

April 17, 2009

**TOWN OF REIDVILLE  
DEVELOPMENT REGULATIONS  
2009**

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**URBAN AND RURAL PLANNING ACT  
RESOLUTION TO ADOPT  
TOWN OF REIDVILLE DEVELOPMENT REGULATIONS 2009**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Reidville adopts the Town of Reidville Development Regulations 2009.

Adopted by the Town Council of Reidville on the 11<sup>th</sup> day of May, 2009.

Signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Mayor: \_\_\_\_\_  
Louie MacDonald

Clerk: \_\_\_\_\_  
Connie Reid

**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 REIDVILLE DEVELOPMENT REGULATIONS 2009**

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

- a) adopted the Town of Reidville Development Regulations 2009 on the 11<sup>th</sup> day of May, 2009.
- b) gave notice of the adoption of the Town of Reidville Development Regulations 2009 by advertisement inserted on the 16<sup>th</sup> day of May, 2009 and the 23<sup>rd</sup> day of May, 2009 in the Western Star newspaper.
- c) set the 1<sup>st</sup> day of June, 2009 at 7:00 p.m. at the Town Hall, Reidville 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*, on the 11<sup>th</sup> day of June, 2009 the Town Council of Reidville approves the Town of Reidville Development Regulations 2009 as adopted.

SIGNED AND SEALED this \_\_\_\_\_ day of \_\_\_\_\_, 2009

Mayor: \_\_\_\_\_  
Louie MacDonald

Clerk: \_\_\_\_\_  
Connie Reid

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**TOWN OF REIDVILLE MUNICIPAL PLAN  
(DEVELOPMENT REGULATIONS)**

**APPLICATION**

**1. Short Title**

These Regulations may be cited as the Reidville 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 Reidville 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 Reidville Development Regulations, the Ministerial Regulations shall prevail. The Ministerial Development Regulations are included with the Reidville 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 Reidville, shall, under these Regulations apply to the entire Planning Area.

**6. Town**

In these Regulations, "Town" means the Council of the Town of Reidville.

## **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 Town.

### **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 Town, 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 Town and such cost shall attach to and upon the property in respect of which it is imposed.

### **11. Discretionary Powers of Town**

In considering an application for a permit or for approval in principle to carry out development, the Town 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 Town 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 Town** (see Ministerial Development Regulations, Section 12)

- (1) Where an approval or a permit cannot be given by the Town because a proposed development does not comply with development standards set out in these Regulations, the Town may, in its discretion, vary the applicable development standards to a maximum of 10%, if, in the Town'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) The Town 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) The Town shall not permit a variance from the development standards where the proposed development would increase the non conformity of an existing development.
- (4) Public Notice - When a variance is necessary under this Regulation, the Town shall, at the expense of the applicant, give written notice to the property owners in the immediate vicinity of the proposed variance.

**13. Service Levy**

- (1) The Town 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 Town 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 Town 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 Town 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 Town may decide.

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

- (1) The Town 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 Town, or;
  - b) a guarantee by a bank, or other institution acceptable to the Town, 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 Town.

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

In addition to the requirements for dedication of land under Part III, Subdivision of Land – Land for Public Open Space, the Town 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 Town 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 Town 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 Town and shall put the site in a clean and sanitary condition to the satisfaction of the Town.

**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 Town on such form as may be prescribed by the Town, and every application shall include such plans, specifications and drawings as the Town may require, and be accompanied by the permit fee required by the Town.
- (2) The Town 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 Town shall keep a public register of all applications for development, and shall enter therein the Town's decision upon each application and the result of any appeal from that decision.

**19. Deferment of Application**

- (1) The Town 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 Town and on which a decision has not been communicated to the applicant within eight weeks of the receipt thereof by the Town, 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 Town may grant Approval in Principle for a subdivision or any other development 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 Town and other relevant authorities or agencies 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.
- (3) The Town may attach such conditions as it deems fit to an Approval in Principle in order to ensure that the proposed development will be in accordance with the purposes and intent of these Regulations and any other pertinent regulations or statutes.
- (4) An Approval in Principle or conditions attached thereto is subject to appeal under the Act.
- (5) Notwithstanding an Approval in Principle, no work shall commence until a Development Permit has been issued by the Town in accordance with the conditions set forth in the Approval in Principle.

## **21. Development Permit**

- (1) A plan or drawing which has been approved by the Town 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 Town may attach to a permit 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 Town 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 Town 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(4) of these Regulations.
- (5) The approval of any application and plans or drawings or the issue of a permit shall not prevent the Town 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 Town 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 Town.
- (8) There shall be kept available on the premises where any work, matter or thing is 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.
- (9) A development permit or permit or conditions attached thereto is subject to appeal.

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

The Town 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 (see also Ministerial Regulations), or when the development proposed is listed as a discretionary use in Schedule C of the Regulations the Town 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 Town 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 Town, 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 Town 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 Town.

#### **26. Stop Work Order and Prosecution**

- (1) Where a person begins a development contrary or apparently contrary to these Regulations, the Town 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 5 to 11.

Where an appeal lodged under Section 42 of the Urban and Rural Planning Act has been successful, the fee paid by the appellant shall be reimbursed by the Town.



## PART II - GENERAL DEVELOPMENT STANDARDS

### 28. Accesses and Service Streets

- (1) Access shall be located to the specification of the Town so as to ensure the greatest possible convenience and safety of the street system and the Town 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 Transportation and Works.
- (3) No vehicular access shall be closer than 10 metres to the street line of any street intersection.

### 29. Accessory Buildings

See Schedule C – Use Zone Tables.

### 30. Accessory Uses

See also Schedule A – Definitions.

Subject to the other requirements of these Regulations, including those of Schedule C, uses accessory to the permitted or discretionary use can be permitted.

Subject to Schedule C, 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, 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;
- e) an accessory dwelling;
- f) an unobtrusive business carried out in a dwelling or residential accessory building by a resident of the dwelling;
- g) a dwelling or dwelling unit accessory to the primary use - such as a farm operator's dwelling on the farm, woodlot owner's dwelling, or a caretaker's dwelling in non-farm or forestry business.

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**

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 Town, 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 the Town 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 Town and the Department of Government Services and/or the Department of Transportation and Works.

(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 Town.

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

c) The Town 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 Town 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 Town 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.

(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 Town.

(7) Prohibition

A sign shall not be erected, posted or placed:

- a) where in the opinion of the Town, that sign would be hazardous to road traffic by reason of its siting, illumination or structural condition;
- b) where in the opinion of the Town 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 Town;
- d) within or over a highway or street intersection unless otherwise approved by the Town for Town roads, 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 of Transportation and Works, or the Town 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 Transportation and Works.

(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 Town may approve, approve with conditions, or refuse to approve the sign or advertisement.

**32. Advertisements Exempt from Control**

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

- 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 0.28 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.

### **33. 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 a 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 the Town.

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.

### **34. 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 centre lines, except that the control area is reduced within the within Municipal Boundaries and built up areas of incorporated communities to 100 metres from the centre line 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.

### **35. 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 Town, 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.

### **36. 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, siting and illumination of each advertisement shall be to the satisfaction of the Town, 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.

### **37. Agriculture and Farming**

- (1) Agricultural uses are regulated by the Town and the Provincial Government. Agricultural uses shall be approved by both the Agrifoods Development Branch of the Department of Natural Resources and the Town, together with other appropriate agencies.

- (2) Except for residential development occurring in an already developed area (“infill development”), any *residential development* within 600 metres of structure containing more than five animal units must be referred to the Agrifoods Development Branch for a recommendation. The Town shall not issue a permit contrary to the recommendation.
- (3) A livestock structure (barn) containing five or more animal units must be located at distance from a non-farm dwelling determined by the Agrifoods Development Branch. 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 Agrifoods Development Branch before a permit is issued by the Town.

### **38. Archaeological and Heritage Sites and Areas**

- (1) If an archaeological site or historical artifacts are discovered during construction, development shall stop and the Provincial Archaeology Office of the Department of Tourism, Culture and Recreation consulted. Development shall not proceed until the Provincial Archaeology Office has evaluated the site.
- (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 investigation.

### **39. 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 Town, and shall be maintained by the owner or occupier to the satisfaction of the Town.

### **40. Building Line and Setback**

- (1) The Town may by resolution 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.
- (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 minimum building line is 20 metres from the centre-line of the Northern Peninsula Highway (Viking Trail), Highway 430.

#### **41. Buildings on a Lot and Farm Dwelling Exemption**

- (1) See also Regulation 42, Comprehensive Development.
- (2) Unless it is a farm dwelling, not more than one single or double dwelling shall be permitted on a lot.
- (3) Non-residential use classes – two or more buildings can be erected on a lot provided that the yard and setback and other requirements of Schedule C and other parts of these Regulations are satisfied.

