
Town of Port Rexton Development Regulations 2023



Prepared By:
M. Bishop, MCIP
March, 2023

Urban and Rural Planning Act Resolution to Adopt

Town of Port Rexton Development Regulations 2023

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Port Rexton adopts the Port Rexton Development Regulations 2023.

Adopted by the Town Council of Port Rexton on the _____ day of _____, 2023.


Signed and sealed this _____ day of _____, 2023.

Mayor: _____

Clerk: _____

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*.



M. Bishop, M.C.I.P.



Urban and Rural Planning Act Resolution to Approve

Town of Port Rexton Development Regulations 2023

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

- a) adopted the Port Rexton Development Regulations 2023 on the _____ day of _____, 2023.
- b) gave notice of the adoption of the Port Rexton Development Regulations by advertisement, posted on the Town's website and social media channels, in various locations within the Town on the _____ day of _____, 2023 for a period of 30 days.
- a) set the _____ day of _____ at _____ p.m. at the Town Hall, Port Rexton, for the holding of a public hearing to consider objections and submissions.

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

SIGNED AND SEALED this _____ day of _____, 2023.

Mayor: _____

Clerk: _____

Contents

- 1 Application..... 1**
 - 1.1 Title..... 1
 - 1.2 Interpretation 1
 - 1.3 Commencement..... 1
 - 1.4 Municipal Code and Regulations 1
 - 1.5 Authority 1
 - 1.6 Delegation of Authority 1
 - 1.7 Provincial Development Regulations 1
- 2 Definitions..... 2**
- 3 General Regulations 13**
 - 3.1 Permit to Develop Required 13
 - 3.2 Compliance with Regulations 13
 - 3.3 Decisions of Council..... 13
 - 3.4 Permit to be Issued 13
 - 3.5 Permit Not to be Issued in Certain Cases..... 13
 - 3.6 Discretionary Powers 14
 - 3.7 The Application..... 14
 - 3.8 Register of Application 14
 - 3.9 Deferment of Application..... 14
 - 3.10 Approval in Principle 15
 - 3.11 Approval 15
 - 3.12 Development Permit..... 15
 - 3.13 Revoke Permit..... 16
 - 3.14 Public Notice 16
 - 3.15 Licenses, Permits and Compliance with Other Bylaws..... 16
 - 3.16 Right of Entry..... 16
 - 3.17 Stop Work Order and Prosecution 17
 - 3.18 Service Levy 17
 - 3.19 Financial Guarantees by Developer..... 17
 - 3.20 Dedication of Land for Public Use..... 17
 - 3.21 Reinstatement of Land 18
 - 3.22 Notice of Right to Appeal 18
 - 3.23 Appeal Requirements..... 18
 - 3.24 Appeal Registration..... 18
 - 3.25 Development Prohibited..... 19
 - 3.26 Hearing Notice and Meetings..... 19

3.27	Hearing of Evidence	19
3.28	Board Decision	19
3.29	Variances	19
3.30	Notice of Variance	20
3.31	Residential Non Conformity	20
3.32	Notice and Hearings on Change of Use	20
3.33	Non-Conformance with Standards	20
3.34	Discontinuance of Non-Conforming Use.....	20
3.35	Delegation of powers	20
4	General Development Standards	21
4.1	Access and Service Streets	21
4.2	Accessory Buildings	21
4.3	Accessory Uses Permitted	22
4.4	Alterations to the Natural Environment	22
4.5	Archaeological Heritage Sites and Areas	22
4.6	Buffers – Designated Trails.....	22
4.7	Buffer Strips.....	23
4.8	Building Line and Setback.....	23
4.9	Buildings on a Lot.....	23
4.10	Conversion of the Use of Buildings	23
4.11	Fences.....	23
4.12	Landscaping and Screening.....	24
4.13	Lot Area	24
4.14	Lot Area and Size Exceptions	24
4.15	Street Frontage	24
4.16	Non-Conforming Uses.....	24
4.17	Offensive and Dangerous Uses	25
4.18	Stormwater Management.....	25
4.19	Street Construction Standards	25
4.20	Unserviced Development	25
4.21	Watercourse Protection.....	26
4.22	Wellhead Protection Areas.....	26
4.23	Domestic Cutting Area, Regional Pasture	26
4.24	Route 230 - Protected Road Zoning Regulations	27
5	Off-Street Parking and Loading	28
5.1	Parking Required	28
5.2	Parking Spaces	28
5.3	Parking Area Design Standards.....	28
5.4	Off-Street Loading Requirements	28

