice of an application to Council shall, at the applicant's expense, be given when:
 - (a) A variance is to be considered under **Regulation 3.7 – Variances.**
 - (b) A change in a non-conforming use is to be considered under **Regulation 3.8 - Non-Conforming Uses.**
 - (c) A proposed discretionary use is to be considered in accordance with **Regulation 8.5 – Discretionary Uses.**
 - (d) Council deems that the public should be notified.
- (2) In accordance with **Regulation 3.7(4)** of these Regulations and Section 13 of the Provincial Development Regulations, notice of a variance application will be given directly to persons who are likely to be affected and a minimum of ten (10) days from the posting of the notice will be provided for persons to respond.
- (3) In accordance with **Regulation 3.8(4)** of these Regulations and Section 15 of the Provincial Development Regulations, notice of an application to change a non-conforming use will be given directly to persons who are likely to be affected, and in addition will be posted on one or more of the following: Council's social media page, the Community Channel, local bulletin boards, or by advertisement in a newspaper circulating in the area. A minimum of ten (10) days from the posting of the notice will be provided for persons to respond.
- (4) In accordance with **Regulation 8.5** of these Regulations, notice of an application to develop a discretionary use, or which otherwise requires Council's discretionary approval, will be given directly to persons who are likely to be affected, and in addition will be posted on one or more of the following: Council's social media page, the Community Channel, local bulletin boards, or by advertisement in a newspaper circulating in the area. A minimum of ten (10) days from the posting of the notice will be provided for persons to respond.
- (5) For any other development that Council deems the public should be made aware, notice of application will be given directly to persons who are likely to be affected, and in addition will be posted on one or more of the following: Council social media page, the Community Channel, local bulletin boards, or by advertisement in a newspaper circulating in the area. A minimum of ten (10) days from the posting of the notice will be provided for persons to respond.

3.23 Delegation of Powers (Refer to Provincial Development Regulations, Section 18)

Council shall, when designating employees or contractors to whom a power is to be delegated under Section 109(2) of the Act, make that designation in writing.

3.24 Right of Entry

Any official authorized by Council may enter upon land and may at all reasonable times enter any development or building for the purpose of making inspections relative to the development.

3.25 Record of Violations

Every inspector shall keep a record of any violation of these Regulations and report that violation to Council.

3.26 Stop Work Order and Prosecution

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

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

3.27 Notice of Right to Appeal (Refer to Provincial Development Regulations, Section 5)

Where Council makes a decision that may be appealed under Section 42 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 appeal 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.

3.28 Appeals (Refer to Provincial Development Regulations, Sections 6-11)

Sections 6 to 11 of the Provincial Regulations outline the regulations with respect to appeal requirements, appeal registration, prohibition of development that is subject to an appeal, notice of an appeal hearing, the appeal board's hearing of evidence, and its decisions.

3.29 Return of Appeal Fee

In accordance with Section 42(3) of the Act, where an appeal of a Council decision is successful, an amount of money equal to the appeal fee paid by the appellant shall be paid to the appellant by Council.

PART 4: GENERAL DEVELOPMENT STANDARDS

4.1 Accesses and Service Streets

- (1) Every access to a street shall be located to the specification of Council so as to ensure the safety and efficiency of the street system. Council may require the construction of a service street to reduce the number of accesses to an arterial street.
- (2) Every access to a Protected Provincial Highway must also be approved by the Department Transportation and Works and Service Newfoundland and Labrador.
- (3) No access will be closer than 10 metres to the street line of any street intersection.

4.2 Archaeological Sites

- (1) Deer Lake has a number of known archaeological sites that are protected under the *Historic Resources Act*. No development, excavation, or other disturbance of land will be permitted inside a buffer of 100 metres of the perimeter of these sites without first notifying the Provincial Archaeology Office so that necessary measures can be taken to ensure that the site is not disturbed or destroyed. At its discretion, Council may apply this restriction to future sites that are identified.
- (2) If an archaeological site or artifact is discovered during development of a property, the development shall stop and Council will consult with the Provincial Archaeology Office. Development shall not proceed until the Provincial Archaeology Office has evaluated the site or authorized the development to proceed.

4.3 Industrial Use Buffers

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

4.4 Solid Waste Disposal Site Buffer

Any proposed development within the Solid Waste Disposal Site Buffer as shown on the zoning maps shall be referred to the Department of Municipal Affairs and Environment for approval before a permit will be issued by the Town.

4.5 Fire Hydrant Buffers

No building, fence, hedge or other structure will obstruct access to a fire hydrant from the street, obstruct the visibility of a fire hydrant from the street, or protrude closer than 3.0 metres to a fire hydrant.

4.6 Watercourses and Wetlands

(1) Designated Watercourses and Wetlands

Designated watercourses include rivers, streams, lakes and ponds whose shoreline areas are zoned Environmental Protection on the zoning maps. Generally, the zone extends 15-30 metres from the ordinary high water mark of the watercourse but may extend farther where the adjoining land is environmentally sensitive, for example, where shoreline embankments are steep or where the shore area abuts a wetland, floodplain, or identified sensitive habitat.

Designated wetlands include wetlands that zoned Environmental Protection. Junction Brook Bog, which is subject to a stewardship agreement between Council and the Provincial Wildlife Division, is a designated wetland.

Permitted land uses and development conditions in designated watercourses and wetlands are specified in the Environmental Protection zone.

(2) Other Watercourses and Wetlands

Other watercourses and wetlands, which are not located within the Environmental Protection zone, are subject to the following:

- (a) No development will be permitted within 15 metres of the ordinary high water mark of a watercourse or within 15 metres of the edge of a wetland except for:
 - Reconstruction of a building or structure that was in existence on the date that this Municipal Plan came into effect,
 - A building or structure associated with municipal infrastructure, for example, a water treatment facility, water main, or pump house,
 - An open space use such a trail, and
 - A transportation use (e.g. road, bridge, culvert), which by necessity must cross a watercourse.
- (b) Council will not approve any development within 15 metres of a watercourse or wetland that does not have an explicit approval or exemption from the Water Resources Management Division and the Lands Division of the Department of Municipal Affairs and Environment, as well any other agency having jurisdiction.
- (c) Notwithstanding subparagraphs (a) and (b), if a watercourse or wetland is deemed to be minor (see definitions below), Council may permit a development subject to conditions.

A **minor watercourse** is defined as a (i) drainage course that carries water only during rain events or snowmelt, or (ii) an intermittent stream that does not carry significant spring runoff.

A **minor wetland** is defined as a wetland less than one (1) hectare in area that is not associated with a watercourse and is not deemed to be an environmentally sensitive area.

(3) Development Within a Body of Water

Council will not approve infilling or other development within a body of water or involving alteration of a body of water unless the development or alteration has been approved or exempted by the Water Resources Division of the Department of Municipal Affairs and Environment and any other agency having jurisdiction.

4.7 Building Lines and Setbacks

(1) Council, by resolution, may establish building lines on an existing or proposed street and may require any new buildings to be located on those building lines, whether or not such building lines conform to the standards set out in **Part 9** of these Regulations.

(2) A frontyard building line setback is measured from the front property line.

(3) A sideyard setback shall be provided on the exposed sides of every building in order to ensure safe distances between buildings on adjoining lots and provide access for building maintenance. An exception may be made for an access ramp as noted in **Regulation 5.1**.

(4) Notwithstanding the minimum frontyard requirements set out in the Use Zone Tables in **Part 9**, Council, at its discretion, may allow development to complement existing building setbacks on adjoining properties.

(5) The building line along Provincial highways shall not be less than that specified under the provincial *Building Near Highways Regulation*. In Deer Lake the highway building lines are as follows:

- (a) 45 metres from the centreline along the Trans Canada Highway west of the Deer Lake Airport Access Road
- (b) 30 metres from the centreline along the Trans Canada Highway east of the Deer Lake Airport Access Road
- (c) 20 metres from the centreline along the Great Northern Peninsula Highway.

4.8 Multiple Uses on One Lot

A multiple use occurs when two or more different use classes exist in a single building or on a single lot.

(1) Where a single lot contains more than one permitted use, each use shall conform to all requirements in these Regulations that are applicable to that use.

- (2) A proposed new use on a multiple-use lot may not be permitted where Council deems that the use might be incompatible with existing uses on or adjacent to the lot by reason of safety, amenity, appearance, or nuisance.

4.9 Main Buildings on a Lot

- (1) Except for a single dwelling, more than one main building may be permitted on a lot provided that the requirements set out in the Use Zone Tables in Part 9 are satisfied.
- (2) No more than one single dwelling may be permitted on a lot except where that lot or dwelling forms part of a comprehensive development.
- (3) Where more than one main building is developed on a lot, sufficient area shall be reserved to satisfy the yard requirements and other allowances outlined in Part 9 for the Use Zone in which the lot is located. These allowances shall be maintained when the adjacent land is developed.

4.10 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 frontyard, rearyard, sideyard, frontage, or lot area that is less than, that permitted for the zone in which such lot is located.
- (2) Where any part of a lot is required by these Regulations to be reserved as a frontyard, sideyard, or rearyard, 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.

4.11 Lot Area and Size Exceptions

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

4.12 Street Frontage

Except where provided for in the Use Zone Schedule 9, no building shall be erected on a lot that does not front directly onto a public street unless the subject lot forms part of a comprehensive development.

4.13 Offensive and Dangerous Uses

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

4.14 Screening and Landscaping

- (1) Council may, in the case of existing unsightly development, order the owner or occupier to provide adequate and suitable landscaping or screening; and for this purpose, may require the submission of an application giving details of the landscaping or screening, and these Regulations shall then apply to that application.
- (2) 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 protect the environment, character, and appearance of the area.

4.15 Public Services and Utilities

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

4.16 Land Capability and Suitability for Development

The following provisions will apply to all proposed land developments, ranging in scale from individual lots to large-scale multi-lot developments..

- (a) When reviewing a development application, Council shall consider:
 - (i) the capacity of existing municipal water and sewer infrastructure to service the development,
 - (ii) the capacity of existing streets to handle anticipated traffic load to the development,
 - (iii) the capability and suitability of the site in terms of steepness of grades, soils, geology, water table, potential alterations to drainage patterns, and potential stormwater impacts on nearby properties and watercourses, and
 - (iv) other factors that Council deems to be relevant.
- (b) Before approving the development, if there are concerns or unanswered questions regarding water and sewer capacity to service the development, the general biophysical capability of the site, or potential for adverse drainage or stormwater impacts, Council may require the development proposal to be reviewed by a

certified engineer. The review shall address all questions and potential concerns identified by Council.

- (c) An approval in principle or a permit to develop will not be granted when in Council's opinion existing municipal infrastructure has inadequate capacity to service the development or the clearing, excavation, and infilling of land, or other site developments will result in unacceptable drainage, environmental, or aesthetic impacts.

4.17 Site Excavation and Infilling

Excavation or infilling of land to prepare a site for development will be limited to an extent that is deemed by Council to be environmentally and aesthetically acceptable.

4.18 Street Construction Standards

A new street will be constructed in accordance with the design and construction specifications set by Council.

4.19 Sight Lines at Intersections

So as not to create a safety hazard by obstructing the view of motorists and pedestrians,

- (a) Where an arterial or collector street intersects any other street, all land within a 15-metre sight triangle from the point of intersection shall be kept free of shrubs, plants, trees, fences, walls, buildings or structures exceeding a height of 0.75 metres from the street grade.
- (b) Where a local street intersects another local street, all occupied lands within an 8-metre sight triangle from the point of intersection shall be kept free of shrubs, plants, trees, fences, walls, buildings or structures exceeding a height of 0.75 metres from the street grade.

4.20 Display of Civic Addresses

- (1) Civic address numbers will be clearly displayed such that the building address can be readily identified from the street to which the address refers. In the case of a corner lot, the address will only be displayed facing the street to which the address refers.
- (2) The address number will be displayed on the front of the building or at the entrance to the building such that it is clearly visible from the street during day and night.
- (3) If the building is more than 15 metres from the street edge, or is obscured from the view of the street, the address number will be displayed next to the driveway that provides access to the building.
- (4) The address number for an individual dwelling will be:
 - (a) At least three (3) inches in height
 - (b) Placed on a background of contrasting colour such that it is clearly legible,

- (c) If attached to the dwelling, placed at a height of 1.5 to 2.0 metres from the ground, and
 - (d) If displayed next to the driveway, placed at a height of 1.0 to 1.5 metres above the ground.
- (5) The address number for an apartment building, commercial property, or other property where one main number is assigned to the development, will be:
- (a) At least six (6) inches in height,
 - (b) Placed on a background of contrasting colour such that it is clearly legible,
 - (c) If attached to the building, placed at a height of 1.5 to 3.5 metres above the surface, and
 - (d) If displayed next to the driveway, placed at a height of 1.0 to 2.0 metres above the surface.

4.21 Development in the Vicinity of a Public Right-of-Way

- (1) Land development and the erection of buildings and structures will not be permitted on any site where it might otherwise be permitted under these Regulations, when in the opinion of Council, the development would impede public passage on a public right-of-way or interfere with any legal right of Council to develop or improve the right-of-way for public access and recreation.
- (2) Council may require a minimum setback or set other terms and conditions to a proposed development in the vicinity of a public right-of-way to ensure the development will not obstruct public passage along the right-of-way.

4.22 Protected Provincial Roads

- (1) Provincially regulated highways in the Planning Area include the Trans Canada Highway (Route 1) and the Great Northern Peninsula Highway (Route 430). Both highways are designated as Protected Highways under the *Protected Roads Zoning Regulations* under the *Urban and Rural Planning Act*.
- (2) Within Deer Lake's Municipal boundary, a proposed development within 100 metres of the centreline of each highway will require approval from both Council and Service Newfoundland and Labrador (Service NL).
- (3) A portion of the Trans Canada Highway (i.e. in the vicinity of St. Judes) lies outside the Municipal boundary but within the Deer Lake Planning Area. In this area, a proposed development within 150 metres of the centreline of the highway will require approval from both Council and Service NL.
- (4) Council will not approve an access to the Trans Canada Highway or the Great Northern Peninsula Highway that has not first been approved by the Department of Transportation and Works and Service Newfoundland and Labrador.

- (5) West of the Nicholville Road intersection, the Trans Canada Highway is designated as a limited access highway. Along this section, accesses onto the highway will be limited to public road intersections or interchanges.
- (6) All proposed signage within Protected Road corridors will require approval of both Council and Service NL.
- (7) Council will not approve a building, fence, shrub or hedge within 45 metres of the centreline of the Trans Canada Highway west of the Deer Lake Airport Access Road, within 30 metres of the centreline of the Trans Canada Highway east of the Deer Lake Airport Access Road, or within 20 metres of the centreline of the Great Northern Peninsula Highway unless it has first been approved by the Department of Transportation and Works.

4.23 Habitat Conservation

(1) Stewardship Agreement

In accordance with the Deer Lake Stewardship Agreement with the Province, Council will conserve and protect sensitive wetland and waterfowl habitat within the Deer Lake Planning Area.

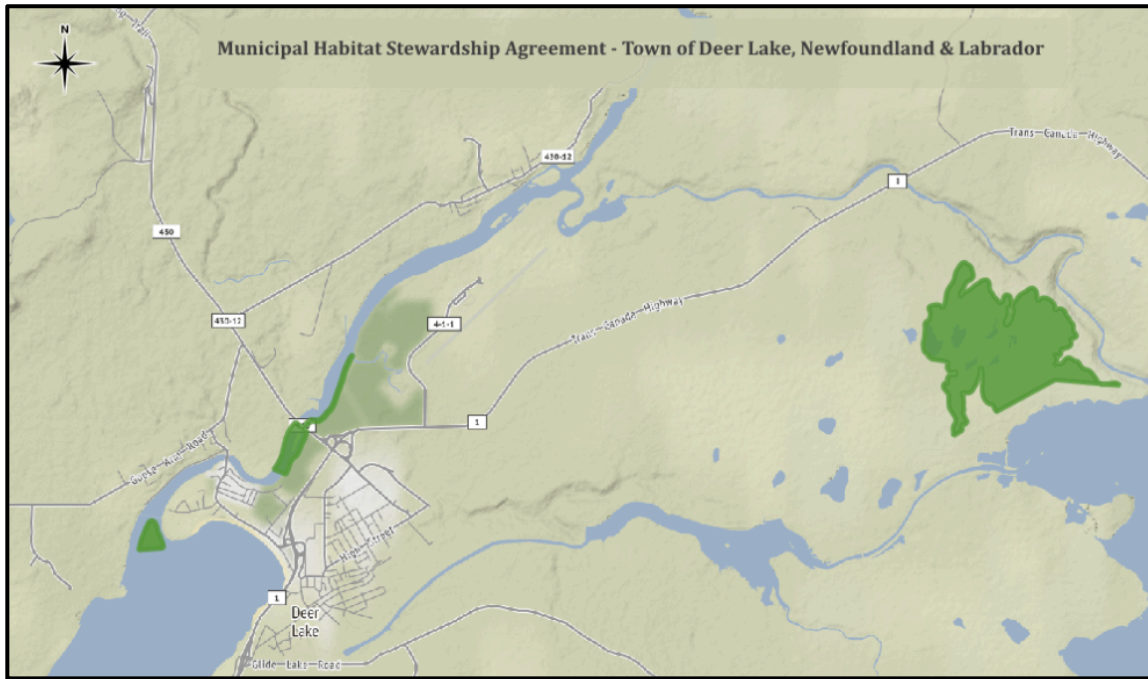
An application for development within wetland areas and along freshwater shorelines shall be reviewed by Council to ensure that the proposed development will not impact negatively on sensitive wetlands or other habitat used by waterfowl. Where it deems that a proposed development may have impacts, Council may refuse the application or may establish mitigating conditions to minimize potential habitat degradation.

(2) Habitat Management Units

The Deer Lake Planning Area includes three areas that are designated Habitat Management Units under the Stewardship Agreement. All three Management Units are contained within the Environmental Protection zone. These include the:

- Junction Brook Bog Habitat Management Unit
- The Island Habitat Management Unit
- Upper Humber River Habitat Management Unit

Only conservation and open space uses will be permitted within these management units. Any proposed land use or activity within a Habitat Management Unit will be referred to the Wildlife Division, Department of Municipal Affairs and Environment for review and comments before Council will issue a permit.