#### **42. Comprehensive Development**

The Town may permit a large scale private or public comprehensive development that does not meet the requirements of these Development Regulations for frontage on a publicly owned and maintained road ('public road'), lot size, lot frontage, minimum or maximum building line setback, side yard width and rear yard depth, provided that:

- a) the Town is satisfied that either the site conditions are such that the standard requirements could not be met, or, the quality of the development would be greater than could otherwise occur through the application of the standard requirements;
- b) a comprehensive development plan of the property has been granted Approval in Principle by the Town, along with other approvals before permits are issued for development;
- c) the comprehensive development itself has frontage on a public road;
- d) the development is compatible with adjacent development;



- e) water supply and waste disposal services for the development are approved by the Town, the Government Service Centre and other appropriate agencies;
- f) there are at least two developments within the comprehensive development and the land area of the development is at least two hectares.

Along with other conditions and requirements, the Town may require that a communal water supply and waste disposal service be provided by the developer and maintained by the developer and/or owners of the development.

#### **43. Deer Lake Airport Zoning Regulations**

Most of Reidville lies within the area encompassed by the Deer Lake Airport Zoning Regulations as prepared by Transport Canada pursuant to the Aeronautics Act Canada. This is shown on Land Use Zoning Map 3 as an overlay to the zones set out on Land Use Zoning Maps 1 and 2. The text of the Airport Zoning Regulations is set out in Schedule E.

The Airport Zoning Regulations essentially affect tall structures and facilities likely to create bird hazards through the disposal of any waste that is edible or attractive to birds.

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

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

#### **45. 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 Town, 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 Town may require special access and safety features to be provided for the occupants before occupancy is permitted.

#### **46. Fences**

- (1) Except as otherwise set out in Schedule C or in a Fence Regulation adopted under the Municipalities Act, the requirements of this Regulation shall apply to all fences.
- (2) For the purpose of this Regulation 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.
- (3) The provision of these Regulations shall apply to all public authorities except in those cases where an exception from the Regulations is require to respond to an emergency or for a public purpose.
- (4) The Town shall not be liable for any damages for the repair of any fence whatsoever where the Town, its employees or agents or otherwise have acted without negligence. In particular, the Town 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.

##### Order to Remove Fence

- (5) When in the opinion of the Town, a fence creates a safety hazard or obstruction or impedes snow-clearing due to its location, height or construction material, the Town 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 Town may remove the fence and the cost to remove, reconstruct or repair said fence will be at the owner's expense.

##### Fence Maintenance

- (6) Every person who owns a fence shall maintain such fence in a good state of repair. For the purpose of this Regulation, "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 neighbourhood.

#### 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 Council.

#### Fence Height - Sight Lines

- (8) 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 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.
- (9) 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 Council it impedes sight lines.

#### Maximum Height

- (10) Unless required for screening, no fence shall be greater than 0.75 metres in height between the building line and the street line.
- (11) The maximum height of a fence shall not exceed 1.8 metres in the Mixed Development Zone.
- (12) The maximum height of a fence in all other zones shall not exceed 2.4 metres.

#### Electrical Fence and Barbed Wire Fence

- (13) 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.
- (14) No person shall erect a fence consisting wholly or partly of barbed wire or other barbed material except for agricultural purposes or 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

- (15) 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

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

### **47. Forestry**

Approvals for woodcutting or other forestry related activities must be obtained from the provincial Department of Natural Resources – Forestry Services Branch. No development is permitted in a domestic cutting area - the Resource Development Zone - without prior approval of the Forestry Services Branch.

### **48. 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.

**49. 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 Town 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.

**50. Lot Frontage**

Except where specifically provided for in the Use Zone Tables in Schedule C of these Regulations, and/or with respect to wharves and docks, remote cottages and certain uses related to the development of natural resources where frontage on a publicly owned and maintained road ('public road') is not feasible or desirable, no residential or commercial building shall be erected unless the lot on which it is situated fronts directly onto a public road or street or forms part of a Comprehensive Development.

**51. Mineral Exploration**

- (1) Subject to the other provisions of these 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 Town, provided that adequate notification is provided to the Town.
- (2) Mineral exploration which is classed as development can only be permitted if adequate provision is made for buffering /and or other means of reducing or eliminating the impacts of the exploration on uses of land such as agricultural operations, residential uses including farm dwellings, tourist accommodation facilities and important waterways and wetlands.

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

No permit shall be issued by the Town for mineral exploration until the 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.

## **52. Non-Conforming Uses**

- (1) This Regulation is based upon Section 108 (2) of the Urban and Rural Planning Act 2000, and Sections 14, 15, and 16 of the Ministerial Development Regulations.
- (2) Notwithstanding a plan, scheme or regulations made under the Urban and Rural Planning Act 2000, the Town 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.
- (3) Notwithstanding subsection (1), a right to resume a discontinued non-conforming use of land shall not exceed one year. 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 occupancy taxes for that use;
  - c) the owner or tenant has stated in writing that the use has ceased.
- (4) A building, structure or development that does not conform to a scheme, plan or regulations made under this Act that is allowed to continue under subsection (2):
  - a) shall not be internally or externally varied, extended or expanded unless otherwise approved by the Town;
  - b) shall not be structurally modified except as required for the safety of the building, structure or development;

- c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50% or more of the value of that building, structure or development has been destroyed;
  - d) may have the existing use for that building, structure or development varied by the Town to a use that is, in their opinion more compatible with a plan and regulations applicable to it;
  - e) may have the existing building extended by the Town where, in its opinion that extension is not more than 50% of the existing building;
  - f) where the non-conformance is with respect to the standards included in development regulations, the building, structure or development shall not be expanded if the expansion would increase the non-conformity – and an expansion must comply with the development standards applicable to that building, structure or development.
  - g) where the building or structure 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
  - h). a residential building or structure referred to in the above paragraph must, where being repaired or rebuilt, be repaired or rebuilt in accordance with the plan and development regulations applicable to that building or structure.
- (5) Notice and hearings on change of use – Where considering a non conforming building, structure or development under clause 4 d) of this Regulation and before making a decision to vary an existing use of that non-conforming building, structure or development, the Town, at the applicant's expense, shall publish a notice in a newspaper circulating in the area or by other means give public notice of an application to vary the existing use of a non-conforming building, structure or development and shall consider any representations or submissions received in response to that advertisement.

### **53. 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 Town and any other authority having jurisdiction.

**54. Parking and Offstreet Loading Requirements**

Parking and offstreet loading requirements are set out in Schedule D of these Regulations.

**55. Parks and Playgrounds, and Conservation Uses**

- (1) Parks and playgrounds are permitted in any zone, provided however, that 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.

**56. Recreational Trails and Walkways**

- (1) Wherever space and terrain characteristics allow, the appearance and use of well known trails and/or mapped trails shall be protected by self-sustaining vegetation buffers that screen the trail from other forms of development and protect them from hazard areas and areas subject to erosion, such as river and brook banks.
- (2) In respect of Crown Lands the minimum buffer shall be 15 metres either side from the centre-line of the trail to create a trail corridor 30 metres wide.
- (3) In respect of privately owned lands where the land is deeded or assigned to the Town or a non-profit body, the minimum buffer shall be 7.5 metres from the centre-line of the trail to create 15 metre wide trail corridor. The buffer may be increased in order to secure additional protection or screening.
- (4) Development shall not be permitted to impede the continued use of known and/or mapped trails.
- (5) As a condition of a development permit the Town may require that a trail corridor be deeded to the Town or a non-profit group approved by the Town.



**57. Reidville Road Tree Screen**

The existing tree screen along Reidville Road is to be maintained wherever possible in order to enhance the appearance of the Town and to minimize snow-drifting. Property owners are to be encouraged to maintain the tree screen.

The Town shall monitor developments that could affect the tree screen and will assess each application on its merits before issuing a permit to remove or alter part of the tree screen.

**58. 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 Town, the landscaping or screening is desirable to preserve amenity, or protect the environment.

**59. Services and Public Utilities**

Within any zone the Town can 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.

**60. 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.

**61. Site and Subdivision Development, Engineering and Geo-Technical Analysis**

Before a permit is issued for a development, including a subdivision, the Town shall consider soil stability, risk of flooding and/or soil erosion, 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 before issuing a development permit or an Approval in Principle.

In areas that are deemed to vulnerable due to soil instability, erosion and/or potential flooding – particularly in the vicinity of the Upper Humber River, Rocky

Brook, Meadow Brook (Grassy Brook) and Trout Brook, the Town can require that an engineering and/or a geo-technical analysis be carried out by a competent professional before approvals and permits are granted, granted subject to conditions, or refused.

**62. Site Development Quarry and Soil Removal**

- (1) If, as part of another development, quarry material is to be removed and sold or otherwise disposed of, then a separate quarry permit shall be issued once development approval is granted by the Town. A copy of this permit must be forwarded to the Department of Natural Resources, Mineral Lands Division.
- (2) A site development quarry under this Regulation is permitted wherever the use that is quarry is associated with is permitted.
- (3) A quarry permit issued under this Regulation shall only be valid for the term of the site development.
- (4) When the work is completed, the area affected shall be suitably landscaped and drained in accordance with a plan approved by the Town.
- (5) If the site work is extensive, the Town may require the deposit of a surety in the amount of \$500.00 which shall be returned to the developer upon satisfactory completion of the work.

