

**September 5, 2002**

**TOWN OF MARYSTOWN  
DEVELOPMENT REGULATIONS 2002**

---

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

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

Adopted by the Town Council of Marystown on the \_\_\_\_\_ day of \_\_\_\_\_, 2002.

Signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

Mayor: \_\_\_\_\_

Sam Synard

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

Dennis Kelly

**CANADIAN INSTITUTE OF PLANNERS CERTIFICATION**

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

MCIP: \_\_\_\_\_

Arvo McMillan, MCIP

URBAN AND RURAL PLANNING ACT  
RESOLUTION TO APPROVE  
TOWN OF MARYSTOWN DEVELOPMENT REGULATIONS

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

- a) adopted the Town of Marystown Development Regulations on the \_\_\_\_ day of \_\_\_\_\_, 2002.
- b) gave notice of the adoption of the Town of Marystown Development Regulations by advertisement inserted on the \_\_\_\_ day and the \_\_\_\_ day of \_\_\_\_\_, 2002 in the Southern Gazette newspaper.
- c) set the \_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ p.m. at the Town Hall, Marystown for the holding of a public hearing to consider objections and submissions.

Now under the authority of section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Marystown approves the Town of Marystown Development Regulations as adopted.

SIGNED AND SEALED this \_\_\_\_ day of \_\_\_\_\_, 2002

Mayor: \_\_\_\_\_

Sam Synard

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

Dennis Kelly

## TABLE OF CONTENTS

APPLICATION	Page 1
1. Short Title.....	Page 1
2. Interpretation .....	Page 1
3. Commencement.....	Page 1
4. Urban and Rural Planning Act 2000 - Ministerial Development Regulations.	Page 1
5. Municipal Code and Regulations .....	Page 1
6. Authority.....	Page 1
PART I - GENERAL REGULATIONS .....	Page 2
7. Compliance With Regulations.....	Page 2
8. Permit Required .....	Page 2
9. Permit to be Issued.....	Page 2
10. Permit Not to be Issued in Certain Cases .....	Page 2
11. Discretionary Powers of Authority.....	Page 2
12. Variances by Authority.....	Page 3
13. Service Levy .....	Page 3
14. Financial Guarantees by Developer .....	Page 3
15. Dedication of Land for Public Use .....	Page 4
16. Reinstatement of Land.....	Page 4
17. Form of Application .....	Page 4
18. Register of Application.....	Page 5
19. Deferment of Application .....	Page 5
20. Approval in Principle.....	Page 5
21. Development Permit.....	Page 5
22. Reasons for Refusing Permit.....	Page 6
23. Notice of Application .....	Page 7
24. Right of Entry .....	Page 7
25. Record of Violations .....	Page 7
26. Stop Work Order and Prosecution.....	Page 7
27. Appeals .....	Page 7
PART II - GENERAL DEVELOPMENT STANDARDS.....	Page 8
28. Accesses and Service Streets .....	Page 8
29. Accessory Buildings .....	Page 8
30. Accessory Uses .....	Page 8
31. Advertisements and Signs.....	Page 9
32. Advertisements - Designated Areas .....	Page 11
33. Advertisements Exempt from Control.....	Page 11
34. Advertisements - Temporary and/or Portable Signs.....	Page 12
35. Advertisements and Signs near Highways .....	Page 12
36. Advertisements Relating to Onsite Uses.....	Page 13
37. Advertisements Relating to Offsite Uses .....	Page 13

## TABLE OF CONTENTS

38.	Agriculture and Farming.....	Page 14
39.	Archaeological Sites.....	Page 14
40.	Buffers - Designated Trails and Public Open Space.....	Page 14
41.	Buffers - Non-Residential.....	Page 14
42.	Building Line and Setback.....	Page 15
43.	Campground.....	Page 15
44.	Discretionary Use Classes.....	Page 16
45.	Environmental Protection.....	Page 17
46.	Family and Group Care Centres.....	Page 17
47.	Fences.....	Page 17
48.	Forestry.....	Page 20
49.	Lot Area.....	Page 20
50.	Lot Area and Size Exceptions.....	Page 20
51.	Lot Frontage.....	Page 21
52.	Mineral Exploration.....	Page 21
53.	Mineral Working - Quarries and Pits.....	Page 21
54.	Mineral Workings - Short Term Mineral Workings.....	Page 25
55.	Mineral Workings - Long Term.....	Page 26
56.	Mineral Workings - Financial Guarantee.....	Page 27
57.	Mineral Workings - Permit Fee.....	Page 27
58.	Municipal Services - Unserviced Development.....	Page 27
59.	Non-Conforming Uses.....	Page 27
60.	Non-Conforming Use - Discontinuance.....	Page 28
61.	Offensive and Dangerous Uses.....	Page 28
62.	Off-Street Loading Requirements.....	Page 28
63.	Outdoor Assembly and Indoor Assembly Uses.....	Page 29
64.	Parking Requirements.....	Page 29
65.	Parks and Playgrounds, and Conservation Uses.....	Page 31
66.	Scrap Yard.....	Page 31
67.	Screening and Landscaping.....	Page 32
68.	Service Stations.....	Page 32
69.	Services and Public Utilities.....	Page 33
70.	Side Yards.....	Page 33
71.	Soil Removal and Deposit and Site Grading.....	Page 33
72.	Street Construction Standards.....	Page 34
73.	Subsidiary Apartments.....	Page 34
74.	Unsubdivided Land.....	Page 34
75.	Waterways.....	Page 34
76.	Zero Lot Line and Other Comprehensive Development.....	Page 35
PART III - SUBDIVISION OF LAND.....		Page 36
77.	Permit Required.....	Page 36
78.	Services to be Provided.....	Page 36

## TABLE OF CONTENTS

79.	Payment of Service Levies and Other Charges .....	Page 36
80.	Issue of Permit Subject to Considerations .....	Page 36
81.	Building Permits Required .....	Page 37
82.	Form of Application .....	Page 37
83.	Subdivision Subject to Zoning .....	Page 37
84.	Building Lines .....	Page 37
85.	Land for Public Open Space .....	Page 37
86.	Structure in Street Reservation .....	Page 38
87.	Subdivision Design Standards .....	Page 38
88.	Engineer to Design Works and Certify Construction Layout .....	Page 40
89.	Developer to Pay Engineer's Fees and Charges .....	Page 41
90.	Street Works May Be Deferred .....	Page 41
91.	Transfer of Streets and Utilities to Authority .....	Page 41
92.	Restriction on Sale of Lots .....	Page 42
93.	Grouping of Buildings and Landscaping.....	Page 42
PART IV - USE ZONES.....		Page 43
94.	Use Zones .....	Page 43
95.	Use Classes .....	Page 43
96.	Permitted Uses .....	Page 43
97.	Discretionary Uses .....	Page 43
98.	Uses Not Permitted - Prohibited Uses.....	Page 44
SCHEDULE A DEFINITIONS.....		Page 45
SCHEDULE B CLASSIFICATION OF USES OF LAND AND BUILDINGS .....		Page 55
SCHEDULE C USE ZONE TABLES .....		Page 61
RESIDENTIAL (RES) ZONE .....		Page 62
RESIDENTIAL RURAL (RR) ZONE .....		Page 70
COMMERCIAL AND COMMUNITY SERVICES ZONE .....		Page 77
INDUSTRIAL ZONE.....		Page 81
RECREATIONAL OPEN SPACE (OS) ZONE.....		Page 84
RURAL(RU) ZONE .....		Page 86
RURAL RESTRICTED (RU-R) ZONE.....		Page 90
MINERAL WORKING (MW) ZONE .....		Page 91
CONSERVATION (C) ZONE.....		Page 93
PROTECTED WATER SUPPLY (PWS) ZONE .....		Page 95
SCHEDULE D OFFSTREET PARKING REQUIREMENTS.....		Page 99
SCHEDULE E TABLE OF STREET RESERVATIONS.....		Page 103

# **TOWN OF MARYSTOWN MUNICIPAL PLAN**

## **(DEVELOPMENT REGULATIONS)**

### **APPLICATION**

#### **1. Short Title**

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

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

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

#### **5. Municipal Code and Regulations**

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

#### **6. Authority**

In these Regulations, "Authority" means the Council of the Town of Marystown.

## **PART I - GENERAL REGULATIONS**

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

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

### **8. Permit Required**

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

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

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

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

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

### **11. Discretionary Powers of Authority**

In considering an application for a permit or for approval in principle to carry out development, the Authority shall take into account the policies expressed in the Municipal Plan and any further scheme, plan or regulations pursuant thereto, and shall assess the general appearance of the development of the area, the amenity of the surroundings, availability of utilities, public safety and convenience, and any other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of these Regulations, the Authority 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.

### **12. Variances by Authority (see Ministerial Development Regulations, Section 12)**



### **13. Service Levy**

- (1) The Authority may require a developer to pay a service levy where development is made possible or where the density of potential development is increased, or where the value of property is enhanced by the carrying out of public works either on or off the site of the development.
- (2) A service levy shall not exceed the cost, or estimated cost, including finance charges to the Authority of constructing or improving the public works referred to in Regulation 13(1) that are necessary for the real property to be developed in accordance with the standards required by the Authority and for uses that are permitted on that real property.
- (3) A service levy shall be assessed on the real property based on:
  - (a) the amount of real property benefited by the public works related to all the real property so benefited; and,
  - (b) the density of development made capable or increased by the public work.
- (4) The Authority may require a service levy to be paid by the owner of the real property;
  - (a) at the time the levy is imposed;
  - (b) at the time development of the real property commences;
  - (c) at the time development of the real property is completed; or,
  - (d) at such other time as the Authority may decide.

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

- (1) The Authority may require a developer before commencing a development to make such financial provisions and/or enter into such agreements as may be required to guarantee the payment of service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit or licence.
- (2) The financial provisions pursuant to Regulation 14(1) may be made in the form of:
  - (a) a cash deposit from the developer, to be held by the Authority, or;
  - (b) a guarantee by a bank, or other institution acceptable to the Authority, for expenditures by the developer, or;
  - (c) a performance bond provided by an insurance company or a bank, or;
  - (d) an annual contribution to a sinking fund held by the Authority.

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

In addition to the requirements for dedication of land under Regulation 85, the Authority may require the dedication of a percentage of the land area of any subdivision or other development for public use, and such land shall be conveyed to the Authority in accordance with the provisions of the Act.

**16. Reinstatement of Land**

Where the use of land is discontinued or the intensity of its use is decreased, the Authority may order the developer, the occupier of the site, or the owner or all of them to reinstate the site, to remove all or any buildings or erections, to cover or fill all wells or excavations, and to close all or any accesses, or to do any of these things or all of them, as the case may be, and the developer, occupier or owner shall carry out the order of the Authority and shall put the site in a clean and sanitary condition to the satisfaction of the Authority.

**17. Form of Application**

- (1) An application for a development permit or for approval in principle shall be made only by the owner or by a person authorized by the owner to the Authority on such form as may be prescribed by the Authority, and every application shall include such plans, specifications and drawings as the Authority may require, and be accompanied by the permit fee required by the Authority.
- (2) The Authority shall, on request, supply to every applicant a copy of the application forms referred to in Regulation 17(1) and a description of the plans, specifications and drawings required to be provided with the application.

**18. Register of Application**

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

**19. Deferment of Application**

- (1) The Authority may, with the written agreement of the applicant, defer consideration of an application.
- (2) Applications properly submitted in accordance with these Regulations which have not been determined by the Authority and on which a decision has not been communicated to the applicant within eight weeks of the receipt thereof by the Authority, and on which consideration has not been deferred in accordance with Regulation 19(1), shall be deemed to be refused.

**20. Approval in Principle**

- (1) The Authority may grant approval in principle for the erection, alteration or conversion of a building if, after considering an application for approval in principle made under these Regulations, it is satisfied that the proposed development is, subject to the approval of detailed plans, in compliance with these Regulations.
- (2) Where approval in principle is granted under this Regulation, it shall be subject to the subsequent approval by the Authority of such details as may be listed in the approval in principle, which shall also specify that further application for approval of these details shall be received not later than two years from the grant of approval in principle.

**21. Development Permit**

- (1) A plan or drawing which has been approved by the Authority and which bears a mark and/or signature indicating such approval together with a permit shall be deemed to be permission to develop land in accordance with these Regulations but such permission shall not relieve the applicant from full responsibility for obtaining permits or approvals under any other regulation or statute prior to commencing the development; from having the work carried out in accordance with these Regulations or any other regulations or statutes; and from compliance with all conditions imposed thereunder.
- (2) The Authority may attach to a permit or to approval in principle such conditions as it deems fit in order to ensure that the proposed development will be in accordance with the purposes and intent of these Regulations.
- (3) Where the Authority deems necessary, permits may be issued on a temporary basis for a period not exceeding two years, which may be extended in writing by the Authority for further periods not exceeding two years.

- (4) A permit is valid for such period, not in excess of two years, as may be stated therein, and if the development has not commenced, the permit may be renewed for a further period not in excess of one year, but a permit shall not be renewed more than once, except in the case of a permit for an advertisement, which may be renewed in accordance with Regulation 31 of these Regulations.
- (5) The approval of any application and plans or drawings or the issue of a permit shall not prevent the Authority from thereafter requiring the correction of errors, or from ordering the cessation, removal of, or remedial work on any development being carried out in the event that the same is in violation of this or any other regulations or statute.
- (6) The Authority may revoke a permit for failure by the holder of it to comply with these Regulations or any condition attached to the permit or where the permit was issued in error or was issued on the basis of incorrect information.
- (7) No person shall erase, alter or modify any drawing or specifications upon which a permit to develop has been issued by the Authority.
- (8) There shall be kept available on the premises where any work, matter or thing in being done for which a permit has been issued, a copy of the permit and any plans, drawings or specifications on which the issue of the permit was based during the whole progress of the work, or the doing of the matter or thing until completion.

## **22. Reasons for Refusing Permit**

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

## **23. Notice of Application**

When a change in nonconforming use is to be considered under Regulation 59 (see also Ministerial Regulations), or when the development proposed is listed as a discretionary use in Schedule C of the Regulations the Authority shall, at the expense of the applicant, give notice of an application for a permit or for approval in principle, by public advertisement in a newspaper circulating in the area or by any other means deemed necessary.

