

TOWN OF CLARENVILLE

DEVELOPMENT REGULATIONS 2010-2020

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Department of Environment and Conservation Policy Directives:

- A. W.R. 91-1 – Infilling of Water,
- B. W.R. 96-1 – Floodplain Management, and
- C. W.R. 97-1 - Development in Shore Water Zones
- D. W.R. 97-2 - Development in Wetlands

**TOWN OF CLARENVILLE MUNICIPAL PLAN
DEVELOPMENT REGULATIONS
APPLICATION**

1. Short Title

These Regulations may be cited as the Clarenville Development Regulations.

2. Interpretation

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

3. Commencement

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

4. Ministerial Development Regulations

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

5. Municipal Code and Regulations

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

6. Council

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

PART I – GENERAL REGULATIONS

7. **Compliance with Regulations**

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

8. **Permit Required**

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

9. **Permit to be Issued**

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

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

10. Permit not to be Issued in Certain Cases

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

11. Discretionary Powers of Council

- (1) In considering an application for a development permit or approval in principle, Council shall take into account the policies of the Municipal Plan and any further scheme, plan or regulations pursuant thereto, and shall assess the general appearance of the development, the amenity of the surroundings, availability of utilities, public safety and convenience, and other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of these Regulations, Council may, in its discretion, and as a result of its consideration of the matters set out in this Regulation, conditionally approve or refuse the application.
- (2) When approving an application for a discretionary use, Council shall state in writing the basis for its approval.
- (3) The exercise of discretionary powers does not enable Council to permit the development of a use that is not set out as a permitted use or a discretionary use under Schedule C or other Regulation, except when it considers that a proposed use is sufficiently similar to a permitted or discretionary use and in accord with the general intent of the Municipal Plan and the applicable zone under Schedule C.

12. Variances (Refer to Ministerial Development Regulations, Section 12)

- (1) Where an approval or a permit cannot be given by Council because a proposed development does not comply with development standards set out in these Regulations, Council may, in its discretion, vary the applicable development standards to a maximum of 10%, if, in Council's opinion, compliance with the development standards would prejudice the proper development of the land, building or structure in question or would be contrary to the public interest.
- (2) Council shall not allow a variance from development standards set out in these Regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10% variance even though the individual variances are separately not greater than 10%.

- (3) Council shall not permit a variance from the development standards where the proposed development would increase the non-conformity of an existing development or would result in the creation of non-conformity of any existing legal development.

13. Notice of Variance (Refer to Ministerial Development Regulations, Section 13)

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

14. Service Levy

- (1) In accordance with Section 149(2) of the *Municipalities Act* 1999, where Council carries out a public work that enables a real property to be developed or developed to a higher density, or enhances the value of a property, Council may charge a service levy on the property.
- (2) The amount of a service levy shall be determined by Council, but shall not exceed the cost, including finance charges, to Council of constructing or improving the public works that are necessary for the real property to be developed in accordance with the standards required by Council and for uses that are permitted on that real property.
- (3) A service levy shall be assessed on the real property based on:
 - (a) The amount of real property benefited by the public works related to all the real property so benefited; and,
 - (b) The density of development made capable or increased by the public work.
- (4) Council may require a service levy to be paid by the owner of the property benefited and may specify the time for payment.

15. Financial Guarantees by Developer

- (1) Council may require a developer before commencing a development to make such financial provisions and/or enter into such agreements as may be required to guarantee the payment of service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit or licence.
- (2) The financial provisions pursuant to Paragraph (1) may be made in the form of:
 - (a) A cash deposit from the developer, to be held by Council,
 - (b) A guarantee by a bank, or other institution acceptable to Council, for expenditures by the developer,
 - (c) A performance bond provided by an insurance company or a bank, or;
 - (d) An annual contribution to a sinking fund held by Council.
- (3) Financial Guarantees – Mineral Workings
 - (a) A developer of a mineral workings site will provide a financial guarantee in the form of a performance bond, unconditional and irrevocable letter of credit, or other form acceptable to Council for an amount to cover the cost of restoring or landscaping the site after the quarry operations have ended or the site is abandoned by the applicant.
 - (b) The financial guarantee will be returned when the site has been restored and any conditions attached to the development permit have been carried out to Council's satisfaction.

16. Dedication of Land for Public Purposes

In addition to the requirements for the dedication of land for public purposes under Regulation 90, Council may require the dedication of a percentage of the land area of any subdivision or other development for public use, and such land shall be conveyed to Council in accordance with Section 37 of the Act.

Unless Council decides otherwise, such land that is dedicated for public use will not include land that Council requires to be set aside from development for the purposes of stormwater management or environmental protection, whether or not that land is located within the Environmental Protection zone.

17. Restoration of Land

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

18. Form of Application

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

(2) Council shall supply to each applicant a copy of the application form referred to in Paragraph (1) and any available information required by the applicant relevant to the application.

19. Register of Application

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

20. Deferment of Application

(1) Council 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 Council and on which a decision has not been communicated to the applicant within sixty (60) days of the application being received by Council, shall be deemed to be refused.

21. Approval in Principle

- (1) An application for an approval in principle for a subdivision or other form of development will include a description of the site and the proposed development, including a professionally prepared drawing, which:
 - (a) Delineates the limits of land to be used for the proposed development,
 - (b) Shows contours and significant natural features such as wetlands, watercourses, drainage channels, and slopes that exceed 15 percent,
 - (c) Shows existing streets, buildings, and land uses in the vicinity of the site,
 - (d) Shows a conceptual layout of proposed streets, trails, and other major components of the development, and
 - (e) Provides any additional information that may be requested by Council.
- (2) Council will not consider an application for an approval in principle unless that application includes a clear description of the site and proposed development in accordance with Paragraph (1).
- (3) Council can grant an approval in principle if it determines that the proposed development complies generally with the intent and purposes of the Municipal Plan and these Regulations. Council will attach to the approval in principle such conditions that it deems necessary to ensure the proposed development will be in accordance with the Plan and these Regulations. It will also outline such details that the applicant will be required to address before a final development permit will be granted.
- (4) An approval in principle will be valid for a period of one (1) year, and may be extended for one (1) additional year, up to a maximum of two (2) years.
- (5) Where approval in principle is granted, approval of a final development permit will be subject to the subsequent approval by Council of any details and conditions that were outlined in the approval in principle.
- (6) Approval in principle will not constitute permission to commence development. No form of development will commence until Council has issued a proper development permit.
- (7) Council may revoke approval in principle if it determines that the applicant has changed the proposed development in a way that significantly alters the original

intent of the application or has not adequately addressed conditions or details stipulated in the approval in principal.