4.24 Development Controls in Floodplains

Due to historic flooding, considerable areas of Deer Lake are designated Flood Risk Areas (FRAs) by the Department of Municipal Affairs and Environment. These include 1:20-Year FRAs and 1:100-Year FRAs.

In these Regulations, land in these Flood Risk Areas are contained within three land use zones (Environmental Protection, Floodway, and Residential Floodway Fringe) where development must comply with the Permitted Uses, Discretionary Uses, and development conditions outlined for those zones in Part 9 - Use Zone Schedules.

PART 5: SPECIFIC USE REGULATIONS

5.1 Access Ramps

At its discretion, after consulting with abutting property owners, Council may permit a handicapped access ramp to be erected within a minimum front, rear, or sideyard setback if:

- (a) There is no alternative means to provide the access ramp, and
- (b) The ramp does not create a safety hazard or block sight lines.

5.2 Accessory Buildings

(1) General Requirements

- (a) An accessory building will be contained on the same lot as the main building and will be incidental and complementary to the use of the main building.
- (b) No accessory building will be located closer than 1.2 metres to a property boundary, or, if adjacent to the side of the main building, within the minimum sideyard setback of the main building.
- (c) No accessory building will be located closer than 3.0 metres to another building, whether on the same lot or an adjoining lot.
- (d) No accessory building will be erected upon an easement.
- (e) No accessory building will contain a self-sufficient living unit.

(2) Additional Requirements for Residential Lots

In addition to the General Requirements outlined in Paragraph (1), the following requirements will apply to the erection of accessory buildings on residential lots.

(a) Frontyard Location

- (i) No accessory building, other than a patio or deck, will be located closer to the street than the front line of the dwelling, except where approved at Council's discretion in accordance with Paragraph (ii).
- (ii) Notwithstanding Paragraph (i), at its discretion, Council may approve an accessory building closer to the street than the dwelling provided that:
 - Council deems that the applicant has a legitimate reason to erect the accessory building closer to the street than the dwelling,
 - Council deems that the placement of the building will not negatively affect neighbouring properties, and
 - the accessory building shall not be closer than 15 metres to the street line.

(b) Corner Lots

On a corner lot, at its discretion, Council may permit an accessory building closer to the flanking street than the main dwelling provided that the building is set back at least 6.0 metres from the flanking street, will not

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negatively affect neighbouring properties, and will not impede the required sight line at the street intersection (See **Regulation 4.20**).

- (c) **Maximum Floor Area and Height**
Development of a residential accessory building will be in accordance with the following lot sizes:

Lot Size	Maximum Combined Floor Area of Accessory Buildings	Maximum Height
<1500 m ²	<ul style="list-style-type: none"> • 7% of the lot area or 70 m², whichever is less 	5.5 m
1500-3000 m ²	<ul style="list-style-type: none"> • 100 m² • At its discretion, Council may approve additional floor area to a maximum 130 m² of combined floor area 	5.5 m
> 3000 m ²	<ul style="list-style-type: none"> • 130 m² • At its discretion, Council may approve additional floor area to a maximum of 160 m² of combined floor area 	5.5 m

- (d) No truck, bus, semi-trailer, freight container, or other vehicle body will be used as an accessory building.
- (e) At its discretion, Council may permit a portable shelter to be used as an accessory building, subject to the provisions of this Regulation.
- (f) No accessory building will be used for a home occupation except as approved at Council's discretion in conformity with **Regulation 5.11**.
- (g) Except for minor vehicle maintenance, no accessory building will be used for the repairing, painting, dismantling, or scrapping of vehicles or machinery.
- (h) No water line will be connected to an accessory building until construction of the residential dwelling on the lot is fully complete.
- (i) **Applications for Discretionary Approval**
In reviewing an application for discretionary approval with respect paragraphs (a), (b), (c), (e), and (f), Council will:
- (i) Require the applicant to submit a site plan showing the placement of the proposed building relative to the main dwelling and other buildings on the lot as well as on neighbouring lots,
 - (ii) Provide notice of the application in accordance with **Regulation 3.22(4)**,

- (iii) Consider the location and size of the accessory building relative to the main dwelling as well as dwellings and buildings on neighbouring lots,
- (iv) Consider the effect of the accessory building and/or its use on neighbouring lots and the street,
- (v) Consider site topography and other factors that Council deems relevant,
- (vi) Consider terms and conditions that may be necessary to ensure the location, size, height, appearance, and use of the accessory building will not significantly affect the neighbourhood in terms of character, amenities, or property values, and
- (vii) Approve the application as submitted, approve the application subject to terms and conditions, defer the application pending additional information, or refuse the application.

5.3 Accessory Structures

- (1) An accessory structure (for example a patio, deck, antenna, or swimming pool enclosure) will be contained on the same lot as the main building and will be incidental and complementary to the use of the main building.
- (2) Except in accordance with **Regulation 5.1**, no accessory structure will be located:
 - (a) within the minimum frontyard setback of the main building,
 - (b) within the minimum sideyard setback of the main building, and
 - (c) if in the rearyard of the main building, within 1.2 metres of the side or rear property boundary.
- (3) No accessory structure will be erected upon an easement.

5.4 Agriculture - Commercial Livestock Facilities

- (1) No new livestock facility, designed to accommodate more than five (5) animal units, will be permitted within:
 - (a) 600 metres of a residential dwelling (except for a farm dwelling or a dwelling that is a non-conforming use),
 - (b) 500 metres of the boundary of land zoned for residential use,
 - (b) 45 metres of the boundary of the property on which it is to be erected, and
 - (c) 80 metres of the centre line of a public street,except at Council's discretion and with the recommendation of the Agrifoods Development Branch of the Department of Fisheries and Land Resources.
- (2) Except for a farm dwelling, no new residential dwelling shall be developed within 600 metres of an existing livestock facility with capacity to accommodate more than five (5) animal units unless the development is first approved by the Agrifoods Development Branch of the Department of Fisheries and Land Resources.
- (3) In addition to the above requirements, a new livestock facility will be subject to applicable Provincial acts and regulations.

5.5 Bed and Breakfasts (B&Bs) and Visitor Rental Dwellings

(1) Bed and Breakfasts

Where permitted by Council, a bed and breakfast establishment will be subject to the following conditions:

- (a) It may operate only in a single dwelling unit.
- (b) It will not detract from the residential character of the neighbourhood in terms of scale or exterior design.
- (c) It will not have more than six (6) guest rooms.
- (d) No wholesale sales or storage of goods will be carried out and any retail sales will be incidental to the approved use.
- (e) At the discretion of Council, it may include catered dining on a limited-use basis.
- (f) In addition to the required residential parking spaces, it will provide on the same property a minimum of 1.0 to a maximum of 1.5 off-street parking spaces per guest room in a driveway and/or developed parking area.
- (g) It must be licensed by the Tourism Department.
- (h) All grounds and buildings shall be kept in a safe and well-maintained condition.
- (i) No bed and breakfast will be operated unless a permit fee has been paid and a permit has been issued by Council. Every permit will expire on December 31st and must be renewed for the following year.

(2) Visitor Rental Dwellings

Where permitted by Council, a visitor rental dwelling will be subject to the following conditions:

- (a) It may operate only in a single dwelling unit.
- (b) It will not detract from the residential character of the neighbourhood in terms of scale or exterior design.
- (c) It will be rented as a single unit only, and not with different guest rooms rented to different customers.
- (d) No wholesale or retail sales will be carried out in association with visitor rentals.
- (e) All grounds and buildings shall be kept in a safe and well-maintained condition.
- (f) No visitor rental dwelling will be operated unless a permit fee has been paid and a permit has been issued by Council. Every permit will expire on December 31st and must be renewed for the following year.

5.6 Campgrounds and Tourist Cottage Establishments

General Requirements

- (1) An application for a campground or a tourist cottage establishment will include a development plan with the following information:
 - (a) Location and full limits of the development,
 - (b) Layout of accesses and internal roads,
 - (c) Number and location of cottage units and/or campsites,

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- (d) Accessory uses such as comfort stations, laundry and storage facilities, washrooms, convenience store, employee accommodations, and outdoor and indoor recreation facilities,
 - (e) Water supply and wastewater disposal,
 - (f) Landscaping,
 - (g) Buffers and screening between the site and other land uses,
 - (h) Delineation of the property on a legal survey, and
 - (i) A proposed phasing plan for the development.
- (2) All campsites, cottages, and on-site facilities, which form part of the development, will be accessible only via the internal road network of the development.
 - (3) Council may require the development to include suitable buffers and screening where the development abuts a residential area.
 - (4) The development permit will specify the maximum number of cottage units and/or campsites to be permitted on the site.
 - (5) All grounds and buildings shall be kept in a safe and well-maintained condition.
 - (6) No expansion or alteration, other than repairs and maintenance, will take place without the approval of Council.
 - (7) The operation will comply with all bylaws and regulations of Council pertaining to noise and unruly behaviour.
 - (8) The development must be licensed by the Tourism Department.
 - (9) As a condition of approval, Council may require the applicant to submit an annual report on the progress of the development relative to the phasing plan.

Campgrounds

- (10) A campground site shall:
 - (a) Front onto public street or highway.
 - (b) Have a minimum contiguous area of no less than 4000 m² (0.4 hectares).
 - (c) Have an adequately lighted main entrance from sunset to sunrise.
 - (d) Have an emergency exit.
 - (e) Have a maximum density of 75 campsites per gross hectare.
- (11) Internal roadways in the campground shall:
 - (a) Be no less than 6.0 metres wide.
 - (b) Be designed and constructed such that vehicles and trailers will not become mired.

- (12) Every campsite shall:
- (a) If a tent site, have a minimum area of 120 m² in area and a minimum width of 6.0 metres.
 - (b) If a trailer or RV site, have a minimum area of 220 m² and a minimum width of 12.0 metres.
 - (c) Have the corners clearly defined with visible markers.
 - (d) Be clearly numbered.
 - (e) Have at least one and no more than two vehicle parking spaces.
 - (f) Be no less than 50.0 metres from an on-site source of drinking water.

Tourist Cottage Establishments

- (13) A tourist cottage establishment shall:
- (a) Front onto public street or highway.
 - (b) Have a minimum contiguous area of no less than 4000 m² (0.4 hectares).
 - (c) Have an adequately lighted main entrance from sunset to sunrise.
 - (d) Have an emergency exit.
- (14) Internal roadways in the tourist cottage establishment shall:
- (a) Provide 24-hour vehicle access to every cottage.
 - (b) Be no less than 6.0 metres wide.
 - (c) Be designed and constructed such that vehicles and trailers will not become mired.
- (15) A tourist cottage establishment shall comply with the following:
- (a) The minimum ground floor area for a tourist cottage shall be 60 m².
 - (b) No cottage will be more than one storey in height.
 - (c) The minimum distance between individual cottages or buildings containing more than one cottage unit shall be 6.0 metres.
 - (d) The minimum rearyard will be 5.0 metres.
 - (e) Planting areas shall be provided adjacent to the side and rear lot lines.
 - (f) Each cottage will be clearly numbered.

5.7 Cannabis Retail Outlets

Where permitted by Council, a cannabis retail outlet will comply with the following:

- (a) It must conform to applicable Provincial legislation,
- (b) It must be licensed by and operated in accordance with the requirements of the Newfoundland and Labrador Liquor Corporation,
- (c) It will not be permitted within 300 metres of a school, college, private training institute, playground, recreational facility, daycare, games arcade, or licensed drinking establishment,
- (d) It will not be permitted anywhere where the sale of tobacco is prohibited,
- (e) It will not be permitted in a temporary location or in association with any temporary event, and/or
- (f) It will be subject to such other terms and conditions deemed necessary by Council.

5.8 Childcare Service

Where permitted by Council a childcare service will conform to the requirements of the *Child Care Services Act* and Regulations. If required a license to operate shall be obtained from the responsible Provincial department. Council will not approve a childcare use that has not obtained the necessary licenses and approvals from the Province.

5.9 Energy Generation Facilities

Small-scale wind, solar, and hydro generating facilities and associated facilities and services may be subject to the approval of relevant provincial and federal departments, agencies, and public utilities. The design and location of such utilities shall take into consideration their impact on nearby land uses and persons, the environment, and other matters that Council may deem to be significant.

5.10 Fences, Landscaping Walls, and Retaining Walls

(1) Fences and Landscaping Walls

- (a) Except as otherwise set out in a Fence Regulation adopted by Council, this Regulation applies to all fences and landscaping walls, but does not apply to retaining walls.
- (b) For the purpose of this Regulation a fence includes a vertical physical barrier constructed of typical fencing materials, and includes hedges, shrubs and landscaping features used for these purposes. A landscaping wall includes a vertical physical structure that projects above the surface of the ground but does not function to hold or retain excavated soil.
- (c) No person shall erect, alter, relocate, or repair a fence or landscaping wall unless Council has approved the location and design and a permit has been issued for its construction, alteration, relocation and/or repair.
- (d) Frontyard Fences and Landscaping Walls
Except where permitted by Council for screening purposes, no fence located between the frontyard building line and the street line shall exceed 0.75 metres in height above the street grade.
- (e) Fences and Landscaping Walls to the Rear of the Front Building Line
Within residential areas, no fence to the rear of the front building line shall exceed 1.8 metres in height from the ground. In non-residential areas, no fence to the rear of the front building line shall exceed 3.0 metres.
- (f) Fence and Landscaping Wall Materials
Materials used to erect or repair a fence or landscaping wall will only be of a type that meets the approval of the Town.

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- (g) Maintenance
All fences and landscaping walls shall be maintained in a good state of repair. For the purpose of this section, “good state of repair” means:
- (i) It is complete, in a structurally sound condition, plumb, and securely anchored,
 - (ii) It is protected by weather resistant materials,
 - (iii) Components are not broken, rusted, rotten or in a hazardous condition,
 - (iv) It is free of peeling paint or stain, and
 - (v) It does not present an unsightly appearance that is deleterious to abutting properties or the neighbourhood.
- (h) Electrical Fence
No electrical fence will be permitted except where required for containment of commercial livestock or protection of commercial crops from marauding animals.
- (i) Barbed Wire Fence
No fence consisting wholly or partly of barbed wire or other barbed material will be permitted except:
- (i) To contain commercial livestock or protect commercial crops from marauding animals, or
 - (ii) Along the top of a security fence at least 2.0 metres high, which encloses a lot used for commercial or industrial purposes, provided the industrial or commercial lot does not abut a residential lot or residential use zone.
- (j) Snow Fence
No snow fence shall be kept in place between May 1st and October 31st of any year.
- (k) Order to Remove a Fence or Landscaping Wall
When in the opinion of Council, a fence or landscaping wall is non-compliant with this Regulation, is structurally unstable, creates a safety hazard or unauthorized obstruction, or impedes snow-clearing, Council may issue an order for its removal, reconstruction or repair within a specified time in order to correct the non-compliance.
- (l) Damages Caused by Council Operations
Council shall not be liable for damages to fences or landscaping walls where Council, its employees or agents have acted without negligence. In particular, Council shall not be liable for any damages that occur as a result of normal snow clearing of streets and sidewalks.

(2) Retaining Walls

- (a) For the purposes of this regulation a retaining wall is a vertical physical structure that supports excavated or filled earth on a property and projects above the surface of the ground that it supports.
- (b) No person shall erect, alter, or relocate a retaining wall unless the location and design have been approved by Council and a permit has been issued for its construction, alteration, and/or relocation.
- (c) Retaining walls often have inherent stability problems associated with subsurface drainage, saturated soils, excessive outward pressure and water uplift. Council will not approve a retaining wall except where it is absolutely necessary and where it can be clearly shown that it will be structurally stable and will not have negative drainage or other impacts on surrounding lands.
- (d) All provisions in **Regulation 5.10(1)** with regard to construction materials, height, location and maintenance apply as well to retaining walls.
- (e) When in the opinion of Council, a retaining wall is non-compliant this Regulation, is structurally unstable, creates a safety hazard or unauthorized obstruction, has negative drainage impacts, or impedes snow-clearing, Council may issue an order for its removal, reconstruction or repair within a specified time in order to correct the non-compliance.
- (f) Council shall not be liable for damages to any retaining wall where Council, its employees or agents have acted without negligence. In particular, Council shall not be liable for any damages that occur as a result of normal snow clearing of streets and sidewalks.

5.11 Home Occupations

Where permitted by Council, a home occupation will comply with the following conditions:

- (a) It will be clearly secondary to the residential use of the property,
- (b) It will be located inside the dwelling unit or, at Council's discretion, may be located in an accessory building on the same lot as the dwelling,
- (c) It will employ no less than one person who is a resident of the dwelling and may employ no more than two persons, who are not residents of the dwelling,
- (d) It will occupy no more than thirty percent (30%) of the floor area of the dwelling,
- (e) It will not include outdoor storage of materials or equipment,
- (f) It will not use or keep in storage any hazardous materials,
- (g) It will not use water or generate sewage in excess of what can be accommodated by the existing water supply and sewage disposal system,
- (h) It will not cause noise, odours, fumes, electrical interference, or other nuisances that unreasonably affect neighbouring properties,

- (i) Unless otherwise authorized by Council, sufficient off-street parking space shall be available on the lot for the parking needs of residents, employees, and clients,
- (j) Council may require fencing, screening, and/or a minimum space separation to protect the amenity of adjacent uses,
- (k) It will not create traffic safety or traffic congestion concerns,
- (l) It will not include automobile repair, auto body repair, or automobile sales,
- (m) It will adhere to all other conditions that Council deems necessary to protect the amenity of adjacent residential uses and the neighbourhood,
- (n) In reviewing a home occupation application, Council will provide notice of the application in accordance with **Regulation 3.22(4) – Notice of Application**, and
- (o) No change in the type or extent of a home occupation shall take place except with the approval of Council.