**63. Solid Waste Disposal Site Buffer**

No residential development shall be allowed within the Solid Waste Disposal Site Buffer unless it has been approved by the Department of Environment and Conservation and the Town.

**64. Street Construction Standards**

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

## **65. Subsidiary Apartments**

Subsidiary apartments can 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. Only one subsidiary apartment is permitted per dwelling.

## **66. Subsidiary Dwelling**

A subsidiary dwelling is permitted in the rear yard of a single dwelling in a building separate from the single dwelling, subject to the following requirements:

- a) the subsidiary dwelling is located in the rear yard of the single dwelling;
- b) fire and other safety issues are properly addressed in the location, access and design of the subsidiary dwelling, and this may entail the provision of a completely unobstructed side yard wide enough to provide access for emergencies which is greater than the minimum side yard for single dwellings in this zone;
- c) unless it is only used as a separate sleeping quarters, the subsidiary dwelling shall be connected to municipal water and sewer services or other suitable water supply and waste disposal services approved by the Government Service Centre of the Department of Government Services;
- d) the maximum floor area shall be 60 square metres;
- e) the minimum distance from the side and rear property boundaries is 3 metres;
- f) maximum height is 6 metres.

## **67. 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.

## **68. Viking Trail – Highway 430**

- (1) Protected Road Zoning Plan

Development within 100 metres of the centre-line of the Viking Trail (Route 430) is subject to review by the Government Service Centre of the Department of Government Services before a permit is issued by the Town.

(2) Building Near Highways Regulation - Viking Trail (Highway 430)

Highway 430 is subject to the Building Near Highways Regulations 1997. No development shall be permitted within 20 metres of the centre-line of the Viking Trail.

(3) No additional access shall be permitted to the Viking Trail between the Upper Humber River and Reidville Road. One access may be permitted to the Viking Trail between Reidville Road and the Municipal Boundary to the north.

**69. Waterways and Wetlands**

(1) Along the Upper Humber River buildings shall not be located at any elevation lower than 10 metres above sea level or elsewhere where there is deemed to be a flood hazard, regardless of whether or not the property lies within the minimum buffer along the Upper Humber or whether or not it lies within the Environmental Protection zone.

(2) Except where zoned Environmental Protection on the Land Use Zoning Maps and except in respect of very minor waterways and drainage courses, the minimum width of a buffer along a waterway or wetland shall be 15 metres – 30 metres along the Upper Humber River – from the highwater mark, or 1 in 100 year flood zone, of the stream, river, pond or other body of water or wetland.

(3) If the toe of an embankment with an average slope of 30% or more lies within 15 m – 30 metres for the Upper Humber River – of the highwater mark, or 1 in 100 year flood zone of waterway, then the buffer shall be measured from the top of the embankment.

(4) The only uses that may be permitted in the buffer area of a waterway are roads, driveways, public utilities, recreational open space and trails and uses requiring direct access to a body of water, such as wharves and docks.

(5) The Town 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.

- (6) 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:
- Department of Environment and Conservation 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 and Conservation.

Development within a buffer is subject to the approval of the Water Resources Management Division of the Department of Environment and Conservation, Department of Fisheries and Oceans Canada and where applicable, the Government Service Centre of the Department of Government Services.

- (7) Where there is a conflict between Policy Directive W.R. 91-1 and the provisions of the Municipal Plan, the more restrictive policies shall apply. A copy of Policy Directive W.R. 91-1 is contained in Schedule F.
- (8) Wetlands can only be developed in such a way as to minimize damage and impacts on the hydrology and environment of the area.
- a) The general provincial policy on wetlands is contained in Policy Directive W.R. 97-2 – Development in Wetlands – of the Department of Environment and Conservation. Where there is conflict between the provisions of the Municipal Plan and the Policy Directive, the more restrictive policy shall apply.
  - b) Any development within a wetland or the buffer of a wetland shall require the approval of the Minister of Environment and Conservation as well as the Town whether or not that wetland is designated Environmental Protection under the Municipal Plan.
  - c) Infilling of very small ponds or freshets that do not appear on 1:50,000 scale Newfoundland topographic maps and where the land is better

utilized for agricultural or other purposes may be permitted subject to Section 48 of the Water Resources Act and the approval of the Minister of Environment and Conservation.

- d) Wetlands which are not subject to the Environmental Protection designation are subject to Policy Directive 97-1 – Development in Wetlands – of the Department of Environment and Conservation. This Policy Directive is set out Schedule F.

#### **70. Wind Mills, Wind Turbines and Wind Farms, Other Energy Sources - Utilities**

Wind mills, wind turbines, wind farms and other energy forms, including solar based and small hydro generating facilities – “Utilities” in Schedule B – and associated facilities and services are subject to the conditions set out below.

Utilities are subject to the approval of relevant provincial and federal departments and agencies and public utilities, including the Mines and Energy Division of the Department of Natural Resources, and Transport Canada and the Deer Lake Airport Authority. The design and location of such utilities shall take into consideration their impact on nearby land uses and persons, the environment and archaeological resources within the Town, along with other matters that the Town may deem to be significant. Wind mills utilities within the built-up areas are limited to single wind mills or wind turbines designed to serve particular properties.

To prevent damage to persons and properties due to the failure of a windmill or any of its components or the shedding of ice, the Town shall ensure that there is adequate separation distance between the windmill and nearby structures and properties.

Unless specifically exempted by the relevant agencies, the design, construction and location of a utility shall be certified by a professional engineer who has consulted with the required agencies.

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

#### **71. 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 the Town.

#### **72. Services to be Provided**

No permit shall be issued for the development of a subdivision unless provisions satisfactory to the Town 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.

#### **73. 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 Town 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.

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

A permit shall not be issued when, in the opinion of the Town, 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 Town 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.

**75. Engineering and Geo-Technical Analysis**

In areas that are deemed to vulnerable due to soil instability, erosion and/or potential flooding – particularly in the vicinity of the Upper Humber River, Rocky Brook, Meadow Brook (Grassy Brook) and Trout Brook, the Town can require that an engineering and/or a geo-technical analysis be carried out by a competent professional before approvals and permits are granted, granted subject to conditions, or refused for a subdivision ( see also Part II, Regulation 61).

**76. Building Permits Required**

Notwithstanding the approval of a subdivision by the Town, 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.

**77. Form of Application**

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

**78. Subdivision Subject to Zoning**

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

**79. Building Lines**

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

**80. Land for Public Open Space**

- (1) Before a development commences, the developer shall, if required, dedicate to the Town, at no cost to the Town, 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 Town shall determine the percentage of land to be dedicated;
  - b) if, in the opinion of the Town, no public open space is required, the land may be used for such other public use as the Town 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 Town but in any case, the Town shall not accept land which, in its opinion is incapable of development for any purpose;
  - d) the Town 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 Town in accordance with Regulation 80(1)(d) above, shall be reserved by the Town 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 Town and may be sold or leased by the Town 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 Town 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 Town, constitute the requirement of land for public use under Regulation 80(1).

#### **81. 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 Town which shall be satisfied on the question of safe construction and relationship to the adjoining buildings and other structures within the street reservation.

## **82. 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) Except as otherwise provided under Schedule C 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) The finished grade of streets shall not exceed 10 percent.
  - b) Every cul de sac shall be provided with a turning circle of a diameter of not less than 30 m.
  - c) The maximum length of any cul de sac shall be 300 metres. Where a road loops back to itself, such as in a P loop, the distance is measured to the start of the loop. See also clause d).
  - d) After review by the Town's Fire Chief, the length of a cul de sac may be extended beyond 300 metres, provided that the Town is satisfied that this will not create additional fire or other hazard risks or unduly increase maintenance costs.
  - e) No cul de sac shall be located so as to appear to terminate a collector street.
  - f) New subdivisions shall have street connections with an existing street or streets.
  - g) All street intersections shall be constructed within 5° of a right angle and this alignment shall be maintained for 30 m from the intersection.
  - h) No street intersection shall be closer than 60 m to any other street intersection.
  - i) No more than four streets shall join at any street intersection.
  - j) Streets in residential subdivisions shall conform to the following minimum standards:

- i) Arterial Street
  - Reservation (minimum) 30 metres
  - Pavement Width (minimum) 15 metres
  - Walkways See clause k)
- ii) Collector Street
  - Reservation (minimum) 15 metres
  - Pavement Width (minimum) 9 metres
  - Walkways See clause k)
- iii) Local Street
  - Reservation (minimum) 15 metres (see clause n))
  - Pavement Width (minimum) 7 metres
  - Walkways See clause k).
- k) Walkways - clearly identified safe and adequate pedestrian and/or bicycle access may be required along any or all roads.
- l) The Town 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.
- n) Where there is potential for additional development, a road reserve of 15 metres, and a reserve of 15 metres shall be provided along the entire length of a cul de sac.