6	Signs.....	29
6.1	Permit Required	29
6.2	Provincial Highway Sign Regulations	29
6.3	Signs Prohibited in Street Reservation	29
6.4	Removal of Signs	29
6.5	Signs Exempt from Control	29
6.6	Non-Conforming Uses.....	30
6.7	Prohibited Signs	30
6.8	General Standards for Signs.....	30
6.9	Signs Near Highways.....	30
7	Subdivision of Land.....	31
7.1	Permit Required	31
7.2	Services to be Provided	31
7.3	Payment of Service Levies and Other Charges.....	31
7.4	Issue of Permit Subject to Considerations	31
7.5	Proposals for Subdivision of Land	31
7.6	Form of Application	32
7.7	Subdivision Subject to Zoning.....	32
7.8	Building Lines	32
7.9	Land for Public Open Space	32
7.10	Structure in Street Reservation	33
7.11	Development Agreement	33
7.12	Subdivision Design Standards	33
7.13	Engineer to Design Works and Certify Construction Layout.....	34
7.14	Street Works May Be Deferred	34
7.15	Transfer of Streets and Utilities to the Town.....	35
7.16	Restriction on Sale of Lots	35
8	Use Zone Tables.....	36
8.1	Use Zones	36
8.2	Interpretation of Use Zones.....	36
8.3	Permitted Uses.....	36
8.4	Discretionary Uses	36
8.5	Prohibited Uses	37
8.6	Conditions for Specific Uses	38
8.7	Village (V).....	43
8.8	Commercial and Community Services (CCS).....	44
8.9	Conservation (C).....	45
8.10	Rural (Ru).....	456

Appendix A – Land Use Zoning Map
Appendix B – Provincial Development Regulations
Appendix C – Classification Guide to Land Uses and Buildings

1

Application

1.1 Title

These Regulations may be cited as the Town of Port Rexton Development Regulations.

1.2 Interpretation

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

1.3 Commencement

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

1.4 Municipal Code and Regulations

The National Building Code of Canada, Fire Code of Canada 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 Port Rexton shall, under these Regulations apply to the entire Planning Area.

1.5 Authority

In these Regulations, "Council" means the Council of the Town of Port Rexton.

1.6 Delegation of Authority

Where the term Council is referenced in these Regulations, Council may, by resolution, delegate its authority to administer these Regulations or part thereof to an employee or an agent of Council.

1.7 Provincial Development Regulations

Appropriate sections of the *Urban and Rural Planning Act, 2000* and the full text of the Provincial Development Regulations have been incorporated into the Port Rexton Development Regulations and are marked as follows:



Where there is a conflict between these regulations and the Act or the Provincial Regulations, the Act and Provincial Regulations (Appendix B) shall apply.

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Definitions

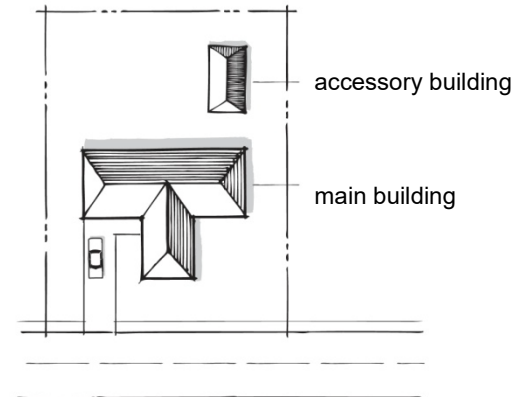
Provincial
Reg. 4(a)

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

Provincial
Reg. 4(b)

Accessory Building includes

- i) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and has a use that is customarily incidental or complementary to the main use of the building or land,
- ii) for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetable storage cellars, shelters for domestic pets or radio and television antennae,
- iii) for commercial uses, workshops or garages, and;
- iv) for industrial uses, garages, offices, raised ramps and docks.



Provincial
Reg. 4(c)

Accessory Use means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use.

Provincial
Reg. 2(a)

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

Agriculture (Commercial) means horticulture, fruit, grain and seed growing, dairy farming, bee keeping, the breeding or keeping of animals for food, skins, or fur, the use of land, meadow land, market gardens and nursery grounds and the use of land for woodlands where that use is ancillary to the farming of the land. Agriculture includes primary processing of onsite products. For the purposes of these Regulations, agriculture also includes the keeping or boarding of horses.

Agriculture (Domestic) means the keeping of a limited number of birds, poultry, goats, or a beehive on a residential lot for the purposes of providing food for the personal consumption of the occupants of the dwelling. It also means the keeping of animals (including horses) intended as domestic pets, and the associated structures necessary to house them. For the purpose of these Regulations, domestic agriculture does not include home gardens.

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

Provincial
Reg. 2(b)

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

Assisted Living Complex means a residential building designed for people seeking assisted home care by the content and layout of the dwelling units (varying in size, number of bedrooms, shared kitchens), provisions for common dining facilities, recreation areas, lounges, libraries, respite units, and the accessibility of all units and facilities to the physically challenged. Provision of services such as day-care for seniors, housekeeping, personal care, meal programs, physiotherapy, activity programs, outdoor recreation areas, and open space areas may also be provided. The use includes personal care home but does not include a hospital.

Bed and Breakfast Establishment 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. The establishment must be registered with and receive a rating from Canada Select and also must be approved by the appropriate provincial authority as a Bed and Breakfast operation.

Boarding House means a dwelling in which at least two (2) rooms are regularly rented out to persons other than the immediate family of the owner or tenant.