5.12 Mineral and Petroleum Exploration

- (1) Where it is permitted, a mineral or petroleum exploration use (which constitutes a development in accordance with the definition in Part 2) will make adequate provision for buffering and other mitigations of impacts on residential, commercial, industrial, institutional, recreational, and environmentally sensitive areas.
- (2) Council will not issue a permit for mineral or petroleum exploration until all necessary permits and approvals have been obtained from the Departments of Natural Resources and Municipal Affairs and Environment, and any other relevant government agency.
- (3) Mineral and petroleum exploration may be subject to conditions to control noise, appearance, road construction, ground disturbance, and other impacts, as well as the duration of exploration activity. The precise nature of these controls will depend upon the location of the exploration in relation to built-up and environmentally sensitive areas such as water supply areas, watercourses, and wetlands.
- (4) Mineral and petroleum exploration that is not classed as a development by virtue of ground disturbance, access roads, or use of equipment other than hand tools, may be permitted anywhere in the Planning Area, with adequate notification to Council.

5.13 Mineral Working

- (1) No new mineral working use will be developed without a development permit issued by Council. The development, operation, termination, and rehabilitation of a mineral working site will be carried out only in accordance with terms and conditions specified in the development permit. The development permit will be revoked if the operator does not comply with these terms and conditions.
- (2) An application to Council for the development of a mineral working use will include a site development plan with the following information:
 - (a) The site's biophysical features

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- (b) Delineation of the proposed extraction area
 - (c) The type and location of proposed aggregate processing equipment
 - (d) A site rehabilitation plan (**see Paragraph 15**)
- (3) Council may permit a mineral working processing plant (e.g. washing and screening plant, crusher) provided that the use will not significantly affect surrounding land uses by reason of noise, vibration, fumes, dust, odour, water drainage, unsightly storage of materials, or general appearance.
- (4) The permit fee for a mineral working use will be determined by Council in an amount sufficient to cover Council's costs associated with:
- (a) If necessary a review of the development plan by a professional planner or engineer,
 - (b) Regular inspections of the site to determine compliance with the permit, and
 - (c) Inspections to determine acceptable site rehabilitation in accordance with a rehabilitation plan.
- (5) Except where Council may require a higher buffer, no mineral working extraction or processing plant will be permitted within:
- (a) 300 metres of a residential dwelling or the boundary of a zone that permits residential development,
 - (b) 200 metres of a commercial or public building or recreational open space use,
 - (c) 50 metres of a watercourse or wetland, and
 - (d) 50 metres of a public street or highway.
- (6) Except where Council may require a higher buffer, no blasting or quarrying of hard rock will be permitted within 1,000 metres of a residential, commercial, or public building, a recreational open space use, or a zone that permits residential development.
- (7) An undisturbed buffer strip of at least 30 metres will be maintained between the final perimeter of a pit or quarry and the boundary of the lot on which it is located.
- (8) Where a proposed mineral working site is located in the vicinity of a public street or highway, Council may require the owner to provide for natural or artificial screening to obstruct visibility of the site.
- (9) Council may require the mineral working site or excavated area to be fully or partially enclosed by a fence designed and constructed to Council's specifications.
- (10) All topsoil and organic material will be securely stockpiled for future rehabilitation of the site. The operator will ensure that the topsoil is not mixed with aggregate materials.

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- (11) No mineral working shall create excessive drainage or erosion onto adjacent properties or into nearby watercourses.
- (12) No mineral working shall cause the accumulation or ponding of water in any part of the site. Settling ponds will be permitted only with approval from the Department of Municipal Affairs and Environment.
- (13) The mineral working site shall be kept clean of refuse, abandoned vehicles, abandoned equipment and derelict buildings.
- (14) During seasonal or extended shutdowns, the slope of any sand or gravel embankment shall not have a gradient steeper than 60 percent for the full depth thereof, and
- (15) Site Rehabilitation
 - (a) A development application for a new mineral working site will not be approved if it does not include a plan for site rehabilitation acceptable to Council.
 - (b) Council may require the extraction site to be rehabilitated at progressive stages of extraction.
 - (c) Upon abandonment of a mineral working site, the owner will:
 - (i) Remove all buildings, machinery and equipment,
 - (ii) Grade all pit and quarry slopes to a slope of less than 60 percent,
 - (iii) Rehabilitate the entire excavated area in accordance with the rehabilitation plan, and
 - (iv) If required, close and decommission the access road to the site in accordance with Council's wishes.
- (16) Other such conditions that Council deems as necessary.

5.14 Mini-Homes

Site installation of a mini-home will be subject to the following requirements.

- (1) Every mini-home must be installed on a foundation capable of supporting the maximum anticipated load of the mini-home throughout all seasons of the year without settlement or other movement.
- (2) A mini-home may be erected on a basement foundation.
- (3) A mini-home stand must fit the particular dimensions of the mini-home and positioned on a concrete or other hard surface capable of withstanding the anticipated load of the mini-home throughout all seasons of the year without settlement or other movement.

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- (4) A mini-home stand shall be supported and secured by foundation walls, piers, posts or other means, carried to a depth sufficient to prevent movement by frost and sufficient to support the anticipated load at such points on its chassis frame as required.
- (5) The minimum standards for ground anchorage will be as follows:
 - (a) Anchors will be constructed of materials resistant to corrosion and decay.
 - (b) Anchors in the form of eyelets embedded in concrete, screw augers or arrow head anchors, or alternative devices acceptable to Council must be spaced no more than 12 metres apart and at all corners of the mini-home stand to secure the mini-home against hurricane force winds and other storm events.
 - (c) Anchors must be connected to each anchor point of the mini-home frame by a corrosion resistant cable or other device approved by Council.
 - (d) Anchors and connections must be made capable of withstanding a pullout resistance of no less than 2,180 kilograms.
- (6) A mini-home shall be placed on an approved mini-home lot in a manner allowing it to be placed and removed from the lot without interfering with other lots.
- (7) A mini-home will be blocked with approved materials so that there will be a minimum clearance of 0.6 metres, and a maximum clearance of 1.2 metres, from the underside of the frame to the ground.
- (8) When a mini-home is secured in place, the vertical space beneath it will be skirted with no less than 1.25-centimetre thick plywood or equivalent, secured to at least 50 mm x 50 mm framing on 60 centimetre centres. The skirting must be acceptable to Council and have a removable panel for access to service connections.
- (9) Council may require such higher standards, as it deems necessary to increase the mini-home's stability against hurricane force winds.

5.15 Personal Livestock Use

- (1) At its discretion, Council may permit the keeping of small livestock animals on a residential lot for personal use after giving public notice and considering comments received. No species will be considered other than hens, ducks, turkeys, geese, and rabbits.
- (2) The keeping of small livestock on a residential lot will be subject to the following.
 - (a) No livestock will be permitted on a lot that is less than 2,000 m² in area.
 - (b) No more than one species, and no more than four (4) animals, may be permitted on a single lot.
 - (c) Only female hens, ducks, turkeys, and geese will be permitted.
 - (d) Only a person who resides on a property will be permitted to keep animals on that property.

- (3) A facility for keeping of small livestock will include an enclosed indoor shelter and an enclosed outdoor run subject to the following.
 - (a) No portion of the facility will be located in the frontyard or sideyard of the residential dwelling.
 - (b) Within the rearyard of the dwelling, no portion of the facility will be located within six (6) metres of any lot line.
 - (c) The combined indoor and outdoor area of the facility will not be less than 6 m² or more than 10 m².
- (4) Control of animals will be subject to the following.
 - (a) No animals will be permitted to be at large outside the livestock facility.
 - (b) The livestock facility will be maintained continually in a clean condition, free of noxious odours, substances, and vermin.
 - (c) Animal excreta will be removed on a daily basis, and properly contained and disposed of in compliance with the Deer Lake Anti-Litter Regulations.
 - (d) Animals will not be slaughtered on any property that is not zoned for agriculture use.
 - (e) Animals will be provided with clean drinking water, nesting materials, and an adequate quantity and quality of food to allow for healthy growth and maintenance of a healthy body weight.
 - (f) Food and water will be kept in receptacles that avoid contamination from excreta.
 - (g) No animal will be kept that is exhibiting symptoms of illness, which may threaten the health or safety of persons or other animals. Such an animal will be destroyed or provided veterinary care.
- (5) No livestock will be kept on lot unless a permit fee has been paid and a permit has been issued by Council. The permit shall be visibly displayed on the livestock facility. Every permit will expire on December 31st and must be renewed for the following year.

5.16 Residential Care Homes

- (1) A residential care home may be permitted in a facility or single dwelling that is of adequate size to accommodate all persons living in the home including staff.
- (2) The use and appearance of the building shall not adversely affect the amenities of adjacent residences or the neighbourhood. Council may set conditions aimed at ensuring the use is compatible with the neighbourhood.
- (3) Council may require special access and safety features to be provided for the occupants before occupancy is permitted.
- (4) Council will not approve a residential care home that has not first been approved by Service NL and/or any other Provincial agency having jurisdiction.

5.17 Salvage Yards

- (1) No salvage yard will be developed or expanded in area without a development permit issued by Council. The development, operation, termination, and rehabilitation of a salvage yard site will be carried out only in accordance with terms and conditions specified in the development permit. The development permit will be revoked if the operator does not comply with the terms and conditions of the development permit.
- (2) Except where Council may require a higher buffer, no salvage yard will be permitted within:
 - (a) 300 metres of a residential dwelling, public building, or recreational open space use,
 - (b) 300 metres of the boundary of an area zoned for residential use,
 - (c) 40 metres of the centerline of a public street, and
 - (d) 60 metres of a watercourse or wetland.
- (3) No salvage yard will be permitted near an area where there may be a concern for stormwater or groundwater contamination or other potential pollution.
- (4) Council may require a salvage yard to provide for natural or artificial screening to obstruct visibility from a public street or other public place.

5.18 Service Stations and General Garages

The following requirements shall apply to all proposed service stations and general garages:

- (a) All gasoline pumps shall be located on pump islands designed for such purpose, and to which automobiles may gain access from either side.
- (b) Pump islands shall be set back at least 4 metres from the front lot line.
- (c) A canopy for sheltering pump islands may be erected provided that no part of the canopy is located within 3 m of the street or lot line.
- (d) Accesses shall not be less than 7 metres wide and shall be clearly marked.
- (e) 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.

5.19 Swimming Pools and Hot Tubs

- (1) A swimming pool on a residential property, which exceeds 0.9 metres in depth and is permanently or temporarily located outdoors, shall be fully enclosed or fenced.
- (2) A swimming pool fence shall be:
 - (a) No less than 1.8 metres in height,

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- (b) Constructed and maintained so as to completely surround the swimming pool area of the lot,
 - (c) Located no closer than 1.8 metres to any portion of the pool,
 - (d) Constructed so as to obstruct any vision of the pool from outside the fence,
 - (e) Constructed so as to prevent unauthorized access through, under, or over the fence, and
 - (f) Secured with an impassable locked gate whenever the pool is not being monitored by the owner or a representative of the owner.
- (3) The requirements of Paragraph (2) shall also apply to hot tubs, except where the hot tub is equipped with a locking cover that is kept locked whenever the hot tub is not in use or is not being monitored by the owner or a representative of the owner.

5.20 Trails

- (1) Trails designated on the zoning maps will be protected from developments and activities that might impede public passage or interfere with any legal right of Council to develop or improve the trail for public access and recreation
- (2) No building or structure will be permitted on a site where it would otherwise be permitted under these Regulations, when in the opinion of Council, the development would impede passage on a designated public trail.
- (3) Generally, Council will protect corridor no less than 15 metres wide for all designated trails, although this may be reduced for short distances at Council's discretion.
- (4) A proposal to develop an alternative use within a trail corridor will not be considered except where the applicant provides for the relocation of the trail in a way that causes minimal disruption to the trail's continuity and amenities.

5.21 Waste Transfer Stations

- (1) No waste transfer station will be developed or expanded in area without a development permit issued by Council. The development, operation, termination, and rehabilitation of a waste transfer site will be carried out only in accordance with terms and conditions specified in the development permit. The development permit will be revoked if the operator does not comply with the terms and conditions of the development permit.
- (2) Except where Council may require a higher buffer, no waste transfer station will be permitted:
 - (a) Closer than 300 metres from a residential dwelling,
 - (b) Closer than 300 metres from the boundary of an area zoned for residential use,
 - (c) Closer than 20 metres from the centerline of a public street,

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- (d) Closer than 30 metres from a watercourse or wetland, and
 - (e) In any location where there may be a concern for stormwater or groundwater contamination or other potential pollution.
- (3) Council may require a waste transfer station to provide for natural or artificial screening to obstruct visibility from a public street or other public place.

PART 6: SUBDIVISION OF LAND

6.1 Application of Part 6

Part 6 of these Regulations applies to each of the following:

- (a) The subdivision of a parcel of land under single ownership into two or more lots, including the residual lot,
- (b) Construction, upgrading, or extension of a public street, and
- (c) Extension or upgrading of the municipal water and sewer system.

6.2 Subdivision Permit Required

No land in the Planning Area shall be subdivided into two or more lots unless a permit for the subdivision is first obtained from Council.

6.3 Services to be Provided

No permit shall be issued for a subdivision of land unless provisions satisfactory to Council have been made for water supply, sewage disposal, and stormwater drainage.

6.4 Payment of Service Levies and Other Charges

No permit will be issued for a subdivision of land 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 these Regulations.

6.5 Permit Subject to Considerations

For every proposed subdivision of land, an application and development plan shall be submitted to Council.

A subdivision permit shall not be issued when, in the opinion of Council, the subdivision will not contribute to the orderly growth of the municipality or demonstrate sound design principles.

In considering a subdivision application, Council shall, without limiting the generality of the foregoing, consider:

- (a) Proposed land uses within the development,
- (b) The location and natural characteristics of the site, including topography, drainage, soils and geology, vegetation, wetlands, watercourses, sensitive areas, prevailing winds, and solar orientation,
- (c) Municipal Plan policies, Development Regulations, and Use Zone affecting the site,
- (d) The availability of land and demand created for schools, recreational services, and community facilities,
- (e) Proposed layout of streets and lots, as well as linkages to existing streets,
- (f) The capacity of municipal water and sanitary sewer infrastructure, stormwater infrastructure, and utilities to adequately service the development,

- (g) Effect on traffic densities and the capacity of the street network to handle expected increases in the traffic load,
- (h) Provision for access to adjacent undeveloped areas,
- (i) The land use, physical form and character of adjacent developments,
- (j) The relationship of the project to existing or potential sources of nuisance,
- (k) Visual quality and effect on views from existing subdivisions,
- (l) Energy conservation,
- (m) Environmental effects with respect to watercourses, wetlands, steep slopes, drainage patterns, stormwater generation and discharge, and loss of habitat,
- (n) Municipal financial costs related to the provision and maintenance of roads, water and sewer systems, other infrastructure, and municipal services,
- (o) Effects on the sustainability of important resources or resource lands, including agricultural land, forestland, and aggregate resources, and
- (p) Such other matters that Council deems to be important.

6.6 Building Permits Required

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

6.7 Form of Application

Application for a permit to develop a subdivision shall be made to Council in accordance with **Regulation 3.13 - Form of Application**.

6.8 Subdivision Subject to Zoning

The subdivision of land must comply with all provisions of the Use Zone in which the land is located.

6.9 Building Lines

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

6.10 Dedication of Land for Public Use

In accordance with Section 37 of the Act, Council shall require developers of subdivisions to provide to the Town land for open space or other public use equal to ten per cent of the gross area to be developed. In lieu of land dedication, Council may accept a sum of money that is equivalent to the undeveloped value of the land that would have been conveyed to be used for the good of the community.

Land to be dedicated for public use must be high quality land suitable for the purpose and will not include land that Council requires to be set aside from development for the purposes of environmental protection or stormwater control.

6.11 Structure in Street Reservation

The placing within any street reservation of any structure (e.g. hydro pole, fire hydrant, mail box, bus shelter, sign post) shall not be approved by Council unless Council is

satisfied on the question of safety with regard to the structure's relationship to other buildings or structures within the street reservation and with regard to the safe movement of vehicles and pedestrians.

6.12 Subdivision Requirements

Where a new subdivision involves construction of a new street or street extension, all work must be completed in compliance with the following requirements.

- (1) All work must be approved by Council and completed as per the "*Subdivision Design Procedures and Municipal Engineering Standards for the Town of Deer Lake*" as well as the "*Guidelines for the design and operation of water and sewerage systems*" published by the Department of Municipal Affairs and Environment.
- (2) Street construction must meet the standards set out by Council with respect to:
 - (a) sub-base and base
 - (b) asphalt
 - (c) street design and cul de sac length
 - (d) intersection alignments and locations
- (3) Water system construction must meet the standards set out by Council with respect to:
 - (a) minimum burial beneath finished grades
 - (b) water main and service line materials
 - (c) fire hydrants
 - (d) placement of main line valves
- (4) Sanitary sewer construction must meet the standards set out by Council with respect to:
 - (a) gravity sewers
 - (b) force mains
 - (c) lift stations
- (5) Storm sewer construction must meet the standards set out by Council with respect to:
 - (a) burial depth of main lines and service lines beneath finished grades
 - (b) runoff conveyance capacity for local residential systems, main trunks, and other critical structures
 - (c) construction materials and minimum diameters for main lines and offset catch basin lines
 - (d) pipe sizes and grades
- (6) Manholes and catch basins must meet the standards set out by Council with respect to location, materials, sizing, spacing, frames, grates and covers.

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- (7) All services and roadwork must be connected to existing services and roads in accordance with Council requirements. This may include work outside the limits of the subdivision boundary and onto existing road reservations and roadways.
- (8) The developer is responsible for the reinstatement of all property damaged during the connection process back to the original condition. This may include, but is not limited to, curb, sidewalk, asphalt, and seeded areas.
- (9) The following secondary services shall be provided by the developer in accordance with Council’s standards
 - (a) curb and gutter
 - (b) sidewalks
 - (c) curb ramps
 - (d) walkways connecting to the ends of cul de sacs, open spaces, and other obvious areas as determined by the layout of the subdivision
 - (e) open spaces and neighbourhood parks such as play lots
 - (f) postal box sites
 - (g) crosswalks
 - (h) street lighting
 - (i) school bus stop sites
 - (j) regulatory and warning signs

6.13 Subdivision Design Standards

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

- (a) The finished grade of streets shall not exceed 8 percent.
- (b) A cul de sac will be subject to the following:
 - (i) The turning circle of a cul de sac will have a driving surface diameter of not less than 30 metres,
 - (ii) The cul de sac will not be longer than 500 metres, and
 - (iii) The end of the cul de sac water main will be connected to a water main on an adjoining street or will be doubled back to the same water main to which it is connected in order to ensure continuous water flow and prevent stagnant water in dead-end pipes.
- (c) Streets will be designed in accordance with the following minimum standards.