### **83. 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 Town 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 Town, be incorporated in the plan of subdivision.
- (2) Upon approval by the Town 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 Town to service the said area.

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

The developer shall pay to the Town 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.

**85. Street Works May Be Deferred**

The construction and installation of all curbs and gutters, catch basins, sidewalks and paving specified by the Town as being necessary, may, at the Town's discretion, be deferred until a later stage of the work on the development of the subdivision but the developer shall deposit with the Town 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 Town 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 Town the amount of the excess. If the contract price is less than the deposit, the Town shall refund the amount by which the deposit exceeds the contract price. Any amount so deposited with the Town 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.

**86. Transfer of Streets and Utilities to Town**

- (1) The developer shall, following the approval of the subdivision of land and upon request of the Town, transfer to the Town, at no cost to the Town, 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 Town 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 Town.
- (2) Before the Town 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 Town 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 Town.

**87. 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 Town 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.

**88. 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 Town, shall not be changed without written application to and subsequent approval of the Town.

**89. Subdivision Policies and Subdivision Agreement**

Subdivision Policies

The Town can adopt a policy for subdivisions to further implement the Town's subdivision regulations. The subdivision policy will apply to the subdivision and development of land requiring the extension or construction of roads and/or the extension of municipal services.

Subdivision Agreement

A subdivision agreement shall be entered into between the Town and the Developer as a pre-condition to obtaining an approval.

## **PART IV - USE ZONES**

### **90. 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 89(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 Town may in its discretion, determine the standards, requirements and conditions which shall apply.

### **91. 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 Town in accordance with the classification and examples set out in Schedule B.

### **92. 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 Town in that Use Zone.

### **93. 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 Town 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 Town 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.

**94. 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 asterisk is also included in the Urban and Rural Planning Act and/or in the Ministerial Development Regulations. Where there is a conflict, the Act or Ministerial Development Regulations prevail.**

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**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 Town.

**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 Town 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 Town, 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, snowclearing 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 Town.

**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 Town.

**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.

**WETLAND** means an area which is saturated by surface or ground water sufficient to support, and which under normal circumstances supports a prevalence of vegetation typically adapted for life in the saturated soil conditions, and includes swamps, marshes, bogs, fens and similar areas.

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

<b>SCHEDULE B CLASSIFICATION OF USES OF LAND AND BUILDINGS</b>		
<b>GROUP</b>	<b>CLASS</b>	<b>EXAMPLES</b>
ASSEMBLY USES	Theatre	Motion Picture Theatres T.V. Studios admitting an audience.
ASSEMBLY USES	Cultural and Civic	Libraries, Museums, Art Galleries, Court Rooms, Meeting Rooms, Council Chambers
ASSEMBLY USES	Protection	Police and Fire Stations
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

<b>SCHEDULE B CLASSIFICATION OF USES OF LAND AND BUILDINGS</b>		
<b>GROUP</b>	<b>CLASS</b>	<b>EXAMPLES</b>
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

<b>SCHEDULE B CLASSIFICATION OF USES OF LAND AND BUILDINGS</b>		
<b>GROUP</b>	<b>CLASS</b>	<b>EXAMPLE</b>
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

<b>SCHEDULE B CLASSIFICATION OF USES OF LAND AND BUILDINGS</b>		
<b>GROUP</b>	<b>CLASS</b>	<b>EXAMPLES</b>
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 Stalls, Fish Stalls
MERCANTILE USES	Convenience Store	Confectionary Stores, Corner Stores, Gift Shops, Specialty Shops

<b>SCHEDULE B CLASSIFICATION OF USES OF LAND AND BUILDINGS</b>		
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

<b>SCHEDULE B CLASSIFICATION OF USES OF LAND AND BUILDINGS</b>		
<b>GROUP</b>	<b>CLASS</b>	<b>EXAMPLES</b>
NON-BUILDING USES	Recreational Open Space	Playing Fields, Sports Grounds, Parks, Playgrounds, Recreational Trails
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	Utilities	Wind Mills, Wind Turbines, Wind Farms, Solar, & similar power generation facilities
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:

Mixed Development (MD)  
Agriculture (A)  
Commercial Tourism (CT)  
Environmental Protection (EP)

**USE ZONE TABLE  
MIXED DEVELOPMENT (MD) ZONE**

ZONE TITLE	MIXED DEVELOPMENT (MD)	(Reidville)
PERMITTED USE CLASSES - (see Regulation 92)		
Conservation, Public Utilities, Recreational Open Space and Trails, Single Dwelling, Subsidiary Apartment and Subsidiary Dwelling.		
DISCRETIONARY USE CLASSES - (see Regulations 23 and 93)		
Agriculture, Animal, Antenna, Bed and Breakfast, Business and Personal Service Uses Group, Campground, Catering, Cemetery, Child Care, Clubs and Lodges, Commercial - Residential, Cultural and Civic, Double Dwelling, Family and Group Care Centre, Fire Station, General Assembly, General Industry, Indoor Market, Light Industry, Mineral Exploration, Mobile Home, Outdoor Market, Place of Worship, Police Station, Shop and Utilities.		

**CONDITIONS FOR THE MIXED DEVELOPMENT ZONE**

**1. General**

- (1) Including the other conditions set out for this zone, Regulations 1 to 6 and Parts I, II, III, IV and Schedules A, B, D and E must be followed when before issuing a permit for development and/or subdivision.
- (2) All development on unserviced (no municipal services) and semi-serviced (municipal water or municipal sewer) lots shall be approved by the Department of Government Services before a permit is issued by the Town.

**2. General Development Standards – Unserviced and Semi-Serviced Development, Infilling Variances, Other Development Standards**

(1) Unserviced Development

Where the development lacks municipal water and sewer services (unserviced) the minimum lot size is as determined by the Department of Government Services or 1860 m<sup>2</sup> per dwelling unit, whichever is greater.

The minimum lot frontage shall be as determined by the Department of Government of Services or 30 metres minimum, whichever is greater.

(2) Semi-serviced Development:

For semi-serviced building lots (lots where water or sewage disposal services will be provided off-site), a minimum lot size of 1,400 m<sup>2</sup> is required per dwelling unit. A minimum frontage of 23 metres is required throughout the entire area in which the absorption field (distribution box to end of absorption trenches) is to be installed. The area must be sufficient to accommodate the septic system while maintaining separation distances and have sufficient space for the installation of a replacement system.

(3) Infilling Variance

Where unserviced or semi-serviced land is surrounded by development which prohibits expansion and where approval cannot be awarded because the proposed lot size does not comply with the minimum lot size and width requirements, the requirements to literal conformity may be varied if:

- a) the variance amounts to no more than a twenty percent (20%) reduction in the requirements;
- b) the variance is not contrary to the general intent and purpose of the policy and procedure as set out in the *Private Sewage Disposal and Water Supply Standards – Department of Government Services*;
- c) the application of the variance would not interfere with the maintenance of required distance separations and sewage system dimensions;
- d) the application of the variance would not undermine the quality of adjacent property or pose a hazard to human health;
- e) the application of the variance is related to the specific property and is not general to land within the area;
- f) the particular practical difficulties for the owner or developer are distinguishable from a mere inconvenience or desire to acquire monetary gain.

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(4)	Building Line Setback (minimum)	8 m
(5)	Sideyard (minimum)	2 m
(6)	Rearyard (minimum)	10 m
(7)	Lot Coverage All Buildings (maximum)	33%
(8)	Height (maximum)	10 m

### **3. General Development Standards - Discretionary Uses**

- (1) See Regulation 44.
- (2) Discretionary uses shall conform to the requirements specified for a permitted use.

### **4. 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, and, 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.
- (2) No accessory building or part thereof shall project in front of any building line.
- (3) Excluding cold frames, decks, gazebos, greenhouses, swimming pools and temporary repair shelters, not more than two accessory buildings shall be erected upon a lot.
- (4) Exclusive of cold frames, decks, gazebos, greenhouses, swimming pools and temporary repair shelters, accessory buildings shall have a lot coverage of no greater than 7%.
- (5) The height of the exterior wall as measured from the established grade to the eave shall not exceed 2.4 metres.
- (6) The height of the accessory building shall not exceed 5 metres.
- (7) Accessory buildings shall not be closer than 1.8 metres to the side lot line and 1.8 metres to the rear lot line.

- (8) Accessory buildings can be used for accessory uses.
- (9) Accessory buildings shall not be erected upon or placed upon any easements.
- (10) Communications antennae and towers shall have a maximum height of 15 metres.

## **5. Agricultural Uses**

- (1) The maximum allowable number of livestock units permitted in this zone is four.
- (2) The agricultural use shall be such as to occur without detriment to the use and enjoyment of adjoining residential properties.
- (3) Approval of the Agrifoods Development Branch is required, is required before a permit is issued by the Town.
- (4) The separation distances typically associated with an agricultural use, including distances from dwellings, property lines and roads under Regulation 37 shall not apply.
- (5) Agricultural Uses Minimum Lot area and Frontage – 2 hectares and 45 metres. All other conditions of Condition 2 shall apply, together with Regulation 37.