When a variance is necessary under Regulation 12 (see also Ministerial Regulations), the Authority shall, at the expense of the applicant, give written notice to the property owners in the immediate vicinity of the proposed variance.

**24. Right of Entry**

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

**25. Record of Violations**

Every inspector shall keep a record of any violation of these regulations which comes to his knowledge and report that violation to the Authority.

**26. Stop Work Order and Prosecution**

- (1) Where a person begins a development contrary or apparently contrary to these Regulations, the Authority may order that person to stop the development or work connected therewith pending final adjudication in any prosecution arising out of the development.
- (2) A person who does not comply with an order made under Regulation 26(1) is guilty of an offence under the provisions of the Act.

**27. Appeals**

See Ministerial Regulations- Sections 6 to 11.

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

### **28. Accesses and Service Streets**

- (1) Access shall be located to the specification of the Authority so as to ensure the greatest possible convenience and safety of the street system and the Authority may prescribe the construction of service streets to reduce the number of accesses to collector and arterial streets.
- (2) Any access to a Provincial Highway must be approved by the Department of Works, Services and Transportation.
- (3) No vehicular access shall be closer than 10 metres to the street line of any street intersection.

### **29. Accessory Buildings**

- (1) Accessory buildings shall be clearly incidental and complementary to the use of the main buildings in character, use and size, and shall be contained on the same lot.
- (2) No accessory building or part thereof shall project in front of the line on which the front of the dwelling is located.
- (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 but accessory buildings on two (2) adjoining properties may be built to property boundaries provided they shall be of fire resistant construction and have a common firewall.
- (4) The rear yard requirement for accessory buildings shall be the same as the side yard requirements under Regulation 29 (3) or as otherwise specified in Schedule C.

### **30. Accessory Uses**

Subject to the conditions under Schedule C for a use zone, uses accessory to the permitted or discretionary use may be permitted. Examples include, but are not limited to: (a) facilities for the serving of food and alcoholic beverages in an arena or other place of assembly, marina, or hotel (commercial - residential); (b) a gift or souvenir shop in a museum, hotel or other establishment; (c) office and/or a small convenience store or catering establishment in a campground; (d) a marina or dock or wharf in a residential or other zone; and, (e) an accessory dwelling (subject to specific requirements under Schedule C).

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

### **31. Advertisements and Signs**

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

#### **(1) Permit Required**

Unless specifically exempted, no advertisement shall be erected or displayed in the Planning Area unless a permit for the advertisement is first obtained from the Authority, and, where necessary, from the Department of Government Services and Lands.

#### **(2) Form of Application**

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

#### **(3) Advertisements in Street Reservation**

No advertisement shall be permitted to be erected or displayed within, on or over any highway or street reservation unless it is a premises sign (advertisement relating to onsite uses) and where applicable unless this sign has been approved by the Authority and the Department of Government Services and Lands.

#### **(4) Permit Valid for Limited Period**

(a) A permit shall be valid for a period of one year and failure by the applicant to initiate construction before expiration of the first permit year shall require reapplication to the Authority.

(b) Where, upon expiration of the first permit year a person wants the continued placement of that sign, that person shall apply to the Authority for a renewed permit.

(c) The Authority may issue a renewed permit and that renewed permit shall be valid for a period of three years, and this must subsequently be renewed for further three year periods if the sign is to remain in place.

- (d) A renewed permit shall not be issued until the Authority is satisfied that the sign has been maintained to its satisfaction and conforms to these Regulations and the conditions attached to the permit.

(5) Removal of Advertisements

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

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

(6) Signs - Non-Conforming Uses

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

(7) Prohibition

A sign shall not be erected, posted or placed:

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



(8) Signs or Advertisements Not Specifically Covered

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

**32. Advertisements - Designated Areas**

The Authority may establish the design, location and type of signs and advertisements for designated areas within the Planning Area.

In order for these requirements to take effect, the designated areas and the standards for advertisement and signage design shall be set out in these Regulations.

**33. Advertisements Exempt from Control**

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

- (a) a posting of a candidate in a federal, provincial or municipal election or a regional school board election;
- (b) a temporary sign relating to federal, provincial or municipal public works;
- (c) a notice required by law to be posted;
- (d) a regulatory, warning, directional, guide or informational sign erected by the Department of Works, Services and Transportation;
- (e) a sign placed by a telephone, telegraph or electric power company to indicate danger;
- (f) a sign, not exceeding 0.5 square metres, advertising the sale or rental of a building or lot upon which the sign is located;
- (g) a flag, emblem or insignia of a nation, country or province;
- (h) one temporary sign related to building construction located on a site on which the work is being carried out;
- (i) on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.28 m<sup>2</sup> in area;
- (j) on an agricultural holding or farm, a notice board not exceeding 1.5 m<sup>2</sup> in area and relating to the operations being conducted on the land;
- (k) on land used for forestry purposes, signs or notices not exceeding 1 m<sup>2</sup> in area and relating to forestry operations or the location of logging operations conducted on the land;

- (l) on land used for mining or quarrying operations, a notice board not exceeding 1 m<sup>2</sup> in area relating to the operation conducted on the land;
- (m) on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.28 m<sup>2</sup> in area in connection with the practice of a business carried on in the premises;
- (n) on any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board placed no closer than 3 metres from a street line;
- (o) on the principal facade of any commercial, industrial or public building, the name of the building or the name of the occupants of the building, in letters not exceeding one-tenth of the height of that facade or 3 m, whichever is the lesser;
- (p) on any parking lot directional signs and one sign not exceeding 1 m<sup>2</sup> in size, identifying the parking lot; and,
- (q) a sign indicating the location of a municipal or municipal planning area boundary, located beyond the back slope of a highway ditching.

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

A temporary and/or portable sign may be permitted in any zone for a period not exceeding 30 consecutive days, provided the sign:

- (a) does not exceed 4 square metres in area;
- (b) does not create or aggravate a traffic hazard, such as by blocking a sight-line;
- (c) does not interfere with other lawful signs, including directional signs;
- (d) is of location, materials, design and colour in keeping with the character and appearance of the area;
- (e) if necessary, is approved by the Department of Government Services and Lands, together with the Authority.

The sign shall be immediately removed upon expiry of the permit.

A renewal permit for a temporary and/or portable sign may only be issued thirty days after the expiry of the original permit.

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

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

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

### **36. Advertisements Relating to Onsite Uses**

The conditions which shall apply to the erection or display of an advertisement on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone shall be as follows:

- (a) the size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area;
- (b) unless it is a sign affixed to the wall or canopy of a building the advertisement shall not exceed 5 square metres in area on any side.

These requirements also apply to premises signs.

### **37. Advertisements Relating to Offsite Uses**

The conditions to be applied to the erection or display of an advertisement on any site, relating to a use permitted in this or another zone, or not relating to a specific land use, shall be as follows:

- (a) which advertisement shall not exceed three square metres in area;
- (b) when the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to the premises to which they relate.
- (c) The location, sitting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

### **38. Agriculture and Farming**

- (1) Approvals must be obtained from the Department of Forest Resources and Agrifoods for any farming operation that falls within its jurisdiction.
- (2) Except for infill development any *residential development* within 600 metres of structure containing more than five animal units must be referred to the Soils and Lands Management Division of the Department for a recommendation. The Authority shall not issue a permit contrary to the recommendation.

- (3) Any *livestock structure (barn)* containing five or more animal units must be located at least 600 metres from a non-farm dwelling, unless otherwise determined after referral to, and upon recommendation of, the Soils and Lands Management Division of the Department, and, the structure shall be at least 60 m from the boundary of the property on which it is to be erected and shall be at least 90 m from the centre line of a street. The erection of the structure shall be approved by the Department of Forest Resources and Agrifoods before a permit is issued by the Authority.

### **39. Archaeological Sites**

If an archaeological site or historical artifacts are discovered during construction, development shall stop and the Historic Resources Division of the Department of Tourism, Culture and Recreation consulted. Development shall not proceed until the Historic Resources Division has evaluated the site.

### **40. Buffers - Designated Trails and Public Open Space**

Along selected trails and public open spaces, the Authority may require that a buffer of fifteen (15) metres be provided by the developer between a development permitted under a zone and a designated trail, public amenity area, or public open space as set forth on the Zoning Maps.

### **41. Buffers - Non-Residential**

Where any non-residential use abuts a residential use or area, the owner of the site of the non-residential development may be required to provide a buffer strip between any non-residential building or activity and the residential use. The buffer shall include the provision of grass strips, hedges, trees or shrubs, or structural barriers as may be required by the Authority, and shall be maintained by the owner or occupier to the satisfaction of the Authority.

### **42. Building Line and Setback**

- (1) The Authority, by resolution, may establish building lines on an existing or proposed street or service street and may require any new buildings to be located on those building lines, whether or not such building lines conform to the standards set out in the tables in Schedule C of these Regulations.
- (2) The building line setback is measured from the front property line, or, the edge of the street reservation set out in Schedule E - Table of Street Reservations, whichever provides the greater setback.

- (3) In accordance with the Building Near Highways Regulations 1997, the building line along Provincial highways shall not be less than that specified under the Building Near Highways Regulations. The most affected highways are Highways 210, 220, and 220A, wherein the minimum building line is 20 metres from the centre-line of the Highway.

#### **43. Campground**

- (1) A campground may only be permitted as a discretionary use, provided a plan of the development is submitted in a format satisfactory to the Authority, showing and specifying:
  - (a) camping sites - location and sizes;
  - (b) roads and accesses;
  - (c) parking areas;
  - (d) accessory uses, such as laundry facilities, storage areas, showers, snack-bar, and convenience stores and the caretaker residence, and any other building or facility accessory to the campground facility;
  - (e) water supply and waste disposal services;
  - (f) landscaping;
  - (g) buffers, and screening between the campground and existing and future residential development;
  - (h) the land to be developed on legal survey prepared by a Newfoundland Land Surveyor;
  - (i) where deemed, necessary by the Authority, a phasing plan of the campground.
- (2) Commercial uses, washroom facilities, laundromats, and similar facilities, and parking areas and recreational areas shall not be located adjacent residential areas and shall only be accessed by the internal road network of the campground.
- (3) All sites shall only be accessed by the internal road network of the campground.
- (4) A suitable buffer of 10 metres depth located on the property and planted with materials approved by the Authority and/or privacy fence at least 2.4 metres in height and of a design approved by the Authority, shall be provided where the development is abuts a public road, right of way, and/or a present or future residential neighbourhood.

Any buffering or screening shall be properly maintained by the owner, and not allowed to fall into disrepair or become unsightly.
- (5) The owner and/or the operator shall ensure that all bylaws and regulations of the Authority pertaining to noise, rowdy behaviour, and litter are complied with.

- (6) Where deemed necessary by the Authority, a deposit sufficient to cover the cost the buffer and screening shall be deposited with the Authority, and then subsequently returned by the Authority upon satisfactory completion of the work, or, used by the Authority to complete the work in accordance with the approved plan.
- (7) The permit for a campground shall specify the maximum number of units and sites - in the form of tents, recreational vehicles, and so forth - that may be accommodated on the site at any one time. This number shall not be exceeded.
- (8) Any expansion or alteration to a campground shall be subject to review by the Authority, and except for repairs and maintenance, shall be treated as a discretionary use application.
- (9) Failure to comply with any conditions of the permit may result in the Authority ordering the immediate cessation of the use for which the permit was issued.

#### **44. Discretionary Use Classes**

The discretionary use classes listed in Schedule C may be permitted at the discretion of the Authority provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses.

#### **45. Environmental Protection**

- (1) Before approving development of a site having a slope greater than 15 percent, the Authority shall require the submission of a review of the development proposal by a certified engineer, landscape architect or similar professional. The review shall evaluate the adequacy of site grading, drainage and landscaping and the potential of the development to cause erosion onto and pollution of adjacent development and lands and bodies of water receiving run-off from the site, and other similar matters.
- (2) The Authority shall ensure that the proposal is not inappropriate by reason of:
  - (a) precipitating or contributing to a pollution problem in the area; or
  - (b) creation of erosion and/or sedimentation.
- (3) The Authority shall consider the suitability of the site in terms of steepness of grades, soil and geographic conditions, location of watercourses, marshes, swamps, or bogs when reviewing a development proposal.

**46. Family and Group Care Centres**

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

**47. Fences**

- (1) Except as otherwise set out in Schedule C or in a Fence Regulation adopted under the Municipalities Act, the requirements of this Section shall apply to all fences.
- (2) For the purpose of this Section a fence includes a vertical physical barrier constructed out of typical fencing materials, and includes hedges, shrubs and landscaping features used for these purposes, and, that portion of a retaining wall which projects above the surface of the ground which it supports.

**Sight Lines**

- (3) Except as otherwise provided in Regulations 67 and 71, no fence shall be erected with a height of greater than 0.75 metres above the grade of the street line within the triangle formed by two street lines and a line connecting two points on the two street lines located 15 metres from the point of intersection of the two street lines where one of the streets is an arterial or collector street, or 8 metres from the point of intersection of the two street lines where the two streets are local streets.
- (4) Except as otherwise provided, no fence shall be erected with a height of greater than 0.75 metres above the grade of the street line at the intersection of a driveway and a road where in the opinion of the Authority it impedes sight lines.

**Maximum Height between the Building Line and the Street Line**

- (5) Except as otherwise provided in Regulation 67, unless required for screening, no fence shall be greater than 0.75 metres in height between the building line and the street line.

#### Maximum Height

- (6) The maximum height of a fence shall not exceed 1.8 metres in height in the Residential Zone. However, in all other zones the maximum allowable fence height shall be 3 metres.

#### Fence Materials

- (7) The material or materials used in the erection and repair of a fence shall only be of a type which meets the approval of the Authority.

#### Fence Maintenance

- (8) Every person who owns a fence shall maintain such fence in a good state of repair. For the purpose of this section, “good state of repair” shall mean:
- (a) the fence is complete and in a structurally sound condition and plumb and securely anchored;
  - (b) protected by weather resistant materials;
  - (c) fence components are not broken, rusted, rotten or in a hazardous condition;
  - (d) all stained or painted fences are maintained free of peeling; and
  - (e) that the fence does not present an unsightly appearance deleterious to abutting land or to the neighborhood.