Type of Street	Street Reservation	Pavement Width	Sidewalk Number	Sidewalk Width
Arterial	30 m	15 m	Discretion of Council	1.5 m
Collector	20 m	9 m		1.5 m
Local	15 m	6.5 m		Discretion of Council

- (d) Land will not be subdivided in such a manner as to prejudice the development of adjoining land.

6.14 Engineer to Design Works and Certify Construction Layout

- (1) Plans and specifications for all streets, paving, sidewalks 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 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 Engineer shall certify all work of construction layout preliminary to the construction of the works and thereupon the developer shall proceed to the construction and installation, at his own cost and in accordance with the approved designs and specifications and the construction layout certified by the Engineer, of all such streets and other works deemed necessary by Council to service the said area.

6.15 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 the Schedule of Fees recommended by the Association of Professional Engineers and Geoscientists of Newfoundland and Labrador and in effect at the time the work is carried out.

6.16 Street Works May Be Deferred

The construction and installation of all curbs and gutters, catch basins, and paving specified by Council as being necessary, may, at Council's discretion, be deferred until a later stage of the subdivision development but the developer shall deposit with Council before approval of the 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 of the excess. 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.

6.17 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 for development or subdividing, which are approved and designated by Council for public use as streets, or other rights-of-way, or for other public use;

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- (b) All services and public works including streets, water supply and distribution system, sanitary sewer system, storm drainage system, street lighting, and other infrastructure 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 cost to the developer, test the streets, services and public works installed in the subdivision and certify his/her satisfaction with their installation.
- (3) Council will not provide maintenance for any street, service or public work in any subdivision until such time as the street, service or public work has been transferred to Council.

6.18 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 is provided with satisfactory access to a street, and
- (b) the lot can be served with satisfactory water and sewer services.

6.19 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.

PART 7: SIGNS

7.1 Intent

The intent of this section is to authorize signs that:

- (a) Are appropriate in size, number, and location to the type of activity or use to which they pertain.
- (b) Provide reasonable and appropriate means for the public to locate and identify facilities, businesses, and services without difficulty or confusion.
- (c) Are compatible with their surroundings.
- (d) Protect and enhance the aesthetic qualities of the area.
- (e) Do not create a distraction or safety hazard for pedestrians or motorists.

7.2 Definitions

BANNER SIGN means a sign composed of lightweight, non-rigid material such as cloth, canvas or similar material, but does not include a canopy sign.

BENCH SIGN means a sign painted, located on or attached to any part of the surface of a bench, seat or chair placed adjacent to a public place or street.

BILLBOARD SIGN means a ground sign with sign face larger than 3.0 m² in area.

BUILDING FACE means the total area between the finished surface of the ground and the eaves of a building.

CANOPY SIGN means a sign that has a structure of rigid or non-rigid material on a framework sheltering an area or forming a sheltered walk.

CHANGEABLE MESSAGE BOARD means any sign whose sign face includes an internal light source capable of displaying words or symbols that can be electronically changed by remote or automatic means, and which can be part of a billboard, ground, or wall sign.

ELECTION SIGN means any sign used to promote a candidate or party during an election for public office.

ELECTRICAL SIGN means a sign that utilizes an electrical source.

GROUND SIGN means a sign supported by one or more uprights, placed permanently in the ground.

GROUP SIGN means a sign that identifies the names and locations of tenants in a multi-tenant building or in a development made up of a group of buildings.

HOME OCCUPATION SIGN means a sign indicating a business within the premises or parcel that has been approved under these Regulations as a home occupation.

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ILLUMINATED SIGN means a sign that emits artificial light or is illuminated by a light focused upon, or chiefly directed at, the surface of the sign.

INTERPRETIVE SIGN means a sign that provides an interpretative experience, which can be viewed by many visitors at one time, can be viewed at the visitors' convenience, and is available 24 hours a day.

MENU BOARD means a sign erected as part of a drive-through facility and used to display and order products and services available in association with a drive-through business.

NEW DEVELOPMENT SIGN means a temporary sign that:

- (a) Includes, in whole or in part, information promoting a development.
- (b) Relates to or advertises the location, construction or sale of a building or structure in the process of being constructed on a premises.
- (c) Promotes a plan of subdivision or the construction of a building or building complex on the premises or land during development, and indicating the names of the owner, designer, developer or contractor for the development.

OFF-SITE DIRECTIONAL SIGN means a sign indicating direction to a property, business or event that is located on a property that is not the same as the property to which the sign relates.

ON-SITE SIGN means any sign (permanent or temporary) located wholly within the confines of the owner's property.

PORTABLE SIGN means a sign designed to be mobile and not located permanently in a fixed location.

PROJECTING SIGN means any sign that is wholly or partly dependent upon a building for support and projects from the wall or face of a building or structure.

REAL ESTATE SIGN means a sign pertaining to the sale or lease of the premises or portion of the premises on which the sign is located.

SIDEWALK SIGN means a free-standing sign placed on but not permanently anchored in the ground, and may include signs commonly referred to as A-frame, T-frame, sandwich boards, but does not include any other sign defined in these Regulations.

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, or an advertisement for local government or utility.

SIGN FACE AREA means the total area in height and width of the entire advertising device excluding posts, and includes framing or borders around the actual lettering or graphics. Irregular shaped signs shall have their area determined by the maximum dimensions of the sign face. Where a sign has two faces or more, the maximum area is permitted for each of the two faces.

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SIGN HEIGHT means the vertical distance measured at right angles from the highest point of the sign or sign structure to the finished grade directly below.

TEMPORARY SIGN means a sign, not permanently installed or in a fixed position, that advertises a business, site, event or activity for a limited period of time.

TRAILHEAD SIGN means a sign identifying a trail and providing trail information at a trailhead or place where a trail begins.

WALL SIGN means a sign that is painted on or attached directly against the surface of a building.

WAYFINDING SIGN means a freestanding sign for the purpose of guiding vehicle and pedestrian traffic, and is used in particular along streets, trails, and outdoor open space and recreation areas.

7.3 Permit Required

- (1) Except where exempted in accordance with **Regulation 7.10**, no sign shall be erected or displayed in the Planning Area unless a permit is first obtained from Council.
- (2) The erection or placement of any sign within 100 m of the road right-of-way of the Trans Canada Highway or the Great Northern Peninsula Highway is subject to dual jurisdiction with the Province. A permit for erection or display of signs within 100 m of the centreline of both highways shall also be obtained from the applicable provincial agency under the Provincial Highway Sign Regulations and the Protected Road Zoning Regulations.

7.4 Form of Application

An application for a permit to erect or display an advertisement shall be made to Council in accordance with **Section 3.13**.

7.5 Prohibited Signs

Notwithstanding these Regulations, Council may refuse any sign or advertisement that, in its opinion, is hazardous to road traffic by reasons of its siting, colour, animation, illumination or structural condition or is considered detrimental to the visual appearance of the surrounding area.

7.6 Removal of Signs

Notwithstanding these Regulations, Council shall require the removal of any sign that, in its opinion, is hazardous to vehicle and pedestrian traffic by reason of its sitting, colour, illumination, or structural condition, or is not maintained to the satisfaction of Council, or has been erected without a permit.

7.7 Signs Prohibited in Street Reservation

No sign will be erected or displayed within, on, or over any highway or street reservation.

7.8 Signs Prohibited on Utility Poles

No sign will be posted or displayed on a utility pole of any type.

7.9 Easements

With the exception of portable signs, no sign will be permitted within the limits of a utility or municipal service easement. Any sign located adjacent to a utility or municipal service easement shall be located in accordance with the requirements of the easement owner.

7.10 Signs Exempt from Application to Council

The following signs may be erected or displayed in the Planning Area without application to Council, however, will be subject to all applicable regulations of this Part:

- (a) An election sign for a federal, provincial, municipal, or school board election, to a maximum sign face area of 3 m².
- (b) A temporary sign associated with a federal, provincial, or municipal public works project.
- (c) A public notice legally required to be posted.
- (d) A regulatory, warning, directional guide or informational sign erected by a federal or provincial authority, Council, or a community group approved by Council
- (e) A utility sign erected by a utility company to indicate danger.
- (f) A non-illuminated real estate sign not larger than 0.5 m² advertising the sale or rent of a building or lot upon which the sign is located.
- (g) One new development sign not larger than 9 m² related to a development, located on the site of the development, to be well maintained and removed upon completion of the development or at a time determined by Council.

7.11 Non-Conforming Signs

A sign that legally existed at the date of coming into effect of these Regulations, which is not in accordance with these sign Regulations, may continue to be used provided the sign is maintained and in good repair, and does not pose a safety hazard. It may be modified or replaced provided such modification or replacement is in accordance with these Regulations.

7.12 Free-Standing Signs

- (1) No more than one freestanding sign will be permitted on a single property.
- (2) A freestanding sign may include a changeable message board, a billboard sign or a group sign and may include advertising for more than one business operating from the property.

7.13 Banner Signs

- (1) A banner sign shall be approved only for temporary use, for example, to promote events such as Winterfest, Strawberry Festival, and Winter Games.
- (2) A banner sign shall not be suspended across any street unless approved by Council. A banner sign attached to a face of a building, fence or other structure will be considered in a like manner to a wall sign.

7.14 Bench Signs

A bench sign will be permitted in accordance with conditions of Council.

7.15 Canopy Signs

A canopy sign:

- (a) Will be no wider than the width of the wall to which it is attached
- (b) Will be no higher than 3.0 m from ground surface
- (c) Will not project farther than 3.0 m from the wall to which it is attached.
- (d) Will not be located in or abutting a residential area.
- (e) Will not extend over a driving area or parking surface except where approved by Council.
- (f) Will be anchored and secured in accordance with the requirements of Council.

7.16 Changeable Message Boards

- (1) A changeable message board may be permitted as a sign face on a billboard sign, menu board, on-site sign, portable sign, and wall sign subject to the conditions for such signs set out in these Regulations
- (2) A changeable message board shall meet the illumination standards specified in **Regulation 7.18 – Illuminated Signs.**
- (3) Where a changeable message board is part of a freestanding sign, the sign:
 - (a) Will not have a message board face that exceeds 7 m².
 - (b) Will not have an overall height from the ground exceeding 5 m.
 - (c) Will be set back no less than 20 m from the intersection of streets.
 - (d) Will be no closer than 2 m to the front, flanking street, or side lot lines.
 - (e) Will not be located within a utility or municipal service easement.
 - (f) Will be no closer than 100 m to another changeable message board on the same side of the street and or the same line of sight or visual plane.
 - (g) Will not interfere or obstruct access to or from a lot or create a visual obstruction to the travelling public.
 - (h) Will not be located within 60 m of a residential zone and shall not be oriented such that it faces an abutting residential zone or residential lot.
- (4) Where a changeable message board is part of a wall sign, the sign:
 - (a) Will not have a message board face that exceeds 7 m².
 - (b) Will not have an overall height from the ground exceeding 5 m.
 - (c) Will be no closer than 2 m to the front, flanking street, or side lot lines.
 - (d) Will not be located on a building such that the sign faces an abutting residential zone or residential lot.
- (5) Where, in the opinion of Council, a proposed changeable message board might adversely affect surrounding residences or create a traffic hazard due to its size, location, or lighting, Council may undertake an assessment to determine the likely impact of the sign.

7.17 Election Signs

Election signs shall be subject to the following conditions:

- (a) Permission of the owner will be required for placement on private property.
- (b) No sign will cause an obstruction to neighbouring properties.
- (c) A sign may be permitted on vacant land owned by Council, provided that it will not cause an obstruction to the travelling public or the work of Council.
- (d) No sign will be attached to a municipal building, structure or sign.
- (e) Every sign will be removed within 36 hours after poll closing on Election Day.
- (f) If a sign is not removed within 36 hours after polls close, Council may remove and dispose of it, and the candidate will be responsible for the costs of the removal and disposal.
- (g) Council reserves the right to remove without notice any election signs placed where such placement is not permitted, or where their placement causes an obstruction.

7.18 Electrical and Illuminated Signs

- (1) Every electrical and illuminated sign must meet the electrical safety standards of the Province and the Standards Council of Canada. A licensed electrician will undertake the electrical hook-up of the sign and the electrical certification's approval sticker shall be displayed on the sign.
- (2) Every illuminated sign, including changeable message boards and portable signs, must meet the following lighting standards:
 - (a) The lighting shall not create a hazardous glare for pedestrians or vehicles either in a public street or on any private premises.
 - (b) The lighting shall be shielded to reduce glare or other effects that could be a visual nuisance for neighbouring areas especially residential areas.
 - (c) The lighting shall not have lights in a colour or combination of colours that in Council's opinion could be misinterpreted as an emergency/warning device or vehicle or other traffic control device.
 - (d) The lighting shall be appropriate for the location, use and character of the neighborhood.
 - (e) Signs shall not be illuminated after 11:00 pm or the close of business, whichever is later.
 - (f) Flashing, blinking, revolving, and rotating lights shall not be permitted.

7.19 Ground Signs

Ground signs shall be subject to the following conditions:

- (a) The sign face will not exceed 3 m² in area and 2.5 m in width.
- (b) The sign will not have an overall height from the ground exceeding 2 m.
- (c) No more than one sign will be permitted on a single property except at the discretion of Council.
- (d) No ground sign will be located within 30 m of another ground sign along a street.

7.20 Billboard Signs

Billboard signs shall be subject to the following conditions:

- (a) The sign face will not exceed 20 m² in area and 6 m in width.
- (b) The sign will not have an overall height from the ground exceeding 8 m.
- (c) No more than one sign will be permitted on a single property except at the discretion of Council.
- (d) No billboard will be located within 30 m of another billboard along a street.
- (e) No billboard will be located closer than half the sign height from the front lot line.
- (f) No billboard will be located within a residential area.

7.21 Menu Boards

Menu board signs shall be subject to the following conditions:

- (a) The sign face will not exceed 4 m² for a menu board or 2 m² for a pre-menu board.
- (b) The overall height of the sign from the ground will not exceed 3 m.
- (c) No more than one menu sign and one pre-menu sign will be permitted per drive-through lane.
- (d) No menu board or pre-menu board will be located within 6 m of the street line.
- (e) If illuminated, a menu board shall meet the illumination standards specified in **Regulation 7.18 – Illuminated Signs**.

7.22 Off-Site Directional Signs

- (1) Off-site directional signs related to a charitable, non-profit or municipally sponsored event, which direct traffic to a community facility, may be permitted provided only one sign is erected per street frontage, the sign is erected for the duration of the event, and the location, size and construction of the sign conforms to the requirements of Council.
- (2) Off-site directional signs, intended to direct traffic to a commercial or industrial site or use, shall not be permitted.

7.23 Portable Signs

Portable signs will be subject to the following conditions:

- (a) The sign face on either side of the sign will not exceed 9 m² in area.
- (b) The overall height of the sign from the ground will not exceed 3 m.
- (c) No more than one sign will be permitted on a single property.
- (d) No sign will be placed so as to obstruct access to or from the lot or create a safety concern.
- (e) If illuminated, a portable sign shall meet the illumination standards specified in **Regulation 7.18 – Illuminated Signs** and will be of a design approved by the Canadian Standards Association (CSA) and bear the CSA approval decal on the sign.
- (f) Every portable sign shall display, in a manner acceptable to Council, the name and phone number of the sign owner and a sign identification tag from the Town's sign registry.

7.24 Projecting Signs

Projecting signs shall meet the following conditions:

- (a) The vertical clearance to a sign from the ground surface will not be less than 3 m.
- (b) A sign will project no further than 3 m from the building to which it is attached.
- (c) A sign must be constructed of rigid material.
- (d) A sign shall not extend over public land, a driving area, or parking surface except where approved by Council.

7.25 Real Estate Signs

Real estate signs shall meet the following conditions:

- (a) No real estate sign shall be affixed to a utility pole, municipal building or structure, or permanent sign, or placed on any public or private property without the permission of the property owner.
- (b) No more than one double-faced sign will be placed on a single lot or per 30 m of lot frontage, except for a corner lot where two double-faced signs, one for each street, will be permitted.
- (c) A real estate sign indicating that a property is “sold” may be displayed for no more than two weeks after the closing date of the transaction.

7.26 Sidewalk Signs

Sidewalk signs shall meet the following conditions:

- (a) A sidewalk sign will have no more than two sign faces, no larger than 0.6 m² each.
- (b) The height of a sidewalk sign will be no more than 1 m.
- (c) A sidewalk sign will be placed at least 3 m from a driveway access or street intersection.
- (d) A sidewalk sign will be placed as close to the building face as possible, maintaining an unobstructed sidewalk width of 1.5 m during business hours and removed from the sidewalk at all other times.

7.27 Wall Signs

Wall signs shall meet the following conditions:

- (a) A wall sign shall not be wider than the wall to which it is attached or cover more than 20% of the area of the wall.
- (b) A wall sign will project no further than 30 cm from the wall to which it is attached.
- (c) A wall sign shall be anchored and secured to the satisfaction of Council.

7.28 Home Occupation and Bed and Breakfast Signs

Home occupation and bed and breakfast signs shall meet the following conditions:

- (a) The sign will be a ground sign or wall sign only.
- (b) The sign face shall be no larger than 0.5 m² in area.
- (c) The sign face will be displayed facing the street (i.e. not be perpendicular to the street).
- (d) If a ground sign, the sign will be located no closer than 5.0 metres to the street line.