Breweries, Wineries and Distilleries means the manufacturing of beer, wine, spirits or other alcoholic beverages. This use may include the sale of alcoholic beverages to the public for consumption within the premises, retail sales of alcoholic beverages manufactured within the premises for off-site consumption. Accessory activities may include the preparation and sale of food, and storage, packaging, bottling, canning, and shipping of products manufactured within the premises. This use may also have a private, non-sale hospitality area where products manufactured within the premises are provided to groups for tasting and sampling.

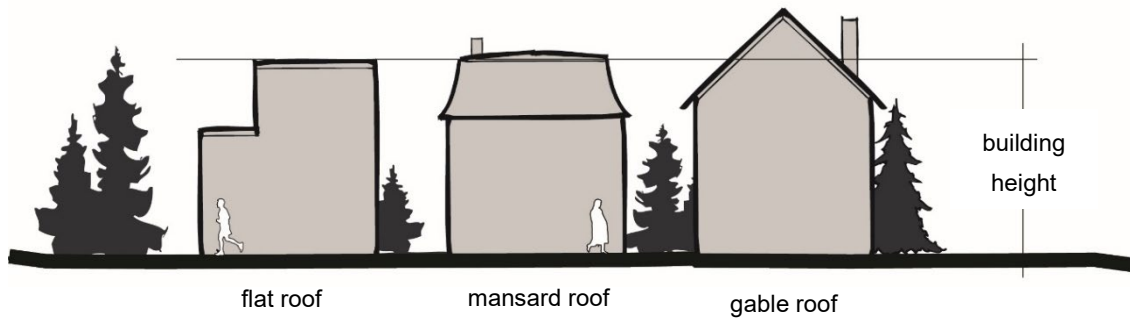
Building means

- 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 (iii).

Building Height means the vertical distance, measured in meters from the established grade to the

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

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

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

Child Care (Daycare Centre) means a building or part of a building in which licensed child care services are provided to more than six (6) children at one time in accordance with the *Child Care Services Act*, but does not include a school as defined by the *Schools Act*.

Child Care (Family) means a building or part of a building in which services and care are regularly provided for up to six (6) children.



Development means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of a material change in the use, or the intensity of use of land, buildings, or premises and the

- i) making of an access onto a highway, road or way,
- ii) erection of an advertisement or sign,
- iii) construction of a building,
- iv) parking of a trailer, or vehicle used for the sale of refreshments or merchandise, or as an office, or for living accommodation,

and excludes the

- v) carrying out of works for the maintenance, improvement or other alteration of a 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,
- vi) carrying out by a highway authority of works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation,

- vii) carrying out by a local authority or statutory undertakers of works for the purpose of inspecting, repairing or renewing sewers, mains, pipes, cables or other apparatus, including the breaking open of street or other land for that purpose, and
- viii) use of a building or land within the courtyard of a dwelling house for a purpose incidental to the enjoyment of the dwelling house as a dwelling.



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.

Dwelling, Apartment Building means a building containing three or more dwelling units, but does not include a townhouse dwelling.

Dwelling, Double Unit (or Duplex) 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, Single Detached Unit) means a dwelling containing one main dwelling unit situated on its own lot, which is not attached to another dwelling, and can include a subsidiary apartment

Dwelling, Townhouse means three or more dwelling units, each with a separate entrance, constructed side by side and separated by common vertical walls.

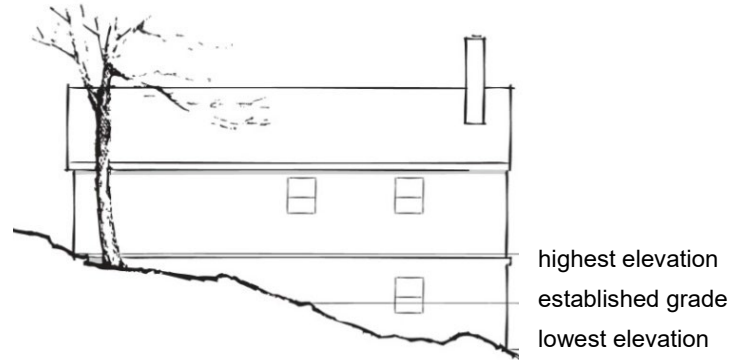
Dwelling Unit means one or more habitable rooms designed, occupied or intended for use by one or more persons as an independent and separate housekeeping establishment containing cooking, eating, living, sleeping and sanitary facilities.

Engineer means a professional engineer who has a license to practice in the province of Newfoundland and Labrador and has complied with the provisions of the Association of Professional Engineers and Geoscientists Act of Newfoundland and Labrador and is a member in good standing of the Association established by that Act.

Erect means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing, shall include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

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 an artificial embankment or entrenchment.



Existing means legally existing as of the effective date of these Regulations.

Floor Area means the total area of all floors in a building measured to the outside face of exterior walls.

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

Garage, General means land or buildings use exclusively for repair, maintenance, and storage of motor vehicles and may include the sale of gasoline or diesel oil.

General Industry means the use of land or buildings for the purpose of storing, assembling, altering, repairing, manufacturing, fabricating, packing, canning, preparing, breaking up, or treating any article, commodity or substance.