- (8) A decision by Council on an application for an approval in principle can be appealed in accordance with Section 42 of the Act.

22. Development Permit

- (1) A written development permit issued by Council or its designated staff will constitute permission to develop in accordance with these Regulations, but such permission shall not relieve the applicant from full responsibility for obtaining all other permits or approvals prior to commencement of development and complying with all other regulations and statutes during development.
- (2) Council may attach conditions to a development permit to ensure compliance with the Municipal Plan and these Regulations, and the permit holder will be responsible for full compliance with these conditions.
- (3) A development permit is valid for a period of one (1) year and may be extended for one (1) additional year if requested by the applicant, up to a maximum of two (2) years.
- (4) The issuance of a development permit does not prevent Council from thereafter requiring the correction of errors or ordering the cessation, removal of, and remedial work on any development being carried out that is in violation of the Municipal Plan or these Regulations.
- (5) Council may revoke a permit 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.
- (6) No person shall change the application for which a development permit was issued unless written approval of the change has been issued by Council.
- (7) A copy of the development permit, along with plans and specifications, shall be kept on the site until the development is completed.
- (8) Council may revoke a development permit if it determines that the applicant has changed the proposed development in a way that significantly alters the original intent of the application or has not adequately addressed conditions or details stipulated in the approval in principal.

- (9) A decision by Council on an application for an approval in principle can be appealed in accordance with Section 42 of the Act.
- (10) A decision by Council on an application for a development permit can be appealed in accordance with Section 42 of the Act.

23. Temporary Use Permit

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

24. Permit Fees

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

25. Compliance with Legislation

- (1) New development will comply with applicable acts and regulations including, but not limited to, the provincial Water Resources Act, Environmental Assessment Act, Lands Act, Health and Community Services Act, and Building Near Highways Regulation, as well as the federal Fisheries Act of Canada, Environmental Protection Act of Canada, and Canadian Migratory Bird Act.
- (2) If Council is aware that a proposed development may not comply with a particular provincial or federal act or regulation, it may require the applicant to provide confirmation that necessary government approvals have been obtained before issuing a development permit.
- (3) If Council feels that a proposed development may trigger the requirements of the Environmental Assessment Act, the proponent will be advised to consult with the Department of Environment and Conservation before a development permit will be issued.
- (4) Where these Regulations are more stringent than a provincial or federal act of regulation, these Regulations will apply.

26. Reasons for Refusing or Setting Conditions on a Permit

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

27. Notice of Right to Appeal (Refer to Ministerial Development Regulations, Section 5)

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

- (a) Person's right to appeal the decision to the appeal board,
- (b) Time by which an appeal is to be made,
- (c) Right of other interested persons to appeal the decision, and
- (d) Manner of making an appeal and the address for the filing of the appeal.

28. Appeals (Refer to Ministerial Development Regulations, Sections 6-11)

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

29. Return of Appeal Fee

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

30. Notice of Application (Refer to Ministerial Development Regulations, Sections 13 & 15)

- (1) Notice of an application must be given when:
 - (a) A variance is to be considered under Regulation 12,
 - (b) A change in a non-conforming use is to be considered under Regulation 54,
 - (c) A proposed development is listed as a discretionary use in Schedule C,

- (d) A comprehensive development is proposed in accordance with Regulation 48, or
 - (e) Council determines that the public should be notified of an application.
- (2) In accordance with Regulation 13 of these Regulations and Section 13 of the Ministerial Development Regulations, notice of a variance application will be given directly to persons who are likely to be affected and a minimum of seven (7) days will be provided for persons to respond.
 - (3) In accordance with Regulation 56(4) of these Regulations and Regulation 15 of the Ministerial Development Regulations, notice of an application to change a non-conforming use will be by advertisement in a newspaper circulating in the area, and a minimum of seven (7) days will be provided for persons to respond.
 - (4) Notice of an application to develop a discretionary use will be by advertisement in a newspaper circulating in the area, and a minimum of seven (7) days will be provided for persons to respond.
 - (5) Notice of an application for a development that Council determines the public should be made aware of will be by advertisement in a newspaper circulating in the area, and a minimum of seven (7) days will be provided for persons to respond.

31. Right of Entry

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

32. Record of Violations

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

33. Stop Work Order and Prosecution

- (1) Where a person begins a development contrary or apparently contrary to these Regulations, Council may order that person to stop the development or work 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 Paragraph (1) is guilty of an offence under the provisions of the Act.

34. Delegation of Powers (Refer to Ministerial Development Regulations, Section 18)

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

PART II - GENERAL DEVELOPMENT STANDARDS

35. Access Ramps and Decks

- (1) At its discretion, Council may, after consulting with abutting property owners permit an access ramp for a wheel chair to be erected in a minimum front, rear, or side yard if:
 - (a) There is no alternative means to provide the access ramp, and
 - (b) The ramp does not create a safety hazard or block sight lines.
- (2) An open or partially enclosed deck attached to a building shall not extend into the minimum permissible front and side yards and flanking road setback and shall not be closer to the rear lot line than 1 metre.
- (3) An access ramp or open deck not is deemed to be part of the building when calculating lot coverage under Schedule C.

36. Consideration of the Needs of Disabled and Elderly Persons

At its discretion, Council may require higher or special standards or provisions in the design and construction of streets, sidewalks, parking areas, building entrances and internal spaces, parks, trails, playgrounds, recreational sites and facilities, and public spaces to accommodate the mobility needs of disabled and elderly persons.

37. Accesses and Service Streets

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

38. Accessory Buildings

- (1) Accessory buildings shall be clearly incidental and complementary to the use of the main building(s) and shall be contained on the same lot.
- (2) Accessory buildings shall complement and be compatible with the main building(s) in terms of size, design, and appearance.

