



Town of Clareville

# Development Regulations 2022-2032

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# Application

## 1. Short Title

These Regulations may be cited as the Clarenville Development Regulations.

## 2. Interpretation

1. Words and phrases used in these Regulations shall have the meanings ascribed to them in Schedule A.
2. Words and phrases not defined in Schedule A shall have the meanings that are commonly assigned to them in the context in which they are used in the Regulations.

## 3. Commencement

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

## 4. Ministerial Development Regulations

The Ministerial Development Regulations (Ministerial Regulations), enacted under Section 36 of the *Urban and Rural Planning Act, 2000 (the Act)*, shall apply to development within the Planning Area. Where there is conflict between these and the Clarenville Development Regulations, the Ministerial Regulations shall prevail. The Ministerial Development Regulations are included with the Clarenville Development Regulations.

## 5. Municipal Code and Regulations

The building regulations, fire regulations, and any other municipal regulations controlling the development, conservation and use of land, shall, under these Regulations, apply to the entire Clarenville Municipal 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 Clarenville Municipal Planning Area.

## 6. Council

In these Regulations, "Council" means the Municipal Council of the Town of Clarenville.



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# Part I - General Regulations

## 7. Compliance with Regulations

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

## 8. Permit Required

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

## 9. Permit to be Issued

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

1. The general development standards set out in Part II of these Regulations, the requirements of Part V of these Regulations, and the use classes, standards, requirements, and conditions prescribed in Schedule C of these Regulations for the use zone in which the proposed development is located.
2. The standards set out in the Building Code and/or other ancillary codes, and any Building Regulations, Waste Disposal Regulations, and/or any other municipal regulation in force in the Planning Area regulating or controlling development, conservation and use of land and buildings.
3. The standards set out in Part III of these Regulations in the case of advertisement.
4. The standards set out in Part IV of these Regulations in the case of subdivision.
5. The standards of design and appearance established by Council.

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

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

## 11. 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 the general appearance of the development, the amenity of the surroundings, availability of utilities, public safety and convenience, and other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of 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. When approving an application for a discretionary use, Council shall state in writing the basis for its approval.
3. The exercise of discretionary powers does not enable Council to permit the development of a use that is not set out as a permitted use or a discretionary use under Schedule C or other Regulation, except when it considers that a proposed use is sufficiently similar to a permitted or discretionary use and in accord with the general intent of the Municipal Plan and the applicable zone under Schedule C.

## 12. Variances

### **(Refer to Ministerial 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%, if, in Council's opinion, compliance with the development standards would prejudice the proper development of the land, building or structure in question or would be contrary to the public interest.
2. Council shall not allow a variance from development standards set out in these Regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10% variance even though the individual variances are separately not greater than 10%.
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.

### 13. Notice of Variance

#### (Refer to Ministerial Development Regulations, Section 13)

Where Council is to consider a proposed variance, Council shall give written notice of the proposed variance from development standards to all persons whose land is in the immediate vicinity of the land that is the subject of the variance and allow a minimum period of 7 days for response. Written notice shall be at the applicant's expense as per Section 35 (1) (i) of the *Urban and Rural Planning Act, 2000*.

### 14. 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 the standards required by Council and for uses that are permitted on that real property.
3. A service levy shall be assessed on the real property based on:
  - a. The amount of real property benefited by the public works related to all the real property so benefited; and
  - b. The density of development made capable or increased by the public work.
4. Council may require a service levy to be paid by the owner of the property benefited and may specify the time for payment.

### 15. Financial Guarantees by Developer

1. Council may require a developer before commencing a development to make such financial provisions and/or enter into such agreements as may be required to guarantee the payment of service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit or license.
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. Financial Guarantees – Mineral Workings
    - a. A developer of a mineral workings site will provide a financial guarantee in the form of a performance bond, unconditional and irrevocable letter of credit, or other form acceptable to Council for an amount to cover the cost of restoring or landscaping the site after the quarry operations have ended or the site is abandoned by the applicant.
    - b. The financial guarantee will be returned when the site has been restored and any conditions attached to the development permit have been carried out to Council's satisfaction.

## 16. Dedication of Land for Public Purposes

In addition to the requirements for the dedication of land for public purposes under Regulation 90, Council may require the dedication of a percentage of the land area of any subdivision or other development for public use, and such land shall be conveyed to Council in accordance with 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 stormwater management or environmental protection, whether or not that land is located within the Environmental Protection Zone.

## 17. 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 to 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.

## 18. 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) and any available information required by the applicant relevant to the application.

## 19. Register of Application

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

## 20. Deferment of Application

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

## 21. Approval in Principle

1. An application for Approval in Principle shall include:
  - a. A description of the proposed development;
  - b. A description of the land to be used with the proposed development, and may include a survey description of the subject lands; and
  - c. Submission of any pertinent information that may be required by the Council.
2. The Council may issue an Approval in Principle if it determines the application conforms to the Municipal Plan and these Regulations.
3. An Approval in Principle shall be valid for a period of 1 year and may be extended 1 year (must be requested by applicant), up to a total maximum period of 2 years.
4. No development shall be carried out under an Approval in Principle.
5. Council may revoke an Approval in Principle if it determines the applicant has changed the proposed development in a way that significantly alters the original intent of the applications.

## 22. Development Permit

1. A written Permit to Develop, including a temporary Permit to Develop, issued by the Council shall be permission to develop. This permission shall not relieve the applicant from full responsibility of obtaining all other approvals, prior to the commencement of development, and complying with the requirements of all other regulations and statutes during development.

2. The 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 the permit conditions.
3. A Permit to Develop is valid for a period of 1 year and may be extended twice up to a total maximum period of 3 years.
4. The issuance of a Permit to Develop shall not prevent the Council from requiring the correction of errors, or ordering the cessation, removal of, or remedial work on any development being carried out that is in violation of the Municipal Plan and these Regulations.
5. Council may revoke a Permit to Develop for failure by the developer to comply with the Municipal Plan and these Regulations, or any condition attached to the Permit to Develop, or where it was issued in error or was issued on the basis of incorrect information.
6. No person shall change the application for which a Permit to Develop has been issued unless the change has been approved by a resolution of the Council, and written approval has been issued.
7. A copy of the development permit, and plans and specifications, shall be kept on site until completion of the development.

### **23. Temporary Use Permit**

At its discretion, Council may issue a development permit for a temporary use, which must comply with the Municipal Plan and these Regulations. The permit may be for a period not exceeding one (1) year and may be extended at the request of the applicant for one (1) additional year, up to a maximum of two (2) years.

### **24. Permit Fees**

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

### **25. Compliance with Regulations**

New development will comply with applicable acts and regulations including, but not limited to, the provincial *Water Resources Act*, *Environmental Assessment Act*, *Lands Act*, *Health and Community Services Act*, and *Building Near Highways Regulation*, as well as the federal *Fisheries Act of Canada*, *Environmental Protection Act of Canada*, and *Canadian Migratory Bird Act*.

## 26. Reasons for Refusing a Permit

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

## 27. Notice of Right to Appeal

**(Refer to Ministerial Development Regulations, Section 5)**

Where Council makes a decision that may be appealed under Section 42 of the *Urban and Rural Planning Act, 2000*, Council shall, in writing, at the time of making that decision, notify the person to whom the decision applies of the:

1. A person's right to appeal the decision to the appeal board;
2. Time by which an appeal is to be made;
3. Right of other interested persons to appeal the decision; and
4. Manner of making an appeal and the address for the filing of the appeal.

## 28. Appeals

**(Refer to Ministerial Development Regulations, Sections 6-11)**

Sections 6 to 11 of the Ministerial Regulations and Section 42 of the *Urban and Rural Planning Act, 2000*, 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 appeal board decisions.

## 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.

## 30. Notice of Application

**(Refer to Ministerial Development Regulations, Sections 13 & 15)**



1. Notice of an application must be given when:
  - a. A variance is to be considered under Regulation 12;
  - b. A change in a non-conforming use is to be considered under Regulation 44;
  - c. A proposed development is listed as a discretionary use in Schedule C;
  - d. A comprehensive development is proposed in accordance with Regulation 44; or
  - e. Council determines that the public should be notified of an application.
2. In accordance with Regulation 13 of these Regulations and Section 13 of the Ministerial Development Regulations, notice of a variance application will be given directly to persons who are likely to be affected and a minimum of seven (7) days will be provided for persons to respond.
3. In accordance with Regulation 44(4) of these Regulations and Regulation 15 of the Ministerial Development Regulations, notice of an application to change a non- conforming use will be by advertisement in a newspaper circulating in the area, and a minimum of seven (7) days will be provided for persons to respond.
4. Notice of an application to develop a discretionary use will be by advertisement in a newspaper circulating in the area, and a minimum of seven (7) days will be provided for persons to respond.
5. Notice of an application for a development that Council determines the public should be made aware of will be by advertisement in a newspaper circulating in the area, and a minimum of seven (7) days will be provided for persons to respond.

### **31. Right of Entry**

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

### **32. Record of Violations**

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

### **33. Stop Work Order, Removal 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 or work and/or remove the development or work connected therewith pending final adjudication in any prosecution arising out of the development as per Section 102 of the *Urban and Rural Planning Act, 2000*.
2. A person who does not comply with an order made under 33(1) is guilty of an offence under the

provisions of the Act.

### **34. Delegation of Powers**

**(Refer to Ministerial Development Regulations, Section 18)**

Council shall when designating employees or contractors to whom a power is to be delegated under Section 109(3) of the Act, make that designation in writing.

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## Part II - General Development Standards

### 35. Access Ramps and Decks

1. Council may permit an access ramp for a wheelchair to be erected in a minimum front, rear, or sideyard 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.
2. An open or partially enclosed deck attached to a building shall not extend into the minimum permissible front and sideyards and flanking road setback and shall not be closer to the rear lot line than 1 metre.
3. The side-yard requirements set out in the use zone tables in these Regulations shall apply to accessory buildings wherever they are located on the lot.

### 36. Accessibility and Barrier Free Design

To improve accessibility for all residents, Council may promote higher or specialized standards or provisions such as barrier free design principles and standards in the planning, design and construction of streets, sidewalks, crosswalks, parking areas, building entrances and internal spaces, parks, playgrounds, trail systems, recreational facilities, and public spaces to accommodate residents of all ages and abilities.

### 37. Accesses and Service Streets

1. Access shall be located to the specification of Council so as to ensure the greatest possible convenience and safety of the street system and Council may prescribe the construction of service streets to reduce the number of accesses to collector and arterial streets.
2. No vehicular access shall be closer than 10 metres to the street line of any street intersection.

### 38. Accessory Uses and Buildings

1. Accessory uses and buildings shall be clearly incidental and complementary to the use of the main buildings in character, use and size, and shall be contained on the same lot.
2. No accessory use or building or part thereof shall project in front of any building line or be erected upon an easement.
3. Notwithstanding Regulation 38(2), at Council's discretion, Council may approve a location of an

accessory building closer to the street line than the main dwelling where Council:

- a. Council considers that the proposed location complements the historical development pattern in the surrounding area, such as the heritage homes and areas that have reduced setbacks;
- b. Considers that the location as required under Regulation 38(2) would pose a threat to road safety;
- c. Finds that the physical limitations of the property would not allow for the development of an accessory building as required under Regulation 38(2); and
- d. Considers that the proposed location as required under Regulation 38(2) would adversely affect the view from neighbouring homes.

### 39. Accessory Uses

Uses accessory to a permitted or discretionary use may be permitted in any zone. An accessory use shall be clearly subsidiary to the main use and controlled so as to be compatible with the main use and nearby properties.

Example of accessory uses include, but not limited to:

- a. Facilities for the serving of food and alcoholic beverages in an arena or other place of assembly, museum, marina, or hotel.
- b. A gift or souvenir shop in a museum, hotel, or other establishment.
- c. An office or a small convenience store.
- d. A dock, wharf, or stage associated with a permitted or discretionary use.
- e. A subsidiary apartment.
- f. A home occupation.

### 40. Archaeological Sites

1. If an archaeological site or artefact is discovered during development of a property, the development shall stop and Council will consult with the Provincial Archaeology Office of the Department of Tourism, Culture, Arts and Recreation. Development shall not proceed until the Provincial Archaeology Office has evaluated the site or authorized the development to proceed.
2. Before approval is granted for a major development, such as a subdivision, or a new commercial or public building, the application shall be referred to the Provincial Archaeology Office for comments.

#### 41. Heritage Buildings and Sites

Any development adjacent to or within thirty (30) metres of a heritage building and site shall be reviewed by Council to ensure that there are no negative effects on these properties prior to issuing a development permit.

#### 42. Buffers and Screening for Incompatible Uses

Where any development permitted in any Use Zone abuts an existing or proposed residential area, or is separated from it by a road only, Council may require the owner of the site of the development to provide a buffer not less than ten (10) metres wide between any residential activity and the development area. The buffer shall include the provision of a natural vegetated area, a planted buffer or a structural barrier as may be required by Council and shall be maintained by the owner or occupier to the satisfaction of Council.

#### 43. Building Line 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 such building lines conform to the standards set out in Schedule C of these Regulations.
2. The front yard building line setback is measured from the front property line.
3. The building line along Provincial highways shall not be less than that specified under the provincial *Building Near Highways Regulation, 1997*.

#### 44. Height Exceptions

The height requirements prescribed in Schedule C of these Regulations may be waived in the case of communication masts and antennae, flagpoles, water towers, spires, belfries, wind generators, or chimneys, but any such waiver which results in an increase of more than 20% in the permitted height of the structure shall only be authorized under the provisions of Regulation 11.

#### 45. Lot Area

1. No lot shall be reduced in area, either by the conveyance or alienation of any portion thereof or otherwise, so that any building or structure on such lot shall have a lot coverage that exceeds, or a front yard, rearyard, sideyard, frontage, or lot area that is less than that permitted by these Regulations for the zone in which such lot is located.

2. Where any part of a lot is required by these Regulations to be reserved as a yard, it shall continue to be so used regardless of any change in the ownership of the lot or any part thereof and shall not be deemed to form part of an adjacent lot for the purpose of computing the area thereof available for building purposes.

#### 46. Lot Frontage

No residential, commercial, or public building shall be erected on a lot that does not front directly onto a public road unless the subject lot forms part of a comprehensive development.

#### 47. Non-Conforming Uses

**(Refer to Section 108(2) of the *Urban and Rural Planning Act, 2000*, and Sections 14, 15, and 16 of the Ministerial Development Regulation 3/10)**

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 or the building is demolished;
  - 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% or more of the value of that building, structure or development has been destroyed, except as

provided for in Paragraph (h) 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 by Council where, in Council's opinion that extension is not more than 50% 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;
  - g. Where the non-conformance is with respect to the standards included in these Regulations shall not be expanded if the expansion would increase the non- conformity;
  - h. 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% or more of the value of that building or structure is destroyed; and
  - i. A residential building or structure referred to in Paragraph (h) must be repaired or rebuilt in accordance with the plan and development regulations applicable to that building or structure.
4. In accordance with Regulation 30 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, publish a notice in a newspaper circulating in the area of the application and shall consider any representations or objections received in response to that advertisement.

#### **48. 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.

#### **49. Off-street Parking Requirements**

1. In accordance with Schedule D, for every building, structure or use to be erected, enlarged, or established, there shall be provided and maintained a quantity of off-street parking spaces sufficient to ensure that the flow of traffic on adjacent streets is not impeded by on-street parking of vehicles associated with that building, structure, or use.
2. Council can vary the off-street parking requirements outlined in Schedule D for non- residential properties if it is concerned that the required size of a particular parking area will generate excessive stormwater and if it deems that the required parking space is more than is necessary for normal



parking demand.

## 50. Off-street Loading Requirements

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

## 51. Parks, Playgrounds, and Open Spaces

1. Nothing in these Regulations shall prevent the designation of land for the establishment of parks, playgrounds, and open spaces in any zones provided that such land is not located in areas that may be hazardous to their use or is an area that is not compatible for such a use.
2. Parks and playgrounds may be located on backland but shall have at least one access onto a public street.

## 52. 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 preserve amenity or protect the environment.

## 53. Services and Public Utilities

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

#### **54. Wind Turbine**

1. Wind turbines are subject to the approval of relevant provincial and federal departments, agencies, and public utilities.
2. A wind turbine, within a built-up residential area will be limited to a single unit that serves an individual property.
3. An adequate separation distance shall be maintained between wind turbines and nearby buildings and structures to prevent damage to persons and properties due to a failure of a generator or any of its components or the shedding of ice.
4. Unless specifically exempted by Council or other relevant agencies, the design, construction, and location of an energy utility shall be certified by a professional engineer who has consulted with the required agencies.

#### **55. Service Station and other Petroleum Dispensing Facilities**

The following requirements shall apply to all proposed service stations and other petroleum dispensing facilities:

1. All petroleum pumps shall be located on pump islands designed for such purpose, and to which automobiles may gain access from either side, except in the case of propane, diesel, and kerosene pumps, which may access from one side;
2. Pump islands shall be set back not less than four (4) metres from the front lot line;
3. Accesses to the lot shall be no less than 7 metres wide and shall be clearly marked;
4. Where a service station is located on a corner lot, the minimum distance between an access and the intersection of street lines shall be 10 metres;
5. Surface runoff shall be directed to an oil/water separator before being discharged into a storm sewer or other drainage system; and
6. All provincial and other regulatory requirements must be met.

#### **56. Site Development Requirements**

The following requirements shall apply to all proposed site development, especially where it requires the construction of new streets, and large sites of commercial, residential, or other development.

1. Council shall consider the suitability of the site in terms of steepness of grades, soils and geology, environmentally sensitive areas such as floodplains and wetlands, watercourses, and coastal shorelines when reviewing a development application.
2. Council shall ensure that the proposed development will not be unsuitable by reason of resulting in pollution, erosion, sedimentation of watercourses, other environmental damage or aesthetic degradation of the site or surrounding area.
3. No development of land, buildings, or structures shall be permitted on a site where it otherwise would be permitted under these development regulations when, in the opinion of Council, the site is a wetland or marsh, geologically unstable, excessively steep, or otherwise unsuitable for a proposed purpose by virtue of its soil or topography.
4. Development on slopes.

**a. Excessive slopes greater than 20%:**

Slopes greater than 20% are vulnerable to any type of development. No development shall be permitted on slopes greater than 20%.

**b. Steep Slopes greater than 15% to 20%:**

Prior to development, Council shall require a geotechnical report and/or drawing that identifies methods to minimize risk of erosion, subsidence, and stormwater hazards.

The report shall provide an evaluation of soil and geological stability; proposals for site grading, drainage, vegetation removal, and remediation of the site through landscaping. The report shall address the potential of the development to cause stormwater runoff, erosion, and pollution that may impact adjacent properties, wetlands, and water bodies, and other matters determined to be relevant.

**c. Moderate slopes 11%-15%:**

Slopes in this range may create difficulties with respect to road and driveway construction, installation of water and sewer, stormwater run-off, and soil erosion. Council may require engineered drawings; careful site planning and mitigation measures may be required.

**d. Gentle slopes from 4% to 10%:**

Slopes in this range are considered the easiest to build on and are generally free of development limitations.

**e. Flat slopes 0% to 3%:**

Slopes in this range are normally free from development limitations. However, these areas most often contain poorly drained soils that may dictate other development constraints that mitigation measures.

5. No buildings, structures, or placement or removal of fill will be permitted:
  - a. On slopes that exceed 20% over a height of 4 metres or more and a length of 25 metres or more.
  - b. Within 8 metres of the top or bottom of slopes that exceed 20% over a height of 4 or more metres.
6. The clearing of trees and the excavation and filling-in 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 and no more than necessary to suitably develop the site.
7. A development application will provide sufficient information to show the extent of any proposed clearing, excavation, or filling-in of the site.
8. An approval in principle or a permit to develop will not be granted when in Council's opinion the proposed clearing, excavation, filling-in of land, or other site development will result in unacceptable stormwater, environmental, or aesthetic impacts, or will be more than is necessary to suitably develop the site.

## 57. Street Construction Standards

A new street may not be constructed except in accordance with the design and construction specifications set by Council.

## 58. Stormwater Control and Management

1. Site development and the erection of buildings and structures shall not be permitted, or shall be subject to special conditions, on any site where it would otherwise be permitted under these Regulations, when in the opinion of Council, the development will create or aggravate significant stormwater impacts, for example, excessive runoff onto adjacent properties, soil erosion, scouring and siltation of streams, or reduction of surface or groundwater quality.
2. Council shall require land to be developed on the basis of zero-net runoff unless extenuating circumstances are substantiated by professional engineers and alternate engineered solutions for stormwater management and the use of stormwater management best practices are determined to Council's satisfaction.
3. Council shall encourage the alternate zero net runoff methods of storm water management such as retention ponds, detention ponds and other practices that decrease runoff.
4. The grading of land, excavation of ditches, and erection of buildings or structures shall not be undertaken in a manner that significantly increases stormwater runoff onto adjacent properties or into nearby watercourses.
5. Council shall require developments to incorporate measures to reduce and manage stormwater

runoff. Such measures may include, but shall not be limited to:

- a. Dispersing runoff to multiple locations within or near the development site.
  - b. Setting aside undisturbed areas of natural forest and other vegetation to receive drainage and facilitate infiltration.
  - c. Maintaining vegetated buffers along natural and artificial drainage channels.
  - d. Installing grass swales for local drainage.
  - e. Planting grass and shrubs on exposed gravel surfaces as soon as possible after construction.
  - f. Limiting the clearing of lots during site development to allow maximum flexibility for homeowners to maintain natural trees and vegetation when developing and landscaping their lots.
  - g. Reducing impervious surfaces along steep slopes and in other vulnerable areas to high runoff, for example, by varying standards for paved street surfaces, sidewalks, and parking areas.
4. Development plans for subdivisions and other large developments shall include grading plans and stormwater management plans, which will be evaluated by Council to determine if adequate measures have been proposed to reduce stormwater runoff from the site. Development approvals will be contingent on how well the management plan meets Council's objectives for stormwater reduction.

### **59. Line of Vision at Intersections**

So as to not obstruct the view of motorists and pedestrians:

1. All occupied lands within 7 metres of a street intersection shall be kept free of any shrubs, plants, and trees that will impede the line of vision clear for motorists and pedestrians; and
2. No building or structure shall be permitted to be erected, moved, enlarged, or reconstructed on any land that is within 7 metres of a street intersection.

### **60. Development in the Vicinity of a Public Right-of-Way**

1. Land development and the erection of buildings and structures shall not be permitted on any site where it would otherwise be permitted under these development 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.