7.29 Permitted and Discretionary Signs in Use Zones

The following table indicates the types of signs that are permitted in each use zone as well as those that may be permitted at Council’s discretion. Signs that do not fall with the Permitted or Discretionary classifications will not be permitted in that zone

Use Zone(s)	Permitted	Discretionary
Residential Zones	Home occupation and bed and breakfast sign. Multi-unit residential and commercial – ground sign, wall sign.	Bench sign
Town Centre Zone	Home occupation and bed and breakfast sign. Multi-unit residential and commercial – ground sign, wall sign, sidewalk sign.	Banner sign, bench sign, billboard, canopy sign, changeable message board, group sign, projecting sign.
Commercial, Tourism Recreation and Industrial Zones	Banner sign, bench sign, canopy sign, ground sign, group sign, projecting sign, sidewalk sign, wall sign.	Billboard, changeable message board, portable sign.
Public Use Zone	Banner sign, bench sign, canopy sign, ground sign, group sign, projecting sign, sidewalk sign, wall sign.	Billboard, changeable message board, portable sign.
Environmental Protection, Floodway, and Open Space Zones	Bench sign.	Banner, canopy sign, billboard, sidewalk sign, wall sign.
Rural, Mineral Working, and Protected Watershed Zones	Banner sign, bench sign, canopy sign, ground sign, projecting sign, wall sign	Billboard.
All Zones	Wayfinding and interpretation signs	
Airport Zone	As required by Deer Lake Airport Regional Authority	

PART 8: USE ZONES

8.1 Use Zones

- (1) For the purpose of these Regulations, the Planning Area is divided into Use Zones, which are shown on the Zoning Map attached to and forming part of these Regulations.
- (2) Subject to Paragraph (3), the permitted use classes, discretionary use classes, standards, requirements and conditions applicable to each Use Zone are set out in the Use Zone Schedules in Part 9 of these Regulations.
- (3) Where standards, requirements and conditions applicable in a Use Zone are not set out in the Use Zone Schedules in Part 9, Council may in its discretion, determine the standards, requirements and conditions that shall apply.

8.2 Map Interpretation

The boundaries of Use Zones on the Land Use Zoning Maps are general only and, except where they coincide with roads, shorelines, or other prominent physical features, are not intended to define exact limits. No zoning amendment shall be required to allow minor adjustments of the Use Zone boundaries. Other than such minor boundary adjustments, no development shall be permitted that does not conform to the Use Zone delineated on the Land Use Zoning Maps.

8.3 Use Classes

The specific uses to be included in each Use Class set out in the Use Zone Schedules in Part 9 shall be determined by Council in accordance with the classification and examples set out in **Appendix B**.

8.4 Permitted Uses

Subject to these Regulations, the uses that fall within the Permitted Use Classes set out in the appropriate Use Zone Schedule in Part 9 shall be permitted by Council in that Use Zone.

8.5 Discretionary Uses

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone Schedule in Part 9 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, any further scheme or plan or regulation pursuant thereto, or to the public interest, and only if Council has given notice of the application in accordance with **Regulation 3.22(4) - Notice of Application** and has considered any objections or representations that may have been received on the matter.

8.6 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 shall not be permitted in that Use Zone.

PART 9: USE ZONE SCHEDULES

Before issuing a permit for development or an approval in principle, Council shall review the application to ensure that it is in compliance with the Use Zone Schedule for which it is proposed as well as each of the following:

- Part 2: Definitions
- Part 3: General Regulations
- Part 4: General Development Standards
- Part 5: Specific Use Regulations
- Part 6: Subdivision of Land
- Part 8: Use Zones
- Appendix A: Classification of Uses of Land and Buildings
- Appendix B: Off-Street Parking Requirements
- Appendix C: Provincial Policy for Floodplain Management
- Appendix D: Provincial Development Regulations
- Appendix E: Land Use Zoning Maps

Part 9 contains schedules for the following Use Zones:

	USE ZONE	ABBREVIATION
9.1	Environmental Protection	EP
9.2	Protected Watershed	PW
9.3	Floodway	FW
9.4	Residential Medium Density	RMD
9.5	Residential High Density	RHD
9.6	Residential Mini-Home	RMH
9.7	Residential Floodway Fringe	RFF
9.8	Rural Community	RC
9.9	Town Centre	TC
9.10	Commercial General	CG
9.11	Commercial-Light Industrial	CLI
9.12	Commercial Highway	CH
9.13	Tourism Recreation	TR
9.14	Industrial General	IG
9.15	Public Use	PU
9.16	Open Space	OS
9.17	Airport	AIR
9.18	Utility	UT
9.19	Highway Corridor	HC
9.20	Mineral Working	MW
9.21	Rural	RU

9.1 Environmental Protection (EP) Zone

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.22 and 8.5)
Conservation	Dock Marina Open space Recreational open space (See Condition 6) Transportation (See Condition 7)

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council’s discretion provided the development will be compatible with the uses within the Permitted Use Classes and not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will not detract from the main environmental protection purpose of this zone.

2. Buildings

No buildings will be permitted in the EP zone except for a building or structure associated with a public utility or municipal infrastructure.

3. Environmental Control

(1) All approved developments and utilities must be designed and constructed in accordance with high environmental standards as specified in terms and conditions established by Council.

(2) Where it deems necessary, Council may require a proposed discretionary use to undergo an appropriate assessment to ensure that the development will be undertaken in a way that minimizes potential environmental effects.

4. Waterfront Sites

Where waterfront land in this zone abuts a residential or commercial property,

(a) No excavation or infilling of land, or infilling of a body of water, will be permitted, and

(b) No extensive clearing of natural vegetation or landscaping will be permitted except at Council’s discretion subject to strict terms and conditions to protect sensitive shoreline and aquatic habitat.

5. Docks

A recreational dock may be permitted at Council's discretion only if the dock is a floating structure and is deemed by Council to be environmentally acceptable, compatible with surrounding development, and not an obstruction to public access along the shoreline. No dock will be permitted that requires any type of pier to be erected in the water.

6. Recreational Open Space

(1) The only recreational open space use that may be permitted at Council's discretion is a multi-use trail.

(2) A multi-use trail may be permitted only if:

- (a) Alternative locations outside the Environmental Protection zone are not reasonably available,
- (b) Potential environmental effects can be minimized or mitigated to the satisfaction of Council, and
- (c) The development meets all terms and conditions set by Council.

7. Transportation

(1) Transportation uses that may be permitted at Council's discretion will be limited to public streets and associated infrastructure, for example, a street crossing of a watercourse involving a bridge or culvert.

(2) A transportation use will not be permitted if:

- (a) Alternative locations for access are reasonably available,
- (b) Potential environmental effects cannot be minimized or mitigated to the satisfaction of Council,
- (c) The development cannot meet reasonable terms and conditions that may be set by Council, and
- (d) The development has not received necessary Provincial and Federal approvals.

9.2 Protected Watershed (PW) Zone

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.22 and 8.5)
Conservation Open space	Communications Forestry Mineral exploration (See Regulation 5.12) Petroleum exploration (See Regulation 5.12) Personal use agriculture Recreational open space (See Condition 4) Transportation

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be compatible with the Permitted Use Classes and not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will not have an adverse impact on the municipal drinking water supply.

2. Referral to Department of Municipal Affairs and Environment

All proposals for development within the Protected Watershed zone will be referred to the Water Resources Division of the Department Of Municipal Affairs and Environment. No development will proceed until comments and recommendations have been received from the Division.

3. Buffer Zones

(1) Other than a development related to conservation or water supply management and protection, no development, forest harvesting, or other resource use activity will be permitted in the vicinity of a watercourse except in accordance with the following minimum buffers from the top of the bank of a watercourse.

Watercourse	Minimum Buffer Width
Intake pond or lake	150 m
Intake river	150 m for a distance of 1,000 m upstream and 100 downstream of intake
Main river channel	75 m
Major tributaries, lakes and ponds	50 m
Other watercourses	30 m

4. Recreational Open Space

- (1) The only recreational open space use that may be permitted at Council's discretion is a multi-use trail.
- (2) A multi-use trail may be permitted only if:
 - (a) Alternative locations outside the Protected Watershed zone are not reasonably available,
 - (b) Potential environmental effects can be minimized or mitigated to the satisfaction of Council, and
 - (c) The development meets all terms and conditions set by Council.

9.3 Floodway (FW) Zone

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.22 and 8.5)
Conservation Open space Personal use agriculture	Campground (See Condition 4) Communications Crop agriculture Recreational open space

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council’s discretion provided the development will be compatible with the Permitted Use Classes and not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will not increase flood risk or have a significant negative environmental impact and sensitive land and aquatic resources.

2. Referral to Department of Municipal Affairs and Environment

All proposals for development within the Floodway zone will be referred to the Water Resources Division of the Department Of Municipal Affairs and Environment. No development will proceed until comments have been received from the Division.

3. Buildings

No buildings will be permitted in the FW zone except for a building associated with a public utility or municipal infrastructure.

4. Campgrounds

(1) A campground may be permitted at Council’s discretion if it is deemed by Council to be environmentally acceptable, compatible with surrounding development and in accordance with the *Provincial Policy for Floodplain Management* (see Appendix D) and other Provincial environmental policies and regulations.

(2) A campground in the Floodway zone, if permitted at Council’s discretion, will not include buildings of any type. Minor facilities and structures such as trails, internal roadways, and concrete or wooden pads and platforms may be permitted as long as they do not involve changes in the grade of land.

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- (3) Except where it would be non-compliant with Paragraphs (1) and (2), a campground will be subject to those provisions of **Regulation 5.6** that apply to campgrounds.

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9.4 Residential Medium Density (RMD) Zone

PERMITTED USES (See Regulation 8.4)	DISCRETIONARY USES (See Regulations 3.22 and 8.5)			
Single dwelling Double dwelling Subsidiary apartment (See Condition 3) Accessory building (See Regulation 5.2) Conservation Home office Open space Personal use agriculture	Apartment building Row dwelling Bed and breakfast (See Regulation 5.5) Boarding house Childcare (See Regulation 5.8) Communications Convenience store Emergency service Energy generation facility (See Regulation 5.9) Home occupation (See Regulation 5.11) Personal livestock use (See Regulation 5.15) Recreational open space Residential care (See Regulation 5.16) Retirement home Transportation Visitor rental dwelling (See Regulation 5.5)			
DEVELOPMENT STANDARDS				
STANDARD	Single Dwelling	Double Dwelling (per unit)	Row Dwelling (per unit)	
			End Unit	Interior Unit
Minimum lot area	450 m ²	300 m ²	260 m ²	180 m ²
Minimum lot width (frontage)	15.0 m	10.0 m	8.5 m	6.0 m ²
Minimum floor area (excl. basement)	70.0 m ²	65.0 m ²	65.0 m ²	
Minimum frontyard setback	9.0 m	9.0 m	7.5 m	
Minimum sideyard setback (each side)	1.2 m + 2.4 m	2.4 m	2.4 m	n/a
Mini. sideyard setback flanking street	6.0 m	6.0 m	6.0 m	n/a
Minimum rearyard setback	9.0 m	9.0 m	9.0 m	
Minimum distance between buildings	3.0 m	3.0 m	3.0 m	
STANDARD	Apartment Building (per unit)			
	1 Bedroom	2 Bedroom	3 Bedroom	
Minimum lot area	150 m ²	170 m ²	180 m ²	
Minimum lot width (frontage)	6.0 m per groundfloor unit			
Minimum floor area (excl. basement)	40.0 m ²	50.0 m ²	60.0 m ²	
Minimum frontyard	8.0 m			
Minimum sideyard	4.0 m + 1.6 m			
Minimum sideyard flanking street	6.0 m			
Minimum rearyard	8.0 m			
Minimum distance between buildings	3.0 m			

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be compatible with the uses within the Permitted Use Classes and not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will be reasonably compatible with surrounding land uses and will not detract from the general residential and environmental quality and amenities of the area.

2. Municipal Services Required

- (1) Except at the discretion of Council (see Paragraph 3), no residential or other main use (other than a non-building use) will be permitted where the development cannot be connected to both municipal water and sewer services.
- (2) Every groundfloor single, double, and row dwelling unit must be individually connected to the municipal water and sewer mains.
- (3) At its discretion, Council may approve a residential dwelling without hook-up to municipal sewer in an exceptional situation where such connection would be physically or financially prohibitive.

3. Subsidiary Apartments

- (1) One subsidiary apartment only may be permitted in a single dwelling. A subsidiary apartment will not be permitted in a double dwelling or row dwelling.
- (2) Approval of a subsidiary apartment will be subject to the following conditions:
 - (a) The apartment will be completely self-contained, with facilities for cooking, sleeping, and bathing.
 - (b) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

4. Exterior Foundation Walls

Raised foundations on single, double, and row dwellings will be constructed with concrete exterior walls. Crawlspace skirted with wooden exterior walls will not be permitted.

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9.5 Residential High Density (RHD) Zone

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.22 and 8.5)			
Single dwelling Double dwelling Row dwelling Subsidiary apartment (See Condition 3) Accessory building (See Regulation 5.2) Conservation Home office Open space Personal use agriculture	Apartment building Bed and breakfast (See Regulation 5.5) Boarding house Childcare (See Regulation 5.8) Communications Convenience store Emergency service Energy generation facility (See Regulation 5.9) Home occupation (See Regulation 5.11) Recreational open space Residential care (See Regulation 5.16) Retirement home Transportation Visitor rental dwelling (See Regulation 5.5)			
DEVELOPMENT STANDARDS				
STANDARD	Single Dwelling	Double Dwelling (per unit)	Row Dwelling (per unit)	
			End Unit	Interior Unit
Minimum lot area	350 m ²	275 m ²	260 m ²	180 m ²
Minimum lot width (frontage)	13.0 m	10.0 m	8.5 m	6.0 m ²
Minimum floor area (excl. basement)	70.0 m ²	65.0 m ²	65.0 m ²	
Minimum frontyard setback	7.5 m	7.5 m	7.5 m	
Minimum sideyard setback (each side)	1.6 m	1.6 m	1.6 m	n/a
Min. sideyard setback flanking street	6.0 m	6.0 m	6.0 m	n/a
Minimum rearyard setback	8.0 m	8.0 m	8.0 m	
Minimum distance between buildings	3.0 m	3.0 m	3.0 m	
STANDARD	Apartment Building (per unit)			
	1 Bedroom	2 Bedroom	3 Bedroom	
Minimum lot area	150 m ²	170 m ²	180 m ²	
Minimum lot width (frontage)	6.0 m per groundfloor unit			
Minimum floor area (excl. basement)	40.0 m ²	50.0 m ²	60.0 m ²	
Minimum frontyard setback	8.0 m			
Minimum sideyard setback	4.0 m + 1.6 m			
Min. sideyard setback flanking street	6.0 m			
Minimum rearyard setback	8.0 m			
Minimum distance between buildings	3.0 m			

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be compatible with the uses within the Permitted Use Classes and not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will be reasonably compatible with surrounding land uses and will not detract from the general residential and environmental quality and amenities of the area.

2. Full Municipal Services Required

- (1) No residential or other main use (other than a non-building use) will be permitted where the development cannot be connected to both municipal water and sewer services.
- (2) Every groundfloor single, double, and row dwelling unit must be directly connected to the municipal water and sewer mains.

3. Subsidiary Apartments

- (1) One subsidiary apartment only may be permitted in a single dwelling. A subsidiary apartment will not be permitted in a double dwelling or row dwelling.
- (2) Approval of a subsidiary apartment will be subject to the following conditions:
 - (a) The apartment will be completely self-contained, with facilities for cooking, sleeping, and bathing.
 - (b) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

4. Exterior Foundation Walls

Raised foundations on single, double, and row dwellings will be constructed with concrete exterior walls. Crawlspace skirted with wooden exterior walls will not be permitted.

9.6 Residential Mini-Home (RMH) Zone

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.22 and 8.5)
Mini-Home (See Regulation 5.14) Accessory building (See Regulation 5.2 and Condition 5) Conservation Home office Open space Personal use agriculture	Double dwelling Row dwelling Childcare (See Regulation 5.8) Communications Convenience store Emergency service Energy generation facility (See Regulation 5.9) Home occupation (See Regulation 5.11) Recreational open space Transportation
DEVELOPMENT STANDARDS	
STANDARD	Mini-Home Dwelling
Minimum lot area	360 m ²
Minimum lot width (frontage)	12.2 m
Minimum floor area (excl. basement)	65.0 m ²
Minimum frontyard setback	6.0 m
Min. sideyard setback	1.2 m + 3.7 m
Min. sideyard setback flanking street	6.0 m
Minimum rearyard setback	3.6 m
Min. distance between buildings	3.0 m

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be compatible with the uses within the Permitted Use Classes and not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will be reasonably compatible with surrounding land uses and will not detract from the general residential and environmental quality and amenities of the area.

2. Full Municipal Services Required

- (1) No residential or other main use (other than a non-building use) will be permitted where the development cannot be connected to municipal water and sewer services.

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- (2) Every groundfloor double and row dwelling unit must be directly connected to the municipal water and sewer mains.

3. Mini-Home Subdivisions

- (1) A mini-home subdivision will have a maximum density of 20 dwelling units per gross hectare.
- (2) No more than fifty residential lots will be permitted in a mini-home subdivision.
- (3) No more than one mini-home shall be placed on a single lot.
- (4) Vacant lots will be maintained at a high standard to the satisfaction of Council.

4. Attached Structures

- (1) No attached structure will have a floor area greater than 10 percent of the lot size or 70 m², whichever is less.
- (2) An attached structure shall be designed to be architecturally similar in appearance to the mini-home to which it is attached.

5. Accessory Building Location

Notwithstanding **Regulation 5.2**, in the Mini-Home zone an accessory building will be permitted only in the rearyard of a dwelling.

6. Exterior Foundation Walls

Raised foundations on single, double, and row dwellings will be constructed with concrete exterior walls. Crawlspace skirted with wooden exterior walls will not be permitted.