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 Occupation means a secondary use of a dwelling and/or accessory buildings by the owner/occupier of the dwelling for gainful employment involving the provision or sale of goods and/or services.

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

Land includes land covered by water and buildings and structures on, over, under the soil and fixtures that form part of those buildings and structures.

Landscaping means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property or to provide a screen between properties in order to mitigate objectionable features between them.

Light Industry means 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.

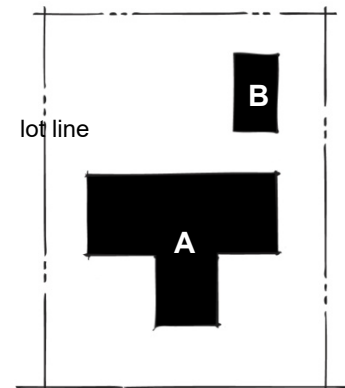
Loading Space means an area of land provided for use for the temporary parking of a commercial motor vehicle where merchandise or materials are loaded or unloaded from the vehicles.

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 building on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot.

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



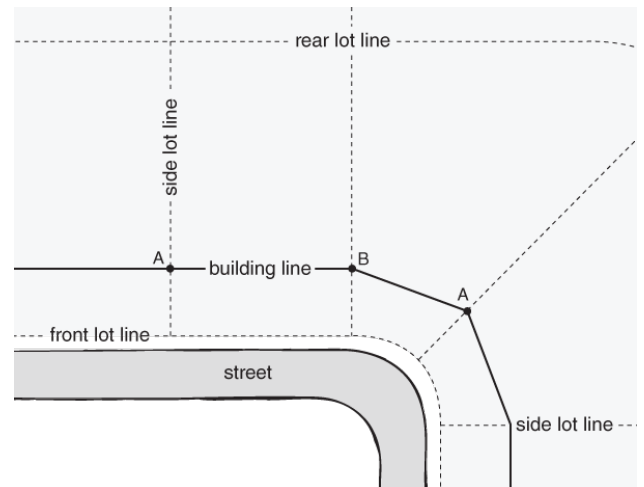
Lot Frontage means the horizontal distance between side lot lines measured at the building line (the distance between points A and B in the lot line illustration on the following page).

Lot Line means an outer boundary for a specific lot.

Lot Line, Front means the line dividing a lot from the street. For a corner lot, the shorter lot line adjacent to the street shall be deemed the front lot line and the longer lot line abutting the street shall be deemed the flanking lot line.

Lot Line, Rear means the lot line on the opposite side of the front lot line.

Lot Line, Side means the lot lines perpendicular to the front and rear lot lines.



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, together with or without a club house and catering facilities. It may also include fishing stages and sheds associated with a dock or wharf.

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

Mineral Working means an operation consisting of one or more of the following activities: the digging for, excavation, and removal of quarry materials, the removal of quarry materials previously excavated, the removal of quarry materials previously on deposited on site, the stockpiling of quarry materials, the processing of quarry materials (e.g. crushing, screening, washing) the production of civil construction materials which use quarry materials in their natural form (e.g. asphalt, concrete), the re-processing of quarry materials including from reclaimed civil construction materials (e.g. reclaimed asphalt, concrete), the production of soil by blending organic materials with quarry materials, or the treatment or remediation of soil. Quarry material for the purposes of interpreting the definition of mineral working is as defined in the *Quarry Materials Act, 1998*. Mineral working does not include mining but may include mineral exploration (development) as a secondary activity. Mineral working does not include the excavation and removal of quarry materials as a by-product of an approved development.

Mining means an operation involving the extraction of a mineral for sale and for which a mining lease is required under the provincial *Mineral Act* administered by the Department of Industry, Energy and Technology. Mineral, for the purpose of interpreting the definition of mining is as defined under the *Mineral Act*. Mining may include, as secondary activities, mineral exploration (development) and mineral working. Note that under the *Mineral Act* dimension stone (i.e. stone used for building facades, gravestones etc.) is considered a mineral in Newfoundland but a quarry in Labrador.


Provincial
Reg. 4(m)

Non-Conforming Use means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone.

Office means a room used for the purpose of regularly conducting business, performing a service or offering consultation, but shall not include manufacturing or the selling of retail goods.

Outdoor Storage means the storage of goods, inventory, materials or equipment or other items which are not intended for immediate sale, by locating them outside.


Provincial
Reg. 4(n)

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


Provincial
Reg. 4(o)

Permitted Use means a use that is listed within the permitted use classes set out in the use zone tables of an authority's development regulations.


Provincial
Reg. 4(p)

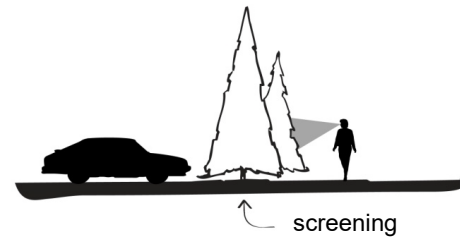
Prohibited Use means a use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that an authority specifies as not permitted within a use zone.

Public Use means any lands, structure or building which is constructed for use by the general public, including but not limited to parks, playgrounds, trails, paths and other recreational and open spaces, scenic and historic sites, publicly funded buildings such as schools, hospitals, libraries and other public buildings and structures.