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## Part III - Advertisements

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

### 61. Definitions

For the purpose of this section, the following shall apply:

- a. **Above the Surface of the ground** means measured vertically from the horizontal projection of the highest point of the ground immediately below a sign as determined by the Council to the highest point of the sign or pole as determined by the Council.
- b. **Banner sign** means a sign produced on cloth, paper, fabric, or other combustible material of any kind, either with or without frames.
- c. **Bench sign** means a signed 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.
- d. **Billboard sign** means a sign and its structure and component parts which is intended to advertise, or call attention to any matter, object, event, or person, where the sign face is usually leasable and where the subject matter is not related to a use at or around the parcel of land on which the billboard is located.
- e. **Building face** means the total area of a building between the finished surface of the ground and the eaves of any architectural elevation.
- f. **Canopy sign** means a sign that is part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.
- g. **Construction sign** means a temporary sign erected on the premises or land on which development or construction is taking place, during the period of such construction, indicating the names of the planners, architects, engineers, landscaped architects, contractors or similar artisans and the owners, financial supporters, sponsors, and similar individuals of firms having a role or interest with respect to the structure or project.
- h. **Corner lot** means a lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.
- i. **Election sign** means any sign used to promote a candidate or party during a school board or municipal, provincial, or federal election, but does not include a portable sign as defined in these regulations.
- j. **Electrical sign** means a sign that utilizes an electrical source.
- k. **Ground sign or pylon sign** means a sign affixed to, supported by, or placed upon the ground whether the ground is paved or unpaved, and which is supported by one or more uprights, in or upon such



ground and not attached to any building.

- l. Illuminated sign** means a sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.
- m. Inflatable sign** means a sign or display that is capable of being expanded by air or other gas and used as a temporary basis to advertise or promote a product or event.
- n. Marquee** means any permanent roof like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.
- o. Marquee sign** means a sign printed upon or attached to a marquee.
- p. Menu board** means a sign erected as part of a drive-through facility and used to display the order products and services available in association with a drive- through business.
- q. Off-site directional sign** means a sign which directs traffic to a specific property, business or event and the sign is located on a property or building separate from the property, business, or event to which it relates. A billboard sign is not an off-site directional sign.
- r. Pre-menu board** means a sign erected as part of a drive-through facility and only used to display products and services available in association with a drive- through business.
- s. Portable sign** means an illuminated or non-illuminated sign which is movable from one location to another and which is not attached to a fixed structure or does not have supports embedded in the ground.
- t. Projecting sign** means a sign other than a wall sign so constructed and so erected as to be rigidly attached at one end to a building, metal pole or other structure and projecting out from the surface of the building, pole, or other structure to which it is attached.
- u. Real estate sign** means a sign pertaining to the sale or lease of the premises or a portion of the premises, on which the sign is located.
- v. Roof sign** means a sign which is erected, constructed, and maintained above the roof of a building, within the peripheral dimension of such building and fastened or attached to or supported on such roof.
- w. Sidewalk sign** means a free standing sign erected on but not permanently anchored in the ground. Without limiting the generality of the foregoing, this definition includes signs referred to as A-frame, sandwich boards, and menu boards, but shall not include any other sign defined in these regulations.
- x. Sign face** means the area or display surface for the advertisement or message.
- y. Sight Triangle** means a triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or 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 being 7.5 m measured along the street from the point of intersection of the street lines where the posted speed limit is 50 km/h or less. For speeds with posted speed limits greater than this, the sign triangle to be determined by the Town's Consultant Engineer.

- z. Third party sign** means a sign that is placed on property other than the property to which the information or advertisement pertains.
- aa. Wall sign** means a sign which is painted on or attached directly against the surface of or against or within a recess in the wall or a column or other perpendicular portion of a building and approximately parallel thereto and which extends not more than 30 cm from the architectural feature on which it is attached and shall include a fascia sign.

## 62. Advertisement Permit Required

1. Subject to the provisions of Regulation 64, no advertisement shall be erected or displayed in the Planning Area unless a permit for the advertisement is first obtained from the Council. Permit for erection or display of advertisement on Provincial Highways shall be obtained from the Department of Digital Government and Service NL, and the Department of Transportation and Infrastructure.
2. A sign permit may only be issued in accordance with the permitted uses of the zoning designation that is applicable to the subject property.

## 63. Form of Application

Application for a permit to erect or display an advertisement shall be made to Council in accordance with Regulation 18.

## 64. Advertisement Prohibited in Street Reservation

No advertisement shall be permitted to be erected or displayed within, on or over any street reservation unless it is a premises sign (advertisement relating to on site uses) and unless this sign has been approved by Council and where necessary, Digital Government and Service NL, under the *Highway Sign Regulations, 1999*.

## 65. Permit Valid for Limited Period

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

## 66. Removal of Advertisements

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

1. Hazardous to road traffic by reason of its siting, colour, animation, illumination, maintenance, or structural condition; or
2. Detrimental to the amenities of the surrounding area.

## 67. Advertisements Exempt from Control

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

1. A posting of a candidate in a federal, provincial, or municipal election or a regional school board election.
2. A temporary sign relating to federal, provincial, or municipal public works.
3. A notice required by law to be posted.
4. A regulatory, warning, directional, guide or informational sign erected by the Department of Transportation and Infrastructure.
5. A sign placed by a telephone, telegraph, or electric power company to indicate danger.
6. A sign, not exceeding 0.5 m<sup>2</sup>, advertising the sale or rental of a building or lot upon which the sign is located.
7. A flag, emblem or insignia of a nation, country, or province.
8. A temporary sign related to building construction located on a site on which the work is being carried out.
9. On a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.2 m<sup>2</sup> in area.
10. On an agricultural holding or farm, a notice board not exceeding 1 m<sup>2</sup> in area and relating to the operations being conducted on the land.
11. On land used for forestry purposes, signs or notices not exceeding 1 m<sup>2</sup> in area and relating to forestry operations or the location of logging operations conducted on the land.
12. On land used for mining or quarrying operations, a notice board not exceeding 1 m<sup>2</sup> in area relating to the operation conducted on the land.
13. On a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.2 m<sup>2</sup> in area in connection with the practice of a business carried on in the premises.

14. On any site occupied by a church, school, library, museum, institution, or cemetery, one notice board placed no closer than 3m from a street line.
15. On the principal facade of any commercial, industrial, or public building, the name of the building or the name of the occupants of the building, in letters not exceeding one-tenth of the height of that facade or 3 m, whichever is the lesser.
16. On any parking lot directional signs and one sign not exceeding 1 m<sup>2</sup> in size, identifying the parking lot.
17. A sign indicating the location of a municipal or municipal planning area boundary, located beyond the back slope of a highway ditching.

### 68. Non-Conforming Uses

Notwithstanding the provisions of Regulation 59, a permit may be used for the erection or display of advertisements on a building or within the courtyard of a building or on a parcel of land, the use of which is a non-conforming use, provided that the advertisement does not exceed the size and type of advertisement which could be permitted if the development was in a Use Zone appropriate to its use, and subject to any other conditions deemed appropriate by Council.

### 69. Election Signs

Election signs shall be subject to the following conditions:

1. The erection of election signs shall be permitted on private property provided the property owner has given consent for the erection of such a sign and that the sign does not cause an obstruction to neighbouring properties.
2. The erection of election signs shall be permitted on vacant land owned by the Council, provided the signs do not cause an obstruction to the travelling public or the work of the Council. If in the opinion of the Council, signs are erected contrary to the regulations, signs can be ordered to be removed.
3. Election signs shall not be affixed or attached to existing municipal buildings, structure, signs, or utility poles.
4. Candidates shall remove their election signs within 36 hours after the close of polls on Election Day and shall ensure that the site is cleaned up.
5. If the Candidate fails to remove his or her election signs within 36 hours after the poll close on Election Day, the Council may remove them and dispose of them and the candidate shall be responsible for the cost of the removal and disposal of such signs.
6. No permit fee shall be required for election signs of any candidate or political party during a federal, provincial, municipal, or regional school board election; however, if a portable sign is used for the

purpose of election signage, permits shall be required as outlined by the portable sign regulations.

## 70. Real Estate Signs

Real estate signs shall be subject to the following:

1. No real estate sign shall be affixed to any utility pole or municipal building, structure or sign or be erected or placed on publicly owned land without the permission of the property owner.
2. There shall be a limit of one double-faced sign per property or for every 30m of lot frontage.
3. A corner lot may carry two double-faced signs, one sign for each street.
4. Portable real estate open house signs shall also be permitted provided their placement does not obstruct vehicular or pedestrian movement, and the duration of such placement is limited to the time of the actual open house.
5. A real estate sign marking that the property is “sold” may appear for a limit of two weeks from the date of the closing of the transaction.
6. If the real estate agent fails to remove his or her signs within two weeks from the date of the closing the transaction, the Council may remove them and dispose of them and the candidate shall be responsible for the cost of the removal and disposal of such signs.

## 71. Bench Sign and Advertisement

Bench signs and advertisements shall be approved in accordance with the requirements and conditions as determined by the Council.

## 72. Prohibited Signs

1. Notwithstanding the provisions of this policy, the Council may refuse any sign or advertisement that, in the opinion of the Council, is considered hazardous to road traffic by reason of its siting, colour, animation, illumination or structural condition or is considered detrimental to the amenities of the surrounding area.
2. A sign erected on or over a highway or street reservation or on Town of Clarendville property.
3. A sign erected within the provincial highways designated control lines without the required permit issued by the regional office of Digital Government and Service NL, under the *Highway Sign Regulations, 1999*.

### 73. Stationary Vehicle Signs

Unless otherwise determined by the Council, a sign or advertisement shall not be attached, affixed, or displayed on a vehicle or trailer which is parked or located for the primary purpose of displaying said sign or advertisement.

### 74. Site Triangle

Unless otherwise determined by the Council, no sign or advertisement shall be permitted to be located within the area identified by the Council as the sight triangle at the intersection of streets.

### 75. Electrical or Illuminated Signs

Every electrical or illuminated sign shall be approved by a certified organization that is accepted by the Province of Newfoundland and Labrador and the Standards Council of Canada. A licensed electrician shall undertake the electrical hook up of the sign. Illuminated signs may be required to be switched off during certain periods of the night, depending on their location. This will be determined by Council on a case by case basis.

The *Highway Sign Regulations, 1999*, do not provide for illuminated or digital signs within the designated control lines of a highway.

### 76. Easements

With the exception of portable signs, signs shall not be permitted to locate upon or project within the limits of utility or municipal service easements. Any signs located in close proximity to utility or municipal service easement shall be located in accordance with the requirements of the easement owner.

### 77. Engineering Design Requirements

Signs shall be designed, constructed, and erected to withstand the ice load and wind load requirements as determined by the Town's Consulting Engineer.

Property owners and persons authorized by a property owner, shall ensure that all signs are constructed in accordance with all applicable legislation and regulations and maintained to a safe and visually presentable standard.

The following types of signs shall be signed and sealed by a Professional Engineer or Professional Engineers and Geoscientists of Newfoundland and Labrador (PEGNL):

1. Billboard Signs.
2. Ground Signs or Pylon Signs greater than 3 m in height.
3. Portable Signs (at Council's discretion).
4. Roof Signs.

## 78. Other Information Required

1. Every portable sign or advertisement shall display, in a manner acceptable to the Council, the name and phone number of the sign contractor, and a sign identification tag.
2. In the case of an electrical or illuminated sign, the electrical certification's approval sticker shall be displayed on the sign.

## 79. Advertisements

### 1. Banner Sign

A banner sign shall not be suspended across any street unless approval is granted by the Council. A banner sign attached to a face of a building, fence or other structure shall be considered in a like manner to a wall sign.

### 2. Billboard Sign

A billboard sign shall be permitted provided:

- a. The maximum sign face of a single billboard shall not exceed 21.5 m<sup>2</sup>. Where Council deems appropriate, a double or "super sign" may be permitted but shall not exceed 43 m<sup>2</sup> for a sign face.
- b. Unless otherwise determined by the Council, the maximum overall height of the sign from the surface above the ground to the top of the sign be 8.5 m.
- c. The sign shall be set back a minimum distance of 15 m from the intersection of streets.
- d. The sign shall not be located closer than 5 m to the front or flanking street lot line.
- e. The sign shall not be located closer than 3m to a side lot line.
- f. Not more than two signs are permitted on a lot provided that each sign may have two leasable areas mounted back to back and the total maximum sign face of each sign does not exceed 21.5 m<sup>2</sup> per sign face, with the exception of a "super sign" which shall not exceed 43 m<sup>2</sup> per face and if approved, would comprise the total number of billboard signs permitted on a single lot.
- g. A minimum separation distance of 100 m shall be maintained between signs when on the same side of street and in the same line of sight or visual plane.

- h. A single-faced sign shall be located not more than 2 m from the wall of a building and shall be parallel to the wall and shall not exceed beyond the end of the wall and the height of the roof line of the building to which it is attached.
- i. A wall-mounted billboard shall not block natural light from a window of the building to which the billboard is attached.
- j. The sign shall not interfere or obstruct access to or from a lot or create a visual obstruction to the travelling public.
- k. The sign shall not conflict with adjoining architectural lines or forms or have the effect of materially obscuring the effect of the landscapes.
- l. The sign shall not be located within 60 m to a residential zone and shall not be oriented such that it faces an abutting residential zone or residential lot.
- m. Lighting of the sign shall not be directed towards the street and shall not adversely affect neighbouring areas.
- n. The sign shall be anchored and secured in accordance with the requirements of the Town's Consultant Engineer.
- o. The sign shall be constructed in accordance with engineered drawings approved by the Council.

### **3. Canopy Sign**

A Canopy Sign or awning sign shall be permitted on a wall of a building provided:

- a. The canopy or awning sign does not abut a residential lot or zone.
- b. The minimum vertical clearance beneath the sign to above the surface of the ground shall be 2.2 m.
- c. The sign may extend the full length of a building and the sign shall not extend beyond the end of the wall to which it is attached with the exception of wrap-around signs.
- d. The sign does not project more than 3 m from the wall of the building or structure to which it is attached.
- e. The sign shall not extend over public land or streets except where approved by the Council.
- f. The sign shall not extend over a driving area or parking surface except where approved by the Council.
- g. The sign shall be anchored or secured to the building in accordance with the requirements of the Town's Consultant Engineer.



#### 4. Ground Sign or Pylon Sign

Unless otherwise determined by the Authority, one ground or pylon sign shall be permitted per street frontage of a lot, subject to the following conditions:

- a. The sign shall have a maximum overall vertical height of 8.5 m above the surface of the ground.
- b. The maximum area for the sign face shall be 51 m<sup>2</sup> exclusive of the sign's supports and mounts.
- c. The sign shall have a maximum overall horizontal length of 6.0 m.
- d. The sign shall be setback a minimum distance of half the height of the sign from the property's front lot line.
- e. The sign shall be setback a minimum distance of 1 m from the property's side lot lines.
- f. There shall not be any electrical component of the sign within 1 m above the surface of the ground.
- g. A minimum separation distance of 15 m shall be maintained between ground or pylon signs located on abutting properties.
- h. The ground or pylon sign shall not be permitted to be located along the lot line that abuts a residential lot.
- i. Where there is more than one ground or pylon sign permitted per lot, there shall not be more than one ground or pylon sign for every 30 m of lot frontage.
- j. The sign shall be anchored and constructed in accordance with the engineering drawings approved by the Council.

#### 5. Inflatable Signs

Inflatable signs shall be permitted subject to the following conditions:

- a. A limit of one rooftop or ground inflatable sign per lot or for every 30 m of lot frontage.
- b. The sign shall be setback from a lot line a minimum distance of 1.5 m times the inflated height of the sign.
- c. The sign shall not interfere or obstruct access to or from a lot.
- d. The sign may be illuminated internally or externally but shall not contain flashing or intermittent lighting or lighting which creates glare when viewed by on-coming traffic or by abutting residential uses.
- e. The maximum height and size of the sign shall be determined at the discretion of the Town Council but shall be in accordance with and relevant to standard model sizes and dimensions available from balloon or inflatable advertisement manufacturers.
- f. The sign shall be anchored and properly secured.

- g. The time limit for the sign permit shall be specific to the duration of the event to which the advertisement is related but shall not exceed 30 days. Upon expiration of the sign permit, the permit may be renewed for another 30 day period provided the Council is satisfied that the sign is being maintained to the Authority's satisfaction and the sign conforms to the Regulations and the conditions attached to the permit.
- h. If, in the opinion of the Council, the sign is a hazard or unsafe to the public, the advertisement shall be removed immediately upon notice.

## 6. LED Signs

- a. A Letter of Permission is required from the property owner for placement and location of the sign that will meet the Town's Regulations.
- b. Must provide site plan to indicate the location of the LED Sign and to show the separation distance from any existing signs.
- c. Must meet separation distance of 15.2 metres (50 feet) between existing signs.
- d. Must have a minimum image display time of 10 second.
- e. Must be shielded to reduce glare in a manner acceptable to the Council.
- f. Must have a positive contrast orientation.
- g. Must not have flashing, strobe, or intermittent lights.
- h. Must not have lights in a colour or combination of colours which in the opinion of the Authority may be misinterpreted as an emergency/warning device or vehicle or other traffic control device.
- i. Must have an automatic dimming feature that adjusts to ambient light levels.
- j. Must meet the regulations on general sign requirements and requirements for Ground Sign or Pylon Sign according to the current *Town of Clarendville Advertisement Regulations*.
- k. Sign must be maintained at all times or can be ordered removed by the Council.
- l. The *Highway Sign Regulations, 1999*, do not provide for illuminated or digital signs within the designated control lines of a highway.

## 7. Marquee Signs

A marquee sign shall be permitted on the principle façade of a building subject to the following conditions:

- a. The minimum vertical clearance beneath the sign to above the surface of the ground shall be 3 m.
- b. The sign may extend the full length of a marquee but in no case shall such sign project beyond the ends of such a marquee.

- c. A marquee sign shall not extend over any street, public land, or streets except where approved by the Council.
- d. The sign shall be anchored and secured to the building in accordance with the requirements of the Town's Consultant Engineer.

## 8. Menu Boards

Menu Boards which are used to display and order products on a lot shall be permitted subject to the following conditions:

- a. There shall be one pre-menu board and one menu board per drive-through on a lot.
- b. The maximum area for the sign face of a pre-menu board shall be 2 m<sup>2</sup>.
- c. The pre-menu board sign shall have a maximum height of 3 m above the surface of the ground.
- d. The maximum area for the sign face of a menu board shall be 4.1 m<sup>2</sup> for a single face.
- e. The menu board sign shall have a maximum height of 3 m above the surface of the ground.

## 9. On-Site Traffic Directional Sign

On-site traffic directional signs which direct motor vehicle or pedestrian traffic on a lot shall be permitted subject to the following conditions:

- a. There shall be no limit to the number of on-site traffic directional signs on a lot.
- b. An on-site traffic directional sign shall be confined to directing motor or pedestrian traffic and includes such signs as an entrance sign, an exit sign, or a motor vehicle parking direction sign.
- c. The maximum area for the sign face shall be 0.75 m<sup>2</sup> for a single face.
- d. The sign shall have a maximum height of 1.2 m above the surface of the ground.

## 10. Off-Site Directional Sign

Off-site directional signs, which direct traffic to a commercial or industrial development or use, shall not be permitted. Off-site directional signs related to a charitable, non-profit, or municipally sponsored event, which direct traffic to a community facility may be permitted as determined by the Council 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 the Council.

The *Highway Sign Regulations, 1999*, do not allow for off-site signs in the designated control lines of a provincial highway, except for tourism related signs approved by the Department of Digital Government and Service NL.

## 11. Portable or Temporary Sign

A portable sign shall be permitted provided:

- a. The sign shall have a maximum of two (2) sign faces.
- b. The maximum sign face area shall be 4 m<sup>2</sup>.
- c. The maximum overall height of the sign from ground level to the top of the sign shall be 3 m.
- d. The sign shall be set back a minimum distance of 1.5 m from a lot line and at no time shall be permitted to encroach on town property.
- e. No sign will be permitted to be erected in the public right-of-way or within 15 metres of another portable/temporary sign.
- f. Not more than 1 sign shall be permitted on any one commercial lot. In the case of corner lots, one sign facing each street may be permitted. Signs shall not be located with the sight triangle.
- g. Vacant commercial lots can have a maximum of 3 signs provided they are spaced a minimum of 15 metres.
- h. Signs will not be permitted to be placed so as to obscure other permanent signs, nor shall they be permitted to obstruct access to or from a parking lot, nor interfere, nor obstruct with visibility or line of site.
- i. The sign shall not be placed on a portion of a lot that abuts a residential zone or existing residential lot.
- j. If the sign is illuminated, the sign shall be of a designed approved by the Canadian Standards Association (CSA) and bear the CSA approved decal on the sign.
- k. The sign shall be constructed in accordance with engineered drawings approved by the Council.
- l. The number of messages on a single sign shall be limited to those that can be read at normal driving speed without impairing safety.
- m. The advertisements shall be securely anchored.
- n. The portable sign permit shall be valid for a period of 6 months from the date of issue by the Authority. Upon expiration of the sign permit, the sign is to be removed or a new sign application submitted to the Authority and such permits may be renewed for further period of 6 months upon application and approval.
- o. When erecting a sign on property other than your own, written permission from the property owner will be required prior to issuing permits.
- p. The sign may be ordered removed by the Council at any time if any of the above noted conditions are not being followed.

## 12. Sidewalk Sign

A sidewalk sign shall be permitted subject to the following conditions:

- a. The sign shall only be displayed or erected on the public street abutting the business, only in cases where it is not possible because of the size of the lot, to locate a ground or portable sign entirely on the lot, on the same lot as the business for which the sign applies.
- b. The sign shall have a maximum height of 1 m.
- c. The sign shall have a maximum of two sign faces.
- d. The sign shall have a maximum sign face of 0.55m<sup>2</sup> for each sign face.
- e. The sign shall be displayed only between sunrise and sunset of every business day and shall be taken indoors at all other times.
- f. The sign shall not be located within 3 m of a driveway access.
- g. The sign shall be located as close to the building face as possible and maintain a minimum unobstructed sidewalk width of 1.5 m.
- h. The sign shall be secured in accordance with the requirements of the Town's Consultant Engineer.

## 13. Projecting Sign

A projecting sign shall be permitted on any principal façade of a building subject to the following conditions:

- a. The minimum vertical clearance beneath the sign above the surface of the ground shall be 3 m.
- b. The maximum overall projection of the sign from the building shall be 3 m.
- c. The sign is a rigid sign and its design and construction does not permit it to swing in the wind.
- d. A projecting sign shall not extend over public land or streets except where approved by the Council.
- e. A projecting sign shall not extend over a driving area or parking surface except where approved by the Council.

## 14. Roof Sign

One roof sign per building shall be permitted subject to the following conditions:

- a. The sign shall not exceed the maximum permitted height of a building as specified in the use zone in which the building is located.
- b. The height of a roof sign shall respect the scale of the building and neighbourhood where it is located. The maximum height of a roof sign located on a flat roof building shall be 2 m, whereas the maximum height of a roof sign located on a pitch roof shall be half the height of the roof pitch.
- c. The sign shall not project beyond the exterior wall or walls of the building to which it is attached.

- d. The electrical wiring of a roof sign shall be in accordance with the requirements of the current National Building Code.
- e. The sign shall be anchored or secured to the building in accordance with the requirements of the Town's Consultant Engineer.
- f. The sign shall be constructed in accordance with engineering drawings approved by the Council.

### **15. Third Party Signs**

- a. Signs proposed to be sited on a property other than the property to which the advertising pertains shall be limited to those proposals where advertising need is established, and as approved by Council.
- b. Third party signs, where so permitted, shall provide for a higher level of visual design, including sign base and ground level landscaping treatment where deemed necessary by the Town.
- c. Third party sign applicants are required to submit an application on a form provided by the Town, and further provide the Town with a comprehensive proposal that addresses property location, property owner authorization, sign design and landscaping detail, and other information as required by the Town.