## **6. Bed and Breakfast, Boarding House**

Bed and breakfast and boarding house are permitted, provided that 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 the development is landscaped in a manner compatible with the surrounding residential area.

## **7. Campground**

A plan of the campground shall be submitted in a format satisfactory to the Town, showing and specifying the number and location of campsites and all facilities, services, internal roads and measures for buffering and/or screening. The approved plan, together with any other approvals and conditions shall form part of the permit.

## **8. Child Care**

Child Care is permitted, provided the owner of the business resides in the dwelling and the business is conducted entirely within the dwelling.

## **9. Home Business Accessory Use**

See also Regulation 30 - Accessory Uses.

A Home Business shall only be permitted if:

- a) the primary use of the property remains residential and the scope and intensity of the use classes is entirely compatible with the residential uses of the property and neighbourhood, and the business is operated by a resident of the dwelling;
- b) adequate parking is provided;
- c) no mechanical equipment is used except that reasonably consistent with the use of a dwelling;
- d) 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;
- e) there is no outdoor storage or display;
- f) 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;
- g) no change in the type, class or extent of the home occupation shall be permitted except with the approval of the Town.

## **10. Mineral Working Buffer**

No new dwelling may be permitted within 300 metres of a Mineral Working unless it has been approved by the Department of Natural Resources.

## **11. Residential Development and Agriculture**

See also Regulation 37.

- (1) No residential development shall be allowed to impede the appropriate agricultural activities within or adjacent this Zone.
- (2) Any permit for a dwelling or other residential development shall contain a provision to the effect that the applicant acknowledges that the person is residing in an agricultural area.

- (3) The Town shall refer a residential development application to the Agrifoods Development Branch prior to issuing a permit.

**USE ZONE TABLE  
AGRICULTURE (A) ZONE**

ZONE TITLE	AGRICULTURE (A)	(Reidville)
PERMITTED USE CLASSES - (see Regulation 92)		
Agriculture, Animal, Bed and Breakfast (accessory to a single dwelling), Conservation, Forestry, Mineral Exploration, Public Utilities, Recreational Open Space, Single Dwelling (farm residence) and Veterinary.		
DISCRETIONARY USE CLASSES - (see Regulations 23 and 93)		
Antenna, Campground, Catering, Cemetery, Commercial - Residential, Convenience Store, Cultural and Civic, General Industry, Indoor Assembly, Light Industry, Mineral Working, Outdoor Assembly, Outdoor Market, Single Dwelling and Subsidiary Dwelling (non-farm residence) and Utilities.		

**CONDITIONS FOR THE AGRICULTURE ZONE**

**1. General**

- (1) Including the other conditions set out for this zone, Regulations 1 to 6 and Parts I, II, III, IV and Schedules A, B, D and E must be followed when before issuing a permit for development and/or subdivision.
- (2) All development in this Zone is subject to the approval of the Agrifoods Development Branch of the Department of Natural Resources.
- (3) No residential or other development is permitted which would have a negative effect on the agricultural uses of the zone.

**2. General Development Standards**

Lot Area: As determined by the and/or the Agrifoods Development Branch or Forest Resources Division of the Department of Natural Resources and the Government Service Centre in consultation with the



Town or 2 hectares, whichever is greater. See also Regulation 38.

Lot Frontage: As determined by the Agrifoods Development Branch and/or Forest Resources Division of the Department of Natural Resources and the Government Service Centre in consultation with the Town or 30 metres, whichever is greater. See also Regulation 38.

Building Line Setback (minimum)	10 m
Sidyard (minimum)	5 m
Sidyard Flanking Road (minimum)	5 m
Rearyard (minimum)	10 m

### **3. Accessory Buildings**

- (1) Restrictions on design or height or lot coverage under this Clauses (3), (4) and (7) of this Condition shall only apply to accessory buildings associated with single dwellings.
- (2) Accessory buildings can be used for accessory uses.
- (3) Accessory buildings shall not be erected upon or placed upon any easements.
- (4) Accessory buildings shall have a lot coverage no greater than 10 percent of the lot area, up to a maximum of 95 square metres for each single dwelling.
- (5) The height of an accessory building shall not exceed 6 metres.
- (6) Communications antennae and towers shall have a maximum height of 15 metres.
- (7) 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.
- (8) Accessory buildings shall not be closer the front lot line than the building line, 2 m to the side lot line, and 2 m to rear lot line, and accessory buildings shall maintain a minimum separation distance of 3 m from a dwelling.

**4. Bed and Breakfast**

Bed and breakfast and boarding house is permitted in this Zone provided that it is accessory to a farm dwelling.

**5. Catering Use**

A catering use may be permitted in this zone as a discretionary use, provided:

- a) the restaurant is situated within a bed breakfast establishment and/or a residence;
- b) the development will not have a negative impact on existing or proposed agriculture or forestry uses;
- c) the development is granted approval by the Agrifoods Development Branch of the Department of Natural Resources and the Department of Government Services before approval is granted by the Town.

**6. Commercial Residential Development**

A commercial residential development may be permitted in this zone as a discretionary use, provided:

- a) the commercial - residential development is restricted to tourist cabins
- b) the development will not have a negative impact on existing or proposed agriculture or forestry uses;
- c) the development is granted approval by the Agrifoods Development Branch of the Department of Natural Resources and the Department of Government Services before approval is granted by the Town.

**7. Campground**

A campground may be permitted in this zone as a discretionary use provided that a plan of the campground is submitted in a format satisfactory to the Town, showing and specifying the number and location of campsites and all facilities, services, internal roads and measures for buffering and/or screening. The approved plan, together with any other approvals and conditions shall form part of the permit.

**8. Convenience Store**

A convenience store in this Zone is limited to a gift and specialty shops, to be developed in conjunction with the cultural and civic use.

**9. Cultural and Civic**

The Cultural and Civic use class is meant to apply to a nature interpretation and display museum designed to serve the visiting public and also to be used for education and research purposes.

**10. General Industry and Light Industry**

General industry and light industry may be permitted as discretionary uses in this zone, provided that the general industry and light industry is restricted to the maintenance and repair of equipment, processing and storage related to agriculture, forestry or mineral working uses.

**11. Home Business Accessory Use**

See also Regulation 30 - Accessory Uses.

A Home Business shall only be permitted if:

- a) the primary use of the property remains residential and the scope and intensity of the use classes is entirely compatible with the residential uses of the property and neighbourhood, and the business is operated by a resident of the dwelling;
- b) adequate parking is provided;
- c) no mechanical equipment is used except that reasonably consistent with the use of a dwelling;
- d) 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;
- e) there is no outdoor storage or display;
- f) 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;
- g) no change in the type, class or extent of the home occupation shall be permitted except with the approval of the Town.

**12. Mineral Working**

Mineral workings are subject to this Regulation, any other applicable regulations and the approval of the Department of Natural Resources.

- (1) Separation from Adjacent Uses - Unless the Town 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 properly screened where it is visible from a public street or highway, developed area, or area likely to be developed during the life of the use.

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.

- (3) Fencing - The Town 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 Acts and Regulations of the Department of Environment and Conservation.
- (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 Conservation.
- (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 Town.
- (9) Operating Plant and Associated Processing and Manufacturing - The Town may permit processing and manufacturing use associated with mineral workings provided that, in the opinion of the Town, 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.
- (10) 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 Town;
  - e) if the mineral working contains reserves of material sufficient to support further extraction operations, the Town may require the work described above to be carried out only in areas of the site where extraction has depleted aggregate reserves.

### **13. Recreational Trails and Walkways**

See also Regulation 56.

Recreational Open Space and Trails can be permitted in this zone subject to the following conditions:

- a) the proposed use shall not interfere with adjacent agricultural and other natural resource uses by virtue of noise, increased traffic or other activities;
- b) the proposed use shall not prejudice the continuation of existing agricultural and other natural resource uses and operational practices which may not be compatible with the proposed use;
- c) applications for recreational open space uses shall be referred to the Department of Natural Resources before approval is granted by the Town.

**14. Residential Development, Single Dwelling**

- (1) A single dwelling in this zone or on any farm is subject to the approval of the Agrifoods Development Branch of the Department of Natural Resources and the Government Service Centre. A farm residence is a permitted use, and a non-farm residence is a discretionary use.
- (2) No residential development shall be allowed to impede agricultural activities.
- (3) Separation distances and other provisions that affect the location and type of agricultural activities in respect of residential development, and residential development in respect of agricultural activities shall be determined by the Agrifoods Development Branch in consultation with the Town.
- (4) Residential development in this zone is limited to single dwellings, subsidiary apartments and subsidiary dwellings situated on a farm property as defined by the Agrifoods Development Branch of the Department of Natural Resources.
- (5) With the approval of the Agrifoods Development Branch one residential lot for a non-farm residence may be severed from a farm operation at the discretion of the Town provided that this severance in no way impedes the agricultural potential of the remainder of the property, and this lot shall front on a public road. No further severance shall be permitted.
- (6) With the approval of the Agrifoods Development Branch Subject to Clause (5) one dwelling in addition to the principal farm residence may be allowed on a farm at the discretion of the Town provided that it is located on the same parcel of land as the principal farm residence and provided that they are located in such a way that either one can be severed from the farm property without prejudicing the farm operation.