#### Electrical Fence and Barbed Wire Fence

- (9) No person shall erect an electrical fence on any land, unless required for the containment of livestock or the protection of crops from marauding animals.
- (10) No person shall erect a fence consisting wholly or partly of barbed wire or other barbed material, except as noted in Section 47 (9) or except along the top of any fence in excess of 2.1 metres enclosing a lot used for commercial or industrial purposes provided the industrial or commercial lot does not abut a residential lot or residential use zone.

#### Snow Fence

- (11) No person shall erect or maintain a snow fence for the period May 1<sup>st</sup> to October 31<sup>st</sup> in any year on land used for residential or commercial purposes.



#### Swimming Pool Fence

- (12) A fence with a minimum height of 1.8 metres shall be erected and maintained around an open swimming pool.

#### Order to Remove Fence

- (13) When in the opinion of the Authority, a fence creates a safety hazard or obstruction or impedes snow-clearing due to its location, height or construction material, the Authority may issue an order to the property owner stating that the fence or portions thereof be removed, reconstructed or repaired within a specified time in order to correct the safety hazard or obstruction and the cost to remove, construct or repair said fence or part thereof will be at the owner's expense. In the event that the property owner does not remove the fence within the specified time as ordered, the Authority may remove the fence and the cost to remove, reconstruct or repair said fence will be at the owner's expense.

#### Public Authorities

- (14) The provision of these Regulations shall apply to all public authorities except in those cases where an exception from the Regulations is required to respond to an emergency or for a public purpose.

#### Responsibility For Damage

- (15) The Authority shall not be liable for any damages for the repair of any fence whatsoever where the Authority, its employees or agents or otherwise have acted without negligence. In particular, the Authority shall not be liable for any damages or repairs of any fence whatsoever during the normal operation of snow clearing on streets or sidewalks located within the Municipal Planning Area.

### **48. Forestry**

Approvals for woodcutting or other forestry related activities must be obtained from the provincial Department of Forest Resources and Agrifoods - Forest Management Unit.

### **49. Lot Area**

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

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

**50. Lot Area and Size Exceptions**

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

**51. Lot Frontage**

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

**52. Mineral Exploration**

- (1) No permit shall be issued by the Town for mineral exploration until the necessary permits and approvals have been obtained from the Departments of Mines and Energy, Government Services and Lands, and Environment, together with any other relevant Provincial agencies.
- (2) Subject to the other provisions of the Development Regulations, mineral exploration which is not classed as development by virtue of appreciable soil disturbance, construction of access roads, noise, odour and appearance can be permitted anywhere in the Planning Area, provided that adequate notification is provided to the Town.
- (3) Mineral exploration which is classed as development shall be permitted in the Mineral Workings, Rural and Rural Restricted Zones, except within 300 metres of the Residential, Commercial and Community Services, and Industrial Zones.
- (4) Higher impact mineral exploration shall be subject to conditions that control noise, appearance, duration of the drilling or excavating program and the control of other impacts that may arise. The precise nature of these controls will depend upon the location of the mineral exploration in respect to built-up areas.

- (5) Where there is to be soil disturbance, the developer shall provide a site restoration surety and/or other satisfactory guarantees of site landscaping to the Town.

### 53. Mineral Working - Quarries and Pits

Where permitted, mineral workings are subject to this Regulation, any other applicable regulations and the approval of the Department of Mines and Energy.

(1) Separation from Adjacent Uses

Unless the Authority 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:

- |     |  |             |
|-----|--|-------------|
| (a) | Existing or Proposed Residential Development |             |
|     | - where no blasting is involved              | 300 metres  |
|     | - where blasting is involved                 | 1000 metres |
| (b) | Any Other Existing or Proposed Development   | 150 metres  |
| (c) | Public Highway or street                     | 50 metres   |
| (d) | Protected Road                               | 90 metres   |
| (e) | Body of water or watercourse                 | 50 metres   |

(2) Screening

A mineral working shall be screened in the manner described below where it is visible from a public street or highway, developed area, or area likely to be developed during the life of the use.

- (a) Where tree screens exist between the 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, the Authority may require new trees of a minimum height of 1 metre be planted to fill in the areas affected to the satisfaction of the Authority or, at the discretion of the Authority, condition (2)(b) must be undertaken.
- (b) Where no tree screens exist of sufficient width and density to constitute a visual screen, earthen berms shall be constructed to a height sufficient to

prevent visibility of any part of the mineral working from adjacent uses (excepting forestry and agriculture), or adjacent public highways and streets. The berms shall be landscaped to the Authority's satisfaction.

- (c) 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.
  - (d) Where effective screening for any mineral working or associated processing or manufacturing use cannot be installed or located as required in (a) - (c) above, the Authority may refuse to permit the use or associated activity.
- (3) **Fencing**  
The Authority 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.
- (4) **Water Pollution**  
No mineral working or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any body of water 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 Labour.
- (5) **Water Ponding**  
No mineral working or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any body of water 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 Labour and Lands.
- (6) **Erosion Control**  
No mineral working shall be carried out in a manner so as to cause erosion of adjacent land.
- (7) **Site Maintenance**  
The mineral working shall be kept clean of refuse, abandoned vehicles, and abandoned equipment and any derelict buildings.

- (8) **Access Roads**  
During extended periods of shutdown, access roads to a mineral working shall be ditched or barred to the satisfaction of the Authority.
- (9) **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.
- (10) **Operating Plant and Associated Processing and Manufacturing**
- (a) The Authority may permit processing and manufacturing use associated with mineral workings provided that, in the opinion of the Authority, the use does not create a nuisance nor is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of fumes, dust, dirt, objectionable odour, or by reason of unsightly storage of materials.
  - (b) 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.
  - (c) the Authority 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.
- (11) **Termination and Site Rehabilitation**

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

- (a) all buildings, machinery and equipment shall be removed;
- (b) all pit and quarry slopes shall be graded to slopes less than 20° 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 Authority;
- (e) if the mineral working contains reserves of material sufficient to support further extraction operations, the Authority may require the work described

above to be carried out only in areas of the site where extraction has depleted aggregate reserves.

#### **54. Mineral Workings - Short Term Mineral Workings**

The following conditions shall apply to Mineral Working which is subject to a Department of Mines and Energy Quarry permit or which is proposed for duration of less than five years. The Authority may require an applicant for a development permit under this condition to meet the stipulations set out in Regulation 55, if the Authority determines that the size of the parcel or of the proposed mineral working, or the size of the aggregate resource in the surrounding area is sufficiently large or the duration is sufficiently long to warrant the application of Regulation 55.

- (1) An application for a development permit for the proposed Mineral Working use shall be accompanied by a detailed sketch or sketches satisfactory to the Authority which shall show the location of physical site features and extraction and processing features required by the Authority, including but not limited to:
  - (a) the general area of the location of the mineral working;
  - (b) boundaries of the parcel to be mined (land covered by the development application);
  - (c) extent of the area to be mined;
  - (d) roads, parking and loading areas and entrances and exits to the site;
  - (e) water bodies within the boundaries;
  - (f) water bodies 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.
- (2) Upon completion of the mineral working operations on the site, the developer shall remove all buildings, machinery, chattels, personal property and quarry material which have been extracted from the site. All pit and quarry slopes shall be graded to slopes less than 20 degrees or to the slope conforming to that existing prior to quarrying, and shall meet any other conditions stated in the development permit that the Authority deems necessary for the restoration of the site.
- (3) A temporary permit may be issued for a maximum of one year and may not be renewed after four consecutive years (Regulation 21 (2)). Upon expiry of the development permit the Authority shall inspect the site to confirm compliance with the development permit and Development Regulations.

#### **55. Mineral Workings - Long Term**

The following conditions shall apply to a Mineral Working subject to a Department of Mines and Energy Quarry Lease or of a duration of 5 years or greater.

- (1) An application for a development permit shall include a Mineral Working Development Plan satisfactory to the Authority 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 the Authority including but not limited to:
  - (a) boundaries of the site to be mined;
  - (b) extent of the areas to be mined;
  - (c) buildings and structures on the site;
  - (d) roads, parking and loading areas and entrances and exits to the site;
  - (e) fences, berms and landscaping provided for the screening;
  - (f) water bodies and channels to be removed, shifted and created;
  - (h) location of expected maximum height of stockpiles of mined ores, sand and gravel;
  - (i) 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;
  - (j) 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
  - (k) intended phases of mining operations to be carried out over all portions of the site.
  
- (2) An application for a development permit shall include a Mineral Working Reclamation Plan satisfactory to the Authority for the proposed mineral working use which shall explain, illustrate and show to the satisfaction of the Authority a plan for restoration of the site which includes final ground contours, slopes, depth of topsoil, and vegetation and phasing plan if necessary in the form of a grading and landscape plan or plans.

## **56. Mineral Workings - Financial Guarantee**

- (1) The developer shall provide a financial guarantee in the form of a performance bond or unconditional and irrevocable letter of credit or other form acceptable to the Authority.
  
- (2) 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 cost of restoring or

landscaping the site after the quarry operations have ended or the site is abandoned by the applicant.

- (3) 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 Authority.

**57. Mineral Workings - Permit Fee**

The development permit fee for a Mineral Working use shall be determined by the Authority in an amount sufficient to cover the review of the Development and Reclamation Plans or the detailed sketch as required above, and determination of the amount of the financial guarantee described in Condition 56 above by a professional engineer.

**58. Municipal Services - Unserviced Development**

Unserviced or partially serviced development shall be approved by the Department of Government Services and Lands, along with the Authority.

**59. Non-Conforming Uses**

See the Urban and Rural Planning Act and Sections 14, 15, and 16 of the Ministerial Development Regulations.

**60. Non-Conforming Use - Discontinuance**

Pursuant to Section 17 of the Ministerial Development Regulations and Section 108 (2) of the Urban and Rural Planning Act:

- (a) a non-conforming use of land may be resumed within **one year** of its discontinuance;
- (b) for the purpose of this Regulation, discontinuance of a non-conforming use begins when any one of the following conditions is met:
  - (i) the building or use of land is clearly vacated or the building is demolished;
  - (ii) the owner or tenant has ceased paying taxes for that use;
  - (iii) the owner or tenant has stated in writing that the use has ceased.



**61. Offensive and Dangerous Uses**

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

**62. Off-Street Loading Requirements**

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

**63. Outdoor Assembly and Indoor Assembly Uses**

- (1) See Regulation 11.
- (2) All buildings associated with such development must have properly finished exteriors. Grounds, including accesses and parking areas must be landscaped to the Authority's satisfaction.
- (3) To ensure that safety and aesthetics are integral considerations in the development of any such proposal, a site plan clearly depicting in proper scale and proportion the layout of the land and all activities, buildings, parking areas and accesses must be included with any proposal having one or more kinds of

activity on site; and, for extensions; or for additional activities at the site. Depending upon the size and complexity of the proposed development, the Authority may require any such site plan to be drawn by an engineer, surveyor, or other qualified person.

#### 64. Parking Requirements

- (1) For every building, structure or use to be erected, enlarged or established, there shall be provided and maintained a quantity of off-street parking spaces sufficient to ensure that the flow of traffic on adjacent streets is not impeded by the on-street parking of vehicles associated with that building, structure or use.
- (2) The number of parking spaces to be provided for any building, structure, use of occupancy shall conform to the standards set out in Schedule D , except as otherwise modified by Schedule C, of these Regulations.
- (3) Each parking space, except in the case of single or duplex dwellings, shall be made accessible by means of a hard surfaced right-of-way at least 3 m in width. Parking required in a Residential Zone shall be provided on the same lot as the dwelling or dwellings. Parking space for apartments shall be provided in the rear yard where possible. In a Non-Residential Zone, parking spaces shall be provided within the limits of the zone in which the use is situated and not more than 200 m distant from the use concerned.
- (4) The parking facilities required by this Regulation shall, except in the case of single or attached dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.
- (5) Where, in these Regulations, parking facilities for more than four vehicles are required or permitted, with parking perpendicular to the curb the minimum dimensions shall be as follows:
  - (a) parking stall width - 2.75 metres
  - (b) parking stall length or depth - 5.80 metres
  - (c) aisle width, parking stalls across from each other - 7.30 metres
  - (d) aisle width, other obstruction - 7.30 metres
  - (e) driveway width 7.00 metres

Where the parking stall is horizontal to the curb, the minimum length of the stall shall be 7.00 metres, and the minimum aisle width (if applicable) shall be at least 4 metres, more if deemed necessary by the Authority.

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

- (6) Other requirements for parking areas are as follows:
- (a) the parking area shall be constructed and maintained to the specifications of the Authority;
  - (b) the lights used for illumination of the parking area shall be so arranged as to divert the light away from adjacent development;
  - (c) a structure, not more than 3 m in height and more than 5 m<sup>2</sup> in area may be erected in the parking area for the use of attendants in the area;
  - (d) except in zones in which a service station is a permitted use, no gasoline pump or other service station equipment shall be located or maintained on a parking area;
  - (e) no part of any off-street parking area shall be closer than 1.5 m to the front lot line in any zone;
  - (f) access to parking areas in non-residential zones shall not be by way of residential zones;
  - (g) where a parking area is in or abuts a residential zone, a natural or structural barrier at least 1 m in height shall be erected and maintained along all lot lines;
  - (h) where, in the opinion of the Authority, strict application of the above parking requirements is impractical or undesirable, the Authority may as a condition of a permit require the developer to pay a service levy in accordance with these Regulations in lieu of the provision of a parking area, and the full amount of the levy charged shall be used by the Authority for the provision and upkeep of alternative parking facilities within the general vicinity of the development.

#### **65. Parks and Playgrounds, and Conservation Uses**

- (1) Parks and playgrounds are permitted in any except the Industrial and Mineral Workings zones; however, such parks and playgrounds are not located in areas which may be hazardous to their use and are not operated for commercial purposes.
- (2) Nothing in these Regulations shall prevent the designation of conservation areas in any zone.