### **16. Wall Sign**

A wall sign shall be permitted subject to the following conditions:

- a. A wall sign may be placed on a wall or building abutting any street or public highway provided the wall sign does not immediately face a residential lot or zone.
- b. Unless otherwise determined by Council, the total area of all wall signs on any one architectural elevation of a building shall not exceed 20% of the building face.
- c. The length of the sign shall not be longer than the horizontal measurement of the wall or building façade to which it is attached and the sign shall not extend beyond the end of the wall to which it is attached with the exception of wrap around signs.
- d. A wall sign shall not project more than 30 cm from the wall of the building.
- e. Where permitted by the Council, a wall sign projecting over public property shall be erected with a vertical clearance not less than 3m above the surface of the ground.
- f. The wall sign shall be of an architectural scale and styling that is, in the opinion of the Council, is

in keeping with architectural scale and styling of the building to which it is attached.

- g. No wall sign shall be permitted to cover any part of a required exit in a building or obstruct free access thereto or egress there from.
- h. The sign shall be anchored or secured to the building in accordance with the requirements of the Town's Consultant Engineer.

### **17. Multi-Tenant Building Sign**

Notwithstanding the above requirements, signs for buildings housing two or more uses or occupancy shall be limited to one wall sign per use or occupancy and one pylon or ground sign per street frontage for the whole building. Such pylon or ground sign shall display the advertisement for all uses or occupancies housed in the building.

### **18. Signs Along the Trans-Canada Highway**

The Government of Newfoundland and Labrador *Highway Sign Regulations, 1999*, apply within the designated control lines of all provincial highways constructed and maintained by the Department of Transportation and Infrastructure. The erection or placement of any sign within the designated control lines of the Trans-Canada Highway passing through the town is therefore subject to dual jurisdiction, and must meet the conditions of the provincial government as well as the Authority, as follows:

- a. The sign shall be approved in accordance with the provincial *Highway Sign Regulations, 1999*, and a highway sign permit must be obtained from the Department of Digital Government and Service NL. The *Highway Sign Regulations, 1999*, do not provide for illuminated or digital signs within the designated control lines of a highway.
- b. The *Highway Sign Regulations, 1999*, do not allow for off-site signs except for tourism related signs within the designated control line along provincial highways.
- c. The sign shall meet the conditions of Council for the particular type of sign as outlined in the use zone in which the sign is located.

### **19. Cessation of Use**

Upon the cessation of a use, event or a business, any sign or advertisement associated with that ceased use, event or business shall be removed within thirty days of the cessation of the use, event, or business.

### **20. Application To Existing Signs and Advertisements**

Every existing sign and advertisement approved by the Council shall be brought into conformity with these Regulations in the event of their structural alteration, relocation, or replacement. Maintenance and repair of the sign or advertisement shall not be deemed in itself to constitute an alteration. In the case of portable

or inflatable signs conformity to these Regulations shall be immediate.

**21. Signs or Advertisements Not Specifically Covered**

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



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## Part IV - Subdivision of Land

### 80. Application of Part IV

Part IV of these regulations applies each of the following:

1. The subdivision of land under single ownership into two or more lots, including the residual lot;
2. Construction, upgrading, or extension of a public road; and
3. Extension or upgrading of the municipal water and sewer system.

### 81. Permit Required

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

### 82. Services to be Provided

No permit shall be issued for the development of a subdivision unless provisions satisfactory to the Authority have been made in the application for a supply of drinking water, a properly designed sewage disposal system, and a properly designed storm drainage system and properly designed roads.

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

No permit shall be issued for the development of a subdivision until agreement has been reached for the payment of all fees levied by 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.

### 84. Permit Subject to Considerations

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

1. The location of the land;
2. The availability of and the demand created for municipal infrastructure, municipal services, and utilities;
3. The provisions of the Plan and Regulations affecting the site;
4. The land use, physical form, and character of adjacent developments;

5. The transportation network and traffic densities affecting the site;
6. The relationship of the project to existing or potential sources of nuisance;
7. Geology and soil characteristics;
8. The topography and drainage characteristics of the site;
9. Natural features such as watercourses, coastal shorelines, trees, and shrubs;
10. Prevailing winds;
11. Visual quality and effect on views from existing subdivisions;
12. Schools and community facilities;
13. Energy conservation;
14. Environmental effects with respect to watercourses, wetlands, steep slopes, drainage patterns, stormwater generation and control, coastal resources, and loss or fragmentation of habitat;
15. Municipal financial costs related to the provision and maintenance of streets, water, sewer, other infrastructure, and municipal services;
16. Effects on the sustainability of important resource lands, including water supply areas, agricultural land, forestland, and aggregate resources; and
17. Such other matters as may affect the proposed development.

## **85. Subdivision Application Requirements**

For every subdivision of land involving the construction of a new street or extension of an existing street, an application and development plan must be submitted to Council. The general requirements of a subdivision development plan are provided below. In addition, Council may stipulate specific requirements that are pertinent to a particular area.

1. An inventory of the site's natural characteristics, including, but not necessarily limited to, topography, natural drainage, soils, forest cover, wetlands, watercourses, and the existence of any sensitive areas or habitat.
2. Proposed street and lot layout and linkages to existing or proposed streets.
3. Proposed land uses within the area. Provision for access to adjacent undeveloped areas.
4. Proposed open space to be reserved for public use.
5. Proposed natural conservation areas to be used for stormwater drainage control or other environmental protection needs.
6. Proposed buffers, screening, or other measures to ensure compatibility with surrounding land uses.

7. Proposed phasing plan that describes the size and location of each stage in which the development of streets and lots will proceed.

### **86. Phasing of Residential Subdivisions**

1. No single phase of a residential subdivision development will be permitted to include more than fifty (50) lots unless otherwise authorized by Council.
2. No subsequent phase of a residential subdivision development will be issued a permit to proceed until the preceding phase has been completed to Council's satisfaction.

### **87. Building Permits Required**

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

### **88. Form of Application**

Application for a permit to develop a subdivision shall be made to Council in accordance with Regulation 18.

### **89. Subdivision Subject to Zoning**

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

### **90. Dedication of Land for Public Purposes**

1. Before a development commences, the developer shall, if required, dedicate to Council for public purposes, at no cost to Council, an area of land equivalent to 10% of the gross area of the subdivision site, provided that:
  - a. Where land is subdivided for any purpose other than residential use, Council shall determine the percentage of land to be dedicated.
  - b. The location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of Council but in any case, Council shall not accept land which, in its opinion is incapable of development for any purpose or is located in a zone, sensitive area, or other

area where development would not be permitted.

- c. Council may accept from the developer in lieu of such area or areas of land the payment of a sum of money equal to the value of the land which would otherwise be required to be dedicated.
  - d. Money received by Council in accordance with 89(1)(d) shall be reserved by Council for the purpose of the acquisition or development of land for public purposes.
2. Land dedicated for public use in accordance with this Regulation shall be conveyed to Council and may be sold or leased by Council for the purposes of any development that conforms with the requirements of these Regulations, and the proceeds of any sale or other disposition of land shall be applied against the cost of acquisition or development of any other land for the purposes of public open space or other public purposes.
  3. Any land that is zoned or otherwise required to be set aside and remain undeveloped for environmental protection, stormwater management, or similar purposes will not constitute the requirement of land for public use under 89(1) unless otherwise decided by Council.

## 91. Structure in Street Reservation

The placing within any street reservation of any structure (for example, a hydro or telephone pole, fire hydrant, mailbox, school bus shelter, signpost) shall not be approved by Council unless or until it is satisfied on the question of safe construction and relationship to other buildings or other structures within the street reservation and the relationship to safe movement of vehicles and pedestrians.

## 92. Subdivision Design Standards

Except as otherwise specified in a Subdivision Policy adopted by Council, 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:

1. The finished grade of streets shall not exceed 10 percent.
2. The development of cul-de-sacs will not be permitted except:
  - a. On sites where there is no reasonable alternative to achieve efficient development of land, and
  - b. On sites where a cul-de-sac would be preferable from an environmental protection standpoint.
3. In cases where Council does permit the development of a cul-de-sac, it will be subject to the following:
  - a. The turning circle of a cul-de-sac will have a driving surface diameter of not less than 30 metres.
  - b. The maximum length of a cul-de-sac will be 250 metres.
  - c. No cul-de-sac shall be located so as to appear to terminate a collector street.

- d. All cul-de-sac water mains will be connected to a water main on an adjoining street or will be looped back to ensure continuous water flow and prevent stagnant water at the end of dead-end pipes.
- 4. New subdivisions shall have street connections with an existing street or streets.
- 5. All street intersections shall be constructed within 5 degrees of a right angle and this alignment shall be maintained for 30 m from the intersection.
- 6. No street intersection shall be closer than 60 metres to any other street intersection.
- 7. No more than four streets shall join at any street intersection.
- 8. No residential street block shall be longer than 490 m between street intersections.
- 9. Streets will be designed in accordance with the approved standards of Council, but in the absence of such standards, shall conform to the following minimum standards:

Type of Street	Street Reservation	Pavement Width	Walkway Width and Design	Walkway Number
Arterial Streets	30 m	15 m	Discretion of Council	Discretion of Council
Major Collector Streets	25 m (can be varied to no less than 20 m at the discretion of Council)	10 m or discretion of Council	Discretion of Council	Discretion of Council
Minor Collector Streets	15 m	9 m or discretion of Council	Discretion of Council	Discretion of Council
Local Streets	15 m (can be varied to no less than 12.2 m at the discretion of Council)	7.3 m	Discretion of Council	Discretion of Council
Service Streets	15 m (can be varied to no less than 12.2 m at the discretion of Council)	7.3 m	Discretion of Council	Discretion of Council

10. No lot intended for residential purposes shall have a depth exceeding four times the frontage.
11. No residential lot will be permitted that abuts a street at both front and rear lot lines.
12. Council may require any existing natural, historical, or architectural feature or part thereof to be retained when a subdivision is developed.
13. Land shall not be subdivided in such a manner as to prejudice the development of adjoining land.

### **93. Engineer to Design Works and Certify Construction Layout**

1. Plans and specifications for all water mains, hydrants, sanitary sewers, storm sewers and all appurtenances thereto and all streets, paving, curbs, gutters and catch basins and all other utilities deemed necessary by Council to service the area proposed to be developed or subdivided shall be designed and prepared by or approved by the 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 water mains, hydrants, sanitary sewers and all appurtenances and of all such streets and other works deemed necessary by Council to service the said area.

### **94. 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.

### **95. Street Works May Be Deferred**

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

deposit, Council shall refund the amount by which the deposit exceeds the contract price. Any amount so deposited with Council by the developer shall be placed in a separate savings account in a bank and all interest earned thereon shall be credited to the developer.

### **96. Transfer of Streets and Utilities to Council**

1. The developer shall, following the approval of the subdivision of land and upon request of Council, transfer to Council, at no cost to Council, and clear of all liens and encumbrances:
  - a. All lands in the area proposed to be developed or subdivided which are approved and designated by Council for public uses as streets, or other rights- of-way, or for other public use; and
  - b. All services or public works including streets, water supply and distribution and sanitary a storm drainage systems installed in the subdivision that are normally owned and operated by Council.
2. Before Council shall accept the transfer of lands, services or public works of any subdivision, the Engineer shall, at the cost to the developer, test the streets, services and public works installed in the subdivision and certify his satisfaction with their installation.
3. Council shall not provide maintenance for any street, service, or public work in any subdivision until such time as such street, service or public work has been transferred to and accepted by Council.

### **97. 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:

1. The lot can be hooked into the municipal water supply and sewage systems; and
2. Satisfactory access to a street is provided for the lots.

### **98. 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.



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# Part V - Use Zones

## 99. 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 103(3), the permitted use classes, discretionary use classes, standards, requirements, and conditions applicable to each Use Zone are set out in the Use Zone Tables in Schedule C of these Regulations.
3. Where standards, requirements, and conditions applicable in a Use Zone are not set out in the Use Zone Tables in Schedule C, Council may in its discretion, determine the standards, requirements and conditions which shall apply.

## 100. Map Interpretation

The boundaries of the Use Zones shown 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.

## 101. Use Classes

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

## 102. Permitted Uses

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

## 103. Discretionary Uses

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone Table in Schedule C may be permitted in that Use Zone if Council is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal

Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if Council has given notice of the application in accordance with Regulation 30 and has considered any objections or representations which may have been received on the matter.

#### **104. Uses Not Permitted**

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

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## Schedule A - Definitions

**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:

- a. 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;
- b. In the case of a residential use, a domestic garage, carport, ramp, shed, swimming pool, greenhouse, cold frame, fuel shed, vegetable storage cellar, shelter for domestic pets, or radio or television antenna;
- c. In the case of a commercial use, an office, workshop, storage building, or garage; and
- d. In the case of an industrial use, a garage, office, workshop, storage building, raised ramp, or dock.

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

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

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

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

- a. the clearing, draining, irrigating or cultivation of land;
- b. the raising of livestock, including poultry;
- c. the raising of fur-bearing animals;
- d. the raising of bees;
- e. the production of agricultural field crops;
- f. the production of fruit and vegetables and other specialty horticultural crops;

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

**AFFORDABLE HOUSING** means the annual cost housing including, mortgage, principal and interest payments, and maintenance and upkeep, or gross rent that does not exceed 30% of gross annual household income.

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

**ANTENNA** means a television, radio, or communications transmitting or receiving mast.

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

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

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

**AQUACULTURE USE** means any land used for the hatching, raising, and breeding of fish or other aquatic plants or animals for sale or personal use, but does not include the cultivation of aquatic plants and animals in a laboratory for experimental purposes or in an aquarium.

**ARTERIAL STREET** means a street in the Planning Area constituting a main traffic artery in the town and identified as arterial street or highway in the Municipal Plan or on the Zoning Map.

**APPROVAL IN PRINCIPLE** means that Council when considering a development application shall evaluate the application to the development requirements within the Town. If the proposed development meets the development requirements of the Town an approval in principle maybe given to the application. Final approval and issuance of a permit to commence development are subject to the agreement by the applicant to meet specified conditions as outlined by Council.

**AUTHORITY** means the Town Council of Clarendville, authorized administrator or regional authority.

**AUTO BODY SHOP** means a building or premises used for the commercial repair of damage to the chassis of an automobile, including major and minor collision damage, frame and panel straightening, repainting and refinishing, and similar activity.

**BED AND BREAKFAST** means a home occupation within a single-family dwelling operated by an on-site owner/operator, wherein not more than six (6) rooms are provided with or without meals, for hire or pay, for the travelling or vacationing public. The establishment shall be registered by Canada Select and approved by the Provincial Department of Tourism, Culture Arts and Recreation.

**BUFFER ZONE** means 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 shoreline as prescribed by Section 7(1) of the *Lands Act, 1999*.

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.

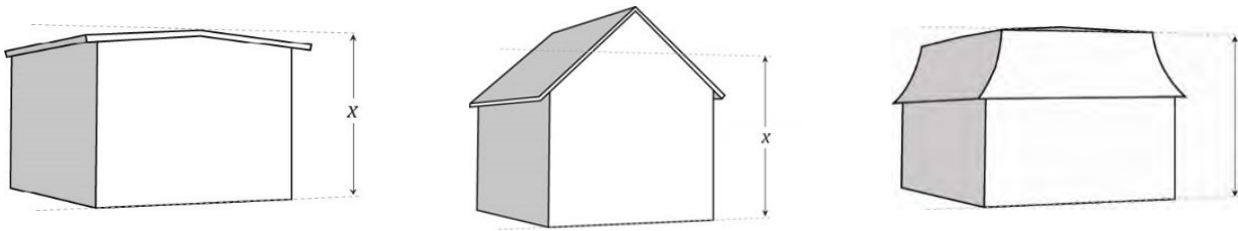
**BUILDING** means a structure, erection, excavation, alteration, or improvement whatsoever placed on, over or under land, or attached, anchored, or moored to land, and includes mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial, and other like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

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

- a. the highest point of the roof surface of a flat roof,
- b. the deck line of a mansard roof, and
- c. 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.

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





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

**CAMPGROUND** means an area of land, managed as a unit, for the accommodation of any combination of three (3) or more tents, recreational vehicles, or travel trailers used on a short term or seasonal basis, and where the accessory uses could include an administrative office, clubhouse, snack bar, laundry, convenience store, swimming pool, washroom, and recreational facility.

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

**COASTAL FEATURE** means land adjoining or near the ocean that forms part of the coastal environment, including an inter-tidal area, beach, beach bank, dune, coastal marsh, ocean or coastal cliff, rock platform, and rock crevice.

**COCKTAIL LOUNGE (LOUNGE)** means a bar, pub, restaurant, or other such building licensed to serve alcoholic drinks.

**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 or on the Zoning Map.

**COMMERCIAL LIVESTOCK** means cattle, sheep, horses, and other such animals held or raised by a person for sale.

**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 streets 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;

**CONTINUOUS WATERCOURSE** means a stream, river, lake, or estuary, which flows for all of the year.

**CONVENIENCE STORE** means a retail commercial establishment supplying groceries, sundries, and other daily household necessities to the immediate surrounding area.

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

**CORNER LOT SIGHT TRIANGLE** means a corner lot, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height greater than 1 metres above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of 6 metres from the point of intersection.

**COUNCIL** means the Council of the Town of Clarendville having jurisdiction of the Clarendville Municipal Plan and Development Regulations.

**CREMATORIUM** means a facility designed for the incineration and cremation of human remains.

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

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

- a. The making of an access onto a highway, road, or way,
- b. The construction of a building,
- c. The erection of an advertisement or sign, and

- 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 of any building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building;
- 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; and
- 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 AGREEMENT** means a written agreement between the municipality and a developer which establishes particular circumstances and conditions under which a development may be carried out.

**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, top of the bank of a watercourse, coastal feature, or other point specified in these Regulations and the nearest part of a building, structure, excavation, or other use of land.

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

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

**DRAINAGE PLAN** means a report, prepared by a professional person such as an engineer, based on a bio-

physical assessment of a residential subdivision lot(s) to determine how surface water catchment will be managed, controlled, and mitigated so as to not cause water runoff to adjoining land.

**DRIVEWAY** means a vehicular passageway having at least one end thereof connected to a public road 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.

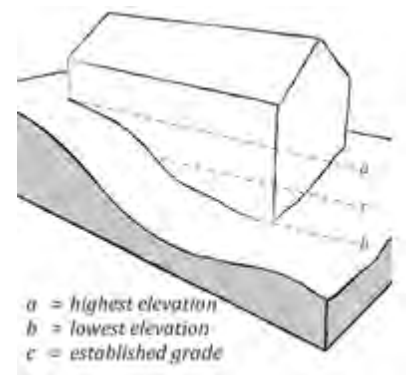
**EASEMENT** means a right to cross or otherwise use someone else’s land for a specified purpose.

**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.

**ENVIRONMENTALLY 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.

**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 mining of soil, gravel, or bedrock material to prepare a site for development or to sell for off-site use.

**FISHERIES FACILITY** means an onshore facility located next to or in the vicinity of coastal waters for a purpose related to commercial fishing or fish processing.

**FLOOD PLAIN, DESIGNATED** means a specific flood plain in Clarendville for which a hydro technical 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** means the inner portion of a flood risk area where the risk of flooding is the greatest, on average once in twenty years (1:20) and where the flood depths and water velocities are greatest.

**FLOODWAY FRINGE** means the outer portion of a flood risk area, between the floodway and the outer boundary of the flood risk area, where the risk of flooding is lower, on average once in one hundred years (1:100), and flood waters are shallower and slower.

**FLOOD RISK AREA** means an area usually consisting of lowlands, adjoining the channel of a watercourse or estuary, which may be covered by floodwater during a 1:20 or a 1:100 year flood. The Department of Climate Change and Environment provides 1:20 floodway mapping and 1:100 floodway fringe mapping.

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

**FLOOD ZONE, CLIMATE CHANGE** is based on the extension of the floodway fringe, where this area is likely to be impacted due to the latest forecasted effects of climate change.

**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, pulpwood, sawlogs, Christmas trees, and other products.

**FRONTAGE** means the horizontal distance between side lot lines measured at the building line, or in the case of a lot on the turning circle of a cul-de-sac, the horizontal distance measured at the building line.

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

**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 buying or selling plants and garden equipment, furnishings, and supplies.

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

**GENERAL INDUSTRY** means the use of land or buildings 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; and
- e. Tools and equipment rental shops.

**GRADE** – See ESTABLISHED GRADE.

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

**GROUNDWATER** means any flowing or standing water below the surface of the earth.

**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 exposed bedrock.

**HAZARDOUS INDUSTRY** means the use of land or buildings for industrial purposes involving the use of materials or processes that because of their inherent characteristics constitute a special hazard by reason of fire, explosion, radiation, pollution, noxiousness, risk to human health, or other hazard.

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

**HEIGHT** – See BUILDING HEIGHT.

**HOME OCCUPATION** means the use of part of a dwelling for pursuits compatible with a domestic household and which is carried on by members of the one family residing in the dwelling house provided that the uses permitted in a residential area are: office including services performed by a professional lawyer, accountant, architect, engineer, planner, insurance agent, realtor; salon including services provided by a hairdresser, barber, esthetician, beautician; medical such as services provided by a massage therapist, chiropractor, psychologist; light industrial uses related to arts, crafts and culture, including dressmaking, weaving, knitting, painting, sculpting, photography; instruction in arts, crafts, music and dance; and bed and breakfast operation. Other uses may be permitted at the discretion of council.

**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.

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

**INFILL LOT** means a vacant lot that remains, or is subdivided from another lot, following completion of the initial development of an area.

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

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

- a. Are involuntarily detained, or detained for penal or correctional purposes, or whose liberty is restricted; or
- b. Require special care or treatment because of age, mental or physical limitations or medical conditions.

**INTERMITTENT WATERCOURSE** means a watercourse that flows for only a part of the year, such as

during snowmelt, spring runoff, rainstorms, and wet periods.

**KEEPING OF LIVESTOCK** means the raising, feeding, care and use of livestock.

**KENNEL** means land and buildings where five (5) or more domestic animals such as dogs, cats, and birds, are boarded, bred, trained, or otherwise cared for, and 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** means the development of land by altering the topography and ground cover and may include the use of turf, plants, shrubs, trees, retaining walls and fences.

**LANDSCAPE PLAN** means a two dimensional scaled concept plan showing the land or lot boundaries which would include proposed development of the land by using turf, plants, shrubs, trees, retaining walls and fences for aesthetic or practical purposes. A Landscape Plan may include, but not limited to, the arrangement or modifying land features, such as tree retention or planting, garden edging or retaining, planting, screening, fencing or earthwork (alteration or drainage).

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

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

**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.

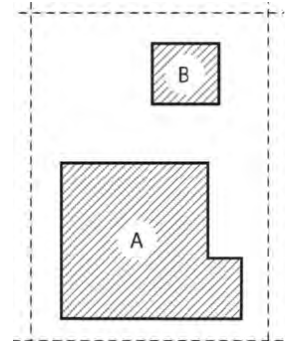
**LOT AREA** means the total horizontal area within the lines of the lot.