- (3) No truck, bus, semi-trailer, freight container, or other vehicle body shall be used as an accessory building.
- (4) No accessory building shall be erected upon an easement.
- (5) Accessory buildings cannot be used for commercial purposes unless approved by Council in conformity with the permitted and discretionary uses of the zone.
- (6) An accessory building shall not be used for human habitation.
- (7) Except as set out in Paragraph (8), no accessory building or part thereof shall project closer to the front street line than the main building.
- (8) Notwithstanding Paragraph (7), Council in its discretion may approve an accessory building closer to the front street line than the main building where it determines that one or more of the following conditions exist:
 - (a) The location as required under Paragraph (7) would adversely affect the view from the rear of neighbouring properties,
 - (b) The main building itself is located an appreciable distance to the rear of other dwellings in the area,
 - (c) The location, size, and appearance of the accessory building will be compatible with the character of the neighbourhood, and
 - (d) Council has notified neighbours and duly considered any comments or objections received.
- (9) Unless otherwise set out in Schedule C, the minimum separation between an accessory building and a main building will be 2.0 metres.
- (10) The sideyard and rearyard setback requirements set out in the use zone tables in these Regulations shall apply to accessory buildings wherever they are located on the lot.

39. Accessory Uses

Subject to these Regulations, uses accessory to a permitted or discretionary use can be permitted in any zone. An accessory use will be clearly subsidiary to the main use and controlled so as to be compatible with the main use and nearby properties.

Examples of accessory uses include but are not limited to:

- (a) Facilities for the serving of food and alcoholic beverages in an arena or other place of assembly, museum, marina, or hotel,
- (b) A gift or souvenir shop in a museum, hotel or other establishment,
- (c) An office, small convenience store, or small catering establishment in a campground,
- (d) A dock, wharf, or stage associated with a permitted or discretionary use,
- (e) A subsidiary apartment,
- (f) A home occupation,
- (g) A swimming pool, tennis court, outdoor rink, children's playhouse, or similar facility,
- (h) A satellite dish or similar device attached to a building,
- (i) A wind generator, solar panel, radio antenna, or similar device.

40. Home Occupations

The following conditions will apply to the use of a dwelling for a home occupation:

- (a) The home occupation will be small scale and clearly secondary to the main residential use,
- (b) The home occupation will be located inside the dwelling,
- (c) The home occupation will employ at least one person who normally inhabits the dwelling and, in addition, may employ no more than two persons who do not normally inhabit the dwelling,
- (d) The home occupation will not create traffic, parking, noise, odours, dust, fumes, electrical interference, or other impacts that unreasonably affect neighbouring residential uses,
- (e) Unless otherwise authorized by Council, sufficient off-street parking space must be available on the lot to accommodate the parking needs of residents, employees, and clients,

- (f) The home occupation will not consume water or generate sewage in excess of what is normal for a residential dwelling,
- (g) There shall be no change to the outside appearance of the building or premises other than one, non-illuminated sign of 0.2 metres or less mounted on the principal building housing the use in question,
- (h) All work shall be carried out inside the dwelling and there shall be no outdoor storage of materials or products,
- (i) Council may require fencing, screening, and/or a minimum space separation to protect the amenity of adjacent uses,
- (j) The home occupation will not include automobile or heavy equipment repair, auto body repair, or automobile sales,
- (k) It will be the responsibility of the applicant to undertake any studies or other measures that Council may request to demonstrate how a proposed home occupation may affect the surrounding neighbourhood, and
- (l) The home occupation must meet such other conditions as may be required by Council.

41. Childcare Service

Where permitted by Council, a childcare service, whether a stand-alone operation or a home occupation, will conform to the requirements of the *Child Care Services Act and Regulations*. Where required, a license to operate shall be obtained from the Department of Health and Community Services.

42. Bed and Breakfast Establishments

Where permitted, a Bed and Breakfast establishment will be subject to the following conditions:

- (a) The use will be operated in a single dwelling occupied as a residence by the operator of the business.
- (b) The use shall not detract from the residential character of the neighbourhood in terms of height, scale or exterior design.
- (c) One additional parking space shall be provided for each guest room on the lot.

- (d) The maximum number of guest rooms shall be six (6).
- (e) At Council's discretion, a catered dining area, or other subsidiary use may be permitted, provided the uses are clearly incidental and subsidiary to the bed and breakfast operation and the hours of operation are limited.
- (f) Off-street parking for a catered dining facility shall provide one space for every three (3) persons that may be accommodated at one time.
- (g) No wholesale sales or storage of goods shall be carried out and any retail sales shall be incidental to the approved use.
- (h) On-site advertisements shall be non-illuminated, with a maximum sign face area of 0.2 m² and, shall meet all other requirements of Council in terms shape and construction material.
- (i) The establishment must be registered by Canada Select and approved by the Provincial Department of Tourism, Culture and Recreation.

43. Archaeological Sites

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

44. Buffer Strips

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

45. Building Line and Setbacks

- (1) Council, by resolution, may establish building lines on an existing or proposed street and may require any new buildings to be located on those building lines, whether or not such building lines conform to the standards set out in Schedule C of these Regulations.
- (2) The frontyard building line setback is measured from the front property line.
- (3) Notwithstanding the minimum front, side and rear yard requirements set out under Schedule C, Council, at its discretion, may allow development to complement existing building setbacks of adjoining properties by varying the yard requirements after notification of the proposed variance is given to neighbouring property owners in accordance with Regulations 13 and 30 of these Regulations.
- (4) The building line along Provincial highways shall not be less than that specified under the provincial Building Near Highways Regulation.

46. Multiple Uses on One Lot

- (1) A multiple use occurs when two or more different use classes exist in a single building or on a single lot.
- (2) Where a single lot contains more than one permitted use, each use shall conform to all requirements in these Regulations that are applicable to that use.
- (3) A multiple use may not be permitted where Council determines that the proposed use would not be compatible with existing uses on or adjacent to the lot by reason of safety, amenity, appearance, or nuisance.

47. Main Buildings on a Lot

- (1) Except for a single dwelling, more than one main building may be permitted on a lot provided that the requirements of Schedule C are satisfied.
- (2) Notwithstanding Paragraph (1), more than one single dwelling can be permitted on a single lot where that lot or dwelling forms part of a comprehensive development.
- (3) Where more than one main building is developed on a single lot, sufficient area shall be reserved to satisfy the yard requirements and other allowances outlined in Schedule C for the Use Zone in which the lot is located. These allowances shall be maintained when the adjacent land is developed.