#### **66. Scrap Yard**

- (1) Separation from Adjacent Uses

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

---

<u>Type of Development</u>	<u>Min. Distance from Solid Waste Site or Scrap Yard</u>
Existing or proposed residential development	300 metres
Any other developable area or area likely to be developed	150 metres
Public highway or street	50 metres
Watercourse or water body	50 metres
Protected Road	90 metres

(3) Screening

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

- (a) Where tree screens exist between the scrap yard and adjacent public highways and streets or other land uses (excepting forestry and agriculture), the tree screens shall be retained in a 30-metre wide strip of vegetation so that visibility of any part of the use from the surrounding uses or streets will be prevented. The tree screens must be maintained by the owner or occupier of the use to retain 30 metres in a forested appearance. Where vegetation dies or is removed from the 30-metre strip, the Authority may require new trees of a minimum height of 1 metre be planted to fill in the areas affected to the satisfaction of the Authority or, at the discretion of the Authority, condition 2(ii) must be undertaken.
- (b) Where no tree screens exist of sufficient width and density to constitute a visual screen, earthen berms shall be constructed to a height sufficient to prevent visibility of any part of the solid waste site or scrap yard from adjacent uses (excepting forestry and agriculture), or adjacent public highways and streets. The berms shall be landscaped to the Authority's satisfaction.
- (c) Where natural topography creates a visual screen between a scrap yard and adjacent public highways and streets or other land uses (excepting forestry and agriculture), additional screening may not be required.
- (d) Where effective screening for any scrap yard or associated processing or manufacturing use cannot be installed or located as required in (a) - (c) above, the Authority may refuse to permit the use or associated activity.

(4) Fencing

The Authority may require the scrap yard to be enclosed by a fence designed and constructed to its specifications and no less than 1.8 metres in height.

**67. Screening and Landscaping**

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

**68. Service Stations**

The following requirements shall apply to all proposed service stations:

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

**69. Services and Public Utilities**

The Authority 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 and landscaping of any development of any land so used is, in the opinion of the Authority, adequate to protect the character and appearance of the area.

**70. Side Yards**

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

**71. Soil Removal and Deposit and Site Grading**

- (1) No development permit for removal or deposit of soil, or the excavation and removal of excavated material or grading is required if it is part of an approved development project or affects less than 125 cubic metres of soil, sand, gravel, rock or other substance down to and including bedrock. All other cut or fill work, excavation and

removal and deposit of material or grading requires a development permit under these Regulations.

- (2) Removal or deposit of soil, or the excavation and removal of excavated material or grading which requires a development permit may be issued a temporary permit provided the work is based on a grading plan, will result in an improved site for use classes permitted in the Zone where it is located, and meets the following conditions:
  - (a) land intended for the activity or grading has a slope of less than 25%;
  - (b) resulting slopes are stable and without hazards;
  - (c) when the work is completed, the area affected shall be covered with topsoil and other necessary material for vigorous plant growth and planted with appropriate vegetation; and
  - (d) drainage must be provided to the satisfaction of the Authority, and will be designed so as not to impair existing surface drainage nor to create erosion either on the site or on adjacent sites.
- (3) A development permit for the activities described in (b) above shall not be issued until a cash deposit of \$500.00 has been made to the Town. The deposit shall be returned when the work has been completed in accordance with the development permit and to the satisfaction of the Authority.

## **72. Street Construction Standards**

A new street may not be constructed except in accordance with and to the design and specifications laid down by the Authority.

## **73. Subsidiary Apartments**

Subsidiary apartments may be permitted in single dwellings only, and for the purposes of calculating lot area and yard requirements, shall be considered part of the self-contained dwelling.

## **74. Unsubdivided Land**

Development is not permitted on unsubdivided land unless sufficient area is reserved to satisfy the yard and other allowances called for in the Use Zone in which it is located and the allowances shall be retained when the adjacent land is developed.

**75. Waterways - Development in Waterways and in Waterways Reservations or Buffers**

- (1) The minimum width of a buffer along a waterway shall be 20 m from the high-water mark of the stream, river, pond or other body of water. If the embankment is steep, then the buffer shall be measured from the top of the embankment.
- (2) The only uses that may be permitted in the buffer area of a waterway are trails and accessory uses, and uses requiring direct access to a body of water such as wharves and marinas.

These uses are subject to the approval of the Water Resources Division of the Department of Environment, Department of Fisheries and Oceans Canada and where applicable, the Government Service Centre of the Department of Government Services and Lands for Crown Lands and referrals.

- (3) The Authority or the Provincial Government may subject development within the buffer area of a watercourse to an environmental review, and may approve, approve subject to conditions, or refuse such development.

The matter of adequate and usable legal public access to the waterway shall be a consideration in the review of an application for a structure within a buffer and/or waterway.

- (4) Any development within a body of water or involving the alteration of a body of water must be approved by or exempted by the following agencies:
  - Government Service Centre of the Department of Government Services and Lands for Crown Lands and referrals;
  - Coast Guard Canada of the Department of Fisheries and Oceans - Navigable Waters Act;
  - Fish Habitat Division of the Department of Fisheries and Oceans;
  - Water Resources Division of the Department of Environment.

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

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



## **PART III - SUBDIVISION OF LAND**

### **77. Permit Required**

No land in the Planning Area shall be subdivided unless a permit for the development of the subdivision is first obtained from the Authority.

### **78. 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.

### **79. Payment of Service Levies and Other Charges**

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

### **80. Issue of Permit Subject to Considerations**

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

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

- (m) energy conservation;
- (n) such other matters as may affect the proposed development.

**81. Building Permits Required**

Notwithstanding the approval of a subdivision by the Authority, 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.

**82. Form of Application**

Application for a permit to develop a subdivision shall be made to the Authority.

**83. Subdivision Subject to Zoning**

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

**84. Building Lines**

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

**85. Land for Public Open Space**

- (1) Before a development commences, the developer shall, if required, dedicate to the Authority, at no cost to the Authority, an area of land equivalent to not more than 10% of the gross area of the subdivision for public open space, provided that:
  - (a) where land is subdivided for any purpose other than residential use, the Authority shall determine the percentage of land to be dedicated;
  - (b) if, in the opinion of the Authority, no public open space is required, the land may be used for such other public use as the Authority may determine;
  - (c) the location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of the Authority but in any case, the Authority shall not accept land which, in its opinion is incapable of development for any purpose;

- (d) the Authority may accept from the developer in lieu of such area or areas of land the payment of a sum of money equal to the value of the land which would otherwise be required to be dedicated;
  - (e) money received by the Authority in accordance with Regulation 85(1) (d) above, shall be reserved by the Authority for the purpose of the acquisition or development of land for public open space or other public purpose.
- (2) Land dedicated for public use in accordance with this Regulation shall be conveyed to the Authority and may be sold or leased by the Authority for the purposes of any development that conforms with the requirements of these Regulations, and the proceeds of any sale or other disposition of land shall be applied against the cost of acquisition or development of any other land for the purposes of public open space or other public purposes.
  - (3) The Authority may require a strip of land to be reserved and remain undeveloped along the banks of any river, brook or pond, and this land may, at the discretion of the Authority, constitute the requirement of land for public use under Regulation 85(1).

#### **86. Structure in Street Reservation**

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

#### **87. Subdivision Design Standards**

- (1) The standard for the design and construction of all work related to Subdivision development shall be the Government of Newfoundland and Labrador Municipal Water, Sewer, and Roads Specifications.
- (2) No permit shall be issued for the development of a subdivision under these Regulations unless the design of the subdivision conforms to the standards below.
  - (a) Except for roads in a cluster development, streets where there are municipal sewer and water services shall be provided with curb and gutter.
  - (b) The finished grade of streets shall not exceed 10 percent.

- (c) Every cul de sac shall be provided with a turning circle of a diameter of not less than 30 m.
- (d) The maximum length of any cul de sac shall be:
  - (i) 200m in areas served by or planned to be served by municipal piped water and sewer services, as shown in the map and letter of agreement signed by the Municipality and the Minister of Municipal and Provincial Affairs in connection with municipal five-year capital works program eligibility;
  - (ii) 300m in areas not served by or planned to be served by municipal piped water and sewer services.
- (e) Emergency vehicle access to a cul de sac shall be not less than 3 m wide and shall connect the head of the cul de sac with an adjacent street.
- (f) No cul de sac shall be located so as to appear to terminate a collector street.
- (g) New subdivisions shall have street connections with an existing street or streets.
- (h) All street intersections shall be constructed within 5° of a right angle and this alignment shall be maintained for 30 m from the intersection.
- (i) No street intersection shall be closer than 60 m to any other street intersection.
- (j) No more than four streets shall join at any street intersection.
- (k) No residential street block shall be longer than 490 m between street intersections.
- (l) Streets in residential subdivisions shall be designed in accordance with the approved standards of the Authority, but in the absence of such standards, shall conform to the following minimum standards:

Type of Street	Street Reser- vation	Pavement Width	Sidewalk Width	Sidewalk Number
Arterial Streets	30 m	15 m	1.5 m	discretion of Council
Collector Streets	15 m	12 m	1.5 m	discretion of Council
Local Streets	15m or 12.5 m	7 m	1.5 m	discretion of Council
Cul de sacs serving 10 or less dwellings, not longer than 80 m ("Cluster Development")	10.2 m	7 m		

- (m) No lot intended for residential purposes shall have a depth exceeding four times the frontage.
- (n) Residential lots shall not be permitted which abut a local street at both front and rear lot lines.
- (o) The Authority may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed.
- (p) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land.
- (q) Where there is potential for additional development, a road reserve of 15 metres (12.5 metres optional) shall be provided, and a reserve of 15 or 12.5 metres shall be provided along the entire length of a cul de sac.

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

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

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

The developer shall pay to the Authority all the Engineer's fees and charges for the preparation of designs and specifications and for the layout and supervision of construction; such fees and charges being percentages of the total cost of materials and labour for the construction and installation of all works calculated in accordance with the Schedule of Fees recommended by the Association of Professional Engineers of Newfoundland and in effect at the time the work is carried out.

**90. Street Works May Be Deferred**

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

**91. Transfer of Streets and Utilities to Authority**

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

**92. Restriction on Sale of Lots**

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

- (a) the lot can be served with satisfactory water supply and sewage disposal systems, and;
- (b) satisfactory access to a street is provided for the lots.

**93. Grouping of Buildings and Landscaping**

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





## **PART IV - USE ZONES**

### **94. Use Zones**

- (1) For the purpose of these Regulations, the Planning Area is divided into Use Zones which are shown on the Zoning Map attached to and forming part of these Regulations.
- (2) Subject to Regulation 94(3), the permitted use classes, discretionary use classes, standards, requirements and conditions applicable to each Use Zone are set out in the Use Zone Tables in Schedule C of these Regulations.
- (3) Where standards, requirements and conditions applicable in a Use Zone are not set out in the Use Zone Tables in Schedule C, the Authority may in its discretion, determine the standards, requirements and conditions which shall apply.

### **95. Use Classes**

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

### **96. Permitted Uses**

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

### **97. Discretionary Uses**

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone Table in Schedule C may be permitted in that Use Zone if the Authority is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if the Authority has given notice of the application in accordance with Regulation 23 and has considered any objections or representations which may have been received on the matter.



**98. Uses Not Permitted - Prohibited Uses**

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 and are deemed to be prohibited uses.

---

## SCHEDULE A

### DEFINITIONS

#### GENERAL NOTE:

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

---

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

**ACCESSORY BUILDING\*** includes:

- (i) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory which has a use that is customarily incidental or complementary to the main use of the building or land,
- (ii) for the case of 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) in the case of industrial uses, garages, offices, raised ramps and docks.

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

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

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

**AGRICULTURE** means horticulture, fruit growing, grain growing, seed growing, dairy farming, the breeding or rearing of livestock, including any creature kept for the production of food, wool, skins, or fur, or for the purpose of its use in the farming of land, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds and the use of land for woodlands where that use is ancillary to the farming of land for any other purpose. "Agricultural" shall be construed accordingly.

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

**ANIMAL UNIT** means any one of the following animals or groups of animals:

- 1 bull;
- 1000 broiler chickens or roosters (1.8 - 2.3 kg each);
- 1 cow (including calf);
- 100 female mink (including associated males and kits);
- 4 goats;
- X hogs (based on 453.6 kg = 1 unit);
- 1 horse (including foal);
- 125 laying hens;
- 4 sheep (including lambs);
- 1 sow or breed sow (including weaners and growers based on 453.6 kg = 1 unit);
- X turkeys, ducks, geese (based on 2,268 kg = 1 unit).

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

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

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

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

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

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

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

**BUILDING** means

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

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

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

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

**BUILDING LINE\*** 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 building may be placed.

**CAMPGROUND** means the use of land for the accommodation of travel trailers, recreational vehicles, and/or tents.

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

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

**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, shall specifically include:

- (i) the making of an access onto a highway, road or way;
- (ii) the erection of an advertisement or sign;

- (iii) 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 shall exclude:

- (iv) the carrying out of works for the maintenance, improvement or other alteration or any building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building;
- (v) 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;
- (vi) 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;
- (vii) the use of any building or land within the courtyard of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as such.

**DEVELOPMENT REGULATIONS\*** means these regulations and regulations and by-laws respecting development that have been enacted by the relevant authority.

**DIRECTOR** means the Director of Urban and Rural Planning.

**DISCRETIONARY USE\*** means a use that is listed within the discretionary use classes established in the use zone tables of an authority's development regulations.

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

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

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

**ESTABLISHED GRADE\*** means,

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

**FAMILY AND GROUP CARE CENTRE** means a dwelling accommodating up to but no more than six (6) persons exclusive of staff in a home-like setting. Subject to the size limitation, this definition includes, but is not limited to, the facilities called "Group Homes", "Halfway House", and "Foster Home".

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

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

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

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

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

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

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

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

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

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

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



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

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

**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.

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

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

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

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

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

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

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

**MINING** means land or buildings used for the extraction of ores, salts, oil and/or natural gas.

**MOBILE HOME** means a transportable factory-built single family dwelling unit:

- (a) which complies with space standards substantially equal to those laid down in the Canadian Code for Residential Construction and is in accordance with the

construction standards laid down and all other applicable Provincial and Municipal Codes and;

- (b) which is designed to be:
  - (i) transported on its own wheels and chassis to a mobile home lot, and subsequently supported on its own wheels, jacks, posts or piers, or on a permanent foundation and;
  - (ii) connected to exterior public utilities approved by the Authority, namely, piped water, piped sewer, electricity and telephone, in order for such mobile home unit to be suitable for year round term occupancy.