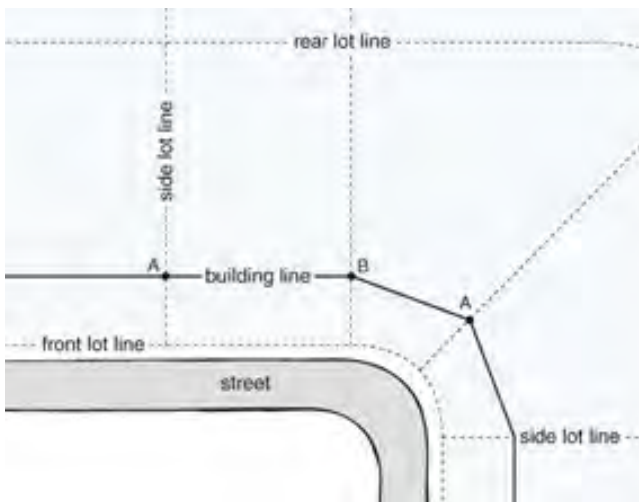
**LOT, CORNER** means a lot having two or more sides fronting onto two or more adjacent streets.

**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.

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



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



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

**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(S)** means the primary purpose(s) for which a building, other structure or lot is designed, arranged, or intended, or for which a lot may be used under this regulation.

**MANUFACTURING** means the use of land, building, or structures for the purpose of manufacturing,

assembly, making, preparing, processing, finishing, treating, altering, repairing, warehousing, storing, or adapting for sale of any good, substance, article, or thing.

**MARINA** means a dock or basin together with associated facilities where slips, moorings, supplies, repairs, storage, sales, rentals, refueling, and other services that are typically available for boats and other watercraft and may include a club house and catering facilities. It can also include an associated boathouse or shed.

**MARINE FACILITY** means a wharf or onshore facility located in the vicinity of coastal waters for a purpose related to marine transportation, ship repair, refueling, and other marine services.

**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.

**MINI STORAGE ESTABLISHMENT** means one or more buildings containing separate spaces that are offered by lease or rent for the storage of goods.

**MINERAL EXPLORATION (Development)** means the search for and sampling of minerals or quarry materials where the activity or activities involved meet the definition of “development” under the *Urban and Rural Planning Act, 2000*. “Mineral” and “quarry material” for the purpose of interpreting the definition of mineral exploration (development) are as defined in the provincial *Mineral Act* and *Quarry Materials Act, 1998*, respectively. Mineral exploration does not include mining or mineral working (e.g. quarrying). Activities which meet the definition of mineral exploration (development) are to be contrasted with mineral exploration activities that do not meet the definition of development, examples of which typically include traditional prospecting, geochemical sampling surveys (of rock, soil, sediment, water or vegetation), ground-based and airborne geophysical surveys, and the cutting of survey lines.

**MINERAL WORKING** means an operation consisting of one or more of the following activities: the digging for, excavation, and removal of quarry materials (e.g. quarrying) (may involve blasting), the removal of quarry materials previously excavated, the removal of quarry materials previously deposited on site, the stockpiling of quarry materials, the processing of quarry materials (e.g. crushing, screening, washing), the production of civil construction materials which use quarry materials in their natural form (e.g. asphalt, concrete), the re-processing of quarry materials including from reclaimed civil construction materials (e.g. reclaimed asphalt, concrete), the production of soil by blending organic materials with quarry materials, or

the treatment or remediation of soil.

“Quarry material” for the purpose of interpreting the definition of mineral working is defined in the provincial *Quarry Materials Act, 1998*. Mineral working does not include mining but may include mineral exploration (development) as a secondary activity. Mineral working does not include the excavation and removal of quarry materials as by-product of an approved development

**MINING** means an operation involving the extraction of a mineral for sale and for which a mining lease is required under the provincial *Mineral Act*, administered by the Department of Industry, Energy and Technology. “Mineral” for the purpose of interpreting the definition of mining is as defined under the *Mineral Act*. Mining may include, as secondary activities, mineral exploration (development) and mineral working.

**MINI-HOME** means a prefabricated single dwelling unit that complies with the National Building Code and to Canadian Standards Association (CSA) standards, is designed to be used with or without a permanent foundation, has a width of less than 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.

**MINISTER** means the Minister of Municipal and Provincial Affairs responsible for the *Urban and Rural Planning Act, 2000*.

**MODULAR HOME** means a dwelling unit constructed in accordance with the standards set forth in the National Building Code and to CSA standards and compose of components assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular home may consist of two or more sections, transported to the site, and erected and joined together on the site.

**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.

**MULTIPLE DWELLING** means a dwelling containing more than two dwelling units, such units being constructed with common walls on the same level with individual entrances directly from the outside.

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

**OPEN SPACE RECREATION** means all space (public and private) that is open to the sky and is used or has the potential to be used for recreation. Generally open space is owned and maintained by a public agency for the use and enjoyment of the general public. Open space is typically free of vehicular traffic, parking, and undue hazard, and readily accessible by all for whom it is intended. The use of open space can be categorized as passive recreation or active recreation.

Open space serves people in a physical, educational, aesthetic, or protective way. This may include both natural and manmade areas and facilities such as: trails, tot lots, parks, playing fields, community gardens, ravines, watershed areas, buffers, environmental reserves, and the like.

**OUTDOOR AMUSEMENT USE** means a confined outdoor recreational use, and, without limiting the generality of the foregoing, may include a drive-in theatre, driving range, mini-golf facility, or similar use.

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

**PERMANENT STRUCTURE** means a building or part thereof or any built structure which includes a foundation or permanent base of earth, rock, concrete, or other materials.

**PERMIT TO DEVELOP** means the general term referring to all permits or licenses approved by Council and shall include all conditions, agreements or provisions attached thereto.

**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 FACILITY** – 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, beauty salons, gyms, computer service shops, hobby shops, and photo studios.

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

**PLACE OF WORSHIP** means a building or land commonly used for public worship by any religious organization and may include an associated or accessory rectory, manse, church hall, auditorium, or religious school.

**PLANNED UNIT DEVELOPMENT** (PUD) means a development that allows flexibility in the design and zoning standards of a subdivision. Approval of a PUD generally sets an overall density limit for the entire subdivision, allowing the dwelling units to be clustered to provide for common open space.

**PLANNING AREA** means a regional planning area and a municipal planning area established under section 6 and 11 of the Act. For the purpose and context of these regulations, the Planning Area shall mean the area within the municipal boundaries of the Town of Clarendville.

**PREFABRICATED HOME** means a building which is capable of being occupied exclusively as a dwelling and which is comprised of prefabricated components manufactured off-site in a factory and that complies with the National Building Code and CSA standards and is transported and erected on a lot.

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

**PRINCIPAL BUILDING(S)** – See MAIN BUILDING.

**PROHIBITED USE** means a use that is not listed within the permitted use classes set out in the use zone tables of Council's development regulations, but does not include a use that Council, in accordance with Paragraph 104, has deemed to be similar to a permitted or discretionary use.

**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 recreation 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.

**PUBLIC ROAD** - see STREET.

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

**RECREATION** means any socially acceptable activity pursued during one's leisure time, either individually or collectively, that provides immediate personal enjoyment.

**RECREATION, ACTIVE** means leisure time activities, usually of a formal or organized nature and often performed with others, requiring equipment, and taking place at prescribed buildings, structures, sites, or fields.

**RECREATIONAL FACILITY** means a place, building or structure designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

**RECREATION, PASSIVE** means activities that involve relatively inactive pursuits such as walking, sitting, picnicking, or table games such as checkers, card games, and similar. Passive Recreation also means a recreational use not requiring buildings and not altering the soil, or topography, such as open space and natural areas of the environment such as forests, hills, cliffs, coastlines, and the like.

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

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

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

**RETAIL USE** means a store or shop engaged in the sale of goods to individual customers for personal use rather than for resale, and without limiting the generality of the foregoing, may include: stores engaged in the sale of antique and second-hand articles, appliances and tools, art and crafts, books, clothing, garden supplies, recreation and sporting goods, bakeries, drug stores, convenience stores, florists, and video rental stores, but does not include any use separately listed in a zone.

**ROWHOUSE or ROW DWELLING** means a residential structure which is built as and continues to represent one of a group of three or more houses and is separated from one of more the other units by a common wall either above or below grade, which does not provide access between the units.

**SALVAGE YARD** means a building or land where scrap metal, motor vehicles, and vehicular parts are collected and are wrecked, crushed, demolished, sorted, disassembled, repaired, and resold.

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

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

**SENIORS HOUSING AND PERSONAL CARE FACILITY** means a comprehensive development that includes detached or attached living units to accommodate seniors and disabled persons, as well as associated indoor or outdoor facilities to provide for the care, recreation, and social needs of these residents.

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

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

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

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

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

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

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

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

**SLOPE** means the rate of vertical change of the surface of the ground expressed as a percentage figure and determined by dividing the change in vertical distance by the change in horizontal distance.

**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 designed for the passage of 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 Infrastructure.

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

**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.

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

**SUBDIVISION (RESIDENTIAL)** means a concept proposal approved by Council to subdivide property into residential lots subject to conditions outlined in a development agreement. It generally shows topographic information and natural features, such as rivers and vegetation. The concept proposal will also identify proposed residential lots which may typically require infrastructure such as streets drainage, culverts pavement, sidewalks, and curbs.

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



**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.

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

**TOPSOIL REMOVAL** means the use of land for the excavation and removal of topsoil from the site for commercial purposes in accordance with applicable Provincial legislation and regulations.

**TOWNHOUSE** means a residential dwelling unit which is connected by one or more walls to a series of similar units, usually sharing the same street frontage.

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

**TRUCKING/HEAVY EQUIPMENT DEPOT** means a building or land used for the maintenance, servicing, storage, or repair of trucks, heavy equipment, and similar commercial vehicles, including the dispensing of fuel and petroleum products and the sale of parts and accessories.

**URBAN AGRICULTURE** means the growing of food by cultivating plants and raising animals in the city. Urban agriculture takes many shapes and can be found in parks and public spaces, community gardens, back yards, decks, and balconies. Urban agriculture includes the growing of fruit and vegetables as well as animal husbandry limited to the keeping of laying hens and quails.

**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 in Schedule C of the Regulations relate.

**UTILITY** means a utility provided by any agency, which, provides the public with electricity, heat, steam, communications, water, sewage, garbage collection, or other similar service;

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

**VETERINARY CLINIC** 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.

**WATERCOURSE** means the full width and length, including the bed, banks, side and shoreline, or any part, of a river, stream, spring, brook, lake, pond, reservoir, estuary, or other natural or artificial freshwater 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;

**WATERCOURSE VEGETATION LINE** means the line of naturally occurring terrestrial vegetation present along the banks of a river or stream or on the shore of a lake;

**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.

**WIND TURBINE** means a generator specifically designed to convert kinetic energy in wind into electrical energy, which may or may not be to an electrical utility grid.

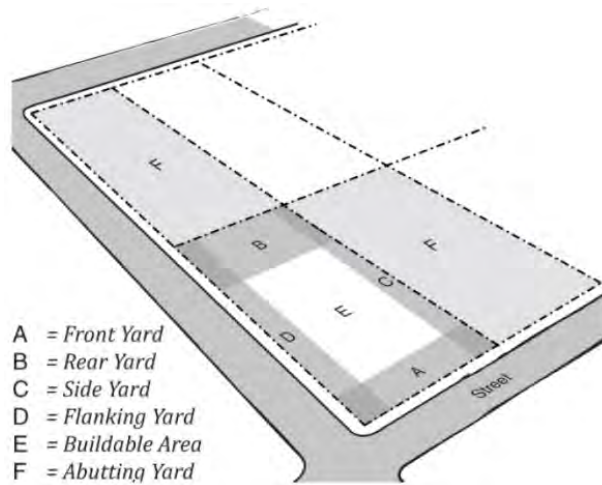
**YARD** means an open uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in these Regulations.

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

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

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

**YARD, FLANKING** means the sideyard of a corner lot which sideyard extends from the front yard to the



rearyard between the flanking lot line and the nearest main wall of any main building or structure.

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

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

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## Schedule B - Classification of Uses of Land and Buildings

Group	Class	Examples
<b>Assembly Uses</b>	Theatre	Motion Picture Theatres T.V. Studios admitting an audience
	Cultural and Civic	Libraries, Museums, Art Galleries, Court Rooms, Meeting Rooms, Council Chambers
	General Assembly	Community Halls, Lodge Halls, Dance Halls, Gymnasia, Auditoria, Bowling Alleys
	Educational	Schools, Colleges (non- residential)
	Place of Worship	Churches and similar places of worship, Church Halls
	Passenger Assembly	Passenger Terminals
	Club and Lodge	Private Clubs and Lodges (non-residential)
	Catering	Restaurants, Pubs, Bars, Lounges
	Funeral Home	Funeral Homes, Chapels and Crematorium
	Child Care	Day Care Centres
	Amusement	Electronic Games Arcades, Pinball Parlours, Poolrooms
	Indoor Assembly	Arenas, Armouries, Ice Rinks, Indoor Swimming Pools, Gymnasium, Community/ Fitness Centre
	Outdoor Assembly	Bleachers, Grandstands, Outdoor Concert Areas, Outdoor Ice Rinks, Swimming Pools, Amusement Parks, Fairgrounds, Playground, Drive-in Theatres, R.V. Camping Parks and Tourist Cabins (rental)
Campground	Campgrounds	

Group	Class	Examples
<b>Institutional Uses</b>	Penal and Correctional Detention	Jails, Penitentiaries, Police Stations (with detention quarters), Prisons, Psychiatric, Hospitals (with detention quarters), Reformatories
	Medical Treatment and Special Care	Children's Homes, Convalescent Homes, Homes for Aged, Hospitals, Infirmaries, Psychiatric Hospitals
<b>Residential Uses</b>	Single Dwelling	Single Detached Dwellings
	Double Dwelling	Semi-detached Dwelling, Duplex Dwellings, In-Law Suites
	Multi-Dwelling	Row Houses, Town Houses
	Apartment Building	Apartments
	Collective Residential	Educational Residences, Nurses and Hospital Residences, etc.
	Boarding House Residential	Boarding Houses, Lodging Houses, Tourist Home
	Bed and Breakfast	Bed and Breakfast
	Commercial Residential	Hotels, Motels, Tourist Cottages, Hostels, Residential Clubs
	Seasonal Residential	Summer Homes, Cabins, Hunting and Fishing Cabins
	Mobile Homes, Mini-Homes	Mobile Homes, Mini Homes
	Seniors Housing and Personal Care Facilities	Seniors Housing, Personal Care Homes, Nursing Homes

Group	Class	Examples
<b>Business and Personal Service Uses</b>	Office	Offices (including Government Offices), Banks
	Medical and Professional	Medical Offices and Consulting Rooms, Dental Offices and Surgeries, Legal Offices & Similar Professional Offices
	Personal Service	Barbers, Hairdressers, Beauty Salons, Small Appliance Repairs, Pet Grooming
	General Service	Self-service Laundries, Dry Cleaners (not using flammable or explosive substances), Small Tool and Appliance Rentals, Travel Agents
	Communications	Radio Stations, Telephone Exchanges
	Police Station	Police Stations without detention quarters
	Taxi Stand	Taxi Stands
	Take-out Service	Take-out Food Service
	Veterinary	Veterinary Surgeries
<b>Mercantile Uses</b>	Shopping Centre	Shopping Centres
	Shop	Retail Shops, Stores, Showrooms, Department Stores, Pharmacy Drug Store
	Indoor Market	Market Halls, Auction Halls
	Outdoor Market	Market Grounds, Animal Markets, Produce and Fruit Stands, Fish Stalls, Sale of New or Used Automobiles, Sale of recreational trailers
	Convenience Store	Confectionary Stores, Corner Stores, Gift Shops, Specialty Shops



Group	Class	Examples
<b>Industrial Uses</b>	Hazardous Industry	Bulk Storage of hazardous liquids and substances, Chemical Plants, Distilleries Feed Mills, & Lacquer, Mattress, Paint, Varnish, and Rubber Factories, Spray Painting
	General Industry	Factories, Cold Storage Plants, Freight Depots General Garages, Warehouses, Workshops, Laboratories, Laundries, Planing Mills, Sawmills, Portable Bandsaws, Printing Plants, Contractors' Yards, Outdoor Storage, Heavy Equipment Storage
	Service Station	Gasoline Service Stations, Auto Repair, Gas Bars
	Light Industry	Light Industry, Parking Garages, Indoor Storage, Storage Units, Warehouses, Workshops

Group	Class	Examples
<b>Non-Building Uses</b>	Agriculture	Commercial Farms, Hobby Farms, Market Gardens and Nurseries
	Forestry	Forest harvesting, Tree nurseries, Silviculture
	Mineral Exploration	Mineral Exploration
	Mineral Working	Quarries, Pits
	Mining	Mining, Oil Wells, Mineral processing
	Recreational Open Space	Playing Fields, Sports Grounds, Parks, Playgrounds, Recreational Trails
	Conservation	Watersheds, Buffer Strips, Flood Plains, Scenic Sites, Steep Slopes, Wildlife Sanctuaries
	Cemetery	Cemeteries
	Salvage Yard	Car Wrecking Yards, Junk Yards, Scrap Dealers
	Solid Waste	Solid Waste Disposal, Sanitary Land Fill Incinerators
	Animal	Animal Pounds, Kennels, Zoos, Dog Grooming
	Antenna	TV, Radio and Communications Transmitting and Receiving Masts and Antennae
	Transportation	Airfields, Docks, Wharves and Harbours
	Marina	Marina, Yacht Club, Boating Club, Boat House
Utilities	Wind Turbines/generators, Small hydro generators, Transmission lines	

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# Schedule C - Use Zone Tables

## Standard Conditions for all Use Zones

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

### 1. General Development Regulations

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

### 2. Interpretation of Zone Boundaries

Where possible the boundaries of the use zones follow identified features such as streets, fences, watercourses, transmission lines, or lot lines. Where there is any uncertainty, contradiction, or conflict concerning the intended location of a zoning boundary, the Authority shall interpret the exact location of the zoning boundary in a manner that is consistent with the intent and policies of the Municipal Plan without amendment to the Land Use Zoning Map.

### 3. Discretionary Uses

The discretionary uses listed in the use zone tables may be permitted at the discretion of Council, provided that they are complimentary to uses within the permitted use class, or that their development will not inhibit or prejudice the existence or the development of such uses. Reference should be made to the General Development Standards.

### 4. Referrals - General Approvals by Provincial and Federal Government Agencies and Departments

Prior to the issuance of a development permit for the foregoing developments, approvals must be obtained from the various agencies noted below:

#### a. Agriculture

Approvals must be obtained from the Department of Fisheries Forestry and Agriculture, Corner Brook, for any commercial farming operation. The Department of Digital Government and Service NL must approve all manure systems.

#### b. Crown Land

Approvals must be obtained from the Crown Lands Administration Division, Department of Fisheries Forestry and Agriculture, Corner Brook. Applications are made to the Eastern Regional Lands Office, 8 Meyers Avenue, Clarenville.

**c. On-Site Services (Well and Sub-Service Systems)**

Approvals involving installation of on-site water and sewer systems must be obtained from the Department of Digital Government and Service NL.

**d. Environmental Impact and Assessment**

Approvals for any development that may have an environmental impact must be referred to Environmental Assessment and/or the Pollution Preventions Division, Department of Environment and Climate Change and Department of Digital Government and Service NL.

**e. Forestry**

Permits for commercial and domestic woodcutting or other forestry related activities must be obtained from the Department of Department of Fisheries, Forestry and Agriculture, Forest Management Unit 2, Clarenville.

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

Approvals and permits involving mining and quarrying and other development proposed to take place within 50 metres of a reserved sand or gravel pit or quarry; within 300 metres of an operational sand or gravel pit or quarry; or within 1000 meters of a quarry in which blasting may take place; must be obtained from the Department of Industry, Energy and Technology, Mines and Mineral Development Branch.

**g. Archaeology Discovery and Heritage Preservation**

Site excavation or development near any established heritage site, artifacts or physical structures found of a historical nature shall be reported to the Provincial Archaeology Office, Department of Tourism, Culture, Arts and Recreation.

**h. Waterways and Watersheds**

Any development within a body of water or near the designated Watershed, involving alteration of a body of water must be approved or exempted by the following agencies:

**Provincial**

Department of Environment and Climate Change,  
Water Resources Division – for any development within 15 metres of a body of water or the defined high water mark of a body.

**Federal**

Department of Fisheries and Oceans  
 Coast Guard Canada – Navigable Waters Act.  
 Fish Habitat Division

**5. Development Over Easements**

No permanent building, structure, fence, or retaining wall shall be constructed over any known easement, whether that easement has been assigned to the Town of Clarenville, a department of the provincial or federal government, or any utility company (i.e.: Newfoundland Power, telephone, cable television, Crown land). Permanent buildings include, but are not limited to, all dwellings and accessory buildings.

**6. Conservation of Natural Environment and Aesthetic Areas**

Council may require agreements with developers and property owners aimed at preserving sensitive environmental areas and natural scenic areas. These areas may include sensitive vegetation, fish habitat, or water quality. Such agreements may include provisions such as designation of local conservation areas, maintenance of tree cover and maintenance of tree cover along rearyards, rivers, streams, and shorelines.

**7. Public Access to Watercourses and Coastal Shorelines**

Council will endeavour to provide sufficient and appropriate public access to ponds, rivers, streams, and coastal shorelines provided that such access does not unreasonably impact the use and enjoyment of adjacent private lands by their owners.

**8. Shoreline Buffers and 4.0 Metre Contour**

Generally, no development will be permitted within 15 to 30 metres of rivers or streams, or shoreline of lakes and ponds. Certain public works and passive recreational open space uses may be permitted as long as they are not detrimental to the environmental and aesthetic quality of the area.

Coastal shorelines adjacent to Smith Sound and Northwest Arm may be subject to development restrictions below the 4.0 metre contour due to storm surge, sea level rise and coastal erosion as described by the Geological Survey Division, Department of Industry, Energy and Technology, and the Department of Environment and Climate Change. The general recommendation of these departments is to restrict development in these areas, thus development proposals maybe subject to review and approval by both the Geological Survey Division, Department of Industry, Energy and Technology, and the Department of Environment and Climate Change.

**9. Development Prohibited on Excessive Slopes Greater than 20%**

Excessive slopes greater than 20 percent (20%) shall be excluded from development and regulated as

environmental protection. Development is not considered feasible on such slopes due to excessive runoff, erosion, the high costs of installing and maintaining municipal infrastructure and services and risk to public safety.

#### **10. Development on Steep Slopes 15% to 20%**

Development that is proposed on steep slopes in the 15-20 percent (%) range shall require the preparation of a geotechnical report and/or drawing to identify how to minimize the risk of erosion, subsidence, and stormwater hazards.

Development will be restricted in locations with slopes in the range of 15 to 20% where it is difficult and costly to achieve sufficient water pressure for fire flows and residential needs.

#### **11. Development on Flat Slopes 0% to 3%**

Development proposed on flat slopes with poorly drained soils shall be revealed to the Development Office at time of permitting to determine whether a geotechnical study is warranted or remediation measures identified.

#### **12. Professional Review**

Where a development may result in undesirable environmental effects or create problems for adjacent properties, Council may require the developer to undertake, at their expense, an assessment of the proposed development by a certified professional, such as an engineer, planner, landscape architect, architect, or professional with similar credentials.