9.7 Residential Floodway Fringe (RFF) Zone

PERMITTED USES (See Regulation 8.4)	DISCRETIONARY USES (See Regulations 3.22 and 8.5)
Single dwelling Subsidiary apartment (See Condition 5) Accessory building (See Regulation 5.2 and Condition 4(f)) Conservation Home office Open space Personal use agriculture	Bed and breakfast (See Regulation 5.5) Boarding house Communications Energy generation facility (See Regulation 5.9) Home occupation (See Regulation 5.11) Recreational open space Transportation Visitor rental dwelling (See Regulation 5.5)
DEVELOPMENT STANDARDS	
STANDARD	Single Dwelling
Minimum lot area	450 m ²
Minimum lot width (frontage)	15.0 m
Minimum floor area (excl. basement)	70.0 m ²
Minimum frontyard setback	7.5 m
Min. sideyard setback (each side)	1.6 m
Min. sideyard setback flanking street	6.0 m
Minimum rearyard setback	8.0 m
Minimum distance between buildings	3.0 m

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be compatible with the uses within the Permitted Use Classes and not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will be reasonably compatible with surrounding land uses and will not detract from the general residential and environmental quality and amenities of the area.

2. Development Limited to Infill on Existing Streets

No new streets will be permitted in the RFF zone. New development will be limited to infill lots fronting onto existing streets.

3. Full Municipal Services Required

- (1) No residential or other main use (other than a non-building use) will be permitted where the development cannot be connected to both municipal water and sewer services.
- (2) Every single dwelling unit must be directly connected to the municipal water and sewer mains.

4. Flood Risk Mitigation

Within the RFF zone a new dwelling or other main building, if permitted, will be subject to the following:

- (a) A building permit application will be accompanied by a survey plan prepared by a Registered Surveyor providing geodetic elevations of existing ground levels.
- (b) The groundfloor of a permitted residential building will be no lower than a minimum floor level (MFL) of 9.4 metres above sea level.
- (c) Any 1:20 year flood risk areas on the property (8.2-metre elevation) must be located by a surveyor and flagged as a “NO CONSTRUCTION” zone.
- (d) Fill may only be placed on the property to the extent required for flood protection, and must not be placed more than 6 metres from the sides or rear of the house.
- (e) Prior to commencement of any construction above groundfloor level, a certificate by a Registered Surveyor will be submitted to Council indicating that the MFL has been achieved.
- (f) Council may permit a non-habitable accessory building such as a storage shed, garage, workshop, or woodshed to be constructed below the MFL. Notwithstanding Regulation 5.2, no accessory building will have a floor area larger than 70 m².
- (g) Materials used in construction below the MFL will be of a type that is able to withstand the effects of immersion.
- (h) Basements will not be permitted.
- (i) The MFL may be accomplished by a concrete slab on properly compacted fill and/or concrete foundation walls.
- (j) Buildings and structures will be designed and anchored to prevent flotation, collapse, lateral movement or undercutting by erosion or scour during a 100-year flood event.
- (k) Sanitary sewer laterals will include a backflow device.
- (l) Buildings will be designed and constructed in accordance with the approved flood proofing guidelines of the Department of Municipal Affairs and Environment, and entrances and exits will be installed such that they can be safely used without hindrance in the event of a flood.
- (m) Storage of pollutants such as fuels, chemicals, or pesticides will not be permitted in any buildings or on any site in an RFF zone.
- (n) Council will refuse an application that is not in accordance with all recommendations and requirements of the Department of Municipal Affairs and Environment. Refer to Appendix D – *“Provincial Policy for Floodplain Management.”*

5. Subsidiary Apartments

- (1) One subsidiary apartment may be permitted only in a single dwelling.
- (2) Approval of a subsidiary apartment will be subject to the following conditions:
 - (a) The apartment will be completely self-contained, with facilities for cooking, sleeping, and bathing.
 - (b) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

6. Exterior Foundation Walls

Raised foundations on single dwellings will be constructed with concrete exterior walls. Crawlspace skirted with wooden exterior walls will not be permitted.

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9.8 Rural Community (RC) Zone

PERMITTED USES (See Regulation 8.4)	DISCRETIONARY USES (See Regulations 3.22 and 8.5)
Single dwelling Subsidiary apartment (See Condition 2) Accessory building (See Regulation 5.2) Conservation Home office Open space Personal use agriculture	Bed and breakfast (See Regulation 5.5) Boarding house Campground (See Regulation 5.6) Communications Convenience store Energy generation facility (See Regulation 5.9) Home occupation (See Regulation 5.11) Kennel (See Condition 3) Personal livestock use (See Regulation 5.15) Recreational open space Transportation Visitor rental dwelling (See Regulation 5.5)
DEVELOPMENT STANDARDS	
STANDARD	Single Dwelling
Minimum lot area	2600 m ² or as determined by Service NL, whichever is greater
Minimum lot width (frontage)	30.0 m or as determined by Service NL, whichever is greater
Minimum floor area (excl. basement)	70.0 m ²
Minimum frontyard setback	9.0 m
Maximum frontyard	32 m
Min. sideyard setback (each side)	3.0 m
Min. sideyard setback flanking street	6.0 m
Minimum rearyard setback	15.0 m
Min. distance between buildings	3.0 m

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be compatible with the uses within the Permitted Use Classes and not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will be reasonably compatible with surrounding land uses and will not detract from the general residential and environmental quality and amenities of the area.

2. Subsidiary Apartments

- (1) One subsidiary apartment only may be permitted in a single dwelling. A subsidiary apartment will not be permitted in a double dwelling or row dwelling.
- (2) Approval of a subsidiary apartment will be subject to the following conditions:
 - (a) The apartment will be completely self-contained, with facilities for cooking, sleeping, and bathing.
 - (b) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

3. Kennels

A kennel, if approved by Council, may be subject to such terms and conditions deemed necessary to restrict the number of dogs, cats, or other animals on the premises and to minimize potential noise, odour, and other impacts on neighbouring land uses.

4. Exterior Foundation Walls

Raised foundations on single dwellings will be constructed with concrete exterior walls. Crawlspace skirted with wooden exterior walls will not be permitted.

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9.9 Town Centre (TC) Zone

<p align="center">PERMITTED USES (See Regulation 8.4)</p>	<p align="center">DISCRETIONARY USES (See Regulations 3.22 and 8.5)</p>
<p>Single dwelling Double dwelling Row dwelling Subsidiary apartment (See Condition 5) Accessory building (See Regulation 5.2) Bed and breakfast (See (See Regulation 5.5) Boarding house Childcare (See (See Regulation 5.8) Conservation Cultural and civic Educational Emergency service Home office Home occupation (See Regulation 5.11) Indoor market Medical clinic Office Open space Outdoor market Personal service Personal use agriculture Residential care (See Regulation 5.16) Retirement home Shop Transportation Veterinary Visitor rental dwelling (See Regulation 5.5)</p>	<p>Apartment buildings Cannabis retail outlet (See Regulation 5.7) Catering Club and lodge Commercial accommodation Communications Drinking establishment Energy generation facility (See Regulation 5.9) Entertainment Funeral home (See Condition 7) Garden centre General assembly General service Indoor assembly Light industry Outdoor assembly Place of worship Recreational open space Service station (See Regulation 5.18) Take-out food service Tourist cottage establishment (See Regulation 5.6)</p>

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DEVELOPMENT STANDARDS				
STANDARD	Single Dwelling	Double Dwelling (per unit)	Row Dwelling (per unit)	
			End Unit	Interior Unit
Minimum lot area	350 m ²	275 m ²	260 m ²	180 m ²
Minimum lot width (frontage)	13.0 m	10.0 m	8.5 m	6.0 m ²
Minimum floor area (excl. basement)	70.0 m ²	65.0 m ²	65.0 m ²	
Minimum frontyard setback	7.5 m	7.5 m	7.5 m	
Min. sideyard setback (each side)	1.6 m	1.6 m	1.6 m	n/a
Min. sideyard setback flanking street	6.0 m	6.0 m	6.0 m	n/a
Minimum rearyard setback	8.0 m	8.0 m	8.0 m	
Minimum distance between buildings	3.0 m	3.0 m	3.0 m	
STANDARD	Apartment Building (per unit)			
	1 Bedroom	2 Bedroom	3 Bedroom	
Minimum lot area	150 m ²	170 m ²	180 m ²	
Minimum lot width (frontage)	6.0 m per groundfloor unit			
Minimum floor area (excl. basement)	40.0 m ²	50.0 m ²	60.0 m ²	
Minimum frontyard setback	8.0 m			
Minimum sideyard setback	4.0 m + 1.6 m			
Min. sideyard setback flanking street	6.0 m			
Minimum rearyard setback	8.0 m			
Minimum distance between buildings	3.0 m			

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be compatible with the uses within the Permitted Use Classes and is not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will be reasonably compatible with surrounding land uses and will not detract from the general quality and amenities of the area.

2. Full Municipal Services Required

- (1) No residential or other main use (other than a non-building use) will be permitted where the development cannot be connected to both municipal water and sewer services.
- (2) Every groundfloor single, double, and row dwelling unit must be directly connected to the municipal water and sewer mains.

3. Mixing of Residential and Non-Residential Land Uses

(1) Non-Residential Development in Residential Areas

A proposed non-residential development may be subject to conditions set by Council to ensure it is compatible with neighbouring residential uses. Notwithstanding the Permitted Uses listed in the Use Zone Table, where an area within the Town Centre designation is predominantly residential in character, a proposed non-residential use will not be approved if it is deemed by Council to be incompatible with existing dwellings and the residential character of the area.

(2) Residential Development in Non-Residential Areas

A proposed residential development may be subject to conditions set by Council to ensure it is compatible with neighbouring non-residential uses. Notwithstanding the Permitted Uses listed in the Use Zone Table, where an area within the Town Centre designation is predominantly non-residential in character, a proposed residential development will not be approved if it is deemed by Council to be incompatible with an existing non-residential use.

4. Standards for Non-Residential Developments and Residential Care Homes

Where a non-residential development or a residential care home is permitted in the Town Centre zone, it will be subject to the following:

- (a) It will meet the minimum development standards established for a single dwelling or such higher standards as Council may require.
- (b) It will be designed and maintained to a high standard with regard to safety, appearance, and compatibility with surrounding land uses.
- (c) It will meet such other conditions that are deemed necessary by Council.
- (d) No change in the type or scale of the use will be permitted except in accordance with a new development permit and conditions set by Council.

5. Subsidiary Apartments

- (1) One subsidiary apartment only may be permitted in a single dwelling or a commercial building. A subsidiary apartment will not be permitted in a double or row dwelling.
- (2) Approval of a subsidiary apartment will be subject to the following conditions:
 - (a) The apartment will be completely self-contained, with facilities for cooking, sleeping, and bathing.
 - (b) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

6. Hazardous and Noxious Uses

At its discretion, Council may restrict the development or location of any use or activity that might release or emit a hazardous, noxious, or polluting substance that would affect neighbouring properties.

7. Funeral Homes

No crematorium will be permitted as part of a funeral home in the Town Centre zone.

8. Exterior Foundation Walls

Raised foundations on single, double, and row dwellings will be constructed with concrete exterior walls. Crawlspace skirted with wooden exterior walls will not be permitted.

9.10 Commercial General (CG) Zone

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.22 and 8.5)
Catering Childcare (See Regulation 5.8) Conservation Cultural and civic Emergency service General service Indoor assembly Indoor market Medical clinic Office Open space Outdoor market Personal service Shop Take-out food service Transportation Veterinary	Cannabis retail outlet (See Regulation 5.7) Club and lodge Commercial accommodation Communications Drinking establishment Energy generation facility (See Regulation 5.9) Entertainment Funeral home (See Condition 5) General assembly Kennel (See Condition 6) Light industry Outdoor assembly Service station (See Regulation 5.18) Shopping centre Subsidiary apartment (See Condition 4) Vehicle sales and services
DEVELOPMENT STANDARDS	
	All Uses
Minimum frontyard setback	10.0 m
Minimum sideyard setback	5.0 m and 2.6 m
Min. sideyard setback flanking street	10.0 m
Minimum rearyard setback	10.0 m

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be compatible with the uses within the Permitted Use Classes and is not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will be reasonably compatible with surrounding land uses and will not detract from the general quality and amenities of the area.

2. Full Municipal Services Required

No main use, other than a non-building use, will be permitted where the development cannot be connected to both municipal water and sewer services.

3. Development Standards

Where a commercial or other non-residential use is permitted in the CG zone, it will be subject to the following:

- (a) It will meet the minimum development standards established for a single dwelling or such higher standards as Council may require.
- (b) It will be designed and maintained to a high standard with regard to safety, appearance, and compatibility with surrounding land uses.
- (c) It will meet such other conditions that are deemed necessary by Council.
- (d) No change in the type or scale of the use will be permitted except in accordance with a new development permit and conditions set by Council.

4. Subsidiary Apartments

- (1) One only subsidiary apartment may be permitted in a commercial building.
- (2) Approval of a subsidiary apartment will be subject to the following conditions:
 - (a) The apartment will be completely self-contained, with facilities for cooking, sleeping, and bathing.
 - (b) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

5. Funeral Homes

No crematorium will be permitted as part of a funeral home in the Commercial General zone.

6. Kennels

A kennel, if approved by Council, may be subject to such terms and conditions deemed necessary to restrict the number of dogs, cats, or other animals on the premises and to minimize potential noise, odour, and other impacts on neighbouring land uses.

9.11 Commercial-Light Industrial (CLI) Zone

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.22 and 8.5)
Catering	Cannabis retail outlet (See Regulation 5.7)
Childcare (See Regulation 5.8)	Club and lodge
Communications	Commercial accommodation
Conservation	Crematorium (See Condition 9)
Cultural and civic	Drinking establishment
Educational	Energy generation facility (See Regulation 5.9)
Emergency service	Entertainment
Garden centre	Funeral home (See Condition 9)
General service	General assembly
Indoor market	General garage
Light industry	General industry
Medical clinic	Hazardous industry
Office	Indoor assembly
Open space	Kennel (See Condition 5)
Outdoor market	Mineral working (See Regulation 5.13)
Personal service	Outdoor assembly
Shop	Recreational open space
Transportation	Recycling facility
Veterinary	Service station (See Regulation 5.18)
	Shopping centre
	Subsidiary apartment (See Condition 3)
	Take-out food service
	Vehicle sales and services
	Waste transfer station (See Regulation 5.21)
DEVELOPMENT STANDARDS	
	All Uses
Minimum frontyard setback	8.0 m
Minimum sideyard setback	5.0 m
Min. sideyard setback flanking street	8.0 m
Minimum rearyard setback	10.0 m

CONDITIONS

1. Discretionary Uses

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be compatible with the uses within the Permitted Use Classes and is not contrary to the general intent of the Municipal Plan and Development Regulations.

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Approval of a discretionary use will be subject to terms and conditions to ensure it will be reasonably compatible with surrounding land uses and will not detract from the general quality and amenities of the area.

2. **Development Standards**

Where a commercial use, other non-residential use, or a residential care facility is permitted in the CLI zone, it will be subject to the following:

- (a) It will meet the minimum development standards established for a single dwelling or such higher standards as Council may require.
- (b) It will be designed and maintained to a high standard with regard to safety, appearance, and compatibility with surrounding land uses.
- (c) It will provide for adequate off-street parking to meet the needs of the development.
- (d) It will meet such other conditions that are deemed necessary by Council.
- (e) No change in the type or scale of the use will be permitted except in accordance with a new development permit and conditions set by Council.

3. **Subsidiary Apartments**

- (1) One subsidiary apartment only may be permitted in a commercial building.
- (2) Approval of a subsidiary apartment will be subject to the following conditions:
 - (a) The apartment will be completely self-contained, with facilities for cooking, sleeping, and bathing.
 - (b) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

4. **Outdoor Storage**

Council may require fencing or other forms of screening of an outdoor storage area where the quantity or type of material being stored would contribute to unsightly appearance.

5. **Kennels**

A kennel, if approved by Council, may be subject to such terms and conditions deemed necessary to restrict the number of dogs, cats, or other animals on the premises and to minimize potential noise, odour, and other impacts on neighbouring land uses.

6. **Dangerous, Hazardous, and Noxious Uses**

In accordance with **Regulation 4.14**, Council may restrict the development or location of any use or activity that it deems might be dangerous or might release or emit a hazardous, noxious, or polluting substance that would affect neighbouring properties.

7. **Flammable Liquids Storage**

All buildings, tanks, and structures related to the bulk storage of flammable liquids shall conform to the requirements of the Provincial Fire Commissioner and shall be

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surrounded by such buffers and landscaping as Council may require to reduce risks to adjacent uses due to fire, explosion, or spillage of flammable liquid.

8. Screening and Landscaping

Council may require buffering or screening of sites with natural or planted vegetation, fencing, or structural barriers to reduce the aesthetic impact of industrial uses on nearby residential areas and public streets and highways.

9. Funeral Homes and Crematoriums

- (1) Separate development applications will be required for a funeral home and a crematorium even if these uses are proposed as one integrated development.
- (2) A crematorium will not be located closer than a distance of 100 metres from the boundary of any other zone except the Environmental Protection, Industrial General, Airport, Utility, Highway Corridor, and Rural zones.

9.12 Commercial Highway (CH) Zone

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.22 and 8.5)
Catering Commercial accommodation Communications Conservation Emergency service Office (See Condition 3) Open space Passenger assembly Service station (See Regulation 5.18) Shop Take-out food service Transportation	Campground (See Regulation 5.6) Drinking establishment Energy generation facility (See Regulation 5.9) Mineral exploration (See Regulation 5.12) Outdoor market Petroleum exploration (See Regulation 5.12) Recreational open space Subsidiary apartment (See Condition 2) Tourist cottage establishment (See Regulation 5.6)
DEVELOPMENT STANDARDS	
	All Uses
Minimum frontyard setback	10.0 m (Council may require higher setbacks)
Minimum sideyard setback	5.0 m and 3.0 m (waived for buildings with adjoining walls)
Min. sideyard setback flanking street	10.0 m (Council may require higher setbacks)
Minimum rearyard setback	10.0 m
Maximum building height	15.0 m

CONDITIONS

1. Discretionary Uses

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be compatible with the uses within the Permitted Use Classes and is not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will be reasonably compatible with surrounding land uses and will not detract from the general quality and amenities of the area.