**MOBILE HOME PARK** means a mobile home development under single or joint ownership, cared for and controlled by a mobile home park operator where individual mobile home lots are rented or leased with or without mobile home units placed on them and where ownership and responsibility for the maintenance and development of site facilities including underground services, access roads, communal areas, snow clearing and garbage collection, or any of them, are the responsibility of the mobile home park management, and where the mobile home development is classified as a mobile home park by the Authority.

**MOBILE HOME SUBDIVISION** means a mobile home development requiring the subdivision of land whether in single or joint ownership into two or more pieces or parcels of land for the purpose of locating thereon mobile home units under either freehold or leasehold tenure and where the maintenance of streets and services is the responsibility of a municipality or public authority, and where the mobile home development is classified as a mobile home subdivision by the Authority.

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

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

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

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

**PROHIBITED USE\*** means a use that is not listed within the permitted use classes set out in the use zone tables of an authority's development regulations.

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

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

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

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

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

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

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

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

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

**SIDEYARD 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.

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

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

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

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

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

**TAVERN:** includes a nightclub and means a building licensed or licensable under the Liquor Control Act wherein meals and food may be served for consumption on the premises and in which entertainment may be provided.

**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.

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

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

**SCHEDULE B  
CLASSIFICATION OF USES OF LAND AND BUILDINGS**

<b>GROUP</b>	<b>CLASS</b>	<b>EXAMPLES</b>
ASSEMBLY USES	Theatre	Motion Picture Theatres T.V. Studios admitting an audience.
ASSEMBLY USES		Libraries, Museums, Art Galleries,

---

	Cultural and Civic	Court Rooms, Meeting Rooms, Council Chambers
ASSEMBLY USES	General Assembly	Community Halls, Lodge Halls, Dance Halls, Gymnasias, Auditoria, Bowling Alleys
ASSEMBLY USES	Educational	Schools, Colleges (non- residential)
ASSEMBLY USES	Place of Worship	Churches and similar places of worship, Church Halls
ASSEMBLY USES	Passenger Assembly	Passenger Terminals
ASSEMBLY USES	Club and Lodge	Private Clubs and Lodges (non- residential)
ASSEMBLY USES	Catering	Restaurants, Bars, Lounges
ASSEMBLY USES	Funeral Home	Funeral Homes and Chapels
ASSEMBLY USES	Child Care	Day Care Centres
ASSEMBLY USES	Amusement	Electronic Games Arcades, Pinball Parlours, Poolrooms
ASSEMBLY USES	Indoor Assembly	Arenas, Armouries, Ice Rinks, Indoor Swimming Pools

**SCHEDULE B**  
**CLASSIFICATION OF USES OF LAND AND BUILDINGS**

GROUP	CLASS	EXAMPLES
ASSEMBLY USES	Outdoor Assembly	Bleachers, Grandstands, Outdoor Ice Rinks and Swimming Pools, Amusement Parks and Fairgrounds, Exhibition Grounds, Drive-in Theatres
ASSEMBLY USES	Campground	Campgrounds, Recreational Vehicle and Travel Trailer Campgrounds
INSTITUTIONAL USES	Penal and Correctional Detention	Jails, Penitentiaries, Police Stations (with detention quarters), Prisons, Psychiatric Hospitals (with detention quarters), Reformatories
INSTITUTIONAL USES	Medical Treatment and Special Care	Children's Homes, Convalescent Homes Homes for Aged, Hospitals, Infirmarys
RESIDENTIAL USES	Single Dwelling	Single Detached Dwellings, Family & Group Homes
RESIDENTIAL USES	Double Dwelling	Semi-detached Dwelling, Duplex Dwellings, Family & Group Homes

RESIDENTIAL USES	Row Dwelling	Row Houses, Town Houses, Family & Group Homes
RESIDENTIAL USES	Apartment Building	Apartments, Family & Group Homes

**SCHEDULE B  
CLASSIFICATION OF USES OF LAND AND BUILDINGS**

GROUP	CLASS	EXAMPLE
RESIDENTIAL USES	Collective Residential	Residential Colleges & Schools, University & College Halls of Residence, Convents & Monasteries, Nurses and Hospital Residences
RESIDENTIAL USES	Boarding House Residential and/or Bed and Breakfast	Boarding Houses, Lodging Houses, Bed and Breakfast
RESIDENTIAL USES	Commercial Residential	Hotels & Motels, Hostels, Residential Clubs
RESIDENTIAL USES	Seasonal Residential	Summer Homes & Cabins, Hunting & Fishing Cabins
RESIDENTIAL USES	Mobile Homes	Mobile Homes
BUSINESS & PERSONAL SERVICE USES	Office	Offices (including Government Offices), Banks
BUSINESS & PERSONAL SERVICE USES	Medical and Professional	Medical Offices and Consulting Rooms, Dental Offices & Surgeries, Legal Offices & Similar Professional Offices



BUSINESS &  
PERSONAL  
SERVICE USES

Personal Service

Barbers, Hairdressers, Beauty  
Parlours, Small Appliance Repairs

BUSINESS &  
PERSONAL  
SERVICE USES

General Service

Self-service Laundries, Dry  
Cleaners (not using flammable or  
explosive substances), Small Tool  
and Appliance Rentals, Travel  
Agents

**SCHEDULE B  
CLASSIFICATION OF USES OF LAND AND BUILDINGS**

GROUP	CLASS	EXAMPLES
BUSINESS & PERSONAL SERVICE USES	Communications	Radio Stations, Telephone Exchanges
BUSINESS & PERSONAL SERVICE USES	Police Station	Police Stations without detention quarters
BUSINESS & PERSONAL SERVICE USES	Taxi Stand	Taxi Stands
BUSINESS & PERSONAL SERVICE USES	Take-out Food Service	Take-out Food Service
BUSINESS & PERSONAL SERVICE USES	Veterinary	Veterinary Surgeries
MERCANTILE USES	Shopping Centre	Shopping Centres
MERCANTILE USES	Shop	Retail Shops and Stores and Showrooms, Department Stores
MERCANTILE USES	Indoor Market	Market Halls, Auction Halls
MERCANTILE USES	Outdoor Market	Market Grounds, Animal Markets,

		Produce and Fruit Stands, Fish Stalls
MERCANTILE USES	Convenience Store	Confectionary Stores, Corner Stores, Gift Shops, Specialty Shops

**SCHEDULE B  
CLASSIFICATION OF USES OF LAND AND BUILDINGS**

GROUP	CLASS	EXAMPLES
INDUSTRIAL USES	Hazardous Industry	Bulk Storage of hazardous liquids and substances, Chemical Plants, Distilleries Feed Mills, & Lacquer, Mattress, Paint, Varnish, and Rubber Factories, Spray Painting
INDUSTRIAL USES	General Industry	Factories, Cold Storage Plants, Freight Depots General Garages, Warehouses, Workshops, Laboratories, Laundries, Planing Mills, Printing Plants, Contractors' Yards
INDUSTRIAL USES	Service Station	Gasoline Service Stations, Gas Bars
INDUSTRIAL USES	Light Industry	Light Industry, Parking Garages, Indoor Storage, Warehouses,

		Workshops
NON-BUILDING USES	Agriculture	Commercial Farms, Hobby Farms, Market Gardens & Nurseries
NON-BUILDING USES	Forestry	Tree Nurseries, Silviculture
NON-BUILDING USES	Mineral Exploration	Mineral Exploration
NON-BUILDING USES	Mineral Working	Quarries, Pits
NON-BUILDING USES	Mining	Mining, Oil Wells

**SCHEDULE B  
 CLASSIFICATION OF USES OF LAND AND BUILDINGS**

GROUP	CLASS	EXAMPLES
NON-BUILDING USES	Recreational Open Space	Playing Fields, Sports Grounds, Parks, Playgrounds
NON-BUILDING USES	Conservation	Watersheds, Buffer Strips, Flood Plains, Architectural, Historical and Scenic Sites, Steep Slopes, Wildlife Sanctuaries
NON-BUILDING USES	Cemetery	Cemeteries, Graveyards
NON-BUILDING USES	Scrap Yard	Car Wrecking Yards, Junk Yards, Scrap Dealers

---

NON-BUILDING USES	Solid Waste	Solid Waste Disposal, Sanitary Land Fill Incinerators
NON-BUILDING USES	Animal	Animal Pounds, Kennels, Zoos
NON-BUILDING USES	Antenna	TV, Radio and Communications Transmitting and Receiving Masts and Antennae
NON-BUILDING USES	Transportation	Airfields, Docks and Harbours
NON-BUILDING USES	Marina	Marina, Yacht Club, Boating Club, Boat House, Fishing Stage



**SCHEDULE C  
USE ZONE TABLES**

**NOTE:** This schedule contains tables showing the use classes which may be permitted or which may be treated as discretionary use classes for the purpose of these Regulations. The tables also indicate the required standards of development and may also include conditions affecting some or all of the use classes.

The schedule contains tables for the following Use Zones:

Residential  
Residential Rural  
Commercial and Community Service  
Industrial  
Recreational Open Space  
Rural  
Rural Restricted  
Mineral Working  
Conservation  
Protected Water Supply

**USE ZONE TABLE  
RESIDENTIAL (RES) ZONE**

<b>ZONE TITLE</b> RESIDENTIAL (RES) (Marystown)				
<p><b>PERMITTED USE CLASSES - (see Regulation 96)</b>                  Conservation, Double Dwelling, Family and Group Care Centre, General Service (Home Occupation), Light Industry (Home Occupation), Medical and Professional (Home Occupation), Office (Home Occupation), Personal Service (Home Occupation), Public Utility, Recreational Open Space, Single Dwelling, Subsidiary Apartment and Antenna.</p>				
<p><b>DISCRETIONARY USE CLASSES - (see Regulations 23 and 97)</b>                  Apartment Building, Bed and Breakfast, Boarding House, Child Care, Educational, Marina, Mobile Home, Place of Worship, Row Dwelling, Convenience Store.</p>				
<b>STANDARDS</b>		<b>WHERE PERMITTED</b>		
	Single Dwelling	Double Dwelling	Row Dwelling	APARTMENT BUILDING
Lot area (m <sup>2</sup> ) minimum	450*	390*	350* (average)	280*
Floor Area (m <sup>2</sup> ) minimum	80	80	65	
Frontage (m) minimum	15	20	12 (average per unit)	20 m for first three; 6.6m per unit, four and more up to 36 m maximum
Building Line Setback (m) (minimum)	6	6	6	10
Side yard Width (m) (minimum)	1	1	1	5
Side yard Width (m) Flanking Road (minimum)	6	6	6	10
Rear yard Depth (m) (minimum)	9 (also Condition 23)	9	9	9
Lot Coverage (%) maximum	33	33	33	33



NOTES: \* per dwelling unit.

## **CONDITIONS FOR THE RESIDENTIAL ZONE**

### **1. Accesses and Service Streets (see Regulation 28)**

### **2. Accessory Buildings**

- (1) See Regulation 29.
- (2) Accessory buildings shall not be used for commercial purposes.
- (3) Accessory buildings shall not be erected upon or placed upon any easements.
- (4) Exclusive of cold frames, decks, gazebos, greenhouses, swimming pools and temporary repair shelters, accessory buildings shall have lot coverage no greater than 7 percent of the lot area, up to a maximum of 56 square metres, and a height of no more than 6 metres from the highest point on the roof ridge to ground level.
- (5) Radio and television antennae shall have a maximum height of 15 metres.
- (6) With the exception of greenhouses and swimming pools, accessory buildings shall be similar in appearance to the main building in terms of design, colour and materials.
- (7) Accessory buildings shall not be closer the front lot line than the main building, 1 m to the side lot line, and 1 m to rear lot line, and accessory buildings shall maintain a minimum separation distance of 2 m from a dwelling.
- (8) An open or partially enclosed deck attached to the dwelling shall not extend into the minimum permissible front and side yards, and shall not be closer to the rear lot line than 1 m.

### **3. Accessory Uses (see Regulation 30)**

### **4. Advertisements (see Regulations 31 to 37)**

### **5. Archaeological Sites (see Regulation 39)**

### **6. Back lot Development**

Any requirement that a single dwelling may only be developed where it has full frontage on a publicly maintained road may be waived by Council under the conditions below.

- 
- (1) The back lot dwelling shall be constructed to the rear of an existing dwelling which fronts on a publicly maintained road.
  - (2) The home may not be constructed within 10 metres of any other house or building, other than accessory buildings or two (2) metres of any of the lot lines.
  - (3) Lot area requirements shall conform to those of the Zone;
  - (4)
    - (a) The back lot development shall have an independent access to a public road, not shared with any other dwelling, even the dwelling which it is to be constructed behind. Council will be satisfied that the access is owned or otherwise controlled by the owner of the back lot development and can be conveyed or will run with the home site. The access shall be of a sufficient size to allow year-round access by emergency vehicles, room for cleared snow and room for drainage ditches. The minimum width of such a road shall be 6 metres.
    - (b) In cases where further development beyond the initial back lot development may be possible, the initial dwelling and all subsequent development using the access developed for that dwelling, shall conform to site development standards as if the access were a public road. The access shall be wide enough and appropriately located to enable it to be upgraded to local road standards in the future.
  - (5) For the purposes of these Regulations, the Building Line in the case of back lot residential development shall be coincident with the front wall of the dwelling, as determined by Council.
  - (6) The back lot dwelling shall not be any further from a source of water for fire fighting purposes than fire fighting equipment can access to service the site.
  - (7) Piped connections to public water and sewer services shall not be shared with any other development, nor cross through other property.
  - (8) Notice of the application is provided in accordance with Section 23.

**7. Bed and Breakfast, Boarding House**

Bed and breakfast and boarding house may be permitted as discretionary uses provided:

- (a) the proposed building has an exterior design which is sensitive to the residential character of the surrounding area and respects the scale and density of adjacent dwellings; and
- (b) the development is landscaped in a manner compatible with the surrounding residential area.