48. Comprehensive Development

Council, at its discretion, may permit a comprehensive development that does not meet the requirements of these Regulations with respect to access to and frontage on a public street as well as minimum lot size, frontage, frontyard, sideyard, and rearyard, provided that:

- (a) It is satisfied that the site conditions are such that the standard requirements cannot be met, the quality of the development would be greater than would otherwise be achieved through conventional developments, or the development would be in the public interest with respect to providing housing for elderly, disabled, lower-income, and other residents whose needs and preferences cannot be easily accommodated by traditional single-unit dwellings.
- (b) It has provided public notice of the proposed development in accordance with Regulation 30(1) (d) of these Regulations.
- (c) A comprehensive development plan has been prepared and approved by Council,
- (d) The comprehensive development itself has frontage on a public street,
- (e) The development is compatible with adjacent development,
- (f) The area of the comprehensive development is at least one (1) hectare, and
- (g) There are no fewer than two developments within the comprehensive development.

49. Personal Care or Group Home

- (1) A personal care or group home is permitted in a dwelling unit that is adequate in size to accommodate the number of persons living in the group, inclusive of staff.
- (2) The use and appearance of the dwelling shall not materially differ from, or adversely affect, the amenities of the adjacent residences or neighbourhood.
- (3) Council may require special access and safety features to be provided for the occupants before occupancy is permitted.

50. Height Exceptions

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

generators, or chimneys, but any such waiver which results in an increase of more than 20% in the permitted height of the structure shall only be authorized under the provisions of Regulation 11.

51. Minimum Distance Separations for Commercial Livestock Facilities

- (1) No new livestock facility, planned to accommodate more than ten (10) animal units, shall be located closer than:
 - (a) 300 metres from a public building, commercial building, or a dwelling other than a commercial building or dwelling located on the same lot as the livestock operation,
 - (b) 300 metres from the boundary of any zone other than the Rural, Environmental Protection, and Watershed zones,
 - (b) 70 metres from the boundary of the property on which it is to be erected, and
 - (c) 90 metres from the centre line of a public street.
- (2) Subsection (1) does not apply to the expansion, conversion, or replacement of a livestock or poultry facility existing on the registration date of this Municipal Plan as long as the expansion, conversion, replacement, or addition does not reduce the existing separation distance between the livestock facility and the subject dwelling, public building, commercial building, property boundary, or public street.
- (3) No new public building, commercial building, or dwelling, except a dwelling or commercial building located on the same lot as the livestock operation, may be located within 300 metres of an existing livestock facility that accommodates more than ten (10) animal units.
- (4) The construction of a new dwelling on a lot in existence on the date of the registration of this Municipal Plan, which cannot meet the required minimum distance separation, will be permitted where it meets all other provisions of this Municipal Plan and Development Regulations.
- (5) In addition to the above requirements, new livestock facilities are subject to applicable Provincial acts and regulations.

52. Heritage Buildings and Sites

- (1) The former CNR Railway Station building and property is designated as a heritage building and site by Council under the Urban and Rural Planning Act and Municipalities Act.
- (2) No development shall be allowed which could impair the quality of the building or site, or other buildings or sites which would be so designated or identified.
- (3) Any development adjacent or within thirty (30) metres of these properties shall be reviewed by Council to ensure that there are no negative effects on these properties.
- (4) Council may from time to time designate additional heritage sites and areas under the Urban and Rural Planning Act and Municipalities Act.

53. Lot Area

- (1) No lot shall be reduced in area, either by the conveyance or alienation of any portion thereof or otherwise, so that any building or structure on such lot shall have a lot coverage that exceeds, or a frontyard, rearyard, sideyard, frontage, or lot area that is less than that permitted 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.

54. Lot Frontage

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

55. Mineral Exploration

- (1) Council will not issue a permit for mineral exploration until all necessary permits and approvals have been obtained from the Departments of Natural Resources, Government Services, and Environment and Conservation, 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 ground disturbance, construction of access roads, noise, odour and appearance can be permitted anywhere in the Planning Area, provided that adequate notification is provided to Council.

- (3) Mineral exploration which is classed as development can be permitted in the Rural and Watershed zones provided that adequate provision is made for buffering and other mitigations of impacts on residential, commercial, industrial, institutional, recreational, and environmentally sensitive areas.
- (4) Higher impact mineral exploration shall be subject to conditions that control noise, appearance, and other impacts that may arise, as well as the duration of the exploration program. The precise nature of these controls will depend upon the location of the mineral exploration in relation to built-up and environmentally sensitive areas, such as water supply areas, watercourses, and wetlands.
- (5) Where there is to be ground disturbance, the developer shall provide a site restoration surety and/or other satisfactory guarantees of site landscaping to Council.

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

- (1) Notwithstanding the Municipal Plan, a scheme, or regulations made under the Urban and Rural Planning Act 2000, Council shall, in accordance with regulations made under this Act, allow a development or use of land to continue in a manner that does not conform with a regulation, scheme, or plan that applies to that land provided that the non-conforming use legally existed before the registration under Section 24 of the Act of the plan, scheme or regulations made with respect to that kind of development or use.
- (2) Notwithstanding Paragraph (1), a right to resume a discontinued non-conforming use of land shall not exceed one year after the discontinuance occurred. For the purpose of this Regulation, discontinuance of a non-conforming use begins when any one of the following conditions is met:
 - (a) The building or use of land is clearly vacated or the building is demolished,
 - (b) The owner or tenant has ceased paying business taxes for that use, and
 - (c) The owner or tenant has stated in writing that the use has ceased.
- (3) A non-conforming building, structure, or development under the Act, which is allowed to continue under Paragraph (1):
 - (a) Shall not be internally or externally varied, extended or expanded unless otherwise approved by Council,

- (b) Shall not be structurally modified except as required for the safety of the building, structure or development,
 - (c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50% or more of the value of that building, structure or development has been destroyed, except as provided for in Paragraph (h) below,
 - (d) May have the existing use for that building, structure or development varied by Council to a use that is, in Council's opinion, more compatible with the plan and regulations applicable to it,
 - (e) May have the existing building extended by Council where, in Council's opinion that extension is not more than 50% of the existing building,
 - (f) Where the non-conformance is with respect to the standards in these Regulations, shall not be expanded if the expansion would increase the non-conformity,
 - (g) Where the non-conformance is with respect to the standards included in these Regulations shall not be expanded if the expansion would increase the non-conformity;
 - (h) where the building, structure, or development is primarily zoned and used for residential purposes, may, in accordance with the appropriate plan and regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed, and
 - (i) A residential building or structure referred to in Paragraph (h) must be repaired or rebuilt in accordance with the plan and development regulations applicable to that building or structure.
- (4) In accordance with Regulation 30 of these Regulations, when considering an application to vary an existing use of a non-conforming building, structure or development under Paragraph (3) (d), Council will, at the applicant's expense, publish a notice in a newspaper circulating in the area of the application and shall consider any representations or objections received in response to that advertisement.