The review shall evaluate the adequacy of the proposed development in terms of site grading, drainage, stormwater control, landscaping, and other relevant matters to determine potential negative impacts to adjacent properties and/or bodies of water and how these can be mitigated, in terms of drainage, stormwater runoff, erosion, pollution, and other solutions.

#### **13. Non-Domestic Use of Water for Any Purpose**

Prior to the start of construction, the proponent must apply for and obtain a water use license under the *Water Resources Act, 2002*, for the use of water from any water source for this purpose. This must be stated for all non-domestic uses with an existing, new, or planned water use from any water source.

Any effluent or runoff leaving the site will be required to conform to the requirements of the *Environmental Control Water and Sewage Regulations, 2003*.

#### **14. Development in Shore Water Zones**

The proponent must apply for and obtain a permit under the *Water Resources Act, 2002*, Section 48, for

any work in Shore Water Zones prior to the start of construction. In addition, any work in the Shore Water Zones, must comply with the Department of Environment and Climate Change Policy for Development in Shore Water Zones.

#### **15. Infilling within 15 metres of Bodies of Water**

The proponent must apply for and obtain a permit under the *Water Resources Act, 2002*, Section 48, for any infilling work within fifteen (15) metres of a body of water prior to the start of infilling. In addition, any proposed infilling within fifteen (15) metres of a body of water must comply with the Department of Environment and Climate Change Policy for Infilling of Bodies of water.

#### **16. Water and Sewer Mains Installation**

The installation of water and sewer mains requires approval under Sections 36 and 37 of the *Water Resources Act, 2002*, Section 58, for drilled well(s) along with following the necessary groundwater monitoring requirements prior to the start of construction.

#### **17. National Building Code of Canada**

The National Building Code includes updated information regarding energy efficiency requirements for new buildings. The Town and all proponents must comply with these new energy efficiency requirements for all new developments in the municipality.

#### **18. Transmission Lines and Power Corridor Easements**

Transmission lines and power corridor easements shall be permitted in all land use zones.

#### **19. NL Hydro**

Access to transmission and distribution lines for maintenance, repairs and upgrades must be maintained throughout the Cow Head MPA. No develop or buildings shall be permitted in the rights-of-way of transmission or distribution lines. NL Hydro will enforce the following stipulations:

1. Hydro will not provide service to facilities, buildings or other development in the rights-of-way and shall remove any structures that impede Hydro's ability to upgrade, repair, or maintain their system at the owner's expense.
2. Prior to issuing a permit to develop, the Town or developer must submit to Hydro a detailed development plan that identifies easements for electrical services.
3. Requests for access roads underneath transmission or distribution lines must be directed to the local office of NL Hydro.



## 20. Transportation Uses

Transportation uses such as roads associated with the construction and maintenance of transmission lines and power lines and other permitted or discretionary uses associated within the land use zone shall be at the discretion of Council.

## 21. Protected Road Zoning – Trans-Canada Highway

The Trans-Canada Highway, Route 1, is a protected road under the jurisdiction of the *Protected Road Zoning Regulations*. The building control line is 150 metres in the municipal planning area boundary and 100 metres within the municipal boundary.

Permits are required for any development proposed within the protected road zoning building control lines (100 metres measured from the highway centreline within the Clarenville municipal boundary, and 150 metres measured from the highway centreline within the Municipal Planning Area boundary).

Proposed development within the building control line shall require a permit from the Government Service Centre, Department of Digital Government and Service NL in addition prior to the issuance of a development permit from the Town of Clarenville.

## 22. Highway Signs – Trans-Canada Highway

A permit is required for any sign erected within the designated control lines of a highway constructed and maintained by the Department of Transportation and Infrastructure. The Government Service Centre, Department of Digital Government and Service NL is the authority for issuing such permits under the *Highway Signs Regulations, 1999*.

The control lines extend 100 metres from the centreline in an incorporated municipality. Within this control line, corridor 1 is reserved for regulatory, directional, and fingerboard information signs. Off-site promotional signs are restricted to those associated with the Schedule and are restricted to corridor 2. *The Highway Signs Regulations, 1999*, does not provide for other types of off-site signs including digital or wayfinding signs.

## 23. Survey Control Marker

Any development works carried out within the Town, that disturb an existing Control Survey Marker must be reported to the GIS and Mapping Division, Department of Fisheries, Forestry and Agriculture.

## 24. Archaeological /Historic and Heritage Buildings and Sites

Any major land development or public works project(s) that involves ground disturbance (on land or under water), or any accidental discoveries of historic resources must be reported to the Provincial Archaeology

Office to ensure that appropriate measures are taken to protect historic resources or recommend when archaeological work is required to identify and safeguard any sites yet to be discovered. (see also DR 40. and 41.)

## **25. NL T’Railway Provincial Park**

The NL T’Railway Provincial Park travels through the entire municipal boundary of the Town of Clarenville. Developers requiring access via the T’Railway shall obtain approval and permits from the Parks Division, Special Permits for Temporary Vehicular Use and for Construction and Use of the T’Railway, from the Department of Tourism, Culture, Arts and Recreation, Parks Division.

## **26. Protection of Wildlife**

The northern portion of the Municipal Planning Area (MPA) contains core habitat for Newfoundland Marten identified as a threatened species under the Newfoundland and Labrador Endangered Species List and requires protection.

The MPA also contains stands of red pine, home to the Red Crossbill, a forest bird, listed on the Newfoundland and Labrador Endangered Species List, and the Harlequin Duck a species listed as Vulnerable. These species require protection.

## **27. Scheduled Salmon River**

Any proposed undertaking within 200 metres of the high water mark of a scheduled salmon river must be registered with the Department of Climate Change and Environment under Section 28 of the *Environmental Assessment Regulations, 2003*.

Any work conducted in or near water should consult with the Projects Near Water website (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) to obtain information about how to comply with the Fisheries Act, and to obtain information on the project review process. An applicant is responsible for the following:

- Understanding the impacts of the project on fish and fish habitat,
- Taking measures to avoid and mitigate impacts to fish and fish habitat,
- Requesting authorization from the Minister and abiding by the conditions of the authorization when it is not possible to avoid and mitigate project impacts on fish and fish habitat; and
- Ensure compliance with all statutory instruments including federal, provincial, and municipal legislation requirements.

In cases where impact to fish and fish habitat cannot be avoided, and the project does not fall within waterbodies where a Fish and Fish Habitat Protection Program (FFHPP) review is required or the scope

of the project is not covered under Standards and Codes of Practice, a Request for Review must be submitted to the NL Region -FFHPP at FPP-NL@dfo-mpo.gc.ca.

### **28. Adaptive Reuse of Existing Buildings and Properties**

Where possible, Council may require the adaptive reuse and redevelopment of vacant and underused buildings and properties that is compatible with the adjacent neighbourhood and in compliance with the Standards of the Development Regulations.

### **29. Mineral Working**

Any proposed mineral working operation within the Municipal Planning Area shall adhere to the following conditions.

#### **(1) Quarry Permit**

For approved developments where the extractions of quarry materials is occurring or may be expected to occur, Council shall send a copy of the development permit to the Quarry Materials Section, Mineral Lands Division, Department of Industry, Energy, and Technology.

Quarry permits are issued for no longer than one year, however, the holder of a quarry permit has the first opportunity to re-apply for a quarry permit covering the same area. Once a quarried area is no longer covered by a quarry permit, then the most recent quarry permit holder, is required as a condition of that permit to rehabilitate the site by re-sloping pit sides and placing stockpiled organic materials back over the site. (See also Condition (14) below)

#### **(2) Quarry Lease**

Quarry leases are issued instead of quarry permits for larger or longer term quarries, where specific concerns would be better addressed through issuance of a lease, or for other reasons as specified under section 8(9) of the *Quarry Materials Act, 1998*. Quarry leases are issued for a period of no longer than 20 years and require a development and reclamation plan and the posting of financial assurance with the Department of Industry, Energy and Technology in an amount sufficient to complete the reclamation work outlined in the plan should the company be unable to carry out the reclamation. (See also Condition (15) below)

#### **(3) Separation from Adjacent Uses**

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

Minimum Distance of Pit and Quarry Workings From:	
Existing or proposed Residential Development	
- where no blasting is involved	300m
- where blasting is involved	1000m
Any other developed area or area likely to be developed during the life of the pit or quarry working	150m
Public highway or street	50m
Protected Road	90m
Waterbody or watercourse	50m

#### (4) Screening

A mineral working shall be screened in the following manner where it is visible from a public road or highway, developed area, or area likely to be developed during the life of the use:

- i. Where tree screens exist between the mineral working and adjacent public highways and streets or other land uses (excepting forestry and agriculture), the tree screens shall be retained in a 30-metre wide strip of vegetation so that visibility of any part of the use from the surrounding uses or streets will be prevented. The tree screens must be maintained by the owner or occupier of the use to retain 30 metres in a forested appearance. Where vegetation dies or is removed from the 30-metre strip, Council may require new trees of a minimum height of 1 metre be planted to fill in the areas affected to the satisfaction of Council.
- ii. Where no tree screens exist of sufficient width and density to constitute a visual screen, earthen berms shall be constructed to a height sufficient to prevent visibility of any part of the mineral working from adjacent uses (excepting forestry and agriculture), or adjacent public highways and streets. The berms shall be landscaped to Council's satisfaction.
- iii. Where natural topography creates a visual screen between mineral workings and adjacent public highways and streets or other land uses (excepting forestry and agriculture), additional screening may not be required.
- iv. Where effective screening for any mineral working or associated processing or manufacturing use cannot be installed or located as required in (a) - (d) above, Council may refuse to permit the use or associated activity.

#### (5) Fencing

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

**(6) Water Pollution**

No mineral working or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any waterbody or watercourse. Any access road to a pit or quarry working which crosses a brook or stream shall be bridged or culverted at the crossing in accordance with the Regulations of the Department of Environment and Climate Change.

**(7) Water Ponding**

No mineral working or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any waterbody or watercourse. Any access road to a pit or quarry working which crosses a brook or stream shall be bridged or culverted at the crossing in accordance with the Regulations of the Department of Environment and Climate Change.

**(8) Erosion Control**

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

**(9) Site Maintenance**

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

**(10) Access Roads**

During extended periods of shutdown, access roads to a mineral working shall be ditched or barred to the satisfaction of Council.

**(11) Stockpiling Cover Material**

All stumps, organic material, and topsoil, including the rusty coloured and iron stained layer, shall be stripped and stockpiled at least 5 metres from active quarry or stockpile areas. The owner or operator shall ensure that the quality of the topsoil is not affected by dilution with other materials.

**(12) Permanent or Temporary Buildings**

- i. All permanent or temporary buildings, plants and structures associated with processing and manufacturing will be located so as not to interfere with the present or future extraction of aggregate resources.
- ii. Council may specify a minimum separation distance between operating plant or associated processing and manufacturing structure or equipment and adjacent developed areas likely to be developed during the life of the mineral working.

**(13) Termination and Site Rehabilitation**

- i. Upon completion of the mineral working, the following work shall be carried out by the operation:
  - a. All buildings, machinery and equipment shall be removed.
  - b. All pit and quarry slopes shall be graded to slopes less than 20o or to the slope conforming to that existing prior to the mineral working.
  - c. Topsoil and any organic materials shall be re-spread over the entire quarried area.
  - d. The access road to the working shall be ditched or barred to the satisfaction of the Council.
- ii. If the mineral working contains reserves of material sufficient to support further extraction operations Council may require the work described above to be carried out only in areas of the site where extraction has depleted aggregate reserves.

**(14) Short-term Mineral Working – Quarry Permit**

- i. An application for a development permit for a quarry permit use shall be accompanied by a detailed sketch or sketches satisfactory to Council which shall show the location of physical site features and extraction and processing features required by Council, including but not limited to:
  - a. The general area of the location of the mineral working;
  - b. Boundaries of the parcel to be mined (i.e.: land covered by the development application);
  - c. Extent of the site area to be mined;
  - d. Roads, parking and loading areas and entrance and exit to the site;
  - e. Waterbodies within the boundaries;
  - f. Waterbodies within 250 metre radius of the boundary;
  - g. Channels or ponds to be removed, shifted, and created; and
  - h. The location of any building or structure and equipment which will be located on the site.
- ii. Upon completion of the mineral working operations on the site, the developer shall meet the conditions set out above and any other condition(s) stated in the development permit that Council deems necessary for restoration of the site.
- iii. A temporary development permit may be issued for a maximum of one year and may not be renewed after five consecutive years. Upon expiry of the development permit Council shall inspect the site to confirm compliance with the development permit and development regulations.

**(15) Long-term Mineral Working – Quarry Lease**

The following conditions shall apply to a Mineral Working subject to a Quarry Lease.

- i. An application for a development permit shall include a Mineral Working Development Plan satisfactory to Council for the proposed Mineral Working use, which shall include a site plan showing the location of physical site features and extraction and processing features required by Council including but not limited to:
  - a. Boundaries of the parcel to be mined;
  - b. Extent of site area(s) to be mined;
  - c. Buildings and structures on the site;
  - d. Roads, parking and loading areas and entrance and exit to the site;
  - e. Fences, berms, and landscaping provided for screening;
  - f. Waterbodies and channels to be removed, shifted, and created;
  - g. Location and expected maximum height of stockpiles of mined ores, sand, and gravel;
  - h. Location of major machinery and conveyors for receiving and processing raw ores including machinery for sifting, washing, and grading ores, and the manufacturing of concrete and stone products;
  - i. The probable location of storage piles of topsoil and overburden removed from earlier phases of mined areas and temporarily being stored for replacement under the Reclamation plan; and
  - j. Intended phases of mining operations to be carried out over all portions of the site.
- ii. An application for a development permit shall include a Mineral Working Reclamation Plan satisfactory to Council for the proposed mineral working use which shall explain, illustrate and show to the satisfaction of Council a plan for restoration of the site which includes final ground contours, slopes, depth of topsoil, and vegetation and a phasing plan, if necessary, in the form of a grading and landscape plan or plans.

**(16) Financial Guarantee**

- i. The developer shall provide a financial guarantee in the form of a performance bond or unconditional and irrevocable letter of credit or other form acceptable to Council.
- ii. The financial guarantee shall be the greater of (a) \$5,000 per hectare, prorated on the basis of area to a minimum of \$500, or (b) an amount to cover the costs of restoring or landscaping the site after the quarry operations have ended or the site is abandoned by the applicant.
- iii. The financial guarantee shall be returned when the Reclamation Plan has been carried out or the

development terminated, and any conditions attached to the development permit have been met to the satisfaction of the Council.

### **(17) Storm and Construction Water Management**

- i. Land and Development projects shall be designed and graded in a manner that does not alter the natural flow of water or result in run-off from land or a development causing damage to other properties.
- ii. Land Development Projects shall be undertaken with the objective of wherever possible achieving zero net runoff with respect to on-site storm water runoff.
- iii. Where Development results in the discharge of water into a wetland, waterbody, or watercourse, the discharge shall be designed and constructed in accordance with the requirements and conditions as set out by Council.

### **(18) Buffer (around waterways)**

An area of 15 to 30 metres in width on each side of rivers, ponds and tributary streams shall be left in a natural state. Its precise limits shall be identified and determined by the Provincial Department of Environment and Climate Change, Water Resources Management.

### **(19) Mineral Working as Non-conforming Use**

Mineral working at quarry sites established before a zoning or other planning decision which restricts or disallows mineral working shall be considered a non-conforming use as per Section 108 of the *Urban and Rural Planning Act, 2000*, and allowed to continue accordingly.

### **30. Mineral Working as Non-Conforming Use**

Mineral working as quarry sites established before a zoning or other planning decision which restricts or disallows mineral working shall be considered a non-conforming use as per Section 108 of the *Urban and Rural Planning Act, 2000*, and allowed to continue accordingly.

### **31. Accessory Uses and Buildings Permitted**

In the Residential Medium Density Zone and the Mixed Use Zone, Accessory Uses and Buildings are permitted according to the conditions described in the Use Zone Tables.

### **32. Accessory Uses and Buildings Permitted as Discretionary Uses**

In all other Use Zones, where these regulations provide for any land to be used or building to be erected or used for a purpose, the purpose shall include any accessory use.



**33. Accessory Uses and Buildings Conditions**

In zones other than the Residential Medium Density Zone and Mixed Use Zone, the following conditions shall apply:

- i. An Accessory Use or Building shall be allowed in association with a permitted and established use.
- ii. Such uses shall be clearly incidental and complementary to the use of the main buildings in character, use and size, and shall be contained on the same lot.
- iii. An Accessory Use or Building shall be located in the rear yard.
- iv. School buses, semi-trailers, ISO sea/shipping/freight containers or other vehicle body types shall be prohibited from use as an accessory building.
- v. The height, area and setbacks of an Accessory Use or Building shall be determined by Council.

**34. Multiple Uses**

In any use zone where any land or building is used for more than one use, each use shall be required to meet the provisions of the regulations. Where there is conflict such as in the case of lot size or frontage, the higher or more stringent standard shall prevail.

**35. Land Use Zones**

Schedule C contains tables showing the use classes which may be permitted or which may be treated as discretionary use classes for the purpose of these Regulations. The tables also indicate the required standards of development and conditions affecting some or all of the use classes.

Land Use Zone	Abbreviation	Page
Residential Medium Density	RMD	93
Mixed Use	MU	100
Town Centre	TC	107
Commercial Highway	CH	111
Tourism Resource	TR	114
Industrial General	IG	117
Public Use	PU	120
Open Space Recreation	OSR	122
Rural	RUR	124
Protected Public Water Supply Area	PPWSA	126
Flood Risk	FR	129

Environmental Protection	EP	137
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<b>Overlays</b>		
1:20 Floodway (Designated)		131
1:100 Floodway Fringe (Designated)		134
Mineral Working	MWO	143

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# Residential Medium Density (RMD)

**PERMITTED USE CLASSES - (see Regulation 102)**

Single dwelling, Double dwelling, Townhouse, Row dwelling, Modular house, Open Space Recreation, and Environmental Protection.

**DISCRETIONARY USE CLASSES - (see Regulations 22 and 104)**

Apartment building, Premanufactured (Mini) home, Subsidiary apartment, Convenience Store, Home Occupation, Bed and Breakfast, Childcare, Seniors Housing and Personal Care Facility, Recreation facility, Urban Agriculture, Sawmill, and Mineral Exploration.

Development Standards	Single Dwelling	Double Dwelling	Row Dwelling	Apartment Building		
				1	2	3
Minimum Lot Area (m <sup>2</sup> )	450	330*	350* (average)	200*	250*	280*
Minimum Floor Area (m <sup>2</sup> )	80	75*	65*	40*	45*	50*
Minimum Frontage	15	13*	6* 8.5 end unit	36		
Minimum Front yard (m)	7.5	7.5	7.5*	7.5		
Minimum Sideyard (m)	2.5 and 1	2.5	2.5	5		
Min. Sideyard Flanking Street (m)	7.5	7.5	7.5	7.5		
Minimum Rearyard (m)	8	8	8	14		
Max. Lot Coverage of all Buildings (%)	35	35	35	35		
Height (max.)	8	8	10	10		

(See Conditions)

\* Per dwelling Unit

## Conditions for Residential Medium Density Zone

### 1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council provided the development is complementary to the uses within the Permitted Use Classes, will not inhibit or prejudice the development of permitted uses, and will not be contrary to the general intent of the Municipal Plan and these Regulations, or the public interest.

### 2. Minimum Lot Width at Street Line

The minimum width of any residential lot at the street line will be no less than 75 percent of the minimum frontage required in the Use Zone Table.

### 3. Public Roads

All development shall front onto a public road.

### 4. Building Line

The Building Line is an arbitrary line running parallel to the street line and is set at the closest point to a street that a building may be placed as measured from the front lot line. A corner lot is deemed to have a building line setback on both the primary and flanking streets.

### 5. Corner Lots Flanking Streets

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

### 6. Municipal Servicing Requirements

All new development, or other new buildings except accessory buildings approved in this Land Use Zone, shall connect to municipal piped services.

### 7. Infill Housing

The RMD zone supports a mix of housing types and development of housing on existing vacant lots that support land use intensification. Proposals for infill housing shall meet the following requirements:

- a. A copy of a site plan of the proposed infill housing will be attached to the application for development prior to Council issuing a permit.
- b. The site plan shall demonstrate that the proposed development is compatible with the character of the existing neighbourhood with respect to: lot size, frontage, road alignment and potential for

reconfiguration or widening, installation of municipal services, retention of open space, and matters that may affect current or future public works.

- c. In older developed areas of the town, where infill lots do not meet current standards, Council, at its discretion, may waive the minimum frontage requirement by no more than 10%, municipal services can be provided, the lot can be developed safely, and adequate screening or buffering can be provided between adjacent properties.

## **8. Home Occupations**

A Home Occupation is defined as an accessory use to a residential dwelling consisting of an occupation or profession which generates revenue for the resident. Businesses operating in the dwelling by the occupants of the dwelling, shall meet the following requirements.

- a. Home occupation uses shall be limited to small business offices, professional and personal services, light industrial uses, repairs and woodworking, childcare and bed and breakfast uses, as defined in Schedule A - Definitions.
- b. The use is clearly subsidiary to the residential use, does not alter the residential character of the dwelling unit, and does not detract from the residential character of the neighbourhood.
- c. Activities associated with the use shall be carried out inside the dwelling.
- d. Except for childcare and bed and breakfast, no more than 25% of the total gross floor area of the dwelling is devoted to the use.
- e. There is no visible evidence of the conduct of such home occupation other than one sign, not exceeding 0.2 m<sup>2</sup> in area, non-illuminated, and mounted flat against the wall of the dwelling.
- f. Additional staff is limited to one employee who is not a resident of the dwelling unit.
- g. No wholesale sales or storage of goods is carried out; any retail sales are incidental and subsidiary to the approved use.
- h. The residential lot has sufficient area to accommodate the parking requirements of the dwelling unit and the home occupation.
- i. Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, or inconvenience to occupants of adjoining residences.

## **9. Childcare**

A childcare operation, in which services are regularly provided to children, is subject to the following conditions:

- a. The operation is in accordance with all applicable provincial laws and regulations.
- b. The use will not occupy more than 70 m<sup>2</sup> or 40% of the floor area, whichever is less.

- c. Provision for off-street parking will be required as per the off-street parking requirements of these Regulations.
- d. The drop-off and pick-up of children will not interfere with the free flow of vehicular traffic.

**10. Bed and Breakfast**

A bed and breakfast use in a dwelling may be permitted as a discretionary use to provide room and board for the travelling public, under the following conditions:

- a. The maximum number of guest rooms shall be six (6);
- b. The use is carried out by the live-in owner of the dwelling unit;
- c. One parking space shall be provided for each guest room on the lot;
- d. The use does not detract from the residential character of the neighbourhood;
- e. The parking area is screened by a fence, hedge, landscaping, or combination thereof; and
- f. The establishment shall be licensed under the Tourist Establishment Regulations, and approved by the Department of Tourism, Culture, Arts and Recreations.

**11. Subsidiary Apartments**

- a. One subsidiary apartment may be permitted in a single dwelling.
- b. One off street parking space shall be required for the subsidiary apartment.
- c. A Subsidiary Apartment shall have minimum floor area of 40 m<sup>2</sup> for a one-bedroom apartment, plus an additional 10m<sup>2</sup> for each additional bedroom.