Recreational Use means the use of land for parks, playgrounds, athletic fields, golf courses, picnic areas, swimming pools, day camps, walking trails, and similar uses.

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.

Screening means the method by which a view of one site from another adjacent site is shielded, concealed or hidden. The example on the right shows trees and fences being used to screen a parking lot from public view.



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.

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 of the serving of meals or refreshments, an amusement use, a general garage, or a service station.

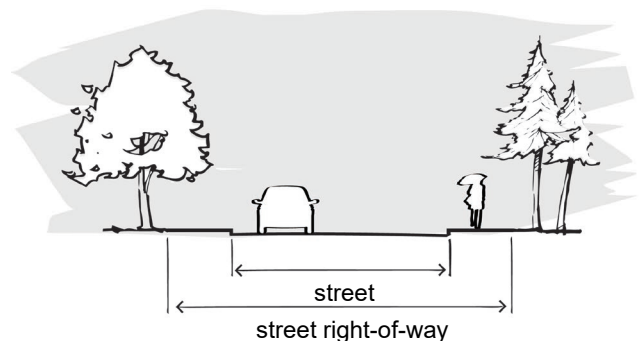


Sign (or advertisement) means a word, letter, model, placard, board, device or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement or direction and excludes those things employed wholly as a memorial, advertisements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

Sign Area means the area of the smallest rectangle, circle, or semi-circle that can enclose the surface area of the sign. Where a sign has two faces or more, the maximum area is permitted for each of the two faces.



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



Street Line means the edge of a street reservation as defined by the authority having jurisdiction.

Street Right-of-Way means a strip of land between the street lines, acquired by reservation, dedication or forced dedication intended to be occupied or occupied by a public street, road or highway.

Storey means the entire floor or level of a building having a continuous or nearly continuous floor.



Subdivision means the dividing of land, whether in single or joint ownership into 2 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 means a building licensed or licensable under the *Liquor Control Act* wherein meals may be served for consumption on the premises and in which entertainment may be provided. Includes night clubs, pubs, and may include brewing of beers or other beverages.



Use means a building or activity situated on a lot or a development permitted on a lot.



Use Zone or Zone means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply.

Utility means any public or private system, works, plan, equipment or services which furnishes services at approved rates to or for the use of the general public.



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.

Watercourse means any lake, pond, river, stream or other body of water.

Wetland means the land usually or at any time occupied by water, where the water table is at or is just above the surface of the land either permanently or intermittently, depending upon the class of the wetland which includes bogs, fens, marshes, swamps and shallow water zones along shorelines of bodies of water.

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

Provincial
Reg. 4(r)

Rear Yard Depth means the distance between the rear lot line and the rear wall of the main building on a lot.

Provincial
Reg. 4(s)

Side Yard Depth means the distance between the side lot line and the nearest side wall of a building on the lot.

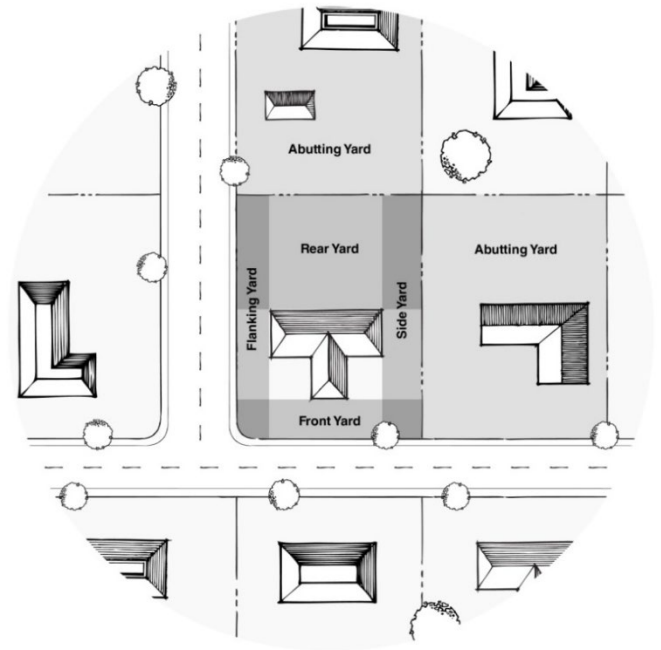
Yard, Front means the distance between the front lot line of a lot and the front wall of the main building on a lot.

Yard, Flanking means the side yard of a corner lot bounded by the street.

Yard, Abutting means the yard of an abutting lot which shares a lot line of subject property.

Provincial
Reg. 4(y)

Zoning Map means the map or maps attached to and forming a part of the authority's regulations.



3.1 Permit to Develop 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 Council.

3.2 Compliance with Regulations

Development shall be carried out and maintained within the Planning Area in accordance with the Municipal Plan, these Regulations, conditions stated in a Development Approval, and any other by-law or regulations enacted by the Authority.