57. Offensive and Dangerous Uses

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

58. Offstreet Parking Requirements

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

59. Offstreet Loading Requirements

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

60. Parks, Playgrounds, and Open Spaces

- (1) Nothing in these Regulations shall prevent the designation of land for the establishment of parks, playgrounds, and open spaces in any zones provided that such land is not located in areas that may be hazardous to their use or is an area that is not compatible for such a use.

- (2) Parks and playgrounds may be located on backland but shall have at least one 5-metre wide vehicular access directly onto a public street.
- (3) In accordance with Regulation 36 Council may require parks, playgrounds, and open spaces to incorporate design standards to facilitate the access and mobility needs of disabled and elderly persons.

61. Trail Corridors

- (1) As a condition of an approval in principle or a development permit Council can require that a trail or active transportation corridor be deeded to Council or a non-profit group approved by Council.
- (2) Wherever space and terrain characteristics allow, the appearance and use of existing and new trails will be protected by natural buffers to separate the trail from other forms of development, hazardous areas, and areas subject to erosion such as the banks of rivers and streams.
- (3) The minimum width of a trail corridor, including the buffer area, will be 30 metres or approximately 15 metres on either side of the centre line of the trail. However, the width of a trail corridor may be reduced where:
 - (a) The area adjacent the trail is already developed, as along portions of the T' Railway and Bonavista Track, and
 - (b) Council deems that the corridor can be narrower due to space limitations, site conditions, ownership, or other pertinent factors, in which case the trail corridor may be reduced to 15 metres.
- (4) In accordance with Regulation 36 Council may require trails and associated facilities to incorporate design standards to facilitate the access and mobility needs of disabled and elderly persons.
- (5) For a trail to be eligible for protection it must be delineated on the Land Use Zoning maps, approved as a designated trail corridor by a resolution of Council, or included as a part of a subdivision or development plan that is approved by Council.
- (6) The proposed designation of any new trail corridor, which is not already shown on the Land Use Zoning maps or does not form a part of an separately approved subdivision or development plan, will not be approved by Council until it has been advertised in accordance with the provisions of Regulation 30 and an opportunity has been provided for the public to comment on the proposal.

- (7) Within the trail corridor, only accessory recreational uses, public utilities, and streets can be allowed.

62. Screening and Landscaping

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

63. Services and Public Utilities

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

64. Energy Generation Facilities

- (1) Wind, solar and small hydro generating facilities and associated facilities and services are subject to the conditions set out below.
- (2) Energy utilities are subject to the approval of relevant provincial and federal departments, agencies, and public utilities, including the Mines and Energy Division of the Department of Natural Resources and Transport Canada. The design and location of such utilities shall take into consideration their impact on nearby land uses and persons, the environment, and archaeological resources, along with other matters that Council may deem to be significant.
- (3) A wind, solar, or small hydro generator within a built-up residential area will be limited to a single unit that serves an individual property.
- (4) An adequate separation distance will be maintained between wind generators and nearby buildings and structures to prevent damage to persons and properties due to a failure of a generator or any of its components or the shedding of ice.

- (5) Unless specifically exempted by Council or other relevant agencies, the design, construction and location of an energy utility shall be certified by a professional engineer who has consulted with the required agencies.

65. Service Stations and other Petroleum Dispensing Facilities

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

- (a) all petroleum pumps shall be located on pump islands designed for such purpose, and to which automobiles may gain access from either side, except in the case of propane, diesel, and kerosene pumps, which may access from one side,
- (b) Pump islands shall be set back not less than four (4) metres from the front lot line,
- (c) Accesses to the lot shall be not be less than 7 metres wide and shall be clearly marked,
- (d) Where a service station is located on a corner lot, the minimum distance between an access and the intersection of street lines shall be 10 metres,
- (e) Surface runoff shall be directed to a oil/water separator before being discharged into a storm sewer or other drainage system, and
- (f) All provincial and other regulatory requirements must be met.

66. Site Development Requirements

The following requirements will apply to all proposed site developments involving new street construction or large sites for commercial or other development.

- (a) Council shall consider the suitability of the site in terms of steepness of grades, soils and geology, and environmentally sensitive areas, including watercourses, wetlands, and coastal shorelines when reviewing a development application.
- (b) Council shall ensure that the proposed development will not be unsuitable by reason of resulting in pollution, erosion, sedimentation of watercourses, other environmental damage, or aesthetic degradation of the site or surrounding area.
- (c) No development of land, building, or structure will be permitted on a site where it otherwise would be permitted under these development regulations when, in the opinion of Council, the site is marshy, geologically unstable, excessively steep, or otherwise unsuitable for a proposed purpose by virtue of its soil or topography.

- (d) Before approving development of a site having a slope greater than fifteen (15) percent up to twenty-five (25) percent, Council will require the submission of a review of the development proposal by a certified planner, engineer, landscape architect, or similar professional. The review shall evaluate the site's soil and geological stability, the adequacy of proposed site grading, drainage, vegetation removal, and landscaping, the potential of the development to cause stormwater runoff, erosion, and pollution affecting adjacent properties, wetlands, and water bodies, and similar matters.
- (e) No buildings, structures, or placement or removal of fill will be permitted:
 - (i) On slopes that exceed twenty-five percent (25%) over a height of four (4) or more metres and a length of twenty-five (25) or more metres.
 - (ii) Within eight (8) metres of the top or bottom of slopes that exceed twenty-five percent (25%) over a height of four (4) or more metres
- (f) The clearing of trees and the excavation and filling-in of land to prepare a site for development will be limited to an extent that is deemed by Council to be environmentally and aesthetically acceptable and no more than necessary to suitably develop the site.
- (g) A development application will provide sufficient information to show the extent of any proposed clearing, excavation, or filling-in of the site.
- (h) An approval in principle or a permit to develop will not be granted when in Council's opinion the proposed clearing, excavation, filling-in of land, or other site development will result in unacceptable stormwater, environmental, or aesthetic impacts, or will be more than is necessary to suitably develop the site.