**12. Accessory Buildings on Residential Lots**

Maximum Floor Area and Lot Coverage for Accessory Buildings			
Lot Size (m <sup>2</sup> )	Up to 750	751 to 1,500	Larger than 1,501
Max. Floor Area (m <sup>2</sup> )	80	100	150
Max. Height (m)	6	7.5	8
Min. Sideyard and Rearyard (m)	1	1	1
Min. Distance from Another Building (m)	2	2	2
Min. Distance from a Utility Easement (m)	1.5	1.5	1.5
Max. Lot Coverage of all Accessory Buildings	35% of the area of the rearyard	35% of the area of the rearyard	35% of the area of the rearyard

In addition to the requirements for accessory buildings set out in Regulation 38 of the Part II of the General Development Standards, an accessory building on a residential lot will be subject to the following standards and conditions:

- a. The use of an accessory building shall be clearly incidental and complementary to the main dwelling.
- b. On a residential lot, no accessory building will be permitted that is larger than the maximum floor area specified in the table above.
- c. An accessory building will be erected behind the building line unless otherwise authorized by Council in accordance with Regulation 38.
- d. Except for minor vehicle maintenance, an accessory building shall not be used for the repairing, painting, dismantling, or scrapping of vehicles or machinery.
- e. An accessory building shall not be used for a home occupation.
- f. Residential lots may have more than one accessory building, provided the maximum lot coverage of all accessory buildings does not exceed the maximum lot coverage permitted for each lot size in the Table above.
- g. School buses, semi-trailers, ISO sea/shipping/freight containers or other vehicle body types shall be prohibited from being used as accessory buildings.

### **13. Convenience Store**

A convenience store that is permitted as a discretionary use will be subject to the following conditions:

- a. The store may form part of or be attached to a self-contained dwelling unit or it may be located on a separate lot.
- b. The development standards for a freestanding convenience store on a separate lot shall comply with the development standards established for a single dwelling in this zone with respect to lot area, lot width, front yard setback, sideyard and rearyard widths and lot coverage.
- c. The floor area of a freestanding convenience store will not be more than 80 m<sup>2</sup>. If it forms part of a single dwelling, the floor area of a convenience store will not be more than 80 m<sup>2</sup> or 25% of the total building, whichever is smaller.
- d. The convenience store shall be subsidiary to the residential character of the area and shall not detract from the residential amenities of adjoining properties.
- e. Provision for off-street parking must meet the parking standards specified in Schedule "D".
- f. In considering an application, Council will pay particular attention to site access and the effects of the store on traffic flow.



**14. Seniors Housing and Personal Care Facility (Includes Nursing Home)**

- a. Seniors Housing and Personal Care Facility shall be permitted at the discretion of Council.
- b. Seniors Housing and Personal Care Facility shall be limited to apartment style residence for seniors and homes for the aged.
- c. One off-street parking space shall be provided for every dwelling unit.
- d. Setbacks, sideyards and rearyards shall be established by Council.

**15. Urban Agriculture**

Subject to the discretion of Council, the following may be permitted:

- a. Personal use home gardens involving root crops may be permitted on any existing residential lot.
- b. Small scale, backyard agriculture uses other than root cropping shall be limited to laying hens and quails.
- c. A maximum of eight (8) laying hens or quails, provided they are housed in a coop as per the *Town of Clarendville Poultry Regulations, 2022*.
- d. A chicken coop constructed to house laying hens shall be considered as an accessory building.
- e. Rooster(s) and all other livestock animals shall be prohibited on a residential lot.**
- f. Unless otherwise determined by Council, these uses shall be conducted only in the **rear yard** of the residential lot.
- g. All activities and structures related to urban agriculture shall be kept in good repair, clean, and free of debris.

**16. Advertisements**

1. All provisions of Part III (Regulations 58 to 81) of the General Development Regulations apply to this zone except that:
  - a. The maximum size of an on-site sign commercial building shall not exceed 5 m<sup>2</sup>.
  - b. No freestanding temporary or portable sign shall be permitted.
2. A home occupation shall be permitted one, non-illuminated sign of 0.2 m<sup>2</sup> or less mounted on the dwelling.

**17. Buffer (around waterways and waterbodies)**

No development shall be permitted within a minimum of 15-30 metres of the high water mark of rivers or streams, or within a minimum of 15-30 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and

public services.

### **18. Storm and Construction Water Management**

- a. Land and development projects shall be designed and graded in a manner that does not alter the natural flow of water or result in run-off from land or a development causing damage to other properties.
- b. Land development projects shall be undertaken with the objective of wherever possible achieving zero net runoff with respect to on-site storm water runoff.
- c. Where development results in the discharge of water into a wetland, waterbody, or watercourse, the discharge shall be designed and constructed in accordance with the requirements and conditions as set out by Council.

### **19. Sawmills (Portable Band Saw)**

A sawmill or portable band saw may be a permitted discretionary use in a residential zone provided that the following conditions are met to the satisfaction of Council:

- a. The residential lot has a minimum area of 2.0 ha.
- b. The sawmill is located 300m from the nearest residence.
- c. The sawmill is for personal use only.
- d. The owner provides a remediation plan on how sawdust and slabs will be disposed of.
- e. The sawmill will be in an enclosed building and Council may require noise to be suppressed by way of noise absorbing baffles.
- f. In addition to the above conditions, Council may also assign additional terms and conditions as it deems necessary.

### **20. 1:100 Floodway Fringe (Designated) Overlay**

The 1:100 Floodway Fringe (Designated) Overlay protects certain areas and land uses within the Municipal Planning Area. Development activity associated with residential uses in the Residential Medium Density zone will apply as per the individual Use Zone Table Conditions. Conditions of the 1:100 Floodway Fringe (Designated) Overlay shall also apply as required and are found at the end of the Flood Risk Use Zone Table.

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## Mixed Use (MU)

### PERMITTED USE CLASSES - (see Regulation 102)

Single Dwelling, Double Dwelling, Subsidiary Apartment, Townhouse, Row dwelling, Childcare, Communications, Convenience Store, Educational, General Service, Commercial Residential, Indoor market, Medical and Professional, Seniors Housing and Personal Care Facility, Office, Outdoor Market, Passive Recreation, Personal Service, Police Station, Public Building, Open Space Recreation, Catering, Theatre, Veterinary, and Environmental Protection.

### DISCRETIONARY USE CLASSES - (see Regulations 22 and 104)

Apartment building, Amusement Use, Fire Station, Funeral Home, Home Occupation, General Assembly, Light Industry, Marina, Transportation, Mineral Exploration, Passenger Assembly, Place of Worship, Recreation Facility, Service Station, Shopping Centre, Take Out Food Service, Taxi Stand, Urban Agriculture, Antenna, and Sawmill.

### Conditions for Mixed Use Zone

#### 1. Development Standards

The development standards for this zone shall be as follows:

Minimum Building Line Setback (m)	7.5
Minimum Sideyards (m)	2.5
Minimum Rearyard (m)	9
Maximum Height Residential (m)	8
Maximum Height Commercial (m)	10
Minimum Floor Area (m <sup>2</sup> )	80

**Note:** Residential development shall conform to the standards of the Residential Medium Density (RMD) Land Use Zone.

#### 2. Residential Areas

Notwithstanding the Permitted and Discretionary Uses listed in the Use Zone Table, where an area within the Mixed Use designation is predominantly residential in character, a proposed use will not be approved

if it is deemed by Council to be incompatible with existing dwellings and the general residential character of the area.

### **3. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at the discretion of Council provided the development is complementary to the uses within the Permitted Use Classes, will not inhibit or prejudice the development of permitted uses, and will not be contrary to the general intent of the Municipal Plan and these Regulations, or the public interest.

### **4. Frontage on a Public Road**

All development shall front onto a Public Road.

### **5. Building Line**

The Building Line is an arbitrary line running parallel to the street line and is set at the closest point to a street that a building may be placed as measured from the front lot line. A corner lot is deemed to have a building line setback on both the primary and flanking streets.

### **6. Corner Lots and Flanking Streets**

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

### **7. Conditions for Non-Residential Development**

A non-residential development use shall be subject to the following:

- a. The development shall be located and designed to minimize the impact of traffic, appearance, noise, odour, lighting, and signage on surrounding residential uses.
- b. The development shall be designed and maintained to a high standard with regard to safety, appearance, and compatibility with surrounding land uses.
- c. Adequate off-street parking shall be in accordance with "Schedule D".
- d. Outdoor storage associated with the use will not be permitted in the front yard unless otherwise authorized by Council. Storage may be permitted inside and rear yards subject to terms and conditions aimed at reducing potential impacts on neighbouring properties.
- e. Council may require buffers and/or screening (e.g., fencing, vegetation) between the development and abutting residential uses.

## 8. Municipal Servicing Requirements

All new development, or other new buildings except accessory buildings approved in this Land Use Zone, shall connect to municipal piped services.

## 9. Home Occupations

A Home Occupation is defined as an accessory use to a residential dwelling consisting of an occupation or profession which generates revenue for the resident. Businesses operating in the dwelling by the occupants of the dwelling, shall meet the following requirements.

- a. Home occupation uses shall be limited to small business offices, professional and personal services, light industrial uses, repairs and woodworking, childcare and bed and breakfast uses, as defined in Schedule A - Definitions.
- b. The use is clearly subsidiary to the residential use, does not alter the residential character of the dwelling unit, and does not detract from the residential character of the neighbourhood.
- c. Activities associated with the use shall be carried out inside the dwelling.
- d. Except for childcare and bed and breakfast, no more than 25% of the total gross floor area of the dwelling is devoted to the use.
- e. There is no visible evidence of the conduct of such home occupation other than one sign, not exceeding 0.2 m<sup>2</sup> in area, non-illuminated and mounted flat against the wall of the dwelling.
- f. Additional staff is limited to one employee who is not a resident of the dwelling unit.
- g. No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use. The residential lot has sufficient area to accommodate the parking requirements of the dwelling unit and the home occupation. Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, or inconvenience to occupants of adjoining residences.

## 10. Childcare

A childcare operation, in which services are regularly provided to children, is subject to the following conditions:

- a. The operation is in accordance with all applicable provincial laws and regulations.
- b. The use will not occupy more than 70 m<sup>2</sup> or 40% of the floor area, whichever is less.
- c. Provision for off-street parking will be required as per the off-street parking requirements of these Regulations.
- d. The drop-off and pick-up of children will not interfere with the free flow of vehicular traffic.

### 11. Bed and Breakfast

A bed and breakfast use in a dwelling may be permitted as a discretionary use to provide room and board for the travelling public, under the following conditions:

- a. The maximum number of guest rooms shall be six (6);
- b. The use is carried out by the live-in owner of the dwelling unit;
- c. One parking space shall be provided for each guest room on the lot;
- d. The use does not detract from the residential character of the neighbourhood;
- e. The parking area is screened by a fence, hedge, landscaping, or combination thereof; and
- f. The establishment shall be licensed under the Tourist Establishment Regulations, and approved by the Department of Tourism, Culture, Arts and Recreations.

### 12. Urban Agriculture

Subject to the discretion of Council, the following may be permitted:

- a. Personal use home gardens on a residential lot, involving root crops may be permitted on any existing residential lot.
- b. Small scale, backyard agriculture uses other than root cropping shall be limited to laying hens and quails.
- c. A maximum of eight (8) laying hens or quails, provided they are housed in a coop as per the *Town of Clarendville Poultry Regulations*.
- d. A chicken coop constructed to house laying hens shall be considered as an accessory building.
- e. Rooster(s) and all other livestock animals shall be prohibited on a residential lot.**
- f. Unless otherwise determined by Council, these uses shall be conducted only in the **rear yard** of the residential lot.
- g. All activities and structures related to urban agriculture shall be kept in good repair, clean, and free of debris.

### 13. Subsidiary Apartments

- a. One subsidiary apartment may be permitted in a single dwelling, a commercial building, or a public building.
- b. One off street parking space shall be required for the subsidiary apartment.
- c. A Subsidiary Apartment shall have minimum floor area of 40 m<sup>2</sup> for a one-bedroom apartment, plus an additional 10m<sup>2</sup> for each additional bedroom.

**14. Seniors Housing, Personal Care Facility (Includes Nursing Home)**

- a. Seniors Housing and Personal Care Facility shall be at the discretion of Council.
- b. Seniors Housing and Personal Care Facility shall be limited to apartment style residence for seniors and homes for the aged.
- c. One off-street parking space shall be provided for every dwelling unit.
- d. Setbacks, sideyards and rearyards shall be established by Council.

**15. Accessory Buildings on Residential Lots**

Maximum Floor Area and Lot Coverage for Accessory Buildings			
Lot Size (m <sup>2</sup> )	Up to 750	751 to 1,500	Larger than 1,501
Max. Floor Area (m <sup>2</sup> )	80	100	150
Max. Height (m)	6	7.5	8
Min. Sideyard and Rereyard (m)	1	1	1
Min. Distance from Another Building (m)	2	2	2
Min. Distance from a Utility Easement (m)	1.5	1.5	1.5
Max. Lot Coverage of all Accessory Buildings	35% of the area of the rearyard	35% of the area of the rearyard	35% of the area of the rearyard

In addition to the requirements for accessory buildings set out in Regulation 38 of the Part II of the General Development Standards, an accessory building on a residential lot will be subject to the following standards and conditions:

- a. The use of an accessory building shall be clearly incidental and complementary to the main dwelling.
- b. On a residential lot, no accessory building will be permitted that is larger than the maximum floor area specified in the table above.
- c. An accessory building will be erected behind the building line unless otherwise authorized by Council in accordance with Regulation 38.
- d. Except for minor vehicle maintenance, an accessory building shall not be used for the repairing, painting, dismantling, or scrapping of vehicles or machinery.
- e. An accessory building shall not be used for a home occupation.



- f. Residential lots may have more than one accessory building, provided the maximum lot coverage of all accessory buildings does not exceed the maximum lot coverage permitted for each lot size in the Table above.
- g. School buses, semi-trailers, ISO sea/shipping/freight containers or other vehicle body types shall be prohibited from being used as accessory buildings.

#### **16. Open Storage**

- a. Open storage of goods or materials shall not be permitted in front yards.
- b. Open storage may be permitted in sideyards and rearyards.
- c. Council may require fencing or other forms of screening to prevent an unsightly appearance.

#### **17. Buffer (around waterways and waterbodies)**

No development shall be permitted within a minimum of 15-30 metres of the high water mark of rivers or streams, or within a minimum of 15-30 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services.

#### **18. 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.

#### **19. Advertisements**

See Part III – Advertisements.

#### **20. Storm and Construction Water Management**

- a. Land and development projects shall be designed and graded in a manner that does not alter the natural flow of water or result in run-off from land or a development causing damage to other properties.
- b. Land development projects shall be undertaken with the objective of wherever possible achieving zero net runoff with respect to on-site storm water runoff.
- c. Where development results in the discharge of water into a wetland, waterbody, or watercourse, the discharge shall be designed and constructed in accordance with the requirements and conditions as set out by Council.

**21. Sawmills (Portable Band Saw)**

A sawmill or portable band saw may be a permitted discretionary use on a residential property in the Mixed Use zone provided that the following conditions are met to the satisfaction of Council:

- a. The residential lot has a minimum area of 2.0 ha.
- b. The sawmill is located 300m from the nearest residence.
- c. The sawmill is for personal use only.
- d. The owner provides a remediation plan on how sawdust and slabs will be disposed of.
- e. The sawmill will be in an enclosed building and Council may require noise to be suppressed by way of noise absorbing baffles.
- f. In addition to the above conditions, Council may also assign additional terms and conditions as it deems necessary.

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## Town Centre (TC)

### PERMITTED USE CLASSES - (see Regulation 102)

Theatre, Cultural and Civic, General Assembly, Commercial Residential, Child Care, Indoor Market, Office, Indoor Assembly, Medical and Professional, Personal Service, General Service, Seniors Housing and Personal Care Facility, Takeout Food, Taxi Stand, Shop, Convenience Store, Educational, Place of Worship, Catering, Shopping Centre, Open Space Recreation, and Environmental Protection.

### DISCRETIONARY USE CLASSES - (see Regulations 22 and 104)

Apartment Building, Funeral Home, Indoor Amusement, Passenger Assembly, Outdoor Market, Penal and Correctional Detention, Veterinary, Kennel, Light Industry, Service Station, Mineral Exploration, and Antenna.

## Conditions for Town Centre Zone

### 1. Development Standards

The development standards for this zone shall be as follows:

Minimum Building Line Setback (m)	9
Minimum Sideyards (m)	2.5
Minimum Rearyard (m)	10
Maximum Height (m)	10

### 2. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council provided the development is complementary to the uses within the Permitted Use Classes, will not inhibit or prejudice the development of such permitted uses, and will not be contrary to the general intent of the Municipal Plan and these Regulations, or the public interest.

### 3. Frontage on a Public Road

All development shall front onto a Public Road.

#### **4. Municipal Servicing Requirements**

All new development, or other new buildings except accessory buildings approved in this Land Use Zone, shall connect to municipal piped services.

#### **5. Childcare**

A childcare operation, in which services are regularly provided to children, is subject to the following conditions:

- a. The operation is in accordance with all applicable provincial laws and regulations.
- b. Provision for off-street parking will be required as per the off-street parking requirements of these Regulations.
- c. The drop-off and pick-up of children will not interfere with the free flow of vehicular traffic.

#### **6. Buffer**

In the case of a residential development adjacent to an existing or proposed non-residential use or zone, Council may require the developer to provide a buffer. Any such buffer shall be made up of hedges, trees, shrubs, earthen berms, or structural barriers that will sufficiently mitigate noise, unsightly views, and other undesirable effects. Trees and shrubs existing on the site prior to development which could form all or part of a buffer shall not be removed.

#### **7. Seniors Housing, Personal Care Facility (Includes Nursing Home)**

- a. Seniors Housing and Personal Care Facility shall be at the discretion of Council.
- b. Seniors Housing and Personal Care Facility shall be limited to apartment style residence for seniors and homes for the aged.
- c. One off-street parking space shall be provided for every dwelling unit.
- d. Setbacks, sideyards and rearyards shall be established by Council.

#### **8. Open Storage**

Outdoor storage of materials, goods and machinery shall meet the following conditions, and any other requirement of the Use Zone in which they are located:

- a. Where it is not the primary use of land, storage areas shall not be located in the front yard.
- b. Where storage areas are not screened from general view by vegetation or topography, a storage area may be required to be enclosed by an opaque wall or fence not less than 2 metres in height constructed of uniform materials and approved by Council.
- c. Storage of vehicles or other machinery or equipment, except transport vehicles which may

be parked in the open provided their parking area is landscaped and suitably located, shall be prohibited in areas where there is no screening or fencing.

- d. Buffer areas shall not be used as storage areas.

## **9. Storm and Construction Water Management**

- a. Land and development projects shall be designed and graded in a manner that does not alter the natural flow of water or result in run-off from land or a development causing damage to other properties.
- b. Land development projects shall be undertaken with the objective of wherever possible achieving zero net runoff with respect to on-site storm water runoff.
- c. Where development results in the discharge of water into a wetland, waterbody, or watercourse, the discharge shall be designed and constructed in accordance with the requirements and conditions as set out by Council.

## **10. Buffer (around waterways and waterbodies)**

No development shall be permitted within a minimum of 15 metres of the high water mark of rivers or streams, or within a minimum of 15 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services.

## **11. 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.

## **12. Advertisements**

See General Development Regulations, Part III – Advertisements.

## **13. Light Industry**

Light Industry uses may be permitted and shall be limited to fully enclosed operations which do not create excessive pollution, odours, noise, dust, or flames, or result in electrical interference of any kind and which do not detract from the commercial nature of the Town Centre.

- a. Council may require fencing or other forms of screening to prevent an unsightly appearance.
- b. Outdoor storage may be permitted at the discretion of Council.
- c. Adequate on-site parking, loading, buffering, and landscaping shall be required.

**14. Outdoor Market**

An outdoor market such as new and used car lots may be permitted, provided due consideration is given to the size and scale of the development relative to the site and to surrounding uses. Due consideration shall also be given to buffering, off-street parking, traffic movement, congestion, and safe access.

**15. Catering**

Catering uses such as restaurants, coffee shops, and take-out food service are permitted within this zone. Lounges and clubs shall also be permitted.

## Commercial Highway (CH)

### PERMITTED USE CLASSES - (see Regulation 102)

Commercial Residential, Catering, Passenger Assembly, Police Station, Convenience Store, Shop, Open Space Recreation, Environmental Protection, and Antenna.

### DISCRETIONARY USE CLASSES - (see Regulations 22 and 104)

Outdoor Market, General Assembly, Indoor Market, Light Industry, Service Station, General Industry, and Mineral Exploration.

## Conditions for Commercial Highway Zone

### 1. Development Standards

The development standards for this zone shall be as follows:

Minimum Building Line Setback (m)	10
Minimum Sideyard Width (m)	5 and 1
Minimum Flanking Street Sideyard (m)	6
Maximum Sideyard for Open Storage (m)	5
Minimum Rearyard Depth (m)	10
Maximum Height (m)	15

### 2. Discretionary Uses

The discretionary use classes listed in this table may be permitted at the discretion of Council provided the development is complementary to the uses within the Permitted Use Classes, will not inhibit or prejudice the development of such permitted uses, and will not be contrary to the general intent of the Municipal Plan and these Regulations, or the public interest.

### 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.



#### **4. General Industry**

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

#### **5. Light Industry**

Light industry is restricted to use that are nonhazardous, and do not create any negative impacts on adjoining properties.

#### **6. Service Stations and Garages**

At the discretion of Council, service stations and garages may be approved provided that:

- a. All gasoline pumps shall be located on pump islands designed for such purposes, 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. Any access shall not be less than 7 metres wide and shall be clearly marked, and where a service station is located on a corner lot, the centre line of any access shall be at least 30 metres from the centre line of the junction.
- d. Surface run-off shall be directed to an oil/water separator before discharging into any storm sewer or any other surface or sub-surface drainage system.

#### **7. Advertisements**

See Part III – Advertisements.

#### **8. Storm and Construction Water Management**

- a. Land and development projects shall be designed and graded in a manner that does not alter the natural flow of water or result in run-off from land or a development causing damage to other properties.
- b. Land development projects shall be undertaken with the objective of wherever possible achieving zero net runoff with respect to on-site storm water runoff.
- c. Where development results in the discharge of water into a wetland, waterbody, or watercourse, the discharge shall be designed and constructed in accordance with the requirements and conditions as set out by Council.

**9. Protected Road Zoning**

The Trans-Canada Highway falls under the jurisdiction of the *Protected Road Zoning Regulations, 1999*. Applications shall be referred to the Department of Digital Government and Service NL for approval and permitting prior to the issuance of a development permit by the Town.

**10. Highway Signs**

The Trans-Canada Highway, Route 1, also falls under the jurisdiction of the *Highway Signs Regulations, 1999*. Proposed signage shall require a permit from the Government Service Centre, Department of Digital Government and Service NL, prior to issuance of a development permit by the Town.

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## Tourism Resource (TR)

### **PERMITTED USE CLASSES - (see Regulation 102)**

Commercial Residential, Catering, Take Out Food Service, Outdoor Assembly, Personal Service, Convenience Store, Shop, Open Space Recreation, and Environmental Protection.