**USE ZONE TABLE  
COMMERCIAL TOURISM (CT) ZONE**

ZONE TITLE	COMMERCIAL TOURISM (CT)	(Reidville)
PERMITTED USE CLASSES - (see Regulation 92)		
Agriculture, Bed and Breakfast, Campground, Catering, Commercial - Residential, Conservation, Indoor Assembly, Public Utilities, Recreational Open Space and Trails, and Seasonal Residential.		
DISCRETIONARY USE CLASSES - (see Regulations 23 and 93)		
Mineral Exploration, Transportation and Utilities.		

**CONDITIONS FOR THE COMMERCIAL TOURISM ZONE**

**1. General**

- (1) Including the other conditions set out for this zone, Regulations 1 to 6 and Parts I, II, III, IV and Schedules A, B, D and E must be followed when before issuing a permit for development and/or subdivision.
- (2) Along the Upper Humber River buildings shall not be located at any elevation lower than 10 metres above sea level or elsewhere where there is deemed to be a flood hazard, regardless of whether or not the property lies within the minimum buffer along the Upper Humber or whether or not it lies within the Environmental Protection zone.

**2. General Development Standards – Unserviced and Semi-Serviced Development, Infilling Variances, Other Development Standards**

(1) Unserviced Development

Where the development lacks municipal water and sewer services (unserviced) the minimum lot size is as determined by the Department of Government Services or 1860 m<sup>2</sup>, whichever is greater.

The minimum lot frontage shall be as determined by the Department of Government of Services or 30 metres minimum, whichever is greater.

(2) Semi-serviced Development:

For semi-serviced building lots (lots where water or sewage disposal services will be provided off-site), a minimum lot size of 1,400 m<sup>2</sup> is required. A minimum frontage of 23 metres is required throughout the entire area in which the absorption field (distribution box to end of absorption trenches) is to be installed. The area must be sufficient to accommodate the septic system while maintaining separation distances and have sufficient space for the installation of a replacement system.

(3) Infilling Variance

Where unserviced or semi-serviced land is surrounded by development which prohibits expansion and where approval cannot be awarded because the proposed lot size does not comply with the minimum lot size and width requirements, the requirements to literal conformity may be varied if:

- a) the variance amounts to no more than a twenty percent (20%) reduction in the requirements;
- b) the variance is not contrary to the general intent and purpose of the policy and procedure as set out in the *Private Sewage Disposal and Water Supply Standards*;
- c) the application of the variance would not interfere with the maintenance of required distance separations and sewage system dimensions;
- d) the application of the variance would not undermine the quality of adjacent property or pose a hazard to human health;
- e) the application of the variance is related to the specific property and is not general to land within the area;
- f) the particular practical difficulties for the owner or developer are distinguishable from a mere inconvenience or desire to acquire monetary gain.

- |                                     |      |
|-------------------------------------|------|
| (4) Building Line Setback (minimum) | 8 m  |
| (5) Sideyard (minimum)              | 2 m  |
| (6) Rearyard (minimum)              | 10 m |



- |     |                                      |      |
|-----|--------------------------------------|------|
| (7) | Lot Coverage All Buildings (maximum) | 33%  |
| (8) | Height (maximum)                     | 10 m |

### **3. General Development Standards – Discretionary Uses**

- (1) See Regulation 44.
- (2) Discretionary uses shall conform to the requirements specified for a permitted use.

### **4. Accessory Buildings**

- (1) Accessory buildings shall be subsidiary to the principal or main buildings in terms of height and floor area, and with the exception of greenhouses and swimming pools, accessory buildings shall be similar in appearance to the main building(s) in terms of design, colour and materials.
- (2) The height of an accessory building shall not exceed 6 metres.
- (3) Accessory buildings shall not be closer the front lot line than the building line, 2 m to the side lot line, and 2 m to rear lot line, and accessory buildings shall maintain a minimum separation distance of 3 m from a dwelling.
- (4) Accessory buildings shall not be erected upon or placed upon any easements.
- (5) Communications antennae and towers shall have a maximum height of 15 metres.

### **5. Agricultural Uses**

- (1) See also Regulation 37.
- (2) The agricultural use shall be such as to occur without detriment to the use and enjoyment of nearby properties.
- (3) Approval of the Agrifoods Development Branch of the Department of Natural Resources is required, along with all other government departments and agencies is required before a permit is issued by the Town.

- (4) The maximum allowable number of livestock units permitted in this zone is four or as otherwise as determined by the Town after consultation with the Agrifoods Development Branch.
- (5) The separation distances typically associated with an agricultural use, including distances from dwellings, property lines and roads under Regulation 37 shall not apply.
- (6) Minimum Lot area and Frontage – 2 hectares and 45 metres.

## **6. Campground**

A plan of the campground shall be submitted in a format satisfactory to the Town, showing and specifying the number and location of campsites and all facilities, services, internal roads and measures for buffering and/or screening. The approved plan, together with any other approvals and conditions shall form part of the permit.

## **7. Home Business Accessory Use**

See also Regulation 30 - Accessory Uses.

A Home Business shall only be permitted if:

- a) the primary use of the property remains residential and the scope and intensity of the use classes is entirely compatible with the residential uses of the property and neighbourhood, and the business is operated by a resident of the dwelling;
- b) adequate parking is provided;
- c) no mechanical equipment is used except that reasonably consistent with the use of a dwelling;
- d) 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;
- e) there is no outdoor storage or display;
- f) 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;
- g) no change in the type, class or extent of the home occupation shall be permitted except with the approval of the Town.

## **8. Mineral Working Buffer**

No new dwelling may be permitted within 300 metres of a Mineral Working unless it has been approved by the Department of Natural Resources.

**9. Residential Development and Agriculture**

See also Regulation 37.

- (1) No residential development shall be allowed to impede the appropriate agricultural activities within or adjacent this Zone.
- (2) Any permit for a dwelling or other residential development shall contain a provision to the effect that the applicant acknowledges that the person is residing in an agricultural area.
- (3) The Town may refer a residential development application to the Agrifoods Development Branch prior to issuing a permit if it is concerned to determine what conditions if any should apply to the development in order to protect the agricultural uses or minimize the effects of an agricultural use on the residential development.

**10. Seasonal Residential**

A seasonal residence can only be permitted in this zone if it as a remote cottage without frontage on a public road.

**USE ZONE TABLE  
ENVIRONMENTAL PROTECTION (EP) ZONE**

ZONE TITLE	ENVIRONMENTAL PROTECTION	(Reidville)
PERMITTED USE CLASSES - (see Regulation 92)		
Conservation.		
DISCRETIONARY USE CLASSES - (see Regulations 23 and 93)		
Agriculture, Mineral Exploration, Public Utilities, Recreational Open Space and Trails and Transportation.		

**CONDITIONS FOR THE ENVIRONMENTAL PROTECTION ZONE**

**1. General**

- (1) Including the other conditions set out for this zone, Regulations 1 to 6 and Parts I, II, III, IV and Schedules A, B, D and E must be followed when before issuing a permit for development and/or subdivision.
- (2) Along the Upper Humber River buildings shall not be located at any elevation lower than 10 metres above sea level or elsewhere where there is deemed to be a flood hazard, regardless of whether or not the property lies within the minimum buffer along the Upper Humber or whether or not it lies within the Environmental Protection zone.

**2. Roads and Driveways**

Roads and driveways (property access) may be permitted after approval by the Department of Environment and Conservation.

**3. Transportation**

Transportation uses are limited to wharves, docks and slipways.

**SCHEDULE D  
PARKING AND OFFSTREET LOADING REQUIREMENTS**

**1. General**

- (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 this Schedule.
- (3) Each parking space, except in the case of single or double-family 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 double 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 Town.

For any other parking lot configuration, the requirements shall as be as specified by the Town, 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 Town;
  - 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 Town, strict application of the above parking requirements is impractical or undesirable, the Town 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 Town for the provision and upkeep of alternative parking facilities within the general vicinity of the development.

## **2. Offstreet Parking Spaces**

The offstreet parking requirements for uses in the various use classes set out in Schedule B shall be as set out in the following table.

In case of developments including uses in more than one class, these standards shall be regarded as cumulative.

Adequate offstreet 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.

<b>CLASS</b>	<b>MINIMUM OFF-STREET PARKING REQUIREMENT</b>
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 Town.
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.
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 Town.
Campground	As specified by the Town.
Penal and Correctional Detention	As specified by the Town.
Medical Treatment and Special Care	One space per 20 m <sup>2</sup> of suite or ward area.