67. Street Construction Standards

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

68. Development Within or Adjacent to a Watercourse or Wetland

- (1) With the exception of areas where the boundaries of the Environmental Protection zone are less than 30 metres from a watercourse or a wetland, all portions of a lot that are located within 30 metres of the top of the bank of a watercourse or the edge of a wetland will be subject to the following:

- (a) No building or structure will be permitted, except for:
 - (i) maintenance or reconstruction of a building that was in existence on the date of approval of this Municipal Plan
 - (ii) a passive recreational use
 - (iii) a floating dock secured to the land, and
 - (iv) an accessory building or other accessory use to an existing building.
- (b) In any ten (10) year period, tree removal shall be limited to a maximum of thirty percent (30%) of the number of trees on the portion of any lot located within the 30-metre buffer area,
- (c) Any excavation or filling-in of land, or other altering of the landscape, will be limited to a maximum of ten percent (10%) of the portion of the lot located within the 30-metre buffer area,
- (d) In addition to this regulation, development will be subject to relevant provincial and federal policies and statutes, including Department of Environment and Conservation Policy Directives, which are set out in the appendix to these regulations:
 - (i) W.R. 91-1 – Infilling of Water,
 - (ii) W.R. 96-1 – Floodplain Management,
 - (iii) W.R. 97-1 - Development in Shore Water Zones, and
 - (iv) W.R. 97-2 - Development in Wetlands

Where there is a conflict between this Regulation and these Policy Directives and other relevant statutes, the more restrictive standards shall apply.

- (2) Council can require a proposed development within a watercourse or wetland buffer area to be subject to an environmental review, and may approve, approve subject to conditions, or refuse such development.
- (3) Before Council will approve development, use, or alteration of a watercourse, wetland, estuary, or marine water body, the development, use, or alteration must be approved or exempted by:
 - (i) Department of Environment and Conservation, Water Resources Division
 - (ii) Department of Natural Resources, Lands Division
 - (iii) Coast Guard Canada - *Navigable Waters Act*,
 - (iv) Fisheries and Oceans Canada, Fish Habitat Management Division – *Fisheries Act*,
 - (v) Environment Canada – *Migratory Birds Act*, and
 - (vi) any other provincial and federal agency having jurisdiction.

- (4) Development within a wetland is permitted only in such a way as to minimize adverse impacts on the hydrology, water quality, flora, fauna, and other important environment resources for which there may be concern.
- (5) If a watercourse or wetland is deemed to be minor (see below), such watercourses and wetlands shall remain undeveloped and protected by a buffer wherever possible. If Council, at its discretion, permits a development that will affect a minor watercourse or wetland, alternatives to covering over or eliminating such watercourses and wetlands shall be taken wherever possible, including redesign of the development and relocation of the watercourse or wetland.
 - (a) A **minor watercourse** is defined as a drainage course that carries water only during rain events or snowmelt, an intermittent stream that does not carry significant spring runoff, and a stream that is not fish habitat.
 - (b) A **minor wetland** is defined as a wetland of less than 5,000 square metres in area that is not associated with a watercourse and is not deemed to be an environmentally sensitive area.

69. Stormwater Management and Control

- (1) Site development and the erection of buildings and structures will not be permitted, or will be subject to special conditions, on any site where it would otherwise be permitted under these Regulations, when in the opinion of Council, the development will create or aggravate significant stormwater impacts, for example, excessive runoff onto adjacent properties, soil erosion, scouring and siltation of streams, or reduction of surface or groundwater quality.
- (2) The grading of land, excavation of ditches, and erection of buildings or structures will not be undertaken in a manner that significantly increases stormwater runoff onto adjacent properties or into nearby watercourses.
- (3) Council will require developments to incorporate measures to reduce and manage stormwater runoff. Such measures may include, but will not be limited to:
 - (a) Dispersing runoff to multiple locations within or near the development site.
 - (b) Setting aside undisturbed areas of natural forest and other vegetation to receive drainage and facilitate infiltration.
 - (c) Maintaining vegetated buffers along natural and artificial drainage channels.

- (d) Installing grass swales for local drainage.
 - (e) Planting grass and shrubs on exposed gravel surfaces as soon as possible after construction.
 - (f) Limiting the clearing of lots during site development to allow maximum flexibility for homeowners to maintain natural trees and vegetation when developing and landscaping their lots.
 - (g) Reducing impervious surfaces along steep slopes and in other vulnerable areas to high runoff, for example, by varying standards for paved street surfaces, sidewalks, and parking areas.
- (4) Development plans for subdivisions and other large developments will include stormwater management plans, which will be evaluated by Council to determine if adequate measures have been proposed to reduce stormwater runoff from the site. Development approvals can be contingent on how well the management plan meets Council's objectives for stormwater reduction.

70. Line of Vision at Intersections

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

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

71. Development in the Vicinity of a Public Right-of-Way

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

PART III – ADVERTISEMENTS

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

72. Advertisements and Signs

- (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 Council, and, where necessary, from the Department of Government Services.
- (2) **Form of Application**
Application for a permit to erect or display an advertisement shall be made to Council in accordance with Regulation 18.
- (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 unless this sign has been approved by Council and where necessary, the Department of Government Services.
- (4) **Permit Valid for Limited Period**
A permit granted under these Regulations for the erection or display an advertisement shall be for a limited period, not exceeding two years, but may be renewed at the discretion of Council for similar periods.
- (5) **Advertisements, Non-Compliant**
Except where an advertisement is deemed to fall under one of the categories described under Paragraph (6) of this Regulation, an advertisement presently not in compliance with the Regulations shall be removed or brought into compliance within one year of the date of written notification by Council.
- (6) **Removal of Advertisements**
Notwithstanding the provisions of these Regulations, Council may require the removal of any advertisement which, in its opinion, is:
 - (a) Hazardous to road traffic by reason of its siting, colour, illumination, maintenance or structural condition, or;
 - (b) detrimental to the amenities of the surrounding area.