### **DISCRETIONARY USE CLASSES - (see Regulations 22 and 104)**

General Assembly, Light Industry, Outdoor Market, Service Station, Forestry, Agriculture, Mineral Exploration, and Antenna.

### Conditions for Tourism Resource Zone

#### **1. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at the discretion of Council provided the development is complementary to the uses within the Permitted Use Classes, will not inhibit or prejudice the development of such permitted uses, and will not be contrary to the general intent of the Municipal Plan and these Regulations, or the public interest.

#### **2. Development Plan**

Prior to any tourism development, the proponent shall submit development plan and approved by Council. A development plan will include the following:

- a. An examination of all biophysical features of the proposed.
- b. Description showing how the proposed development will be compatible with adjacent land uses.
- c. Location of all existing development.
- d. Location of all roads and access to the Trans-Canada Highway.
- e. Identification of parking areas.
- f. Identification of water supply and waste disposal.
- g. Submission of a landscape plan, including grading and drainage.
- h. Location of buffers and screening between the site and other nearby land uses.
- i. A legal land survey of the property to be developed.

- j. Proposals on how the development will accommodate the transmission line and other land uses existing on the site.
- k. A phasing plan if required by Council.

**3. Emergency Services**

- a. All access roads shall be developed and maintained to an adequate standard to permit access by fire trucks and other emergency vehicles.
- b. Provision for on-site firefighting capability shall be provided by the developer to the satisfaction of Council.

**4. Municipal Services**

Uses that require the extension of municipal streets or piped services shall not be approved unless the extension is provided by the developer.

**5. Tourism and Recreation Development**

Recreational facilities, multiple dwellings, and recreational dwellings may be permitted by Council provided that the development forms part of a comprehensive commercial development related to a major tourism and/or recreational initiative such as a golf course or multi-unit residential development or similar large scale tourism uses and development.

**6. Mineral Working Overlay**

Where the Mineral Working Overlay applies to areas of the Tourism Resource, the mineral working shall be subject to all of the conditions of Mineral Working as described in the Schedule C Use Zone Tables - Standard Conditions for all Use Zones, section 29.

**7. Forestry, Agriculture, and Mineral Exploration**

- a. A forestry, agriculture, or mineral exploitation use may be permitted at the discretion of Council. Activities shall be located to minimize potential impacts on tourism and recreation developments.
- b. Agricultural use shall be subject to conditions for agriculture as set out in the Rural land Use Zone.
- c. Mineral Exploration use shall be subject to conditions for mineral exploration as set out in the Mineral Working Use Zone.

**8. Buffers**

In the case of a residential development adjacent to an existing or proposed non-residential use or zone,

Council may require the developer to provide a buffer. Any such buffer shall be made up of hedges, trees, shrubs, earthen berms, or structural barriers that will sufficiently mitigate noise, unsightly views, and other undesirable effects. Trees and shrubs existing on the site prior to development which could form all or part of a buffer shall not be removed

**9. Advertisements**

See Part III – Advertisements.

**10. Storm and Construction Water Management**

- a. Land and development projects shall be designed and graded in a manner that does not alter the natural flow of water or result in run-off from land or a development causing damage to other properties.
- b. Land development projects shall be undertaken with the objective of wherever possible achieving zero net runoff with respect to on-site storm water runoff.
- c. Where development results in the discharge of water into a wetland, waterbody, or watercourse, the discharge shall be designed and constructed in accordance with the requirements and conditions as set out by Council.

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## Industrial General (IG)

### PERMITTED USE CLASSES - (see Regulation 102)

General Industry, Light Industry, Service Station, Marina, Office, Open Space Recreation, and Environmental Protection.

### DISCRETIONARY USE CLASSES - (see Regulations 22 and 104)

Hazardous Industry, Mineral Working, Mineral Exploration, Wind Turbine, and Antenna.

### Conditions for Industrial General Zone

#### 1. Development Standards

The development standards for this zone shall be as follows:

Minimum Building Line Setback (m)	8
Minimum Sideyard Width (m)	5 and 1
Minimum Flanking Street Sideyard (m)	8
Maximum Sideyard for Open Storage (m)	5
Minimum Rearyard Depth (m)	15
Maximum Height (m)	14

#### 2. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council provided the development is complementary to the uses within the Permitted Use Classes, will not inhibit or prejudice the development of such permitted uses, and will not be contrary to the general intent of the Municipal Plan and these Regulations, or the public interest.

#### 3. Services

Industrial development shall not be permitted in this zone unless adequate municipal services and firefighting capability are available to meet the needs of the particular industrial use.



**4. Mineral Working Overlay**

Where the Mineral Working Overlay applies to areas of the Tourism Resource, the mineral working shall be subject to all of the conditions of Mineral Working as described in the Schedule C Use Zone Tables - Standard Conditions for all Use Zones, section 29.

**5. 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 contain such buffers and landscaping as required by Council to minimize impacts to adjacent properties.

**6. Outdoor Storage**

Outdoor storage shall not be permitted in front yards but may be permitted in sideyards and rearyards. Council may require fencing or other forms of screening or buffers to prevent an unsightly appearance.

**7. Salvage Yards**

Salvage yards will be subject to the following separation distances:

- a. 200m from residential areas;
- b. 100m from other development;
- c. 50m from a public road or highway; and
- d. 50m from a watercourse or water body.

**8. Mineral Working**

Mineral Working uses shall be subject to conditions for mineral workings as set out in the Mineral Working Use Zone.

**9. 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 roads and highways.

**10. 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.

**11. Wind Turbine**

A wind turbine, if permitted by Council, shall be subject to Regulation 52 of the General Development

Standards.

**12. Advertisements**

See Part III – Advertisements.

**13. Storm and Construction Water Management**

- a. Land and development projects shall be designed and graded in a manner that does not alter the natural flow of water or result in run-off from land or a development causing damage to other properties.
- b. Land development projects shall be undertaken with the objective of wherever possible achieving zero net runoff with respect to on-site storm water runoff.
- c. Where development results in the discharge of water into a wetland, waterbody, or watercourse, the discharge shall be designed and constructed in accordance with the requirements and conditions as set out by Council.

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## Public Use (PU)

### PERMITTED USE CLASSES - (see Regulation 102)

Childcare, Cultural and Civic, Educational, Place of Worship, General Assembly, Indoor Assembly, Outdoor Assembly, Medical Treatment and Special Care, Office, Open Space Recreation, and Environmental Protection.

### DISCRETIONARY USE CLASSES - (see Regulations 22 and 104)

Cemetery, Club and Lodge, Catering, General Industry, Light Industry, Collective Residential, Penal and Correctional Detention, Mineral Working, Mineral Exploration, and Antenna.

## Conditions for Public Use Zone

### 1. Development Standards

The development standards for this zone shall be as follows:

Minimum Building Line Setback (m)	8
Minimum Sideyard Width (m)	5 and 1
Minimum Flanking Street Sideyard (m)	8
Minimum Rearyard Depth (m)	8
Maximum Height (m)	14

### 2. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council provided the development is complementary to the uses within the Permitted Use Classes, will not inhibit or prejudice the development of such permitted uses, and will not be contrary to the general intent of the Municipal Plan and these Regulations, or the public interest.

### 3. Office

Government offices, banks, and other offices of a public nature shall be permitted in this zone. Commercial offices or offices associated with a business operation shall not be permitted.

**4. Catering**

Catering may be permitted in associations with a permitted use such as church functions, weddings, parties, etc. Catering use will only be permitted as a temporary use by Council.

**5. General Industry and Light Industry Uses**

General and Light Industry uses shall be restricted to Municipal Depots and Yards, Salt Sheds, Fire halls, Firefighting Training Grounds, or other similar uses for a municipal, provincial, or federal government entity.

**6. Advertisements**

See Part III – Advertisements.

**7. Storm and Construction Water Management**

- a. Land and development projects shall be designed and graded in a manner that does not alter the natural flow of water or result in run-off from land or a development causing damage to other properties.
- b. Land development projects shall be undertaken with the objective of wherever possible achieving zero net runoff with respect to on-site storm water runoff.
- c. Where development results in the discharge of water into a wetland, waterbody, or watercourse, the discharge shall be designed and constructed in accordance with the requirements and conditions as set out by Council.

# Open Space Recreation (OSR)

## PERMITTED USE CLASSES - (see Regulation 102)

Open Space Recreation, Recreation Facility, and Environmental Protection.

## DISCRETIONARY USE CLASSES - (see Regulations 22 and 104)

Outdoor Assembly, Indoor Assembly, Club and Lodge, Catering, Take Out Food Service, and Antenna.

## Conditions for Open Space Recreation Zone

### 1. Development Standards

The development standards for this zone shall be as follows:

Minimum Building Line Setback (m)	8
Minimum Sideyard Width (m)	5 and 1
Minimum Rearyard Depth (m)	8
Maximum Height (m)	14

### 2. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council provided the development is complementary to the uses within the Permitted Use Classes, will not inhibit or prejudice the development of such permitted uses, and will not be contrary to the general intent of the Municipal Plan and these Regulations, or the public interest.

### 3. Catering and Take Out Food Service

A catering and take-out food service use may be considered on a discretionary basis provided it serves recreational activities.

### 4. Club and Lodge

Club and lodge uses may be permitted provided they are subsidiary to a recreational use.

## 5. Storm and Construction Water Management

- a. Land and Development projects shall be designed and graded in a manner that does not alter the natural flow of water or result in run-off from land or a development causing damage to other properties.
- b. Land Development Projects shall be undertaken with the objective of wherever possible achieving zero net runoff with respect to on-site storm water runoff.
- c. Where Development results in the discharge of water into a wetland, waterbody, or watercourse, the discharge shall be designed and constructed in accordance with the requirements and conditions as set out by Council.

## 6. Trail System

Council may consider expansion and upgrades to the municipal trail system that make use of on-road and off-road opportunities to provide trail connections that link to a variety of destination points through the Town, including commercial areas, local neighbourhoods, developing residential subdivisions, educational facilities, and recreation amenities.

## 7. The 1:20 Floodway (Designated) Overlay

The 1:20 Floodway (Designated) Overlay protects certain areas and land uses within the Municipal Planning Area. Development activity associated with the Open Space Recreation zone will apply as per the individual Use Zone Table Conditions. Conditions of the 1:20 Floodway Designated Overlay shall also apply as required and are found at the end of the Flood Risk Use Zone Table.

## 8. 1:100 Floodway Fringe (Designated) Overlay

The 1:100 Floodway Fringe (Designated) Overlay protects certain areas and land uses within the Municipal Planning Area. Development activity associated with the Open Space Recreation zone will apply as per the individual Use Zone Table Conditions. Conditions of the 1:100 Floodway Fringe (Designated) Overlay shall also apply as required and are found at the end of the Flood Risk Use Zone Table.

## 9. Advertisements

See Part III – Advertisements.

## Rural (RUR)

### **PERMITTED USE CLASSES - (see Regulation 102)**

Agriculture, Forestry, Open Space Recreation, Mineral Working, Environmental Protection, and Antenna.

### **DISCRETIONARY USE CLASSES - (see Regulations 22 and 104)**

Single Dwelling, Campground, Catering, Cemetery, General Industry, Light Industry, Outdoor Assembly, Indoor Assembly, Club and Lodge, Kennel, Take Out Food Service, Mineral Exploration (development), Mining, and Wind Turbine.

### Conditions for Rural Zone

#### **1. Development Standards**

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

#### **2. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at the discretion of Council provided the development is complementary to the uses within the Permitted Use Classes, will not inhibit or prejudice the development of such permitted uses, and will not be contrary to the general intent of the Municipal Plan and these Regulations, or the public interest.

#### **3. Single Dwellings**

Single residential dwellings may be permitted in conjunction with a permitted use such as agriculture. The agricultural uses shall be a commercial business and the full time farmer shall obtain a minimum of 50% of his or her gross income from the farm operation. The commercial operation shall be in operation for a minimum of two years before Council will approve any residential development.

#### **4. General Industry**

A General Industrial use may be permitted by Council provided that:

- a. The use is restricted to maintenance and repair of equipment, processing and storage related to agriculture, forestry or mineral working uses;
- b. The proposed use will not have an adverse visual impact on the built-up areas of the Town. Council may require that the site be screened from public roads and the built-up area;



- c. The proposed use will not generate an increase in traffic on roads in the built-up areas of the Town; and
- d. The proposed site can be developed without negative impact on the natural environment and amenities of the Town, including watercourses and ponds.

**5. Mineral Working Overlay**

Where the Mineral Working Overlay applies to areas of the Rural, the mineral working shall be subject to all of the conditions of Mineral Working as described in the Schedule C Use Zone Tables - Standard Conditions for all Use Zones, section 29.

**6. Wind Turbine**

Wind Turbine, if permitted by Council, shall be subject to Regulation 52 of the General Development Standards.

**7. Advertisements**

See Part III – Advertisements.

**8. Storm and Construction Water Management**

- a. Land and Development projects shall be designed and graded in a manner that does not alter the natural flow of water or result in run-off from land or a development causing damage to other properties.
- b. Land Development Projects shall be undertaken with the objective of wherever possible achieving zero net runoff with respect to on-site storm water runoff.
- c. Where Development results in the discharge of water into a wetland, waterbody, or watercourse, the discharge shall be designed and constructed in accordance with the requirements and conditions as set out by Council.

# Protected Public Water Supply Area (PPWSA)

## PERMITTED USE CLASSES - (see Regulation 102)

Environmental Protection.

## DISCRETIONARY USE CLASSES - (see Regulations 22 and 104)

Mineral Working, Mineral Exploration (development), Forestry, Agriculture, and Open Space Recreation (limited to Passive Recreation uses only).

## Conditions for Protected Public Water Supply Area Zone

### 1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council provided the development is complementary to the uses within the Permitted Use Classes, will not inhibit or prejudice the development of such permitted uses, and will not be contrary to the general intent of the Municipal Plan and these Regulations, or the public interest.

Development that is permitted at the discretion of Council will be subject to terms and conditions to ensure there will be no adverse impact on quantity or quality of the drinking water supply.

### 2. Compliance with Department of Environment and Climate Change

- a. Development activity in this area shall adhere to the Policy Directive for Land and Water Related Developments in PPWSA Section 39 of the *Water Resources Act, 2002*, and be approved by the Minister of Environment and Climate Change.
- b. No form of development shall be permitted in the Protected Public Water Supply Area without the written approval of the Department of Environment and Climate Change, Water Resources Branch.
- c. Existing forestry and agriculture activities and the maintenance and limited extension of existing uses may be permitted provided they cause no detrimental effect on water quality.
- d. Sensitive buffer zones within the PPWSA, in accordance with the *Environmental Protection Act, 2002*, are as follows:

- i. 150 metres around Shoal Harbour River for a distance of 1 kilometre upstream and 150 metres downstream of the intake;
  - ii. 75 metres along the remainder of Shoal Harbour River;
  - iii. 50 metres along both sides of all streams and main tributaries running into Shoal Harbour River; and
  - iv. 30 metres around all ponds and along both sides of all other water bodies.
- e. Existing trails within these sensitive buffer areas may require additional mitigative measure during maintenance activities. No new trails shall be approved within these areas in accordance with the *Environmental Protection Act, 2002*.

### **3. Development Prohibited**

No development other than the discretionary uses listed above, shall be permitted in the Protected Public Water Supply Area. See also Mineral Working Overlay for additional conditions related to Mineral Working as a discretionary use.

### **4. Commercial and Domestic Forestry Use**

- a. Commercial and domestic forestry uses may be permitted provided they cause no detrimental effect on water quality.
- b. Commercial and domestic forestry cutting on designated crown land to acquire firewood and sawlogs for commercial purposes as well as personal consumption.
- c. In designated areas located south and north of the Shoal Harbour River, cutting shall be prohibited within the protective buffer zone of the Shoal Harbour River.
- d. Forestry activities must preserve scenic views of the community and ensure adequate buffering. Council may apply terms and conditions for forest harvesting and silviculture activities in areas within or visible from any built-up area of the town.

### **5. Mineral Working Overlay**

Where the Mineral Working Overlay applies to areas of the RRWSA, the mineral working shall be subject to all of the conditions of Mineral Working as described in the Schedule C Use Zone Tables - Standard Conditions for all Use Zones, section 29.

### **6. Stop Work Order**

Council shall issue a stop work order immediately, upon the discovery of uses or activities found to be taking place in a manner damaging to the water supply.

**7. Watershed Monitoring and Enforcement**

Council shall monitor land uses and activities in the Protected Public Water Supply Area to ensure they are being carried out in a manner that will not harm water quantity and quality.

**8. Storm and Construction Water Management**

- a. Land and Development projects shall be designed and graded in a manner that does not alter the natural flow of water or result in run-off from land or a development causing damage to other properties.
- b. Land Development Projects shall be undertaken with the objective of wherever possible achieving zero net runoff with respect to on-site storm water runoff.
- c. Where Development results in the discharge of water into a wetland, waterbody, or watercourse, the discharge shall be designed and constructed in accordance with the requirements and conditions as set out by Council.

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## Flood Risk (FR)

### **PERMITTED USE CLASSES - (see Regulation 102)**

Residential (Existing), Open Space Recreation (parks, playing fields, trails etc.), Environmental Protection.

### **DISCRETIONARY USE CLASSES - (see Regulations 22 and 104)**

Utilities, Public Works, and Agriculture.

### Conditions for Flood Risk Zone

#### **1. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at the discretion of Council provided the development is complementary to the uses within the Permitted Use Classes, will not inhibit or prejudice the development of such permitted uses, and will not be contrary to the general intent of the Municipal Plan and these Regulations, or the public interest.

Development that is permitted at the discretion of Council will be subject to terms and conditions to ensure there will be no increase in flood risk or adverse environmental impact.

#### **2. Open Space Recreation**

Open Space Recreation uses shall be limited to outdoor facilities, non-building facilities that will not significantly displace, obstruct the flow of, or be damaged by flood waters.

#### **3. Agriculture**

- a. Agriculture in the Flood Risk Zone shall be limited to the cultivation of ground located no closer than thirty (30) metres from the edge of watercourse or wetland.
- b. The keeping of livestock, including horses, shall not be permitted.

#### **4. Environmental Control and Mitigation**

All approved developments and utilities must be designed and constructed in accordance with strict environmental standards as specified in terms and conditions established by Council, and in accordance

with any standards, regulations and approvals prescribed by the Department of Environment and Climate Change, and the Department of Industry, Energy and Technology, Geological Survey Division.

**5. The 1:20 Floodway (Designated) Overlay**

The 1:20 Floodway (Designated) Overlay applies to areas of flood risk and lands within the Municipal Planning Area. Development activity associated with the Flood Risk zone will apply as per the individual Use Zone Table Conditions. Conditions of the 1:20 Floodway Designated Overlay shall also apply as required and are found in the 1:20 Floodway (Designated) Overlay section. Refer also to Appendix 1, POLICY DIRECTIVE W.R. 96-1, Flood Plain Management, in the Development Regulations.

**6. 1:100 Floodway Fringe (Designated) Overlay**

The 1:100 Floodway Fringe (Designated) Overlay applies to areas of flood risk and lands within the Municipal Planning Area. Development activity associated with the Flood Risk zone will apply as per the individual Use Zone Table Conditions. Conditions of the 1:100 Floodway Fringe (Designated) Overlay shall also apply as required and are found in the 1:100 Floodway Fringe (Designated) Overlay section. Refer also to Appendix 1, POLICY DIRECTIVE W.R. 96-1, Flood Plain Management, in the Development Regulations.

# 1:20 Floodway (Designated) Overlay

## **PERMITTED USE CLASSES - (see Regulation 102)**

Conservation, Open Space Recreation (Passive Recreation), and Non Building structures related to the use of water resources.

## **DISCRETIONARY USE CLASSES - (see Regulations 22 and 104)**

The upgrade or minor structural improvements to infrastructure such as trails, pipelines, transmissions lines, roads; minor alterations to commercial, industrial, or institutional structures where there will be a change in grade but not a building

## Conditions for 1:20 Floodway (Designated) Overlay

### **1. Flood Plain Management: 1:20 Floodway (Designated)**

Recommendations described in the Department of Environment and Climate Change, Policy Directive W.R. 96-1 for Flood Plain Management will be implemented with respect to the **1:20 Floodway (Designated)** and is subject to approval and permitting by the Water Resources Management Division, Department of Environment and Climate Change, under Section 48 of the *Water Resources Act, 2002*. (Refer to Appendix 1 Policy Directive W.R. 96-1, Flood Plain Management).

### **2. Application of 1:20 Floodway (Designated) Overlay**

The 1:20 Floodway (Designated) Overlay applies to one area within the Municipal Planning Area zoned Flood Risk (FR), as illustrated on the Land Use Zoning Map. Despite the underlying conditions of the Flood Risk Zone, the conditions of the 1:20 Floodway (Designated) Overlay shall also apply in order to comply with Provincial requirements. See Appendix 1: Policy Directive W.R. 96-1, Flood Plain Management, in the Development Regulations.

### **3. Buffer**

Any development proposed in the 1:20 Floodway (Designated) overlay and 1:100 Floodway Fringe (Designated) requires an additional 15 metre buffer as per the *Water Resource Act, 2002*.

### **4. Development Approval**

Any development proposed in a 1:20 Floodway (Designated), development proposed in all flood plains, and development proposed in a climate change flood zone shall be subject to the prior written approval of the Minister of Environment and Climate Change in accordance with the *Water Resources Act, 2002*.



**5. Project Classifications**

Table 1 below indicates whether not project categories are permitted in each of the defined flood plains, as per the Department of Environment and Climate Change, Policy Directive W.R. 96-1, Policy for Flood Plain Management. (This Policy Directive appears in its entirety in Appendix 1 – in the Clarendville Development Regulations.)

<b>Table 1: Project Classifications: 1:20 Floodway (Designated) and 1:100 Floodway Fringe (Designated)</b>				
<b>Category</b>	<b>All Flood Plains</b>	<b>1:20 Year Zone Floodway</b>	<b>1:100 Year Zone Floodway Fringe</b>	<b>Climate Change Flood Zone</b>
Temporary Alterations	Permitted	Permitted	Permitted	Permitted
Non Structural Uses	Permitted	Permitted	Permitted	Permitted
Structures related to use of water	Permitted	Permitted	Permitted	Permitted
Minor structural or other projects	Permitted	Permitted with conditions	Permitted with conditions	Permitted with conditions
Other structures not used primarily	Permitted with conditions	Permitted with conditions	Permitted with conditions	Permitted with conditions
Industrial uses related to shipping	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

**6. Projects Permitted in 1:20 Floodway (Designated) and 1:100 Floodway Fringe (Designated)**

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

- a. The ground floor elevation of the structure is higher than the 1:100 year flood level and the climate change flood zone (where designated),
- b. The structure will not interfere with the flow of water or displace water such that it creates a worse flooding situation for other properties,
- c. 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,
- d. The proposed use of the facility and site will not involve any storage of pollutants such as fuels, chemicals, pesticides etc., and,
- e. Additional conditions which may be appropriate for specific projects and included in a permit issued under Section 48 of the *Water Resources Act, 2002*.

**7. 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.

**8. Policy Directive W.R. 96-1, Policy for Flood Plain Management**

Refer to the Policy Directive as found in Appendix 1: Policy Directive W.R. 96-1, Flood Plain Management, in the Development Regulations.