<b>CLASS</b>	<b>MINIMUM OFF-STREET PARKING REQUIREMENT</b>
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 Town.
Boarding House Residential and/or Bed and Breakfast	As specified by the Town.
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.
General Service	One space for every 20 m <sup>2</sup> of gross floor area.
Communications	As specified by the Town.
Police Station	As specified by the Town.
Taxi Stand	As specified by the Town.
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 Town.
Outdoor Market	As specified by the Town.
Convenience Store	One space for every 20 m <sup>2</sup> of gross floor area.



<b>CLASS</b>	<b>MINIMUM OFF-STREET PARKING REQUIREMENT</b>
Hazardous Industry	As specified by the Town, 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 Town, 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 Town, but not less than one space per 50 m <sup>2</sup> of gross floor area or 5 parking spaces, whichever is greater.
Agriculture	Not specified.
Forestry	Not specified.
Mineral Working	Not specified.
Mining	Not specified.
Recreational Open Space	Not specified.
Conservation	Not specified.
Cemetery	Not specified.
Scrap Yard	Not specified.
Solid Waste	Not specified.
Animal	Not specified.
Antenna	Not specified.
Transportation	As determined by the Town, taking into consideration associated uses.

## SCHEDULE E – DEER LAKE AIRPORT ZONING REGULATIONS

*Note: This version of the Deer Lake Airport Zoning Regulations pursuant to the Aeronautics Act was obtained from the Department of Transport Canada Website, and is subject to the reservations set out on the website concerning its use. Where used in an enforcement manner, reference must be had to the original documents on file with the Government of Canada and only after consultation with the Deer Lake Airport Authority.*

### AERONAUTICS ACT

#### Deer Lake Airport Zoning Regulations

- \* Short Title
- \* Interpretation
- \* Application
- \* General
- \* Natural Growth
- \* Disposal of Waste
- \* SCHEDULE
- \* PART V
- \* Established by

### AERONAUTICS ACT

#### Deer Lake Airport Zoning Regulations

#### ZONING REGULATIONS RESPECTING DEER LAKE AIRPORT

##### Short Title

1. These Regulations may be cited as the Deer Lake Airport Zoning Regulations.

##### Interpretation

2. (1) In these Regulations,

"airport" means the Deer Lake Airport in the District of Humber Valley, in the Province of Newfoundland; (aéroport)

"airport reference point" means the point described in Part I of the schedule; (point de repère de l'aéroport)

"approach surface" means an imaginary inclined plane that extends upward and outward from each end of the strip, which approach surface is more particularly described in Part II of the schedule; (surface d'approche)

"Minister" means the Minister of Transport; (ministre)

"outer surface" means an imaginary surface located above and in the immediate vicinity of the airport, which outer surface is more particularly described in Part III of the schedule; (surface extérieure)

"strip" means the rectangular portion of the landing area of the airport, including the runway, prepared for the take-off and landing of aircraft in a particular direction, which strip is more particularly described in Part IV of the schedule; (bande)

"transitional surface" means an imaginary inclined plane that extends upward and outward from the lateral limits of the strip and its approach surfaces, which transitional surface is more particularly described in Part V of the schedule. (surface de transition)

(2) For the purposes of these Regulations, the assigned elevation of the airport reference point is 15.24 m above sea level.

#### Application

3. These Regulations apply to all the lands, including public road allowances, adjacent to or in the vicinity of the airport, which lands are more particularly described as follows:

(a) the lands within the outer limits of lands described in Part VI of the schedule; and

(b) the lands directly under that portion of the approach surfaces that extend beyond the said outer limits.

#### General

4. No person shall erect or construct, on any land to which these Regulations apply, any building, structure or object or any addition to any existing building, structure or object, the highest point of which will exceed in elevation at the location of that point

(a) the approach surfaces;

(b) the outer surface; or

(c) the transitional surfaces.

#### Natural Growth

5. Where an object of natural growth on any land to which these Regulations apply exceeds in elevation any of the surfaces referred to in paragraphs 4(a) to (c), the Minister may direct the owner or occupier of the land on which that object is growing to remove the growth or the excessive portion thereof.

### Disposal of Waste

6. No owner or occupier of any land to which these Regulations apply shall permit that land or any part of it to be used for the disposal of any waste that is edible by or attractive to birds.

## SCHEDULE

(Sections 2 and 3)

### PART I

#### Description of the Airport Reference Point

The airport reference point, shown on Public Works Canada Deer Lake Airport Zoning Plans S-441-3, S-441-4, S-441-5 and S-441-6, dated November 30, 1984, is determined by measuring 975.36 m southwesterly along the centre line and centre line produced of runway 07-25 from the 07 end of the strip and thence measuring northwesterly at right angles 152.40 m from the centre line of the said runway 07-25.

### PART II

#### Description of the Approach Surfaces

The approach surfaces, shown on Public Works Canada Deer Lake Airport Zoning Plans S-441-1 to S-441-8 inclusive, dated November 30, 1984, are surfaces abutting each end of the strip associated with the runway designated 07-25 and are described as follows:

(a) a surface abutting the end of the strip associated with runway approach 07 consisting of an inclined plane having a ratio of 1 m measured vertically to 50 m measured horizontally rising to an imaginary horizontal line drawn at right angles to the projected centre line of the strip and distant 15 000 m measured horizontally from the end of the strip; the outer ends of the imaginary horizontal line being 2 400 m from the projected centre line; said imaginary horizontal line being 300 m measured vertically above the elevation at the end of the strip; and

(b) a surface abutting the end of the strip associated with runway approach 25 consisting of an inclined plane having a ratio of 1 m measured vertically to 50 m measured horizontally rising to an imaginary horizontal line drawn at right angles to the projected centre line of the strip and distant 15 000 m measured horizontally from the end of the strip; the outer ends of the imaginary horizontal line being 2 400.00 m from the projected centre line; said imaginary horizontal line being 300 m measured vertically above the elevation at the end of the strip.

### PART III

#### Description of the Outer Surface

The outer surface, shown on Public Works Canada Deer Lake Airport Zoning Plans S-441-3, S-441-4, S-441-5 and S-441-6, dated November 30, 1984, is an imaginary surface located at a common plane established at a constant elevation of 45 m above the

assigned elevation of the airport reference point, except where that common plane is less than 9 m above the surface of the ground, in which case the imaginary surface is located at 9 m above the surface of the ground.

#### PART IV

##### Description of the Strip

The strip associated with runway 07-25, as shown on Public Works Canada Deer Lake Airport Zoning Plans S-441-3, S-441-4, S-441-5 and S-441-6, dated November 30, 1984, is 300 m in width, 150 m on each side of the centre line of the runway, and 1 948.8 m in length.

#### PART V

##### Description of Each Transitional Surface

Each transitional surface, shown on Public Works Canada Deer Lake Airport Zoning Plans S-441-3, S-441-4, S-441-5 and S-441-6, dated November 30, 1984, is a surface consisting of an inclined plane rising at a ratio of 1 m measured vertically to 7 m measured horizontally at right angles to the centre line and centre line produced of the strip extending upward and outward from the lateral limits of the strip and its approach surfaces to an intersection with the outer surface.

#### PART VI

##### Description of the Outer Limits of Lands

The boundary of the outer limits of lands, shown on Public Works Canada Deer Lake Airport Zoning Plans S-441-3, S-441-4, S-441-5 and S-441-6, dated November 30, 1984, is a circular area having a radius of 4 000 m from the airport reference point.

##### Established by

SOR/86-1135 11 December, 1986 pursuant to section 4.4 of the Aeronautics Act.

## SCHEDULE F WATERWAYS AND WETLANDS – W.R. 97-1 AND W.R. 97-2

*NOTE: Schedule F sets out the applicable policy directives under the Water Resources Act concerning development in and near bodies of water – waterways and wetlands – as described in Part II of the Development Regulations. These directives were obtained from the Government of Newfoundland and Labrador Department of Environment and Conservation Website and may be amended or changed without notice.*

### **WATERWAYS**

Development in Shore Water Zones – Policy Directive W.R. 97-1

#### **1.0 INTRODUCTION**

The shore water zone is the interface between land and water, and includes the land along the edge of an ocean, or a fresh water body. The shore water zone owes its unique ecological attributes to the area encompassing both the land draining into the water body and the water body itself. Unplanned and imprudent development on shore water zones, including infilling and waste disposal, may have detrimental effects on water quality, water quantity, and on terrestrial and aquatic life and habitat. Human impacts on salt water shore zones, caused by, for example, untreated sewage disposal, surface runoff from urban and industrial sites, etc., has led to closures of bays to aquaculture and shellfish harvesting. The economic impacts of environmental damage of fresh water shore zones include loss of recreational opportunities, depreciation of land values, etc. Shore water zones are also areas that are subject to flooding, with possible adverse impacts on life and property along the zones.

#### **2.0 OBJECTIVES**

This policy will establish the criteria for issuing a permit under Section 48 of the *Water Resources Act*, SNL 2002 cW-4.01, for all development activities in and affecting shore water zones. The objective of the policy is to permit developments of shore water zones such that potential economic losses and impacts on water quantity, water quality, and terrestrial and aquatic habitats and life are minimized.