- (7) Advertisements - 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 Council.
- (8) Prohibition
A sign shall not be erected, posted or placed:
- (a) Where, in the opinion of Council, that sign would be hazardous to road traffic by reason of its siting, illumination or structural condition;
 - (b) Where, in the opinion of Council that signs 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 Council;
 - (d) Within or over a highway or street intersection unless otherwise approved by Council for municipal streets, or by the Department of Transportation and Works for roads under Provincial jurisdiction;
 - (e) With the exception of premises advertisements, within 300 metres, or a distance specified by the Department Transportation and Works or Council, of the intersection of two or more highways or streets, or from the crossing of a public street; and
 - (g) On a sign erected by the Department Transportation and Works.
- (9) Signs or Advertisements Not Specifically Covered
If an application is received for a sign or advertisement that does not fall into one of the categories set out under these Regulations, subject to the other applicable requirements of these Regulations, Council may approve, approve with conditions, or refuse to approve the sign or advertisement.

73. Advertisements - Designated Areas, Standards and Excluded Areas

Council may:

- (a) Designate areas for advertisements and other signage, and determine their location and type, and

- (b) Exclude other areas from advertisements and other signage.

In order for these requirements to take effect, the designated areas and the standards for advertisement and signage design, along with the prohibited areas shall be specified in these Regulations.

74. Advertisements Exempt from Control

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

- (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 Transportation and Works,
- (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 0.2 m² in area,
- (j) On an agricultural holding or farm, a notice board not exceeding 1.5 m² 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 m² 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 metre² 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 0.2 m² 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 m² 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.

75. Temporary and Portable Signs

- (1) A temporary and/or portable sign may be permitted in any zone for a period not exceeding 45 consecutive days, or 75 days at Council's discretion where purpose of the sign is to promote a not-for-profit initiative, provided the sign:
 - (a) Does not exceed 5 m² 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, together with Council.
- (2) A renewal permit for a temporary sign may only be issued after 30 days have passed since the original permit has expired.
- (3) A free standing temporary or portable sign affixed to the ground by legs shall be properly anchored to the ground in a manner that is sound and attractive.

- (4) If it is not exempted from these Regulations, with the written permission of Newfoundland Power, or the owner if not Newfoundland Power, a sign may be permitted on a utility pole.

76. Advertisements and Signs near Highways

Pursuant to Newfoundland and Labrador 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 Municipal Boundaries 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 office serving the area.

77. Advertisements Relating to On-Site Uses

This section deals with signage relating to on site uses - that is, uses located on the same property as the sign or signs. Sign types include free standing signs, signs affixed to buildings, fences and other structures, fascia signs and the use of building surfaces for advertising.

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 a use zone shall be as set out below.

- (1) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard for the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (2) The maximum allowable size of the advertisement shall be determined in accordance with Paragraph (1) and in consideration of the size of the premise or premises being advertised. For example, a sign for a large shopping centre would necessarily be of a different scale than one for a convenience store.
- (3) Only one free standing advertisement per entrance or exit shall be permitted in the front of a multi-use building, strip mall, shopping centre and similar facilities containing more than one premise. However, one additional sign shall be permitted in

the front of a building if it is a free-standing temporary sign as set out under Regulation 75.

- (4) Where an advertisement is attached to the roof of a building and protrudes above the roof, then it shall be included in the calculation of the height of the building.

78. Advertisements Relating to Off-Site Uses

This Regulation deals with signage relating to off-site site uses – that is, uses not located on the same property as the sign or signs. Sign types include free standing signs, signs affixed to buildings, fences and other structures, fascia signs and the use of building surfaces for advertising.

- (1) Except as noted in Paragraph (2), the conditions to be applied to the erection or display of an advertisement on any site, relating to a use permitted in a zone, or not relating to a specific land use, shall be as set out below.
 - (a) The advertisement shall not exceed 3 m² in area, except along the Trans Canada Highway where a sign is subject to the approval of the Department of Government Services.
 - (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, siting and illumination of each advertisement shall be to the satisfaction of Council, 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.
 - (d) Notwithstanding the size restriction contained in Paragraph (1) a) of this Regulation, in the rear of properties located along Manitoba Drive, one or more off-site advertisements can be erected provided they:
 - (i) do not front on a publicly maintained road;
 - (ii) are not readily visible from a publicly maintained road;
 - (iii) do not extend more than 5% in either direction of the width of the principal building on the site - for example if the building is 10 m wide the sign can only extend 0.5 m beyond the building in either direction;
 - (iv) do not exceed the height of adjacent and nearby buildings;

- (v) do not exceed 99.5 m² in area and where they exceed 3 m² in area, they may only be permitted at the discretion of Council;
 - (vi) are aesthetically pleasing and, where applicable, both sides of the signs are uniform in appearance.
- (2) The size restrictions of Paragraphs (1) (a) and (1) (b) of this Regulation are waived where:
- (a) Council has erected or permitted to be erected an advertisement related to a civic or improvement or other public purpose;
 - (b) Council deems the advertisement to be a landmark, and/or is of unusual civic importance and merit.

PART IV - SUBDIVISION OF LAND

79. Application of Part IV

Part IV of these regulations applies each of the following:

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

80. Permit Required

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

81. Services to be Provided

- (1) No permit shall be issued for the development of a subdivision unless provisions satisfactory to Council have been made for a supply of drinking water, a properly designed sewage disposal system, and an approved stormwater management system.
- (2) No permit shall be issued for a development located within the built-up are of Clarendville unless provision acceptable to Council has been made to connect the development to municipal piped services at the expense of the developer. The installation, construction materials, system design, and other requirements must meet the standards and approval of Council.