3.3 Decisions of Council

Decisions made by Council with respect to a permit required by these Regulations shall be made in writing, and state the reasons for a refusal of, or conditions attached to a permit. Council shall also advise the person to whom the decision applies of their right to appeal, in accordance with Section 42 of the Act and the requirements of Regulation 3.22 of these Regulations.

3.4 Permit to be Issued

Subject to Regulations 3.5 and 3.6, a permit shall be issued for development within the Planning Areas that conforms to:

- a) the policies expressed in the Municipal Plan;
- b) the general development standards and requirements set out in Sections 4 and 7 of these Regulations, and the use classes, standards, and conditions prescribed in Sections 8 of these Regulations for the use zone in which the proposed development is located;
- c) the standards set out in the Building Code and/or other ancillary codes, and any Building Regulations, Waste Disposal Regulations, and/or any other municipal regulation in force in the Planning Area regulating or controlling development, conservation and use of land and buildings;
- d) the standards set out in Section 5 of these Regulations in the case of off-street parking and loading;
- e) the standards set out in Section 6 of these Regulations in the case of signs and advertisement; and
- f) any standards of design and appearance established by the Council.

3.5 Permit Not to be Issued in Certain Cases

No permit or approval in principle shall be issued for development within the Planning Area when, in the opinion of Council, it is premature by reason of the site lacking adequate road access, power, drainage, sanitary facilities, or domestic water supply, or being beyond the natural development of the area at the time of application unless the applicant contracts to pay the full cost of construction of the services deemed necessary by Council.

3.6 Discretionary Powers

1. Council's discretionary authority to approve or refuse a development application is defined by the following:
 - (a) Other than a development that qualifies as a Permitted Use, Council has discretionary authority to approve only a development that qualifies as a Discretionary use in the zone in which it is proposed.
 - (b) Council has discretionary authority to approve a variance of no more than 10% of a numerical development standard set out in a use zone table. When considered together with other variances with respect to the same land, building or structure, this discretionary authority is limited to a cumulative variance of no more than 10%.
 - (c) Council has discretionary authority to approve a change to a non-conforming use only as stipulated in Section 108 of the *Act*.
2. Notwithstanding that a proposed development may qualify as a Permitted Use, Council has discretionary authority to refuse or impose conditions on the development, if, in the opinion of Council the development:
 - a) Is not consistent with the intent and policies of the Municipal Plan and any further scheme, plan or regulation applicable to the subject property;
 - b) Would create a hazard to public safety;
 - c) Would not enhance the general appearance or amenity of the development site and surroundings;
 - d) Would create unplanned demands for public services and utilities.

3.7 The Application

1. Applications for a Permit to Develop or an Approval in Principle shall be made only by the owner, the owner's agent or person authorized by the owner, on an application form prescribed by Council.
2. Every application shall include such plans, specifications and drawings as Council may require, and be accompanied by the appropriate fee set out in a Schedule of Fees as established by Council.
3. Council shall, on request, supply to every applicant a copy of the application forms referred to in Regulation 3.7(1) and with any available information and requirements applicable to the application.

3.8 Register of Application

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

3.9 Deferment of Application

1. Council may, with the written agreement of the applicant, defer consideration of an application; and
2. Applications properly submitted in accordance with these Regulations which have not been determined by Council and on which a decision has not been communicated to the applicant

within eight weeks of the receipt thereof by Council, and on which consideration has not been deferred in accordance with Regulation 3.9(1), shall be deemed to be refused.

3.10 Approval in Principle

1. An application for Approval in Principle shall include;
 - a) a description of the proposed development,
 - b) a description of the limits of the land to be used with the proposed development, and may include a survey description of the subject lands,
 - c) submission of detailed plans,
 - d) any additional information that may be required by Council.
2. Council may issue an Approval in Principle if it determines the application conforms to the Municipal Plan and these Regulations.
3. An Approval in Principle shall be valid for two years.
4. No development shall be carried out under an Approval in Principle.
5. Council may revoke an Approval in Principle if it determines the applicant has changed the proposed development in a way that significantly alters the original intent of the applications.

3.11 Approval

Approval for an application is granted by Council in the form of a Development Permit or Building Permit for applications approved under these Regulations.

3.12 Development Permit

1. A plan or drawing which has been approved by Council and which bears a mark and/or signature indicating such approval together with a permit shall be deemed to be permission to develop. Such permission shall not relieve the applicant from:
 - a) full responsibility for obtaining permits or approvals under any other regulation or statute prior to commencing the development;
 - b) having the work carried out in accordance with these Regulations or any other regulations or statutes; and
 - c) compliance with all conditions attached to an approval or a permit.
2. Council may attach to a permit or to approval in principle such conditions as it deems fit in order to ensure that the proposed development will be in accordance with the purpose and intent of these Regulations.
3. Where Council deems necessary, permits may be issued on a temporary basis for a period not exceeding two years, which may be extended in writing by Council for further periods.
4. A permit is valid for two years. If the development has not commenced, the permit may be renewed for a further period not in excess of two years, but a permit shall not be renewed more than once, except in the case of a permit for a sign, which may be renewed in accordance with Section 6 of these Regulations.
5. The approval of any application and plans or drawings or the issue of a permit shall not prevent Council 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. No person shall erase, alter or modify any drawing or specifications upon which a permit to develop has been issued by Council; and
7. 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.