**8. Buffers - Designated Trails and Public Open Space (see Regulation 40)**

**9. Buffers - Non-Residential (see Regulation 41)**

**10. Building Line and Setback (see Regulation 42)**

**11. Discretionary Uses**

- (1) See Regulation 44.
- (2) Discretionary uses shall conform to the frontage, building line setback, side yard, rear yard, and lot coverage specified for a single dwelling.

**12. Environmental Protection (see Regulation 45)**

**13. Family and Group Care Centres (see Regulation 46)**

**14. Fences (see Regulation 47)**

**15. Home Occupation**

A Home Occupation shall only be permitted if:

- (a) the uses are restricted to:
  - (i) office (Office Class)
  - (ii) barbers, hairdressers, beauty parlours, small appliance repairs (Personal Service Class);
  - (iii) small tool and appliance rentals, travel agents (General Service Class);
  - (iv) crafts (Light Industry Class - workshops).
- (b) the use is clearly subsidiary to a residential use, occurs within the dwelling and the primary use of the property remains residential;
- (c) not more than twenty-five (25) percent of the total floor area of the dwelling to a maximum of forty-five (45) square metres is devoted to the home occupation;
- (d) there is no more than one (1) non-resident employee employed on the site in addition to residents of the dwelling;
- (e) one off-street parking space, other than that required for the dwelling, is provided for every twenty (20) square metres of floor space occupied by the home occupation;
- (f) no mechanical equipment is used except that reasonably consistent with the use of a dwelling;

- (g) no wholesale or retail sale of goods is externally apparent - for example, if sale of crafts occurs it does not occur through walk-in or drive-in trade;
- (h) there is no outdoor storage or display;
- (i) a non-illuminated identification sign not exceeding 0.28 m<sup>2</sup> in area shall be permitted on the dwelling provided that the sign is consistent with residential character of the neighbourhood;
- (j) no change in the type, class or extent of the home occupation shall be permitted except with the approval of the Authority.

**16. Lot Area, Lot Area and Size Exceptions, Lot Frontage (see Regulations 49, 50 and 51)**

**17. Marina**

A marina in this zone shall be restricted to a marina associated with a nearby residential use, and shall be restricted to a boat haul out, wharf, shed and/or fishing stage that is compatible with nearby residential uses in character and usage.

**18. Mineral Working Buffer**

No new dwelling may be permitted within the buffer of a Mineral Working unless it has been approved by the Department of Mines and Energy. See also Regulation 53 (1).

**19. Mobile Homes**

A mobile home may be permitted provided it meets the conditions set out below. The mobile home shall meet all stipulated conditions within three months from the date it arrives on the lot.

- (1) Except in respect of minimum floor area, the standards set out in the use zone table for single dwellings shall apply to the mobile home development.
- (2) The mobile home shall be sited so that no more than three mobile home lots are located adjacent to one another and/or directly opposite one another.
- (3) The mobile home shall not be located on a lot in a single-dwelling subdivision approved under Part III of these Regulations.
- (4) The mobile home shall be located on its lot so that the portion nearest the street frontage is at least 7.3 metres in total dimension parallel to the street.
- (5) The mobile home shall be placed on a permanent foundation or otherwise permanently supported and fixed, with wheels and axles removed, and shall be provided with a visible foundation or acceptable skirting similar in appearance to foundations of dwellings in the immediate area.
- (6) The roof of the mobile home shall be similar in appearance, pitch and materials to the roofs of the permanent dwellings built in the immediate area or the roof of the mobile home shall be altered to be similar.
- (7) The exterior covering material shall be similar or closely compatible to that found on conventionally built dwellings in the surrounding area.
- (8) The mobile home shall be provided with approved water and sewer services.

**20. Non-Conforming Uses and Non-Conforming Uses - Discontinuance (see Regulations 59 and 60)**

**21. Parking Requirements and Off-street Loading Requirements (see Regulations 64 and 62)**

**22. Parks and Playgrounds and Conservation Uses (see Regulation 65)**

**23. Rear Yard Abutting a Waterways Reservation**

Where a residential development abuts a waterways reservation and the property cannot be otherwise developed although it meets the frontage and lot area requirements of this Zone, the minimum rear yard shall be 4.5 metres measured from the rear property line or reservation, whichever is greater.

**24. Road Frontage**

All use classes except marinas, must front onto an existing public road or a subdivision road built in conformity with the standards in these Regulations.

**25. Screening and Landscaping (see Regulation 67)**

**26. Services and Utilities (see Regulation 69)**

**27. Convenience Store**

A convenience store may be permitted provided:

- (a) the use is not intrusive and is compatible with the surrounding area in terms of building scale, site design and lay-out, and level of activity;
- (b) impact on adjacent dwellings is minimized through appropriate site design and provision of appropriate buffers and screening;
- (c) no outdoor storage associated with the use shall be permitted and no repairs to vehicles or heavy equipment shall be carried out;



- (d) activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, inconvenience or nuisance to adjacent dwellings because of type of operation, traffic or hours of operation; and
- (e) adequate off-street parking and loading facilities are available on-site.

- 28. Side Yards (see Regulation 70)**
- 29. Soil Removal and Deposit and Site Grading (see Regulation 71)**
- 30. Street Construction Standards (see Regulation 72)**
- 31. Subdivision of Land (see Part III - Regulations 77 to 93)**
- 32. Subsidiary Apartments (see Regulation 73)**
- 33. Unsubdivided Land (see Regulation 74)**
- 34. Use Zones, Use Classes, Permitted Uses, Discretionary Uses, Uses Not Permitted (see Part IV - Regulations 94 - 98)**
- 35. Waterways - Development in Waterways and Waterways Reservations or Buffers (see Regulation 75)**
- 36. Zero Lot Line and Other Comprehensive Development (see Regulation 76)**

**USE ZONE TABLE**

**RESIDENTIAL RURAL (RR) ZONE**

ZONE TITLE	RESIDENTIAL RURAL (RR) (Marystown)
<p>PERMITTED USE CLASSES - (see Regulation 96)</p> <p>Conservation, Double Dwelling, Family and Group Care Centre, General Service (Home Occupation), Light Industry (Home Occupation), Office (Home Occupation), Personal Service (Home Occupation), Public Utility, Recreational Open Space, Single Dwelling, Subsidiary Apartment and Antenna.</p>	
<p>DISCRETIONARY USE CLASSES - (see Regulations 23 and 97)</p> <p>Bed and Breakfast, Boarding House, Child Care, Educational, Marina, Mobile Home, Outdoor Market, Place of Worship, and Convenience Store.</p>	

**CONDITIONS FOR THE RESIDENTIAL RURAL ZONE**

**1. General Development Standards**

Lot Area: As determined by the Department of Government of Services and Lands or 1860 m<sup>2</sup>, whichever is greater. With piped water or piped sewage, the lot size may be reduced to 1,400 m<sup>2</sup>, with the Department's approval. With piped water and piped sewage, that is sewage piped to the ocean or into the municipal sewer system, the minimum lot size is 470m<sup>2</sup>, subject to the approval of the Department..

Lot Frontage - 1860 m<sup>2</sup> and 1400 m<sup>2</sup> lots: As determined by the Department of Government of Services and Lands or 30 metres minimum, whichever is greater.

Lot Frontage - 470 m<sup>2</sup> lots: 15 m minimum.

Building Line: The minimum setback from a public road shall be 8 metres.

Side yards: 5 metres minimum.

Side yard Flanking Road: 8 metres minimum.

Rear yard: 10 metres minimum, except that where a residential development abuts a waterways reservation and the property cannot be otherwise developed although it meets the frontage and lot area requirements of this Zone, the minimum rear yard shall be 5 metres measured from the rear property line or reservation, whichever is greater.

**2. Accesses and Service Streets (see Regulation 28)**

**3. Accessory Buildings**

- (1) See Regulation 29.
- (2) Accessory buildings shall not be used for commercial purposes.
- (3) Accessory buildings shall not be erected upon or placed upon any easements.
- (4) Exclusive of cold frames, decks, gazebos, greenhouses, swimming pools and temporary repair shelters, accessory buildings shall have lot coverage no greater than 7 percent of the lot area, up to a maximum of 56 square metres, and a height of no more than 6 metres from the highest point on the roof ridge to ground level.

- (5) Radio and television antennae shall have a maximum height of 15 metres.
- (6) With the exception of greenhouses and swimming pools, accessory buildings shall be similar in appearance to the main building in terms of design, colour and materials.
- (7) Accessory buildings shall not be closer the front lot line than the main building, 1 m to the side lot line, and 1 m to rear lot line, and accessory buildings shall maintain a minimum separation distance of 2 m from a dwelling.
- (8) An open or partially enclosed deck attached to the dwelling shall not extend into the minimum permissible front and side yards, and shall not be closer to the rear lot line than 1 m.

**4. Accessory Uses (see Regulation 30)**

**5. Advertisements (see Regulations 31 to 37)**

**6. Archaeological Sites (see Regulation 39)**

**7. Bed and Breakfast, Boarding House**

Bed and breakfast and boarding house may be permitted as discretionary uses provided:

- (a) the proposed building has an exterior design which is sensitive to the residential character of the surrounding area and respects the scale and density of adjacent dwellings; and
- (b) the development is landscaped in a manner compatible with the surrounding residential area.

**8. Buffers - Designated Trails and Public Open Space (see Regulation 40)**

**9. Buffers - Non-Residential (see Regulation 41)**

**10. Building Line and Setback (see Regulation 42)**

**11. Discretionary Uses**

- (1) See Regulation 44.
- (2) Discretionary uses shall conform to the frontage, building line setback, side yard, rearward, and lot coverage specified for a single dwelling.

**12. Environmental Protection (see Regulation 45)**

**13. Family and Group Care Centres (see Regulation 46)**

**14. Fences (see Regulation 47)**

**15. Home Occupation**

A Home Occupation shall only be permitted if:

- (a) the uses are restricted to:
  - (i) office (Office Class)
  - (ii) barbers, hairdressers, beauty parlors, small appliance repairs (Personal Service Class);
  - (iii) small tool and appliance rentals, travel agents (General Service Class);
  - (iv) crafts (Light Industry Class - workshops).

- (b) the use is clearly subsidiary to a residential use, occurs within the dwelling and the primary use of the property remains residential;
- (c) not more than twenty-five (25) percent of the total floor area of the dwelling to a maximum of forty-five (45) square metres is devoted to the home occupation;
- (d) there is no more than one (1) non-resident employee employed on the site in addition to residents of the dwelling;
- (e) one off-street parking space, other than that required for the dwelling, is provided for every twenty (20) square metres of floor space occupied by the home occupation;
- (f) no mechanical equipment is used except that reasonably consistent with the use of a dwelling;
- (g) no wholesale or retail sale of goods is externally apparent - for example, if sale of crafts occurs it does not occur through walk-in or drive-in trade;
- (h) there is no outdoor storage or display;
- (i) a non-illuminated identification sign not exceeding 0.28 m<sup>2</sup> in area shall be permitted on the dwelling provided that the sign is consistent with residential character of the neighbourhood;

- (j) no change in the type, class or extent of the home occupation shall be permitted except with the approval of the Authority.

**16. Lot Area, Lot Area and Size Exceptions, Lot Frontage (see Regulations 49, 50 and 51)**

**17. Marina**

A marina in this zone shall be restricted to a marina associated with a nearby residential use, and shall be restricted to a boat haul out, wharf, shed and/or fishing stage that is compatible with nearby residential uses in character and usage.

**18. Mineral Working Buffer**

No new dwelling may be permitted within the buffer of a Mineral Working unless it has been approved by the Department of Mines and Energy. See also Regulation 53 (1).

**19. Mobile Homes**

A mobile home may be permitted provided it meets the conditions set out below. The mobile home shall meet all stipulated conditions within three months from the date it arrives on the lot.

- (1) Except in respect of minimum floor area, the standards set out in the use zone table for single dwellings shall apply to the mobile home development.
- (2) The mobile home shall be sited so that no more than three mobile home lots are located adjacent to one another and/or directly opposite one another.
- (3) The mobile home shall not be located on a lot in a single dwelling subdivision approved under Part III of these Regulations.
- (4) The mobile home shall be located on its lot so that the portion nearest the street frontage is at least 7.3 metres in total dimension parallel to the street.
- (5) The mobile home shall be placed on a permanent foundation or otherwise permanently supported and fixed, with wheels and axles removed, and shall be provided with a visible foundation or acceptable skirting similar in appearance to foundations of dwellings in the immediate area.

- (6) The roof of the mobile home shall be similar in appearance, pitch and materials to the roofs of the permanent dwellings built in the immediate area or the roof of the mobile home shall be altered to be similar.
- (7) The exterior covering material shall be similar or closely compatible to that found on conventionally built dwellings in the surrounding area.
- (8) The mobile home shall be provided with approved water and sewer services.



- 20. Non-Conforming Uses and Non-Conforming Uses - Discontinuance (see Regulations 59 and 60)**
- 21. Parking Requirements and Off-street Loading Requirements (see Regulations 64 and 62)**
- 22. Parks and Playgrounds and Conservation Uses (see Regulation 65)**
- 23. Road Frontage & Development on Existing Road**

All use classes except marinas, must front onto an existing public road built in conformity with the standards in these Regulations.

- 24. Screening and Landscaping (see Regulation 67)**
- 25. Services and Utilities (see Regulation 69)**
- 26. Convenience Store, Outdoor Market**

Convenience store and outdoor market may be permitted provided:

- (a) the use is not intrusive and is compatible with the surrounding area in terms of building scale, site design and lay-out, and level of activity;
- (b) impact on adjacent dwellings is minimized through appropriate site design and provision of appropriate buffers and screening;
- (c) no outdoor storage associated with the use shall be permitted and no repairs to vehicles or heavy equipment shall be carried out;

(d) activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, inconvenience or nuisance to adjacent dwellings because of type of operation, traffic or hours of operation; and

(e) adequate off-street parking and loading facilities are available on-site.