2. Subsidiary Apartments

- (1) One subsidiary apartment only may be permitted in a commercial building.
- (2) Approval of a subsidiary apartment will be subject to the following conditions:
 - (a) The apartment will be completely self-contained, with facilities for cooking, sleeping, and bathing.
 - (b) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

3. Office

An office use will only be permitted if it is accessory to a main use.

9.13 Tourism Recreation (TR) Zone

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.22 and 8.5)
Conservation Open space	Campground (See Regulation 5.6) Catering (See Condition 6) Communications Convenience store (See Condition 6) Energy generation facility (See Regulation 5.9) Office (See Condition 6) Outdoor market Shop (See Condition 6) Recreational open space Subsidiary apartment (See Condition 4) Take-out food service (See Condition 6) Tourist cottage establishment (See Regulation 5.6) Transportation

CONDITIONS

1. Discretionary Uses

The discretionary use classes listed in this table may be permitted at Council’s discretion provided the development will be compatible with the uses within the Permitted Use Classes and is not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will be reasonably compatible with surrounding land uses and will not detract from the general quality and amenities of the area.

2. Development Standards

An approved development in the TR zone will be subject to the following:

- (a) It will be designed and maintained to a high standard with regard to safety, appearance, and compatibility with surrounding land uses.
- (b) It will meet all development standards conditions deemed necessary by Council.
- (c) No change in the type or scale of the use will be permitted except in accordance with a new development permit and conditions set by Council.

3. Environmentally Sensitive and Scenic Areas

Council may restrict or set conditions on development in locations that are identified as environmentally or aesthetically sensitive. In such areas protection and conservation will take priority over development.

4. Subsidiary Apartments

- (1) One subsidiary apartment may be permitted in a commercial building.
- (2) Approval of a subsidiary apartment will be subject to the following conditions:
 - (a) The apartment will be completely self-contained, with facilities for cooking, sleeping, and bathing.
 - (b) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

5. Development Plan

No tourism or recreation use will be permitted in the TR zone until Council has approved a detailed development plan. A development plan will include the following:

- (a) Delineation of the development plan on a scale drawing of the site,
- (b) A full description of the site's biophysical features and the constraints and opportunities they represent,
- (c) A demonstration of how the development will be compatible with adjacent land uses,
- (d) Location of all development components,
- (e) Accesses, internal roadways, and parking areas,
- (f) Water supply and wastewater disposal,
- (g) Landscaping, and
- (h) Internal roadway dimensions and construction standards, and
- (i) At Council's discretion, a development phasing plan. As well, Council may require the developer to provide a report at least annually with an update on the completion status of the phasing plan.

6. Catering, Convenience Stores, Offices, Shops and Take-Out Food Services

A catering use, convenience store, office, shop, or take-out food service may be permitted only as an accessory use to a permitted main use (e.g. tourist cottage establishment, campground, recreational open space) if it is deemed by Council to be appropriate for the area proposed.

9.14 Industrial General (IG) Zone

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.22 and 8.5)
Communications Conservation Emergency service General industry General garage General service Light industry Office (See Condition 9) Open space Service station (See Regulation 5.18) Transportation	Crematorium (See Condition 7) Energy generation facility (See Regulation 5.9) Funeral home (See Condition 7) Hazardous industry (See Condition 5) Mineral exploration (See Regulation 5.12) Mineral working (See Regulation 5.13) Mining Petroleum exploration (See Regulation 5.12) Recreational open space Recycling facility Salvage yard (See Regulation 5.17) Shop (See Condition 9) Subsidiary apartment (See Condition 3) Take-out food service Waste transfer station (See Regulation 5.21)
DEVELOPMENT STANDARDS	
	All Uses
Minimum frontyard setback	10.0 m
Minimum sideyard setback	5.0 m and 2.6 m
Min. sideyard setback flanking street	10.0 m
Minimum rearyard setback	10.0 m

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be compatible with the uses within the Permitted Use Classes and not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will be reasonably compatible with surrounding land uses and will not detract from the general quality and amenities of the area.

2. Development Standards

Development that is permitted in the IG zone will be subject to the following:

- (a) It will be designed and maintained to a high standard with regard to safety, appearance, and compatibility with surrounding land uses.
- (b) It will provide for adequate off-street parking to meet the needs of the development.

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- (c) It will meet such other conditions that are deemed necessary by Council.
- (d) No change in the type or scale of the use will be permitted except in accordance with a new development permit and conditions set by Council.

3. **Subsidiary Apartments**

- (1) One subsidiary apartment only may be permitted on an industrial or commercial lot. .
- (2) Approval of a subsidiary apartment will be subject to the following conditions:
 - (a) The apartment will be completely self-contained, with facilities for cooking, sleeping, and bathing.
 - (b) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

4. **Outdoor Storage**

Council may require fencing or other forms of screening of an outdoor storage area where the quantity or type of material being stored would contribute to unsightly appearance.

5. **Dangerous, Hazardous, and Noxious Uses**

In accordance with **Regulation 4.14**, Council may restrict the development or location of any use or activity that it deems might be dangerous or might release or emit a hazardous, noxious, or polluting substance that would affect neighbouring properties.

6. **Flammable Liquids Storage**

All buildings, tanks, and structures related to 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 reduce risks to adjacent uses due to fire, explosion, or spillage of flammable liquid.

7. **Funeral Homes and Crematoriums**

- (1) Separate development applications will be required for a funeral home and a crematorium even if these uses are proposed as one integrated development.
- (2) A crematorium will not be located closer than a distance of 100 metres from the boundary of any other zone except the Environmental Protection, Commercial-Light Industrial, Airport, Utility, Highway Corridor, and Rural zones.

8. **Screening and Landscaping**

Council may require buffering or screening of sites with natural or planted vegetation, fencing, or structural barriers to reduce the aesthetic impact of industrial uses on nearby residential areas and public streets and highways.

9. Offices and Shops

Offices and shops will be permitted only as accessory uses a to a main use.

9.15 Public Use (PU) Zone

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.22 and 8.5)
Childcare (See Regulation 5.8) Conservation Educational Medical clinic Office (See Condition 3) Open space Transportation	Catering (See Condition 6) Cemetery (see Condition 4) Club and lodge Cultural and civic Energy generation facility (See Regulation 5.9) General assembly Indoor assembly Medical treatment Outdoor assembly Place of worship Recreational open space Residential care Retirement home Subsidiary apartment (See Condition 5)
DEVELOPMENT STANDARDS	
	All Uses
Minimum frontyard setback	10.0 m
Minimum sideyard setback	2.0 m and 1.0 m
Min. sideyard setback flanking street	6.0 m
Minimum rearyard setback	10.0 m

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be compatible with the uses within the Permitted Use Classes and is not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will be reasonably compatible with surrounding land uses and will not detract from the general quality and amenities of the area.

2. Municipal Services

Development will be not permitted in the Public Use zone unless it can be connected to municipal water and sewer services.

3. Office

An office use will only be permitted if it is accessory to a main use.

4. Cemetery

An application to develop or expand a cemetery must be accompanied by a site design plan for Council's consideration. The site plan will illustrate the location of the cemetery, access points, landscaping, and buffers with adjacent properties.

5. Subsidiary Apartments

- (1) One subsidiary apartment only may be permitted in a main use at Council's discretion if it is shown that the apartment is necessary for the operation of the main use.
- (2) Approval of a subsidiary apartment will be subject to the following conditions:
 - (a) The apartment will be completely self-contained, with facilities for cooking, sleeping, and bathing.
 - (b) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

6. Catering

Catering may be permitted only as an accessory use to a main use.

9.16 Open Space (OS) Zone

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.22 and 8.5)
Conservation Open space	Catering (See Condition 4) Cemetery (See Condition 3) Energy generation facility (See Regulation 5.9) General assembly Indoor assembly Marina Outdoor assembly Outdoor market (See Condition 5) Personal use agriculture Recreational open space Take-out food service (See Condition 4) Transportation

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be compatible with the uses within the Permitted Use Classes and is not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will be reasonably compatible with surrounding land uses and will not detract from the general quality and amenities of the area.

2. Development Criteria

All development must meet the development standards prescribed by Council.

3. Cemetery

(1) A cemetery, if permitted at Council's discretion, will be subject to such terms and conditions, as Council deems appropriate.

(2) An application to develop or expand a cemetery must be accompanied by a site design plan for Council's consideration. The site plan will illustrate the location of the cemetery, access points, landscaping, and buffers with adjacent properties.

4. Catering and Take-out Food Services

Catering and take-out food services may be permitted only as accessory uses to a main use such as a marina or assembly use.

5. Outdoor Markets

Outdoor markets may be permitted only on a temporary basis, for example, during community events.

9.17 Airport (AIR) Zone

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.22 and 8.5)
Catering Communications Conservation Emergency services Energy generation facility (See Regulation 5.9) General industry General service Light industry Office Open space Passenger assembly Personal service Shop Transportation	Forestry Mineral exploration (See Regulation 5.12) Mineral working (See Regulation 5.13) Mining Petroleum exploration (See Regulation 5.12) Petroleum extraction

CONDITIONS

1. **Development Approval**
 A proposed development in the Airport zone must be approved by the Deer Lake Regional Airport Authority before a permit is issued by Council.

2. **Discretionary Use Classes**
 The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be compatible with the uses within the Permitted Use Classes and is not contrary to the general intent of the Municipal Plan and Development Regulations.

 Approval of a discretionary use will be subject to terms and conditions to ensure it will be reasonably compatible with surrounding land uses and will not detract from the general quality and amenities of the area.

3. **Development Standards**
 All development must meet the development standards prescribed by Council as determined after consultation with the Deer Lake Regional Airport Authority, and where necessary, with relevant federal and provincial agencies.

9.18 Utility (UT) Zone

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.22 and 8.5)
Communications Conservation Energy generation facility (See Regulation 5.9) Open space	Electrical utility General industrial (See Condition 3) Light industrial (See Condition 3) Recycling facility Solid waste facility Transportation Waste transfer station (See Regulation 5.21) Wastewater utility

CONDITIONS

- 1. Discretionary Use Classes**
 The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be complementary to and compatible with the general purposes of this zone, which is to provide public utility services, and will not be contrary to the general intent of the Municipal Plan and Development Regulations.
- 2. Development Standards**
 All development must meet the development standards prescribed by Council as determined after consultation with the Deer Lake Regional Airport Authority, and where necessary with relevant federal and provincial agencies.
- 3. General and Light Industrial**
 A general or industrial use may be permitted only if it is accessory to a main utility use.

9.19 Highway Corridor (HC) Zone

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.22 and 8.5)
Conservation Open space Transportation	Utility

CONDITIONS

- 1. Development Approval**
Development in the Highway Corridor zone must be approved by the Department of Transportation and Works.

9.20 Mineral Working (MW) Zone

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.22 and 8.5)
Communications Conservation Energy generation facility (See Regulation 5.9) Mineral exploration (See Regulation 5.12) Mineral working (See Regulation 5.13) Open space Petroleum exploration (See Regulation 5.12) Transportation	Forestry General industrial (See Condition 2) Light industrial (See Condition 2) Mining Petroleum extraction Waste transfer station (See Regulation 5.21)

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be compatible with the uses within the Permitted Use Classes and is not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will be reasonably compatible with surrounding land uses and will not detract from the general quality and amenities of the area.

2. General and Light Industrial Uses

At its discretion, Council may permit a general or light industrial use that is clearly accessory to a mineral working, forestry, mining or petroleum extraction use.

3. Hazardous and Noxious Uses

Council may restrict the development or location of any use or activity that might release or emit a hazardous or noxious substance that would affect neighbouring properties or the general surrounding area.

4. Exemption from Street Frontage Requirement

At Council's discretion, a mineral working, forestry or accessory industrial use in this zone may be exempted from **Regulation 4.13** only if the proposed use conforms to all conditions outlined in these Regulations as well as any other conditions that may be set by Council.

9.21 Rural (RU) Zone

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.22 and 8.5)
Conservation Crop agriculture Energy generation facility (See Regulation 5.9) Forestry Mineral exploration (See Regulation 5.12) Open space Petroleum exploration (See Regulation 5.12) Transportation	Abattoir (See Condition 5) Cemetery (See Condition 7) Campground (See Regulation 5.6) Communications General industrial (See Condition 3) Light industrial (See Condition 3) Livestock agriculture Marina Mineral working (See Regulation 5.13) Mining Outdoor market (See Condition 6) Petroleum extraction Recreational open space Salvage yard (See Regulation 5.17) Shop (See Condition 6) Single dwelling (See Condition 2) Waste transfer station (See Regulation 5.21)

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be compatible with the uses within the Permitted Use Classes and is not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will be reasonably compatible with surrounding land uses and will not detract from the general quality and amenities of the area.

2. Single Dwelling

At its discretion, Council may permit a single dwelling that is accessory to a commercial agricultural use, subject to the following:

- (a) It is demonstrated to Council's satisfaction that the agriculture use is a bona fide commercial operation from which the owner derives a major portion of his or her income, and
- (b) It is demonstrated to Council's satisfaction that full-time habitation on the site is necessary for the feasible operation of the agricultural use.

- (c) The single dwelling will be subject to such other terms and conditions as deemed appropriate by Council.

3. General and Light Industrial Uses

At its discretion, Council may permit a general or industrial use that is clearly accessory to an agricultural, forestry, or mineral working use, or that meets the following criteria:

- (a) The use is unsuitable for a built-up area by reason of appearance, noise, vibration, smell, fumes, smoke, grit, soot, ash, dust, or glare.
- (b) The use requires large outdoor areas for open storage and handling of materials, goods, and equipment.
- (c) The use is capable of being serviced by on-site water and sewage services.
- (d) The use can be screened from public streets and lands designated for urban uses.
- (e) The use generates low volumes of traffic.
- (f) The use will have no deleterious effects on the environment.
- (g) The use does not include warehousing, wholesale, or retail activities.
- (h) The use will be subject to such other terms and conditions as deemed appropriate by Council.

4. Hazardous and Noxious Uses

Council can restrict the development or location of any use or activity that might release or emit a hazardous or noxious substance that would affect neighbouring properties.

5. Abattoirs

- (1) An abattoir will be subject to the licensing and requirements of Service NL in accordance with the ***Meat Inspection Act*** and *Meat Inspection Regulations*.
- (2) No new abattoir will be permitted within:
 - (a) 600 metres of a residential dwelling (except for a farm dwelling or a dwelling on the same property as the abattoir),
 - (b) 600 metres of the boundary of land zoned for residential use, and
 - (c) 45 metres of any boundary of the property on which it is to be erected, except at Council's discretion and with the recommendation of Service NL, the Agrifoods Development Branch of the Department of Fisheries and Land Resources, and any other agency having jurisdiction.

6. Outdoor Markets and Shops

At its discretion, Council may permit an outdoor market or shop as an accessory use to a bonafide farm, campground, or recreational open space use, provided that Council deems that the proposed use will be integral and complementary to the main use.

7. Cemetery

(1) A cemetery, if permitted at Council's discretion, will be subject to such terms and conditions, as Council deems appropriate.

(2) An application to develop or expand a cemetery must be accompanied by a site design plan for Council's consideration. The site plan will illustrate the location of the cemetery, access points, landscaping, and buffers with adjacent properties.

8. Exemption from Street Frontage Requirement

At Council's discretion, approved buildings in this zone may be exempted from **Regulation 4.13** of these Regulations only if the proposed use conforms with all conditions outlined in these Regulations as well as any other conditions that may be set by Council.

APPENDICES

APPENDIX A
CLASSIFICATION OF USES OF LAND AND BUILDINGS

APPENDIX A - CLASSIFICATION OF USES OF LAND AND BUILDINGS

This Classification is intended to assist in the interpretation of types of uses within the use classes listed in the Use Zone Tables in Schedule C of these Regulations. Examples included in the following tables are not exhaustive. They are used to illustrate typical types of developments within a use class.