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# 1:10 Floodway Fringe (Designated) Overlay

## PERMITTED USE CLASSES - (see Regulation 102)

Conservation, Recreation Open Space, Non Building structures related to use of water resources.

## DISCRETIONARY USE CLASSES - (see Regulations 22 and 104)

The upgrade or minor structural improvements to infrastructure such as trails, pipelines, transmissions lines, roads; minor alterations to commercial, industrial, or institutional structures where there will be a change in grade but not a building; agricultural uses such as hobby farms, market gardens and nurseries, and limited residential uses.

## Conditions for 1:100 Floodway Fringe (Designated) Overlay

### 1. Flood Plain Management: 1:100 Floodway Fringe (Designated)

Recommendations described in the Department of Environment and Climate Change, Policy Directive W.R. 96-1 for Flood Plain Management will be implemented with respect to the **1:100 Floodway Fringe (Designated)** and is subject to approval and permitting by the Water Resources Management Division, Department of Environment and Climate Change, under Section 48 of the *Water Resources Act, 2002*. (Refer to Appendix 1 Policy Directive W.R. 96-1, Flood Plain Management).

### 2. Application of 1:100 Floodway Fringe (Designated) Overlay

The 1:100 Floodway Fringe (Designated) applies to one area within the Municipal Planning Area zoned Flood Risk (FR), as illustrated on the Land Use Zoning Map. Despite the underlying conditions of the Flood Risk Zone, the Conditions of the 1:100 Floodway Fringe (Designated) Overlay shall also apply in order to comply with Provincial requirements. See Appendix 1: Policy Directive W.R. 96-1, Flood Plain Management, in the Development Regulations.

### 3. Buffer

Any development proposed in the 1:100 Floodway Fringe (Designated) requires an additional 15 metre buffer as per the *Water Resource Act, 2002*.

### 4. Development Approval

Any development proposed in a 1:100 Floodway Fringe (Designated), development proposed in all flood plains, and development proposed in a climate change flood zone shall be subject to the prior written

approval of the Minister of Environment and Climate Change in accordance with the *Water Resources Act, 2002*.

**5. Project Classifications**

Table 1 below indicates whether or not project categories are permitted in each of the defined flood plains, as per the Department of Environment and Climate Change, Policy Directive W.R. 96-1, Policy for Flood Plain Management. (This Policy Directive appears in its entirety in Appendix 1 – in the Clarendville Development Regulations.)

<b>Table 1: Project Classifications: 1:20 Floodway (Designated) and 1:100 Floodway Fringe (Designated)</b>				
<b>Category</b>	<b>All Flood Plains</b>	<b>1:20 Year Zone Floodway</b>	<b>1:100 Year Zone Floodway Fringe</b>	<b>Climate Change Flood Zone</b>
Temporary Alterations	Permitted	Permitted	Permitted	Permitted
Non Structural Uses	Permitted	Permitted	Permitted	Permitted
Structures related to use of water	Permitted	Permitted	Permitted	Permitted
Minor structural or other projects	Permitted	Permitted with conditions	Permitted with conditions	Permitted with conditions
Other structures not used primarily	Permitted with conditions	Permitted with conditions	Permitted with conditions	Permitted with conditions
Industrial uses related to shipping	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

**6. Projects Permitted in 1:20 Floodway (Designated) and 1:100 Floodway Fringe (Designated)**

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

- a. The ground floor elevation of the structure is higher than the 1:100 year flood level and the climate change flood zone (where designated),
- b. The structure will not interfere with the flow of water or displace water such that it creates a worse flooding situation for other properties,
- c. 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,
- d. The proposed use of the facility and site will not involve any storage of pollutants such as fuels, chemicals, pesticides etc., and,
- e. Additional conditions which may be appropriate for specific projects and included in a permit issued under Section 48 of the *Water Resources Act, 2002*.

**7. 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.

**8. Policy Directive W.R. 96-1, Policy for Flood Plain Management**

Refer to the Policy Directive as found in Appendix 1: Policy Directive W.R. 96-1, Flood Plain Management, in the Development Regulations.

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## Environmental Protection (EP)

### PERMITTED USE CLASSES - (see Regulation 102)

Environmental Protection

### DISCRETIONARY USE CLASSES - (see Regulations 22 and 104)

### Conditions for Environmental Protection Zone

#### 1. Discretionary Use Classes

At its discretion, Council may permit certain uses in the Environmental Protection zone if no alternative locations are possible and if Council considers the proposed development supports the public interest. Such uses may include road crossings of streams, municipal infrastructure, coastal wharves, marine infrastructure, and open space recreation uses. Council shall consult with appropriate provincial and federal government agencies such as the Department of Environment and Climate Change before approving any such development.

#### 2. Development Prohibited

Council may restrict development in areas that are environmentally sensitive or hazardous for development due to steep slopes, wet or unstable soils, or unstable geological conditions, flooding, and coastal erosion in order to reduce potential environmental impacts.

#### 3. Excessive Slopes

Areas with steep slopes and other areas of geological hazard will be subject to development restrictions or other conservation measures designed to minimize environmental impacts and mitigate risks to adjacent properties resulting from development.

Development proposed on slopes greater than 20 percent (%) shall be excluded from all forms of development. Development is not considered feasible on such slopes due to excessive runoff, erosion, the high cost of installing and maintaining municipal infrastructure and services, and risk to public safety.



#### 4. Mitigation Measures - Geological Hazards

Council will adopt and implement climate change mitigation measures as identified by the Department of Industry, Energy and Technology, Geological Survey Division.

##### 1. Coastal Flooding

Development proposed in areas that are below the 4.0 metre may be prohibited by council where there is known flooding and coastal erosion in consultation with the Geological Survey Division.

##### 2. Cliff Erosion and Coastal Setback

Council may prohibit development in areas within 30 metres of the rock cliff along the coastline where coastal erosion has been identified or is of concern. Disturbances in this setback area including changes in ground surface, and the removal of sediment or vegetation shall be avoided.

#### 5. Fisheries and Marine Developments

A fisheries or marine facility shall be permitted only if it is deemed by Council that a coastal location is essential, and that the use is not contrary to the public interest. The following shall apply:

##### 1. Marine Facility - Recreational Docks

###### a. Coastal Locations

In coastal areas of the Environmental Protection zone, a recreational dock may be permitted as a Discretionary Use only if the proposed location, size, and use of the dock are deemed by Council to be environmentally acceptable and compatible with surrounding development and public access along the shoreline. In addition to specific terms and conditions applied by Council, permits to erect a dock may be subject to approval and in accordance with any standards, regulations prescribed by the Department of Environment and Climate Change, and the Department of Industry, Energy and Technology, Geological Survey Division.

###### b. Freshwater Locations

On a pond or other watercourse, a recreational dock may be permitted as a Discretionary Use only if the dock is a floating structure attached to the land and is deemed by Council to be environmentally acceptable and compatible with surrounding development and public access along the shoreline. No dock will be permitted that requires any type of pier located in the water. In addition to specific terms and conditions applied by Council, permits to erect a dock may be subject to approval and in accordance with any standards, regulations prescribed by the Department of Environment and Climate Change, and the Department of Industry, Energy and Technology, Geological Survey Division.

**6. Transportation**

1. Transportation uses that may be permitted at Council's discretion in the EP zone will be limited to public roads and infrastructure and associated driveways.
2. The development of a transportation use in the EP zone shall only be permitted if:
  - a. Alternative locations for access are not reasonably available;
  - b. It is clearly demonstrated to Council that potential environmental impacts can be satisfactorily minimized or mitigated;
  - c. The development satisfies any terms and conditions that may be prescribed by Council; and
  - d. The development conforms to necessary Provincial approvals from the Department of Environment and Climate Change, and the Department of Industry, Energy and Technology, Geological Survey Division, and the Department of Digital Government and Service NL.

**7. Tree Removal and Landscaping**

All portions of a lot located within the Environmental Protection zone will be subject to the following:

- a. In any ten (10) year period, tree removal shall be limited to a maximum of thirty percent (30%) of the number of trees on the area within the EP zone;
- b. Any excavation or filling-in of land, or other altering of the landscape, will be limited to a maximum of ten percent (10%) of the area within the EP zone.

**8. Environmental Assessment and Control**

- a. All approved developments and utilities must be designed and constructed in accordance with strict environmental standards as specified in terms and conditions established by Council.
- b. 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. An application for an environmental assessment may also be required and the proponent shall contact the Department of Environment and Climate Change to initiate this process.

**9. The 1:20 Floodway (Designated) Overlay**

The 1:20 Floodway (Designated) Overlay protects certain areas and land uses within the Municipal Planning Area. Development activity associated with the Environmental Protection zone will apply as per the individual Use Zone Table Conditions. Conditions of the 1:20 Floodway Designated Overlay shall also apply as required and are found in Appendix 1, POLICY DIRECTIVE W.R. 96-1, Flood Plain Management.

**10. 1:100 Floodway Fringe (Designated) Overlay**

The 1:100 Floodway Fringe (Designated) Overlay protects certain areas and land uses within the Municipal Planning Area. Development activity associated with the Environmental Protection zone will apply as per the individual Use Zone Table Conditions. Conditions of the 1:100 Floodway Fringe (Designated) Overlay shall also apply as required and are found in Appendix 1, POLICY DIRECTIVE W.R. 96-1, Flood Plain Management.

## Comprehensive Development Area (CDA)

### PERMITTED USES – see Regulation 102.

None except maintenance and operation of existing uses.

### DISCRETIONARY USE CLASSES - (see Regulations 22 and 104)

None.

### Conditions for Comprehensive Development Area Zone

#### 1. Purpose of the Comprehensive Development Area Zone

Land zoned Comprehensive Development Area may be suitable for future commercial and residential development. The Comprehensive Development Area zoning prevents development until a comprehensive development plan has been prepared and adopted in principle out as specified in the Clarendville Municipal Plan.

#### 2. Comprehensive Development Scheme

The developer shall submit a concept plan of development in the Comprehensive Development Area that will identify the following:

- a. Conformity to the goals, objectives, and policies of this Municipal Plan.
- b. A description of the subject lands.
- c. Proposed use of all land in the area concerned, considering Council's goal to promote orderly development and the economical use of municipal services.
- d. Access to the site and internal road layout, considering the existing road network.
- e. Consideration of land ownership as it will affect the design and development of streets and subdivisions with adjacent lands.
- f. Description of impacts on adjacent land uses.
- g. Assessment of possible impacts on the natural environment of the area.
- h. A phasing scheme for the proposed subdivision development.
- i. The submission of a written document and stamped engineering drawings that include the vertical

and horizontal alignment of the proposed streets as well as detailed site grading plans. This will include detailed site sections that indicate the existing undisturbed grades along with proposed grades and cut and fill calculations.

- j. The developer will be required to reinstate all disturbed areas to the satisfaction of Council and ensure that all slopes are stabilized naturally wherever possible.
- k. Large scale developments shall be phased to limit the amount of vegetation removal and excavation at any one time, and the phasing plan shall be delineated on the site plan for development.
- l. The site plan shall also demonstrate the timing and methods of reinstating all areas of clear cutting. Reinstatement of the site must be completed within 2 construction seasons.
- m. An investigation of physical features of the site and the opportunities and constraints to development based on the investigation. The layout of proposed lots and roads shall conform to the topography of the land.
- n. An outline of how the proposed subdivision will integrate with existing development, roads, and services on adjacent lands and provide for future access to undeveloped lands in the area.
- o. Compatibility between the CDA subdivision and surrounding land uses, both existing and future.
- p. Development shall only be permitted in areas which can be provided with municipal water and sewage services. The costs of providing or extending municipal water and sewage services and road infrastructure to any new subdivision development shall be the sole responsibility of the developer.
- q. A review of municipal servicing proposals by the developer and the public costs of providing and maintaining these services.
- r. The provision of municipal services and access must be appropriate to the type and scale of development. Council shall ensure that a new development will make efficient use of existing streets and infrastructure and will not create unreasonable servicing demands or costs.
- s. Council shall consider the mobility needs of all residents in the planning and design of municipal streets, buildings, and recreational facilities, and when approving commercial, public, and large residential buildings and facilities. In considering mobility needs Council shall promote the use of Barrier Free design standards.

### **3. Comprehensive Development Area – Rezoning for Development**

A Comprehensive Development Area plan shall be considered for multiple lot development proposals only. Development shall not be permitted in a Comprehensive Development Area until the land has been appropriately rezoned.

# Mineral Working Overlay (MWO)

## **PERMITTED USES – see Regulation 102.**

Mineral Working, Mineral Exploration (Development), and Mining.

## **DISCRETIONARY USE CLASSES - (see Regulations 22 and 104)**

At discretion of Council.

## Conditions for Mineral Working Overlay (MWO)

### **1. Discretionary Use Classes**

Other uses may be permitted at the discretion of Council provided they are compatible with the underlying land use zone, and the intent and character of the area. Council may apply terms and conditions in addition to those in Schedule C: Use Zone Table, Standard Conditions for All Use Zones, Section 29.

### **2. Purpose of the Mineral Working Overlay (MWO)**

The Mineral Working Overlay is applied over an established underlying zone(s) and adds more or stricter standards and criteria for land uses in addition to those of the underlying zone. Generally, the Overlay is used to protect special features or characteristics.

### **3. Mineral Working Outside of Mineral Working Overlay**

Outside of the Mineral Working Overlay, all but small scale mineral workings and related activities shall be prohibited within general view of roads and developed areas. Mineral working uses include the excavation and quarrying, removal of quarry materials, processing, washing or storage of gravel, sand, rock, or any other mined material, concrete and asphalt making, the reprocessing of quarry materials including from reclaimed civil construction materials such as asphalt, or concrete, rock crushing, the production of soil by blending organic materials with quarry such as sand, and the remediation of soil, and the stockpiling of quarry materials such as gravel.

Council may apply terms and conditions in addition to those in Schedule C: Use Zone Table, Standard Conditions for All Use Zones, Section 29.

#### **4. Application of Mineral Working Overlay Zone**

The Town of Clarendville Municipal Planning Area contains several areas of recognized aggregate resource potential, containing: sand, and gravel deposits of sufficient size and quality for Mineral Working (quarrying).

The Mineral Working Overlay is applied to the following Zones:

- Tourism Resource (TR),
- Rural (RUR),
- Protected Public Water Supply Zone (PPWSA), and
- Environmental Protection (EP).

These are known areas of mineral deposits where mineral working or quarrying, and mineral exploration currently ongoing. These identified areas of mineral and aggregate deposits are especially important to the municipality where the demand for construction aggregate is great.

Development activity associated with these zones will apply as per the individual Use Zone Table Conditions.

#### **5. Mineral Working Overlay**

Where the Mineral Working Overlay applies to the zone in Condition 4. above, the mineral working shall be subject to all of the conditions of Mineral Working as described in the Schedule C Use Zone Tables - Standard Conditions for all Use Zones, Section 29.

#### **6. Referral to Department of Industry, Energy and Technology**

Development not associated with mineral working shall be referred to the Department of Industry, Energy and Technology, Mineral Lands Division for review and comment.

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# Appendix 1

## Policy Directive W.R. 96-1: Flood Plain Management

### 1.0 INTRODUCTION

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

### 2.0 OBJECTIVES

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

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

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

### 3.0 BACKGROUND

#### Canada – Newfoundland Flood Damage Reduction Program

Under the Canada – Newfoundland Flood Damage Reduction Program, both governments agreed that public funds would not be used or provided for development projects in flood risk areas. To identify these areas, hydro technical 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* SNL 1991 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 hydro technical 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 Lands Act. 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 Municipal Affairs and Environment ("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 flood way 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, dikes, canals etc., are by their own needs and characteristics constructed in buffer zones and flood plains and consequently, no preference can be assigned. However, such structures are the subject of the Act and every effort must be made to ensure that such structures do not adversely affect the capability of the body of water to convey flow. In the case of dams, new areas of flooding and the impact of that flooding must be fully assessed by the proponent.

### 6.04 Project Classifications

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

Table 1: Project Classifications: 1:20 Floodway (Designated) and 1:100 Floodway Fringe (Designated)				
Category	All Flood Plains	1:20 Year Zone Floodway	1:100 Year Zone Floodway Fringe	Climate Change Flood Zone
Temporary Alterations	Permitted	Permitted	Permitted	Permitted
Non Structural Uses	Permitted	Permitted	Permitted	Permitted
Structures related to use of water	Permitted	Permitted	Permitted	Permitted
Minor structural or other projects	Permitted	Permitted with conditions *	Permitted with conditions *	Permitted with conditions *
Other structures not used primarily	Permitted with conditions *	Permitted with conditions *	Permitted with conditions *	Permitted with conditions *
Industrial uses related to shipping	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. the structure and the associated utilities must be designed and constructed in accordance with the approved flood proofing guidelines of the Department and entrances and exits from the building can be safely used without hindrance in the event of a flood, and,
- vi. the proposed use of the facility and site will not involve any storage of pollutants such as fuels, chemicals, pesticides etc., and,
- vii. additional conditions which may be appropriate for specific projects and included in a permit issued under Section 48 of the Act.

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

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

project category as a whole.

### **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 hydro technical 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 dikes, 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 hydro technical 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 hydro technical 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*.

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# Schedule D - Off-Street Loading and Parking Requirements

## 1. Off-Street Loading Requirements

- a. 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 road or to a driveway of a minimum width of 6 metres that connects to a public road.
- b. The number of loading spaces to be provided will be determined by Council.
- c. 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

- a. 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.
- b. 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.
- c. Residential parking spaces shall be provided on the same lot as the dwelling or dwellings. Parking space for apartment buildings will be provided in the rearyard where possible.
- d. Non-residential parking spaces shall be provided not more than 200 metres distant from the use for which the parking is required.
- e. 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.
- f. Where Council permits parking perpendicular to the curb, the minimum dimensions of each parking stall will be as follows:

Parking stall width (m)	2.5
Parking stall length or depth (m)	5.5
Aisle width separating opposite parking stalls (m)	7
Aisle width separating a stall from another obstruction (m)	7
Driveway width (m)	7

- g. Where Council permits parking horizontal to the curb, the minimum length of the stall will be 7 metres and the aisle width will be at least 4 metres, or more if deemed necessary by Council.
- h. 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.
- i. Other requirements for parking areas are as follows:
  - i. The parking area will be constructed and maintained to the specifications of Council;
  - ii. Lights for illumination of the parking area will be arranged so as to divert the light away from adjacent development;
  - iii. 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;
  - iv. No part of any off-street parking area will be closer than 1.5 metres from the front lot line in any zone;
  - v. Where, in the opinion of Council, strict application of the above parking requirements is impractical or undesirable, Council may as a condition of a permit require the developer to pay a service levy in 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**

- a. The off-street parking requirements for the various use classes set out in Schedule B will be as set out in the following table, except as otherwise set out in Schedule C. In the case of developments that include more than one use class, these standards shall be regarded as cumulative.
- b. Adequate off-street provision for the drop-off and pick-up of persons will be provided on the same

## Schedule D - Off-Street Loading and Parking Requirements

lot as the development unless otherwise stipulated by Council.

- c. The number of spaces to be provided for off-street parking will be in accordance with the following table:

Class	Minimum Off-Street Parking Requirement
Theatre	One space for every 6 seats.
Cultural and Civic	One space for every 60 m <sup>2</sup> of gross floor areas.
General Assembly	One space for every 15 m <sup>2</sup> of gross floor area.
Educational	Schools - 2 spaces for every classroom. Further education - 1 space for every 5 persons using the facilities (students, faculty and staff).
Place of Worship	One space for every 6 seats.
Passenger Assembly	As specified by Council.
Club and Lodge	One space for every 3 customers that may be accommodated at one time.
Catering	One space for every 3 customers that may be accommodated at one time.
Funeral Home	One space for every 12 m <sup>2</sup> of gross floor area.
Child Care	One space for every 30 m <sup>2</sup> of gross floor area
Amusement	One space for every 15 m <sup>2</sup> of gross floor area.
Outdoor Assembly	As specified by Council.
Campground	As specified by Council.
Penal and Correctional Detention	As specified by Council.
Medical Treatment and Special Care	Once space per 22 m <sup>2</sup> of suite or ward area
Single Dwelling	Two spaces for every dwelling unit.
Double Dwelling	Two spaces for every dwelling unit.
Row Dwelling	Two spaces for every dwelling unit.
Apartment Building	Three spaces for every two dwelling units.
Collective Residential	As specified by Council.
Boarding House Residential and/or Bed and Breakfast	As specified by Council.
Commercial Residential	One space for every guest room.

## Schedule D - Off-Street Loading and Parking Requirements

Class	Minimum Off-Street Parking Requirement
Mobile and Mini Homes	Two spaces for every dwelling unit.
Office	One space for every 25 m <sup>2</sup> of gross floor area.
Medical and Professional	One space for every 25 m <sup>2</sup> of gross floor area.
Personal Service	One space for every 25 m <sup>2</sup> of gross floor area.
General Service	One space for every 25 m <sup>2</sup> of gross floor area.
Communications	As specified by Council.
Police Station	As specified by Council.
Taxi Stand	As specified by Council.
Take-out Food Service	One space for every 25 m <sup>2</sup> of gross floor area.
Veterinary	One space for every 25 m <sup>2</sup> of gross floor area.
Shopping Centre	One space for every 18 m <sup>2</sup> of gross floor area.
Shop	One space for every 20 m <sup>2</sup> of gross floor area.
Indoor Market	As specified by Council.
Outdoor Market	As specified by Council.
Convenience Store	One space for every 20 m <sup>2</sup> of gross floor area.
General and Hazardous Industry	As specified by Council, but not less than one space per 100 m <sup>2</sup> of gross floor area or 10 parking spaces, whichever is greater.
Service Station	One space for every 20 m <sup>2</sup> of gross floor area.
Light Industry	As specified by Council but not less than one space per 50 m <sup>2</sup> of gross floor area or 5 parking spaces, whichever is greater.
Agriculture	Not specified.
Forestry	Not specified.
Mineral Working	Not specified.
Mining	Not specified.
Recreational Open Space	Not specified.
Conservation	Not specified.
Cemetery	Not specified.
Scrap Yard	Not specified.
Solid Waste	Not specified.

Schedule D - Off-Street Loading and Parking Requirements

Class	Minimum Off-Street Parking Requirement
Livestock	Not specified.
Antenna	Not specified.
Marina	As determined by Council, taking into consideration associated uses, such as boat repairs, and other facilities and services.



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# Schedule E - Ministerial 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

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

**Short title**

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

**Definitions**

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

**Application**

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

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

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

**Interpretation**

4. (1) In development regulations and other regulations made with respect to a planning area the following terms shall have the meanings indicated in this section
  - a. "access" means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street;
  - b. "accessory building" includes
    - i. a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,
    - ii. for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television 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. "rearyard depth" means the distance between the rear lot line and the rear wall of the main building on a lot;
- s. "sideyard 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 non- conforming building, structure or development, an authority, at the applicant's expense, shall publish a notice in a newspaper circulating in the area or by other means give public notice of an application to vary the existing use of a non-conforming building, structure or development and shall consider any representations or submissions received in response to that advertisement.

### **Non-conformance with standards**

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

### **Discontinuance of non-conforming use**

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

### **Delegation of powers**

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

**Commencement**

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



**Clarenville**  
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