**27. Side Yards (see Regulation 70)**

**28. Soil Removal and Deposit and Site Grading (see Regulation 71)**

**29. Street Construction Standards (see Regulation 72)**

**30. Subdivision of Land (see Part III - Regulations 77 to 93)**

**31. Subsidiary Apartments (see Regulation 73)**

**32. Unsubdivided Land (see Regulation 74)**

**33. Use Zones, Use Classes, Permitted Uses, Discretionary Uses, Uses Not Permitted (see Part IV - Regulations 94 - 98)**

**34. Waterways - Development in Waterways and Waterways Reservations or Buffers (see Regulation 75)**

**35. Zero Lot Line and Other Comprehensive Development (see Regulation 76)**

**USE ZONE TABLE  
COMMERCIAL AND COMMUNITY SERVICES ZONE**

ZONE TITLE	COMMERCIAL AND COMMUNITY SERVICES (CCS)	(Marystown)
<b>PERMITTED USE CLASSES - (see Regulation 96)</b>		
All uses in the Assembly Use group except Campground, Boarding House Residential and Bed and Breakfast, all uses in the Business Professional, and Personal Service Uses group, Collective Residential, Commercial-Residential, Conservation, Light Industry, Marina, Medical Treatment and Special Care, all uses in the Mercantile Uses group, Public Utility, Recreational Open Space, Transportation, and Antenna.		
<b>DISCRETIONARY USE CLASSES - (see Regulations 23 and 97)</b>		
Apartment Building, Campground, General Industry (General Garage only), and Service Station.		

**CONDITIONS FOR THE COMMERCIAL AND COMMUNITY SERVICES ZONE**

**1. Development Standards**

- |     |   |           |
|-----|---|-----------|
| (a) | Minimum Building Line Setback<br>(See also Regulation 42)                       | 4 metres  |
| (b) | Minimum Side yard Width   | 5 metres  |
| (c) | Minimum Rear yard Depth   | 10 metres |
| (d) | Maximum Height  | 10 metres |
| (e) | Residential development shall conform to the standards of the Residential zone. |           |

**2. Accesses and Service Streets (see Regulation 28)**

**3. Accessory Buildings**

- (1) See Regulation 29 where applicable.
- (2) If applicable, to be determined by Council having regard for appearance, safety, and convenience.

**4. Accessory Uses (see Regulation 30)**

**5. Advertisements (see Regulations 31 to 37)**

**6. Archaeological Sites (see Regulation 39)**

**7. Bed and Breakfast, Boarding House**

Bed and breakfast and boarding house may be permitted provided:

- (a) the proposed building has an exterior design which is sensitive to the residential character of the surrounding area and respects the scale and density of adjacent dwellings; and

(b) the development is landscaped in a manner compatible with the surrounding residential area.

8. **Buffers - Designated Trails and Public Open Space (see Regulation 40)**

9. **Buffers - Non-Residential (see Regulation 41)**

10. **Building Line and Setback (see Regulation 42)**

11. **Campground (See Regulation 43)**

12. **Discretionary Uses (see Regulation 44)**

13. **Environmental Protection (see Regulation 45)**

14. **Fences (see Regulation 47)**

15. **Landscaping and Surfacing**

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

16. **Lot Area, Lot Area and Size Exceptions, Lot Frontage (see Regulations 49, 50 and 51)**

17. **Municipal Services - Unserviced Development (see Regulation 58)**

**18. Non-Conforming Uses and Non-Conforming Uses - Discontinuance (see Regulations 59 and 60)**

**19. Outdoor Assembly and Indoor Assembly Uses (see Regulation 63)**

Outdoor assembly uses includes commercial - recreation uses, such as driving ranges, go-kart tracks.

**20. Outdoor Storage**

The Authority may permit open storage of materials, goods and machinery associated with a permitted or discretionary use provided:

- (a) the open storage is not located in the front yard; and
- (b) the Authority may require open storage to be fenced or screened.

**21. Parking Requirements and Off-street Loading Requirements (see Regulations 64 and 62)**

**22. Parks and Playgrounds and Conservation Uses (see Regulation 65)**

**23. Road Frontage**

All use classes, except for marinas, must front onto an existing public road or a subdivision road built in conformity with the standards in these Regulations.

24. Screening and Landscaping (see Regulation 67)
25. Service Stations (see Regulation 68)
26. Services and Utilities (see Regulation 69)
27. Side Yards (see Regulation 70)
28. **Soil Removal and Deposit and Site Grading (see Regulation 71)**
29. Street Construction Standards (see Regulation 72)
30. Subdivision of Land (see Part III - Regulations 77 to 93)
31. Subsidiary Apartments (see Regulation 73)
32. Unsubdivided Land (see Regulation 74)
33. Use Zones, Use Classes, Permitted Uses, Discretionary Uses, Uses Not Permitted  
(see Part IV - Regulations 94 to 98)
34. Waterways - Development in Waterways and Waterways Reservations or Buffers  
(see Regulation 75)
35. Zero Lot Line and Other Comprehensive Development (see Regulation 76)





**USE ZONE TABLE**

**INDUSTRIAL ZONE**

ZONE TITLE	INDUSTRIAL (IND)	(Marystown)
PERMITTED USE CLASSES - (see Regulation 96)		
Conservation, General Industry, Light Industry, Marina, Passenger Assembly, Public Utility, Service Station, Taxi Stand, Transportation, and Antenna.		
DISCRETIONARY USE CLASSES - (see Regulations 23 and 97)		
Hazardous Industry.		

**CONDITIONS FOR THE INDUSTRIAL ZONE**

**1. Development Standards**

- |     |  |           |
|-----|--|-----------|
| (a) | Minimum Building Line Setback<br>See also Regulation 42. | 10 metres |
| (b) | Minimum Side yard Width                                  | 5 metres  |
| (c) | Minimum Side yard Width Flanking Road                    | 10 metres |
| (d) | Minimum Rear yard Depth                                  | 15 metres |
| (e) | Maximum Height   | 15 metres |

**2. Accesses and Service Streets (see Regulation 28)**

**3. Accessory Buildings**

- (1) See Regulation 29 where applicable.
- (2) If applicable, to be determined by Council having regard for appearance, safety, and convenience.

4. **Accessory Uses (see Regulation 30)**
5. **Advertisements (see Regulations 31 to 37)**
6. **Archaeological Sites (see Regulation 39)**
7. **Buffers - Designated Trails and Public Open Space (see Regulation 40)**
8. **Buffers - Non-Residential (see Regulation 41)**
9. **Building Line and Setback (see Regulation 42)**
10. **Discretionary Uses (see Regulation 44)**
11. **Environmental Protection (see Regulation 45)**
12. **Fences (see Regulation 47)**
13. **Landscaping and Surfacing**  
  
Lots shall be landscaped and provided with a stable surface to prevent rising or movement of dust, clay, mud or loose particles.
14. **Lot Area, Lot Area and Size Exceptions, Lot Frontage (see Regulations 49, 50 and 51)**
15. **Municipal Services - Unserviced Development (see Regulation 58)**

16. **Non-Conforming Uses and Non-Conforming Uses - Discontinuance (see Regulations 59 and 60)**

17. **Outdoor Storage**

The Authority may permit open storage of materials, goods and machinery associated with a permitted or discretionary use provided:

- (a) the open storage is not located in the front yard; and
- (b) the Authority may require open storage to be fenced or screened.

18. **Parking Requirements and Off-street Loading Requirements (see Regulations 64 and 62)**

19. **Parks and Playgrounds and Conservation Uses (see Regulation 65)**

20. **Road Frontage**

All use classes, except for marinas, must front onto an existing public road or a subdivision road built in conformity with the standards in these Regulations.

21. **Screening and Landscaping (see Regulation 67)**

22. **Service Stations (see Regulation 68)**

- 
23. Services and Utilities (see Regulation 69)
  24. Side Yards (see Regulation 70)
  25. Soil Removal and Deposit and Site Grading (see Regulation 71)
  26. Street Construction Standards (see Regulation 72)
  27. Subdivision of Land (see Part III - Regulations 77 to 93)
  28. Unsubdivided Land (see Regulation 74)
  29. Use Zones, Use Classes, Permitted Uses, Discretionary Uses, Uses Not Permitted (see Part IV - Regulations 94 to 98)
  30. Waterways - Development in Waterways and Waterways Reservations or Buffers (see Regulation 75)
  31. Zero Lot Line and Other Comprehensive Development (see Regulation 76)

**USE ZONE TABLE  
RECREATIONAL OPEN SPACE (OS) ZONE**

ZONE TITLE	RECREATIONAL OPEN SPACE (OS)	(Marystown)
------------	------------------------------	-------------

PERMITTED USE CLASSES - (see Regulation 96)

Conservation, Marina, Public Utility, and Recreational Open Space.

DISCRETIONARY USE CLASSES - (see Regulations 23 and 97)

Campground, Cultural and Civic, Indoor Assembly, Outdoor Assembly, Theatre, and Antenna.

### **CONDITIONS FOR THE RECREATIONAL OPEN SPACE ZONE**

**1. Development Standards**

The development standards for this zone are as determined by the Authority and the Department of Government Services and Lands.

**2. Accesses and Service Streets (see Regulation 28)**

**3. Accessory Buildings (see Regulation 29)**

**4. Accessory Uses (see Regulation 30)**

**5. Advertisements (see Regulations 31 to 37)**

**6. Archaeological Sites (see Regulation 39)**

**7. Buffers - Designated Trails and Public Open Space (see Regulation 40)**

**8. Buffers - Non-Residential (see Regulation 41)**

**9. Building Line and Setback (see Regulation 42)**

**10. Campground (see Regulation 43)**

11. Discretionary Uses (see Regulation 44)
12. Environmental Protection (see Regulation 45)
13. Fences (see Regulation 47)
14. Non-Conforming Uses and Non-Conforming Uses - Discontinuance (see Regulations 59 and 60)
15. Outdoor Assembly and Indoor Assembly Uses (see Regulation 63)
16. Parking Requirements and Off-street Loading Requirements (see Regulations 64 and 62)
17. Parks and Playgrounds and Conservation Uses (see Regulation 65)
18. Screening and Landscaping (see Regulation 67)
19. Services and Utilities (see Regulation 69)
20. **Soil Removal and Deposit and Site Grading (see Regulation 71)**
21. Use Zones, Use Classes, Permitted Uses, Discretionary Uses, Uses Not Permitted (see Part IV - Regulations 94 to 98)

- 22. Waterways - Development in Waterways and Waterways Reservations or Buffers  
(see Regulation 75)**

**USE ZONE TABLE  
RURAL (RU) ZONE**

<b>ZONE TITLE</b>	<b>RURAL (RU)</b>	<b>(Marystown)</b>
<b>PERMITTED USE CLASSES - (see Regulation 96)</b> Agriculture, Conservation, Forestry, Mineral Exploration, Public Utility, Recreational Open Space, and Antenna.		
<b>DISCRETIONARY USE CLASSES - (see Regulations 23 and 97)</b> Animal, Campground, Cemetery, General Industry, Marina, Mineral Working Outdoor Assembly, Outdoor Market, Place of Worship, Scrap Yard, Seasonal Residential, Single Dwelling, and Veterinary.		

**CONDITIONS FOR THE RURAL ZONE**

**1. General Development Standards**

The minimum lot area, frontage and front, rear and side yards shall be as determined by the Authority, subject to the approval of the Department of Government Services and Lands. Applications shall also be referred to the Department of Forest Resources and Agrifoods and, if necessary, the Department of Works, Services and Transportation.

**2. Accesses and Service Streets (see Regulation 28)**

**3. Accessory Buildings (see Regulation 29)**

**4. Accessory Uses (see Regulation 30)**

**5. Advertisements (see Regulations 31 to 37)**

**6. Agriculture and Farming (see Regulation 38)**

**7. Archaeological Sites (see Regulation 39)**

**8. Buffers - Designated Trails and Public Open Space (see Regulation 40)**



- 9. Buffers - Non-Residential (see Regulation 41)**
- 10. Building Line and Setback (see Regulation 42)**
- 11. Campground (see Regulation 43)**
- 12. Discretionary Use Classes (see Regulation 44)**
- 13. Environmental Protection (see Regulation 45)**
- 14. Fences (see Regulation 47)**
- 15. Forestry (see Regulation 48)**
- 16. General Industry**
  - (1) General industry shall be restricted to the maintenance and repair of equipment, processing and storage related to agriculture, forestry or mineral working uses.
  - (2) Unless the Authority is satisfied that the general industry use will not create a nuisance and will not adversely affect the amenity of the surrounding area, the Authority shall require the provision of buffering by the developer to the satisfaction of the Authority.
- 17. Highway 220 Creston South to Burin Crown Land Restriction**

The Town of Marystown will not entertain or recommend for approval Crown Land applications within three hundred (300 metres) on either side of Highway 220 between Creston South Boulevard and the Marystown/Burin Municipal Boundary. This 300 metre restricted area is measured from the centre-line of Highway 220.
- 18. Mineral Exploration (see Regulation 52)**
- 19. Mineral Working - Quarries and Pits (see Regulation 53)**
- 20. Mineral Workings - Short Term Mineral Workings (see Regulation 54)**
- 21. Mineral Workings - Long Term (see Regulation 55)**
- 22. Mineral Workings - Financial Guarantee (see Regulation 56)**

- 23. Mineral Workings - Permit Fee (see Regulation 57)**
- 24. Municipal Services - Unserviced Development (see Regulation 58)**
- 25. Non-Conforming Uses and Non-Conforming Uses - Discontinuance (see Regulations 59 and 60)**
- 26. Offensive and Dangerous Uses (see Regulation 61)**
- 27. Outdoor Assembly and Indoor Assembly Uses (see Regulation 63)**
- 28. Parking Requirements and Off-street Loading Requirements (see Regulations 64 and 62)**
- 29. Parks and Playgrounds and Conservation Uses (see Regulation 65)**
- 30. Scrap Yard (see Regulation 66)**
- 31. Screening and Landscaping (see Regulation 67)**
- 32. Seasonal Residential**

(1) General Development Standards

Location: Infill in existing seasonal residential areas.

Lot Area: As determined by the Department of Government of Services and Lands or 1860 m<sup>2</sup>, whichever is greater.