82. Payment of Service Levies and Other Charges

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

83. Permit Subject to Considerations

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

- (a) The location of the land,
- (b) The availability of and the demand created for municipal infrastructure, municipal 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) Geology and soil characteristics,
- (h) The topography and drainage characteristics of the site,
- (i) Natural features such as watercourses, coastal shorelines, trees and shrubs,
- (j) Prevailing winds,
- (k) Visual quality and effect on viewscales from existing subdivisions,
- (l) Schools and community facilities,
- (m) Energy conservation,
- (n) Environmental effects with respect to watercourses, wetlands, steep slopes, drainage patterns, stormwater generation and control, coastal resources, and loss or fragmentation of habitat,
- (o) Municipal financial costs related to the provision and maintenance of streets, water, sewer, other infrastructure, and municipal services,
- (p) Effects on the sustainability of important resource lands, including water supply areas, agricultural land, forestland, and aggregate resources, and
- (q) Such other matters as may affect the proposed development.

84. Subdivision Application Requirements

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

- (a) An inventory of the site's natural characteristics, including, but not necessarily limited to, topography, natural drainage, soils, forest cover, wetlands, watercourses, and the existence of any sensitive areas or habitat.
- (b) Proposed street and lot layout and linkages to existing or proposed streets
- (c) Proposed land uses within the area.
- (d) Provision for access to adjacent undeveloped areas.
- (e) Proposed open space to be reserved for public use.
- (f) Proposed natural conservation areas to be used for stormwater drainage control or other environmental protection needs.
- (e) Proposed buffers, screening, or other measures to ensure compatibility with surrounding land uses.
- (f) Proposed phasing plan that describes the size and location of each stage in which the development of streets and lots will proceed.

85. Phasing of Residential Subdivisions

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

86. Building Permits Required

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

87. Form of Application

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

88. Subdivision Subject to Zoning

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

89. Land for Public Purposes

- (1) Before a development commences, the developer shall, if required, dedicate to Council for public purposes, at no cost to Council, an area of land equivalent to 10% of the gross area of the subdivision site, provided that:
 - (a) Where land is subdivided for any purpose other than residential use, Council shall determine the percentage of land to be dedicated,
 - (b) The location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of Council but in any case, Council shall not accept land which, in its opinion is incapable of development for any purpose or is located in a zone, sensitive area, or other area where development would not be permitted,
 - (c) Council may accept from the developer in lieu of such area or areas of land the payment of a sum of money equal to the value of the land which would otherwise be required to be dedicated,
 - (d) Money received by Council in accordance with Paragraph (1) (d) shall be reserved by Council for the purpose of the acquisition or development of land for public purposes.
- (2) Land dedicated for public use in accordance with this Regulation shall be conveyed to Council and may be sold or leased by Council for the purposes of any development that conforms with the requirements of these Regulations, and the proceeds of any sale or other disposition of land shall be applied against the cost of acquisition or development of any other land for the purposes of public open space or other public purposes.

- (3) Any land that is zoned or otherwise required to be set aside and remain undeveloped for environmental protection, stormwater management, or similar purposes will not constitute the requirement of land for public use under Paragraph (1) unless otherwise decided by Council.

90. Structure in Street Reservation

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

91. Subdivision Design Standards

Except as otherwise specified in a Subdivision Policy adopted by Council, no permit shall be issued for the development of a subdivision under these Regulations unless the design of the subdivision conforms to the following standards:

- (a) The finished grade of streets shall not exceed 10 percent.
- (b) The development of cul de sacs will not be permitted except:
 - (i) on sites where there is no reasonable alternative to achieve efficient development of land, and
 - (ii) on sites where a cul de sac would be preferable from an environmental protection standpoint.
- (c) In cases where Council does permit the development of a cul de sac, it will be subject to the following:
 - (i) the turning circle of a cul de sac will have a driving surface diameter of not less than 30 metres.
 - (ii) the maximum length of a cul de sac will be 250 metres.
 - (iii) no cul de sac shall be located so as to appear to terminate a collector street.
 - (iv) all cul de sac water mains will be connected to a water main on an adjoining street or will be looped back to ensure continuous water flow and prevent stagnant water at the end of dead-end pipes.
- (d) New subdivisions shall have street connections with an existing street or streets.
- (e) All street intersections shall be constructed within 5 degrees of a right angle and this alignment shall be maintained for 30 m from the intersection.

- (f) No street intersection shall be closer than 60 metres to any other street intersection.
- (g) No more than four streets shall join at any street intersection.
- (h) No residential street block shall be longer than 490 m between street intersections.
- (i) Streets will be designed in accordance with the approved standards of Council, but in the absence of such standards, shall conform to the following minimum standards:

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

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

92. Engineer to Design Works and Certify Construction Layout

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

93. Developer to Pay Engineer's Fees and Charges

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

94. Street Works May Be Deferred

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

95. Transfer of Streets and Utilities to Council

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

96. Restriction on Sale of Lots

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

- (a) The lot can be hooked into the municipal water supply and sewage systems, and
- (b) Satisfactory access to a street is provided for the lots.

97. Grouping of Buildings and Landscaping

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

PART V - USE ZONES

98. Use Zones

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

99. Map Interpretation

- (1) The boundaries of the Use Zones shown on the Land Use Zoning Maps are general only and, except where they coincide with roads, shorelines, or other prominent physical features, are not intended to define exact limits. No zoning amendment shall be required to allow minor adjustments of the Use Zone boundaries. Other than such minor boundary adjustments, no development shall be permitted that does not conform to the Use Zone delineated on the Land Use Zoning Maps.
- (2) Where there is uncertainty regarding the existence of a watercourse identified on the zoning map as occurring within the Environmental Protection zone, this will be confirmed in the field. If it is determined that the watercourse does not exist, the area in question will be treated as if it is occurring within a surrounding zone.

100. Use Classes

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

101. Permitted Uses

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

102. Discretionary Uses

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone Table in Schedule C may be permitted in that Use Zone if Council is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if Council has given notice of the application in accordance with Regulation 30 and has considered any objections or representations which may have been received on the matter.

103. Uses Not Permitted

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

104. Similar Uses to Permitted or Discretionary Uses

Notwithstanding Regulation 103, Council may permit, subject to such terms and conditions as it considers fit, a proposed use of land or a building that does not fall within the Permitted Use Classes or Discretionary Use Classes set out in the appropriate Use Zone Tables in Schedule C if, in its opinion, the proposed use is sufficiently similar to a permitted or discretionary use in that Use Zone, and only if it has given notice of the application in accordance with Regulation 30 and has considered any objections or representations which may have been received on the matter.