#### **3.0 LEGISLATION**

*Water Resources Act*, SNL 2002 cW-4.01, ("the Act") sections 30, 48 and 64

#### **4.0 DEFINITIONS**

**Body of Water -**

(Statutory definition from the Act) "body of water" means a surface or subterranean source of fresh or salt water within

the jurisdiction of the province, whether that source usually contains liquid or frozen water or not, and includes water above the bed of the sea that is within the jurisdiction of the province, a river, stream, brook, creek, watercourse, lake, pond, spring, lagoon, ravine, gully, canal, wetland and other flowing or standing water and the land occupied by that body of water

**Shore Water Zone -**

"Shore Water Zone" means the land that is intermittently occupied by water as a result of the naturally fluctuating surface water level in a body of water which can be either a fresh or salt water body and, in either case, the low water mark and high water mark of the water body defining the edges of the shore water zone.

**Development -**

"Development" means the carrying out of an activity or operation which includes construction of wharves, moorings, jetties, other docking facilities, marinas, boathouses, etc., mechanical disturbance of the land, infilling, drainage, dredging, channelization, erosion control works, and removal of vegetation on shore water zones for social or economic benefits, or any change in the use or the intensity of use of any shore water zone.

## 5.0 POLICIES

### 5.1 High Water Level of a Water Body

The high water level of a water body is taken to be the 1:100 year return period water level. For a fresh water body, this level includes water levels caused strictly by storm runoff or hydraulic effects of ice or both. In marine situations, the level must include maximum waves, wind setup, storm surge, and ultimate mean sea levels under current global climatic forecasts for a 1:100 year design.

### 5.2 Developments Not Permitted

5.2.1 Infilling, drainage, dredging, channelization, or removal of surface or underwater vegetation on or along shore water zones which could aggravate flooding problems will not be permitted.

5.2.2 Infilling, drainage, dredging, channelization, or removal of surface or underwater vegetation on or along shore water zones which have unmitigable adverse water quality impacts on the shore water zones will not be permitted.

5.2.3 Infilling, drainage, dredging, channelization, or removal of surface or underwater vegetation on or along shore water zones which have significant impacts on water

circulation patterns within the shore water zones or on sediment deposition or accretion or removal rates along the shore water zones will not be permitted.

5.2.4 Placing, depositing or discharging into shore water zones of any raw sewage, refuse, municipal and industrial wastes, fuel or fuel containers, pesticides, herbicides or other chemicals or their containers, or any other material which impairs or has the potential to impair the water quality of the shore water zones will not be permitted.

5.2.5 Construction of extensive paved surfaces along a shore water zone which changes the intrinsic character of the shore water zone will not be permitted.

### **5.3 Developments Requiring Written Permission**

The following developments on or along shore water zones will be permitted subject to the prior written permission of the Minister of Environment and Conservation (the "Minister") in accordance with the *Act*:

5.3.1 Limited removal of surface vegetation cover for the construction of marinas, boathouses, jetties, wharves, moorings, and other docking facilities.

5.3.2 Construction of marinas, boathouses, jetties, wharves, moorings and other docking facilities which would require only minor disturbances to water circulation patterns within the shore water zone and which have limited impacts on sediment deposition or accretion rates along the shore water zone.

5.3.3 Extension and upgrading of existing buildings, structures and facilities within shore water zone areas.

5.3.4 Development related to recreational activities including the setting up of camp grounds, permanent and semi-permanent facilities, etc., along shore water zones.

### **5.4 Implementation of Mitigative Measures**

All developments which are permitted within shore water zones and which could result in potentially adverse changes to water quantity or water quality of the shore water zone will require the implementation of mitigative measures to be specified in the terms and conditions for the environmental approval.

### **5.5 Restoration Measures**

The terms and conditions of the environmental approval will specify the restoration measures to be implemented upon cessation of activities or abandonment of facilities on shore water zones.



## **WETLANDS**

### **Subject:**

Development in Wetlands

### **1.0 INTRODUCTION**

Wetlands, which include bogs, fens, marsh, swamps, and shallow water, collect and store runoff, moderate and attenuate downstream flood flows, reduce downstream flooding and erosion, clean and purify water, recharge groundwater zones, and provide unique habitat for plants and animals. The wetlands of Newfoundland and Labrador are increasingly being altered from their natural state to support alternative land uses such as agriculture, urbanization, industrial development, and recreation. Unplanned and imprudent development of wetlands, including drainage, infilling, and channelization, have detrimental effects on the wetlands' and downstream water quality and water quantity, and on terrestrial and aquatic habitat, life, flora and fauna. The potential consequences of impacts on water resources include structural damage to bridges and culverts from increased flood flows; river bed erosion causing siltation; and detrimental impacts on fish resources, drinking water quality and recreational uses of water bodies.

The problem facing wetland management is that the ecological and socio-economic benefits of these ecosystems are usually not directly measurable and in many instances are not recognized until it is too late. The extensive nature of wetlands, peatlands in particular, in this province means that there is room for more developments to occur to meet social and economic needs, as long as hydrologic and environmental impacts are minimized.

### **2.0 OBJECTIVES**

This policy will establish the criteria for issuing a permit under Section 48 of the *Water Resources Act*, SNL 2002 cW-4.011, for all development activities in and affecting wetlands. The objective of the policy is to permit developments in wetlands which do not adversely affect the water quantity, water quality, hydrologic characteristics or functions, and terrestrial and aquatic habitats of the wetlands.

### **3.0 LEGISLATION**

*Water Resources Act*, SNL 2002 cW-4.01, ("the Act") sections 30, 48 and

64

#### 4.0 DEFINITIONS

**Body of Water -**

(Statutory definition from the *Act*) "body of water" means a surface or subterranean source of fresh or salt water within the jurisdiction of the province, whether that source usually contains liquid or frozen water or not, and includes water above the bed of the sea that is within the jurisdiction of the province, a river, stream, brook, creek, watercourse, lake, pond, spring, lagoon, ravine, gully, canal, wetland and other flowing or standing water and the land occupied by that body of water

**Wetland -**

(Statutory definition from the *Act*) "wetland" means land that has the water table at, near or above the land surface and includes bogs, fens, marshes, swamps and other shallow open water areas

**Wetland development -**

"Wetland development" means the carrying out of an activity or operation which includes the construction of ditches, mechanical disturbance of the ground, alteration of normal water level fluctuations, infilling, drainage, dredging, channelization, and removal of vegetation cover and/or organic matter on a wetland for social or economic benefits, or the making of any change in the use or the intensity of use of any wetland which affects its hydrologic characteristics or functions.

#### 5.0 POLICIES

##### 5.1 Developments Not Permitted

5.5.1 Infilling, drainage, dredging, channelization, removal of vegetation cover or removal of soil or organic cover of wetlands which could aggravate flooding problems or have unmitigable adverse water quality or water quantity or hydrologic impacts will not be permitted.

5.5.2 Developments of wetlands which are located within the recharge zones of domestic, municipal or private groundwater wells will not be permitted.

5.5.3 Placing, depositing or discharging any raw sewage, refuse, municipal and industrial wastes, fuel or fuel containers, pesticides, herbicides or other chemicals or their containers, or any other material which impairs or has the potential to impair the water quality of wetlands will not be permitted.

## **5.2 Developments Requiring Written Permission**

The following developments affecting wetlands will be permitted subject to the prior written permission of the Minister of Environment and Conservation (the "Minister") in accordance with the *Act*:

5.2.1 Removal of the surface vegetation cover of wetlands for extraction of peat, or for preparing the area for agricultural or forestry activities.

5.2.2 Construction of ditches, tile fields and other types of flow conveyances to drain wetlands for extraction of peat, or for preparing the area for agricultural or forestry operations.

5.2.3 Removal of the top soil or organic cover of wetlands for use as horticultural or fuel peat, or for preparing the area for agricultural or forestry activities.

5.2.4 Infilling, dredging, or any other disturbance of wetlands for the construction of permanent or temporary roads, bridges, culverts, trails, power and telecommunication transmission lines, pipelines, etc., through wetlands which would necessitate only minor disturbances to the vegetation and organic cover, the flow drainage pattern of the area and ground slope.

5.2.5 Infilling, dredging or other disturbance of wetlands for the construction of residential, commercial, industrial and institutional facilities or extension and upgrading of existing buildings and facilities within wetland areas.

5.2.6 Development related to recreational activities including the setting up of camp grounds, permanent and semi-permanent facilities, etc., on wetland areas.

5.2.7 Construction of flow control structures to alter the normal water level fluctuations of wetlands for the purposes of enhancing the quality or quantity of fish and other wildlife habitat.

## **5.3 Implementation of Mitigative Measures**

All uses and developments of wetlands resulting in potentially adverse changes to water quantity or water quality or hydrologic characteristics or functions of the wetlands will require the implementation of mitigative measures to be specified in the terms and conditions for the environmental

approval.

#### **5.4 Restoration Measures**

The terms and conditions of the environmental approval will specify the restoration measures to be implemented upon cessation of activities or abandonment of facilities on wetland areas.