3.13 Revoke Permit

Council may revoke an approval and any subsequent permits for failure by the applicant to comply with these Regulations or any condition attached to the permit or where the permit was issued in error or was issued contrary to the applicable regulations or was issued on the basis of incorrect information.

3.14 Public Notice

1. Council shall provide public notice for a period of not less than:
 - a) 7 days - when considering a variance in accordance with Regulation 3.29; and
 - b) 14 days - when considering a change in a non-conforming use in accordance with Regulation 3.32; or development which is listed as a Discretionary use in any use zone in Section 8 of these Regulations.
2. Council may require public notice of any development application where, in the opinion of Council, such notice is required for information and public consultation purposes.
3. Council shall require the cost of the public notice or portion thereof be paid by the applicant and that such notice shall be by public advertisement in a newspaper circulating in the area or by any other means deemed necessary or appropriate by Council.

3.15 Licenses, Permits and Compliance with Other Bylaws

Nothing in these regulations shall exempt any person from complying with the requirements of any By-Law in force within the Town of Port Rexton, or from obtaining any license, permission, permit, authority or approval required by any statute or regulation of the Province of Newfoundland and Labrador or the Government of Canada.

3.16 Right of Entry

Council or other person or persons authorized by the Council, may enter upon any public or private land and may at all reasonable times enter any development or building 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 Council is empowered to regulate.

3.17 Stop Work Order and Prosecution

1. Where a person begins a development contrary or apparently contrary to these Regulations, Council may order that person to stop the development.
2. Council may further order a person to pull down, remove, stop construction, fill in or destroy that building or development, and restore the site or area to its original state, pending final adjudication in any prosecution arising out of the development; and
3. A person who does not comply with an order made under Regulation 3.17(1) is guilty of an offence under the provisions of the Act.

3.18 Service Levy

1. Council 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 in accordance with Section 149(2) of the *Municipalities Act, 1999*.
2. A service levy shall not exceed the cost, including finance charges to Council of constructing or improving the public works referred to in Regulation 3.18(1) that are necessary for the real property to be developed in accordance with the standards required by Council and for uses that are permitted on that real property;
3. A service levy shall be assessed on the real property based on:
 - a) the amount of real property benefited by the public works related to all the real property so benefited; and
 - b) the density of development made capable or increased by the public work.
4. Council may require a service levy be paid by the owner of the real property benefited and may specify the time for payment. The amount of the service levy will be outlined in the Town's Schedule of Rates and Fees.

3.19 Financial Guarantees by Developer

1. Council may require a developer before commencing a development to make such financial provisions and/or enter into such agreements as may be required to guarantee the payment of service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit.
2. The financial provisions pursuant to Regulation 3.19(1) may be made in the form of:
 - a) a cash deposit from the developer, to be held by the Council;
 - b) a security or guarantee by a bank, or other institution acceptable to Council; or
 - c) a performance bond provided by an insurance company or a bank.

3.20 Dedication of Land for Public Use

Council may, for a development not involving a subdivision, require a portion of the land to be developed to be conveyed to the Town for a public purpose where public works are required to accommodate the proposed development.

3.21 Reinstatement of Land

Council may order a developer, the occupier of a site, the owner, or any of them to restore a site to the satisfaction of Council where:

- a) the use of land is discontinued;
- b) the intensity of the use is decreased;
- c) a Permit to Develop has been revoked; or
- d) a Temporary Permit to Develop has expired.

3.22 Notice of Right to Appeal

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

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

3.23 Appeal Requirements

1. The secretary of the board at the Department of Municipal and Provincial Affairs, P.O. Box 8700, St. John's, Nfld., A1B 4J6 is the secretary to all boards in the province and an appeal filed with that secretary within the time period referred to in subsection 42(4) of the Act shall be considered to have been filed with the appropriate board.
3. The fee required under section 44 of the Act shall be paid to the board that hears the decision being appealed by filing it with the secretary referred to in subsection (1) or (2) within the 14 days referred to in subsection 42(4) of the Act.
4. The board that hears the decision being appealed shall, subject to subsection 44(3) of the Act, retain the fee paid to the board.
5. Where an appeal of a decision and the required fee is not received by a board in accordance with this section and Part VI of the Act, the right to appeal that decision shall be considered to have been forfeited.

3.24 Appeal Registration

1. Upon receipt of an appeal and fee as required under the Act and these regulations, the secretary of the board as referred to in subsections 3.23 (1) and (2), shall immediately register the appeal.
2. Where an appeal has been registered the secretary of the board shall notify the appropriate authority of the appeal and shall provide to the authority a copy of the appeal and the documentation related to the appeal.
3. Where an authority has been notified of an appeal that authority shall forward to the appropriate board a copy of the application being appealed, all correspondence, council minutes, plans and other relevant information relating to the appeal including the names and addresses of the applicant and other interested persons of whom the authority has knowledge.