GROUP	CLASS	EXAMPLES
RESIDENTIAL USES	Single Dwelling	Single detached dwellings
	Double Dwelling	Semi-detached dwellings, duplex dwellings
	Row Dwelling	Townhouses, row houses
	Apartment Building	Apartment buildings
	Mini-home	Mini-homes
	Collective Residential	Educational residences, nurse and hospital residences, worker accommodations
	Subsidiary Apartment	Basement apartments, in-law suites
	Boarding House	Boarding houses
	Bed and Breakfast	Bed and breakfast
	Visitor Rental Dwelling	Visitor rental dwelling
	Residential Care	Seniors housing, personal care homes, nursing homes, group homes
	Recreational Dwelling	Cabins, cottages
	Home Office	Home offices
	Home Occupation	Home occupations
Accessory Building	Sheds, garages, greenhouses, root cellars, personal livestock shelters, portable shelters	

GROUP	CLASS	EXAMPLES
COMMERCIAL USES	Campground	Campgrounds, trailer parks, RV parks
	Cannabis Retail Outlet	Cannabis retail outlets
	Catering	Restaurants, coffee shops, bake shops
	Commercial Accommodation	Hotels, motels, inns.
	Convenience Store	Convenience stores
	Crematorium	Crematoriums
	Drinking Establishment	Bars, pubs, nightclubs, lounges
	Entertainment	Games arcades, poolrooms, bowling alleys, youth centres, movie theatres, theatres
	Funeral Home	Funeral homes and chapels
	Garden Centre	Greenhouses, nurseries
	General Garage	Repairs and services for vehicles and equipment
	General Service	Car washes, laundromats, tools and appliances.
	Indoor Market	Farmer markets, exhibition halls, flea markets
	Kennel	Kennels
	Medical clinic	Clinics, medical offices, dental offices
	Office	Professional offices, law offices, business offices, banks, government offices
	Outdoor Market	Fish markets, market grounds, flea markets, produce stands, outdoor farmer markets
	Personal Service	Beauty parlours, pet grooming, gyms, computer services, hobby shops, photo studios, taxi stands.
	Recycling Facility	Bottle recycling centres, metal recyclers
	Service Station	Gas stations, general garages, tire sales and repairs, auto parts sales, car washes.
	Shop	Retail shops, showrooms, supermarkets, convenience stores, gift shops, specialty shops
	Shopping Centre	Shopping centres
	Take-out Food Service	Take-out restaurant, food stand, mobile canteen
Tourist Cottage Establishment	Tourist cottages establishments	
Vehicle Sales and Services	Automobile dealerships, recreational vehicle dealerships, heavy equipment dealerships	
Veterinary	Veterinary clinics	

GROUP	CLASS	EXAMPLES
INSTITUTIONAL AND PUBLIC USES	Cemetery	Cemeteries
	Childcare	Daycare centres, home childcare services, early childhood education services
	Club and lodge	Service club, private club, lodge (non-residential)
	Cultural and Civic	Art galleries, municipal offices, libraries, museums, interpretive centres, studios
	Educational	Schools, colleges
	Emergency Service	Police stations, fire stations, ambulance service
	General Assembly	Community halls, lodge halls, dance halls, exhibition halls, gymnasias, auditoria
	Indoor Assembly	Recreation centres, arenas, ice rinks, indoor swimming pools, armouries, fitness clubs, bowling alleys
	Medical Treatment	Hospitals, medical care centres, medical clinics
	Outdoor Assembly	Bleachers, grandstands, outdoor ice rinks, outdoor swimming pools, amusement parks, fairgrounds, exhibition grounds, drive-in theatres
	Passenger Assembly	Airport terminals, bus stations
	Penal and Correctional Detention	Jails, prisons, reformatories, group homes
	Place of Worship	Churches and similar places of worship, church halls
Residential Care	Seniors housing, personal care homes, nursing homes, group homes	

GROUP	CLASS	EXAMPLES
CONSERVATION AND OPEN SPACE USES	Conservation	Buffer strips, watersheds, protected sensitive areas (e.g. steep slopes, wetlands, wildlife habitat)
	Open Space	Parks, trails, boardwalks, protected green areas, picnic areas
	Recreational Open Space	Sports fields, running tracks, playgrounds, outdoor skating rinks, golf courses, dog parks

GROUP	CLASS	EXAMPLES
NATURAL RESOURCE USES	Crop Agriculture	Vegetable and hay farms, hobby farms, market gardens, community gardens, nurseries, greenhouses
	Forestry	Forest harvesting, silviculture, forest access roads
	Livestock Agriculture	Livestock barn, dairy farm, grazing land
	Mineral Exploration	Mineral exploration and associated activities (e.g. access roads, rock drilling)
	Mineral Working	Pits, quarries, washing plants, screening plants, crushers
	Mining	Mineral extraction, ore stockpiles, mineral processing plants
	Personal Livestock Use	Pens and shelters for hens, geese, turkeys, and rabbits.
	Personal Use Agriculture	Home gardens, community gardens
	Petroleum exploration	Petroleum exploration and associated activities (e.g. access roads, rock drilling)
	Petroleum extraction	Petroleum extraction and associated activities (e.g. tanks, piping, pipelines)

GROUP	CLASS	EXAMPLES
INDUSTRIAL USES	Abattoir	Abattoirs, slaughterhouses, meat packing and freezing plants.
	Fisheries Facility	Wharves, stages, slipways, fishplants, aquaculture facilities, ice-making facilities
	General Industry	Factories, cold storage plants, bulk storage facility, freight depots, planing mills, construction yards
	Hazardous Industry	Bulk storage of hazardous liquids and substances, chemical plants, distilleries feed mills, spray painting shops
	Light Industry	Workshops, light industry, indoor storage centres, warehouses, greenhouses, recycling depots, workshops, general garages
	Marine Facility	Wharves, loading docks, shipyards, slipways, refuelling services, marine repair services
	Salvage Yard	Car wrecking yards, junk yards, salvage yards, scrap dealers
	Waste Transfer Station	Waste transfer stations

GROUP	CLASS	EXAMPLES
TRANSPORTATION AND UTILITY USES	Transportation	Roads, bridges, marine structures, airfields
	Marina	Marinas, docks, moorings, slips, boat refuelling and repair services
	Communications	Communications towers, telephone exchanges, transmitting and receiving masts and antenna
	Dock	Recreational docks, slipways, and stages
	Energy Generation Facility	Wind generators, solar generators, small hydro generators, heating plants
	Electrical Utility	Hydro plants, electrical transmission lines, electrical power substations
	Water Utility	Water intakes, treatment facilities, pipelines
	Wastewater Utility	Sewage treatment plants, sewer outfalls, pipelines
	Solid Waste Utility	Landfill sites, recycling facilities

APPENDIX B
OFFSTREET LOADING AND PARKING REQUIREMENTS

APPENDIX B - OFFSTREET LOADING AND PARKING REQUIREMENTS

1. Off-Street Loading Requirements

- (1) Where Council deems necessary, for every building, structure or use requiring the shipping, loading or unloading of animals, goods, wares or merchandise, one or more loading spaces will be provided and maintained on the lot measuring at least 15 metres long and 4 metres wide with a vertical clearance of at least 4 metres. The space will have direct access to a public street or to a driveway of a minimum width of 6 metres that connects to a public street.
- (2) The number of loading spaces to be provided will be determined by Council.
- (3) The loading spaces required by this Regulation will be designed so that vehicles can manoeuvre clear of any street and so that it would not be necessary for any vehicle to reverse onto or from a street.

2. Parking Area Standards

- (1) For the purposes of this Regulation,
Parking Area means a designated area on a lot for off-street parking of automobiles.

Parking Space means a designated space in a parking area or driveway adequate to park one automobile with room to open doors on both sides, together with related manoeuvring room and access to a public street.

- (2) For every building, structure or use to be erected or enlarged, 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 on-street parking of vehicles associated with that building, structure or use.
- (3) The number of parking spaces to be provided for any building, structure, use of occupancy shall conform to the standards set out in **Appendix C**, except as otherwise modified by **PART 9** of these Regulations.
- (4) Each parking space, except in the case of a single or attached dwelling, will be made accessible by means of a right-of-way at least 3 metres wide.
- (5) Residential parking spaces shall be provided on the same lot as the dwelling or dwellings.
- (6) Non-residential parking spaces shall be provided not more than 200 metres distance from the use for which the parking is required.
- (7) The parking facilities required by this Regulation will, 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.

- (8) Where Council permits parking perpendicular to the curb, the minimum dimensions of each parking space will be as follows:

Parking space width	2.5 metres
Parking space length or depth	7.5 metres
Aisle width separating opposite parking spaces	7.0 metres
Aisle width separating a space from another obstruction	7.0 metres

Where Council permits parking parallel to the curb, the minimum length of the space will be 7.0 metres and the aisle width will be at least 4 metres, or more if deemed necessary by Council.

For any other parking lot configuration, the requirements shall as be as specified by Council, but in no instance shall the requirements be less than that specified for perpendicular parking spaces.

- (9) Other requirements for parking areas are as follows:
- (a) The parking area will be constructed and maintained to the specifications of Council,
 - (b) Lights for illumination of the parking area will be arranged so as to divert the light away from adjacent development,
 - (c) Except on a service station or industrial lot, no gasoline pump or other service station equipment will be located or maintained in a parking area,
 - (e) No part of any off-street parking area will be closer than 1.5 metres from the front lot line in any zone,
 - (f) Where Council deems that strict application of the parking requirements is impractical or undesirable, Council may as a condition of a permit require the developer to pay a service levy in lieu of the provision of a parking area, and Council will use the full amount of the levy for the provision and upkeep of alternative parking facilities within the vicinity of the development.

3. Off-Street Parking Requirements

- (1) The off-street parking requirements for the various use classes set out in **Appendix B** will be as set out in the following table, except as otherwise set out in **PART 9**. In the case of developments that include more than one use class, these standards shall be regarded as cumulative.
- (2) Adequate off-street provision for the drop-off and pick-up of persons will be provided on the same lot as the development unless otherwise stipulated by Council.
- (3) The number of spaces to be provided for off-street parking will be in accordance with the following table.

OFF-STREET PARKING SPACE REQUIREMENTS		
CLASS	MINIMUM SPACES	MAXIMUM SPACES
Theatre	1.0 per 6 seats.	N/A
Cultural and Civic	1.0 per 60 m ² of gross floor areas.	N/A
General Assembly	1.0 per 15 m ² of gross floor area.	N/A
Educational	Schools – 2.0 per classroom. Other educational – 1.0 per 5 students, faculty and staff.	N/A
Place of Worship	1.0 per 6 seats.	N/A
Passenger Assembly	As specified by Council.	N/A
Club and Lodge	1.0 per 3 persons of permitted occupancy	N/A
Catering	1.0 per 3 persons of permitted occupancy	N/A
Funeral Home	1.0 per 12 m ² of gross floor area.	N/A
Child Care	1.0 per 30 m ² of gross floor area	N/A
Amusement	1.0 per 15 m ² of gross floor area.	N/A
Outdoor Assembly	As specified by Council.	N/A
Campground	As specified by Council.	N/A
Hospital	1.0 per 22 m ² of suite or ward area	N/A
Single Dwelling	2.0 per dwelling unit	4.0 per dwelling unit
Double Dwelling	2.0 per dwelling unit	3.0 per dwelling unit
Row Dwelling	2.0 per dwelling unit	3.0 per dwelling unit
Apartment Building	1.5 per dwelling unit	2.5 per dwelling unit
Residential care	As specified by Council.	As specified by Council.
Bed and Breakfast	As required for the dwelling plus 1.0 per guest room	As required for dwelling plus 1.5 per guest room
Boarding House	As required for the dwelling plus 0.8 per guest room	As required for dwelling plus 1.5 per guest room
Commercial Accommodation	1.0 per guest room.	2.0 per guest room
Mini-Home	2.0 per dwelling unit	3.0 per dwelling unit
Office	1.0 per 25 m ² of gross floor area.	N/A
Medical and Professional	1.0 per 25 m ² of gross floor area.	N/A
Outdoor Market	As specified by Council.	N/A
Convenience Store	1.0 per 20 m ² of gross floor area.	N/A
General and hazardous industry	As specified by Council, but not less than 1.0 per 100 m ² of gross floor area or 10 parking spaces, whichever is greater.	N/A
Service Station	1.0 per 20 m ² of gross floor area.	N/A
Light Industry	As specified by Council but not less than 1.0 per 50 m ² of gross floor area or 5 parking spaces, whichever is greater.	

APPENDIX C
PROVINCIAL POLICY FOR FLOODPLAIN MANAGEMENT

APPENDIX C – PROVINCIAL POLICY FOR FLOODPLAIN MANAGEMENT

POLICY DIRECTIVE

Division:	Water Resources Management		P.D.	W.R. 96-1
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1.0 INTRODUCTION

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

2.0 OBJECTIVES

1. to prevent loss of human life and avoid personal hardships,
2. to minimize flood damage to properties, infrastructure and the environment,
3. to restrict activities which would degrade water resources,
4. to maintain the natural capability of waterways to convey flood flows,
5. to minimize disruption of transportation, social and business activity, and,
6. to minimize costs to the taxpayers of Newfoundland and Labrador.

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

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

3.0 BACKGROUND

Canada - Newfoundland Flood Damage Reduction Program

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

4.0 LEGISLATION

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

5.0 DEFINITIONS

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

	resources. This zone may coincide with a Crown land reservation of a shoreline as prescribed by Section 7(1) of the <i>Lands Act</i> . In the absence of specific setback requirements (depending on the activity) the buffer is taken to be 15 metres measured from the high water mark which in turn is understood to be the 1 in 100 year (1:100) high water mark or the Climate Change Flood Zone, where they have been identified.
Coastal Area	The interface or transition area where the land meets the sea/ocean or large inland lakes. The coastal area can be flooded due to storm surges, high tides or waves, erosion, rising sea level, or reclaimed land.

6.0 POLICIES

6.01 Development Requires Written Approval

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

6.02 Project Categories

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

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

6.03 Hydraulic Structures

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

6.04 Project Classifications

Table below indicates whether not project categories are permitted in each defined floodplain.

Category	All Flood Plains	Where Flood Plains are Designated		
		Floodway (1:20 year Zone)	Floodway Fringe (1:100 year Zone)	Climate Change Flood Zone
Temporary alterations	Permitted	Permitted	Permitted	Permitted
Non-structural uses	Permitted	Permitted	Permitted	Permitted
Structures related to use of water resources	Permitted	Permitted	Permitted	Permitted
Minor structural or other projects	Permitted	Permitted with conditions*	Permitted with conditions*	Permitted with conditions*
Other structures not used primarily for residential	Permitted with conditions*	Permitted with conditions*	Permitted with conditions*	Permitted with conditions*
Industrial Uses related to shipping (marine only)	Permitted with conditions*	Permitted with conditions*	Permitted with conditions*	Permitted with conditions*
Other industrial and commercial	Not Permitted	Permitted with conditions**	Permitted with conditions*	Permitted with conditions*
Institutional	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Residential and other institutional	Not Permitted	Not Permitted	Permitted with conditions*	Permitted with conditions*
Hydraulic Structures	Permitted	Permitted	Permitted	Permitted

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

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

Note: All permits contain standard terms and conditions.

6.05 Projects Permitted Where Flood Plains Are Designated

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

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

6.06 Projects Permitted in Coastal Floodway Where Flood Plains Are Designated

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

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

6.07 Additions and Modifications to Existing Development

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

6.08 Use of Flood Risk Mapping in Municipal Plans

Where flood risk mapping has been prepared for a community (or any city, town or area) the information in the flood risk maps must be incorporated in the Municipal Plan (if one exists) and the flood risk areas must be zoned so as to permit only those project categories specified by this policy. In the absence of official flood risk mapping, communities will be encouraged to determine flood risk areas in accordance with this Department's standard hydrotechnical methods for delineating flood risk zones and to zone those lands in accordance with this policy. Failing this, communities will be encouraged to at least make provisions in planning documents for minimum setbacks from watercourses to provide some margin of safety and to recognize potential flood susceptibility.

6.09 Eligibility for Flood Disaster Assistance

Any vulnerable development placed in a flood plain or designated flood risk area after the designation and not in conformance with this policy or without approval as required by this policy, would not be eligible for flood disaster compensation if such a program of compensation were to become available through government. This policy provision does not apply to any development lawfully established in a flood plain prior to designation.

6.10 Use of Flood Disaster Compensation

In the event that compensation by government is awarded to flood victims, it will be the policy of this Department to encourage victims to apply the compensation towards relocating rather than replacing or repairing damaged property in situ. If it is deemed acceptable by this Department to repair or replace damaged property in flood risk areas, then it will be required that the compensation be used firstly for appropriate flood proofing measures.

6.11 Flood Insurance

Persons living or carrying out business in flood risk areas may not be able to purchase flood insurance and if available it may be very expensive. It is therefore recommended that those who are located in flood risk areas carry out flood proofing measures and have an emergency plan available.

6.12 Flood Control Projects

Proposals for flood control measures such as construction of dykes, river diversions, retaining walls or flood control dams will only be considered where the alternative with the highest benefit/cost ratio is recommended. Alternatives considered may also include possible compensation for flood victims or the cost of relocating the inhabitants of the flood risk areas or maintaining the status quo.

After flood controls have been implemented, flood risk designations shall remain in effect until such time as new hydrotechnical studies have been undertaken and new flood risk areas delineated (in accordance with the Departments standards).

6.13 Role of Water Resources Management Division

The Water Resources Management Division of this Department will continue as the lead agency with respect to flood plain management. This role will include but is not limited to:

- i. Evaluating all applications for approval under section 48 of the *Act* and making the appropriate recommendations in accordance with this policy.
- ii. Carrying out hydrotechnical studies, flood risk analyses and mapping to the extent possible with limited funds provided.
- iii. Continuing to monitor areas of flood risk such as Badger, Deer Lake and Steady Brook to provide flood warning and flood status reports.
- iv. Providing to the public information, data, maps, guidelines for flood proofing and other materials that will be useful in reducing flood damage.
- v. Providing technical expertise and assisting Fire and Emergency Services – Newfoundland and Labrador in the event of a flood emergency.
- vi. Continue with the ability to forecast flooding using computer models and real time data.

6.14 Offences

A municipal authority or person that unlawfully alters a body of water by carrying out any development in a designated flood risk area or a flood plain without written approval from the Minister thereby violates section 48 of the *Act* and commits an offence contrary to section 90 of the *Act*.

APPENDIX D
PROVINCIAL DEVELOPMENT REGULATIONS

APPENDIX D – PROVINCIAL DEVELOPMENT REGULATIONS

NEWFOUNDLAND AND LABRADOR REGULATION 3/01

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

(Filed January 2, 2001)

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

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

Joan Marie Aylward
Minister of Municipal and Provincial Affairs

REGULATIONS

Analysis

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

Short title

1. These regulations may be cited as the Development Regulations.

Definitions

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

Application

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

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

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

Interpretation

4. (1) In development regulations and other regulations made with respect to a planning area the following terms shall have the meanings indicated in this section
 - (a) "access" means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street;
 - (b) "accessory building" includes
 - (i) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,
 - (ii) for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television 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 authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed;
- (f) "discretionary use" means a use that is listed within the discretionary use classes established in the use zone tables of an authority's development regulations;
- (g) "established grade" means,
 - (i) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or
 - (ii) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment;
- (h) "floor area" means the total area of all floors in a building measured to the outside face of exterior walls;
 - (i) "frontage" means the horizontal distance between side lot lines measured at the building line;
 - (j) "lot" means a plot, tract or parcel of land which can be considered as a unit of land for a particular use or building;
 - (k) "lot area" means the total horizontal area within the lines of the lot;
 - (l) "lot coverage" means the combined area of all building on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Notice of right to appeal

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

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

Appeal requirements

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

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

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

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

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

Appeal registration

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

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

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

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

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

Development prohibited

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

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

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

Hearing notice and meetings

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

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

Hearing of evidence

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

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

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

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

Board decision

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

Variations

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

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

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

Notice of variance

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

Residential non conformity

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

Notice and hearings on change of use

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

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

Non-conformance with standards

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

Discontinuance of non-conforming use

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

Delegation of powers

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

**APPENDIX E - LAND USE ZONING MAPS
(SEE MAP INSERTS)**