Lot Frontage: As determined by the Department of Government of Services and Lands or 30 metres, whichever is greater.

Building Line: The minimum setback from a public road shall be 10 metres.

Side yards: 5 metres minimum.

Side yard Flanking Road: 10 metres minimum

Rear yard: 10 metres minimum.

(2) Accessory Buildings

(a) See Regulation 29.

(b) Exclusive of cold frames, decks, gazebos, greenhouses, swimming pools and temporary repair shelters, accessory buildings shall have lot coverage no greater than 7 percent of the lot area, up to a maximum of 60 square metres, and a height of no more than 5 metres.

(c) Accessory buildings must be similar in appearance to the main building in terms of design, colour and materials.

(d) Accessory buildings shall not be closer the front lot line than the main building, 1 m to the side lot line, and 1.5 m to rear lot line.

(e) An open or partially enclosed deck attached to the dwelling shall not extend into the minimum permissible front and side yards, and shall not be closer to the rear lot line than 1.5 m.

**33. Services and Utilities (see Regulation 69)**

**34. Side Yards (see Regulation 70)**

**35. Single Dwelling**

A single dwelling may be permitted only as accessory to a permitted use after two (2) years in operation. Such dwellings shall be subject to the review and approval of the Government Service Centre, Department of Government Services and Lands, to ensure the safe installation and long-term operation of an on-site septic system and private well.

- 36. Soil Removal and Deposit and Site Grading (see Regulation 71)**
- 37. Street Construction Standards (see Regulation 72)**
- 38. Subdivision of Land (see Part III - Regulations 77 to 93)**
- 39. Unsubdivided Land (see Regulation 74)**
- 40. Use Zones, Use Classes, Permitted Uses, Discretionary Uses, Uses Not Permitted (see Part IV - Regulations 94 to 98)**
- 41. Waterways - Development in Waterways and Waterways Reservations or Buffers (see Regulation 75)**

**USE ZONE TABLE**

**RURAL RESTRICTED (RU-R) ZONE**

ZONE TITLE	RURAL RESTRICTED (RU-R)	(Map)
PERMITTED USE CLASSES - (see Regulation 96)	Agriculture, Conservation, Forestry, Mineral Exploration, Public Utility, Recreational Open Space, and Antenna.	
DISCRETIONARY USE CLASSES - (see Regulations 23 and 97)	Animal, Campground, Cemetery, General Industry, Marina, Mineral Working Outdoor Assembly, Outdoor Market, Place of Worship, Scrap Yard, Single Dwelling, and Veterinary.	

**CONDITIONS FOR THE RURAL RESTRICTED ZONE**

Except that Seasonal Residential is not a Discretionary Use class in this zone, all conditions applicable to the Rural Zone, apply likewise to the Rural Restricted Zone.

**USE ZONE TABLE**  
**MINERAL WORKING (MW) ZONE**

<b>ZONE TITLE</b>	<b>MINERAL WORKING (MW)</b>	<b>(Map)</b>
<b>PERMITTED USE CLASSES - (see Regulation 96)</b> Conservation, Mineral Working, Mineral Exploration, Public Utility, and Antenna.		
<b>DISCRETIONARY USE CLASSES - (see Regulations 23 and 97)</b> Agriculture, Forestry, and Scrap yard.		

**CONDITIONS FOR THE MINERAL WORKING ZONE**

**1. General Development Standards**

As determined by the Town in consultation with the relevant provincial and federal agencies.

**2. Accesses and Service Streets (see Regulation 28)**

**3. Accessory Buildings (see Regulation 29)**

**4. Accessory Uses (see Regulation 30)**

**5. Advertisements (see Regulations 31 to 37)**

**6. Agriculture and Farming (see Regulation 38)**

Notwithstanding Regulation 30 or any other regulation, a dwelling associated with an agricultural operation is not permitted with this use in this zone.

**7. Archaeological Sites (see Regulation 39)**

**8. Buffers - Non-Residential (see Regulation 41)**

**9. Building Line and Setback (see Regulation 42)**

**10. Discretionary Use Classes (see Regulation 44)**

**11. Environmental Protection (see Regulation 45)**

**12. Fences (see Regulation 47)**

**13. Forestry (see Regulation 48)**

Notwithstanding Regulation 30 or any other regulation in these Development Regulations, an accessory dwelling is not permitted with this use in this zone.

**14. Mineral Exploration (see Regulation 52)**

**15. Mineral Working (see Regulation 53)**

**16. Mineral Workings - Short Term Mineral Workings (see Regulation 54)**

**17. Mineral Workings - Long Term (see Regulation 55)**

**18. Mineral Workings - Financial Guarantee (see Regulation 56)**

**19. Mineral Workings - Permit Fee (see Regulation 57)**

**20. Non-Conforming Uses and Non-Conforming Uses - Discontinuance (see Regulations 59 and 60)**

**21. Offensive and Dangerous Uses (see Regulation 61)**

**22. Parking Requirements and Off-street Loading Requirements (see Regulations 64 and 62)**

**23. Scrap yard (see Regulation 66)**

**24. Screening and Landscaping (see Regulation 67)**

**25. Services and Utilities (see Regulation 69)**

**26. Use Zones, Use Classes, Permitted Uses, Discretionary Uses, Uses Not Permitted (see Part IV - Regulations 94 to 98)**

**27. Waterways - Development in Waterways and Waterways Reservations or Buffers (see Regulation 75)**

**USE ZONE TABLE  
CONSERVATION (C) ZONE**

<b>ZONE TITLE</b>	<b>CONSERVATION (C)</b>	<b>(Marystown)</b>
<b>PERMITTED USE CLASSES - (see Regulation 96)</b>  Conservation.		
<b>DISCRETIONARY USE CLASSES - (see Regulations 23 and 97)</b>  Agriculture and Forestry, Cemetery, Public Utility, Recreational Open Space, and Antenna		

**CONDITIONS FOR THE CONSERVATION ZONE**

- 1. Accesses and Service Streets (see Regulation 28)**
- 2. Accessory Buildings (see Regulation 29)**
- 3. Accessory Uses (see Regulation 30)**
- 4. Advertisements (see Regulations 31 to 37)**
- 5. Agriculture and Farming (see Regulation 38)**
- 6. Archaeological Sites (see Regulation 39)**
- 7. Buffers - Designated Trails and Public Open Space (see Regulation 40)**
- 8. Buffers - Non-Residential (see Regulation 41)**
- 9. Building Line and Setback (see Regulation 42)**
- 10. Discretionary Use Classes (see Regulation 44)**
- 11. Environmental Protection (see Regulation 45)**
- 12. Fences (see Regulation 47)**



- 13. Forestry (see Regulation 48)**
- 14. Non Conforming Uses and Non-Conforming Uses Discontinuance (see Regulations 59 and 60)**
- 15. Parks and Playgrounds, Conservation Uses (see Regulation 65)**
- 16. Screening and Landscaping (see Regulation 67)**
- 17. Services and Public Utilities (see Regulation 69)**
- 18. Soil Removal and Deposit and Site Grading (see Regulation 71)**
- 19. Use Zones, Use Classes, Permitted Uses, Discretionary Uses, Uses Not Permitted (see Part IV - Regulations 94 to 98)**
- 20. Waterways - Development in Waterways and Waterways Reservations or Buffers (see Regulation 75)**

**USE ZONE TABLE**  
**PROTECTED WATER SUPPLY (PWS) ZONE**

ZONE TITLE	PROTECTED WATER SUPPLY (PWS)	(Marystown)
PERMITTED USE CLASSES (see Regulation 96)		
Conservation, and Public Utility		
DISCRETIONARY USE CLASSES (See Regulations 23 and 97)		
Mineral exploration (see Regulation 52), and Antenna		

**CONDITIONS FOR THE PROTECTED WATER SUPPLY ZONE**

**1. General Conditions and Referrals**

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

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

- (1) Existing resource development and other activities will be allowed to continue unless it is established that these are impairing water quality or have potential to impair water quality.

- (2) The Minister of Environment may require proponents of existing activities, which have potential to impair water quality, to obtain his/her approval.
- (3) No development shall be carried out in a designated area except in accordance with this policy.
- (4) No person shall carry out any development in a designated area without obtaining prior approval in writing from the Minister.

## **2. Activities Not Permitted in a Designated Area**

Although they may be associated with any one of the Permitted or Discretionary Uses, the following activities shall not be permitted in the Protected Water Supply:

- (a) placing, depositing or discharging or permitting the placing, depositing or discharging into a body of water any sewage, refuse, chemicals , municipal and industrial wastes or any other material which impairs or has potential to impair water quality;
- (b) using an intake pond, lake or specified buffer zones for any activity detrimental to water quality, and not permitted in the Environment Act;
- (c) using ice covered water body for transporting logs or wood, riding skidoos/motor vehicles/all terrain vehicles, leading of animals, or any other activity, including littering, which impairs or has potential to impair water quality;
- (d) using or operating existing facilities in such a manner which impairs or has potential to impair water quality;

- (e) storage and disposal of pesticides and manure, application of manure and chemicals in specified buffer zones, extensive land clearing, and peat land drainage without adequate treatment.
- (f) application of herbicides in the right-of-way, and use of chemically treated utility poles and other related structures; and,
- (g) any other storage or disposal facilities that the Minister of Environment considers environmentally unacceptable.

**3. Activities Regulated in a Designated Area**

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

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

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

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

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

- (6) The proponent shall maintain adequate liaison and consultation with the person or authority responsible for the operation and maintenance of the waterworks during the implementation and operation of the approved work.
- (7) The Minister of Environment may require the inspection of the approved development from time to time by his/her officials to ensure that the development is carried out in an environmentally acceptable manner and the proponent is complying with the terms and conditions of the approval.
- (8) The Minister of Environment may require a proponent to monitor water quality according to a monitoring program approved by the Minister in order to evaluate the impact of the approved development on public water supply.

## 5. Buffer Zones

The proponents shall provide the following widths of buffer zones along and around water bodies from the high water mark in a designated area:

<u>Water Body</u>	Width of Buffer Zones
Intake pond or lake	a minimum of 150 metres
River intake	a minimum of 150 metres for a distance of one kilometre upstream and 100 metres downstream
Main river channel	a minimum of 75 metres

---

Major tributaries, lakes or ponds	a minimum of 50 metres
Other water bodies	a minimum of 30 metres

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

## **SCHEDULE D**

### **OFFSTREET PARKING REQUIREMENTS**

- 1. The off-street parking requirements for uses in the various use classes set out in Schedule B shall be as set out in the following table, except as otherwise set out in Schedule C. Parking lot and stall specifications are set out in Regulation 64.**
- 2. In case of developments including uses in more than one class, these standards shall be regarded as cumulative.**

- 3. Adequate off-street provision for drop-off and pick-up of persons shall be provided in developments where required, such as uses within the education, passenger assembly, child care, medical treatment and special care, commercial-residential and take-out food service classes.**

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



Funeral Home	.One space for every 10 square metres of gross floor area.
Child Care	One space for every 20 square metres of gross floor area
Amusement	One space for every 10 square metres of gross floor area.
Indoor Assembly	One space for every 10 spectators that may be accommodated at one time.
Outdoor Assembly	As specified by the Authority.
Campground	As specified by the Authority.
Penal and Correctional Detention	As specified by the Authority.
Medical Treatment and Special Care	One space per 20 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 the Authority.
Boarding House Residential and/or Bed and Breakfast	As specified by the Authority.
Commercial Residential	One space for every guest room.

Seasonal Residential	One space per dwelling unit.
Mobile Homes	Two spaces for every dwelling unit.
Office	One space for every 20 m <sup>2</sup> of gross floor area.
Medical and Professional	One space for every 20 m <sup>2</sup> of gross floor area.
Personal Service	One space for every 20 m <sup>2</sup> of gross floor area.
CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
General Service	One space for every 20 m <sup>2</sup> of gross floor area.
Communications	As specified by the Authority.
Police Station	As specified by the Authority.
Taxi Stand	As specified by the Authority.
Take-out Food Service	One space for every 20 m <sup>2</sup> of gross floor area.
Veterinary	One space for every 20 m <sup>2</sup> of gross floor area.
Shopping Centre	One space for every 15 m <sup>2</sup> of gross floor area.
Shop	One space for every 20 m <sup>2</sup> of gross floor area.
Indoor Market	As specified by the Authority.
Outdoor Market	As specified by the Authority.
Convenience Store	One space for every 20 m <sup>2</sup> of gross floor area.

---

Hazardous Industry	As specified by the Authority, but not less than one space per 100 m <sup>2</sup> of gross floor area or 10 parking spaces, whichever is greater.
General Industry	As specified by the Authority, but not less than one space per 100 m <sup>2</sup> of gross floor area or 10 parking spaces, whichever is greater.
Service Station	One space for every 20 m <sup>2</sup> of gross floor area.
Light Industry	As specified by the Authority, 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.
CLASS	MINIMUM OFFSTREET PARKING REQUIREMENTS
Recreational Open Space	Not specified.
Conservation	Not specified.
Cemetery	Not specified.
Scrap Yard	Not specified.
Solid Waste	Not specified.

Animal	Not specified.
Antenna	Not specified.
Transportation	As determined by the Authority, taking into consideration associated uses, such as boat repairs, and other facilities and services.
Marina	As determined by the Authority, taking into consideration associated uses, such as boat repairs, and other facilities and services.

**SCHEDULE E - TABLE OF STREET RESERVATIONS**

**NOTE:** This table lists the class of streets and prescribes the minimum street reservations width applicable to each class of street. Where an existing street reservation has a width exceeding the prescribed minimum width, the existing street reservation width shall be retained.

<b>CLASS OF STREET</b>	<b>MINIMUM RESERVATION WIDTH</b>	<b>APPLICABLE STREETS</b>
Highway	40 metres	Route 210, including McGettigan Boulevard, Columbia Drive.
Arterial	30 metres	Ville Marie Drive, Creston Boulevard.
Collector	20 metres	Marine Drive, Harris Drive.
Local Streets	15 or 12.5 metres	Other streets, excepting existing streets determined by resolution of Council to be minor streets.
Minor Streets	10.2 metres	Existing local streets where, for practical purposes as determined by resolution of Council, a wider street reservation cannot be provided.