4. Upon receipt of the information under subsection (3), the secretary of the board shall publish in a newspaper circulated in the area of the appropriate authority, a notice that the appeal has been registered.
5. A notice published under subsection (4) shall be published not fewer than 2 weeks before the date upon which the appeal is to be heard by the board.



3.25 Development Prohibited

1. Immediately upon notice of the registration of an appeal the appropriate authority shall ensure that any development upon the property that is the subject of the appeal ceases.
2. Sections 102 and 104 of the Act apply to an authority acting under subsection (1).
3. Upon receipt of a notification of the registration of an appeal with respect to an order under section 102 of the Act, an authority shall not carry out work related to the matter being appealed.

3.26 Hearing Notice and Meetings

1. A board shall notify the appellant, applicant, authority and other persons affected by the subject of an appeal of the date, time and place for the appeal not fewer than 7 days before the date scheduled for the hearing of the appeal.
2. A board may meet as often as is necessary to conduct its work in an expeditious manner.

3.27 Hearing of Evidence

1. A board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under subsection 3.24 (1) or their representative may appear before the board and make representations with respect to the matter being appealed.
2. A board shall hear an appeal in accordance with section 43 of the Act and these regulations.
3. A written report submitted under subsection 43(2) of the Act respecting a visit to and viewing of a property shall be considered to have been provided in the same manner as evidence directly provided at the hearing of the board.
4. In the conduct of an appeal hearing, the board is not bound by the rules of evidence.

3.28 Board Decision

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

3.29 Variances

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



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

3.30 Notice of Variance

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

3.31 Residential Non Conformity

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

3.32 Notice and Hearings on Change of Use

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

3.33 Non-Conformance with Standards

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

3.34 Discontinuance of Non-Conforming Use

An authority may make development regulations providing for a greater period of time than is provided under subsection 108(2) of the Act with respect to the time by which a discontinued non-conforming use may resume operation. **(See Section 4.16).**

3.35 Delegation of powers

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



4

General Development Standards

4.1 Access and Service Streets

1. Access shall be located to the specification of Council so as to ensure the greatest possible convenience and safety of the street system.
2. Council may prescribe the construction of service streets to reduce the number of accesses to collector and arterial streets.
3. No vehicular access shall be closer than 10 metres to the street line of any street intersection.
4. Access to a Provincial Highway shall be subject to the requirements and approval of the Department of Transportation and Infrastructure.

4.2 Accessory Buildings

1. General
 - a) Accessory Buildings may be located on the same lot as the main building(s) to which it is accessory; or on a lot adjoining the lot that contains the main building, where both lots are under the same ownership.
 - b) The siting of an accessory building on a lot shall, where possible, be located in a rear yard, or in a sideyard where it does not project in front of the building line. However, accessory buildings may be permitted in a front yard where topography is such that placement in a rear yard is not possible.
 - c) The placement and construction of accessory buildings shall not result in excessive cut and fill, or backfilling on a lot;
 - d) Council shall consider the visual impact of accessory buildings, and may direct the size, placement on the lot, height or elevation of the building from that which has been proposed, to reduce the impact on adjoining properties.
 - e) Accessory buildings shall be complementary with the main building in terms of exterior finish, roofline and pitch.
2. Residential Accessory Buildings
 - a) The maximum height of a residential accessory building shall be 6m.
 - b) The maximum permitted floor area of a Residential accessory building is 110m². Accessory buildings greater than 110m² may be permitted at Council discretion, provided that
 - The lot has an area greater than 1860m² to ensure that the placement of the building will not negatively affect adjoining properties;
 - That the building is constructed in conformity with the general standards for accessory buildings set out in Regulation 4.2 (1).
 - The application is subject to a public notice and consideration of any public objections prior to making a decision on the application;
 - c) No accessory building shall be developed to include a dwelling unit.
 - d) No residential accessory building shall be used for a commercial business purpose without application to and approval by council.

- e) A residential lot may have more than one accessory building, the combined footprints of all must not exceed 15% of the total lot area.
3. Commercial and Industrial Accessory Buildings
- a) Commercial and industrial accessory buildings, where larger than 110m² will be subject to a public notice, receipt and consideration of public comments, prior to a decision of Council.

4.3 Accessory Uses Permitted

Where these regulations provide for any land to be used, or building to be erected or used for a purpose, the purpose shall include any accessory use. Such uses shall be clearly incidental and complementary to the use of the main building and be contained on the same lot as the main building or an adjoining lot where both lots are under the same ownership.

4.4 Alterations to the Natural Environment

Development proposals shall include plans for grading, ditching, and landscaping. Significant alterations to the natural environment as part of a development (such as changing the drainage pattern or removing vegetation) will be considered during the evaluation of development proposals. Alterations which will adversely affect watercourses or adjacent property as a result of alterations to watercourses, drainage or grading shall not be permitted.

4.5 Archaeological Heritage Sites and Areas

Where archaeological resources are known to exist, or where they are likely to exist based on location, proximity to registered archaeological sites or historical evidence, applications for development will be forwarded to the Provincial Archaeology Office (PAO), Department of Tourism, Culture, Arts and Recreation for review and consideration under the *Historic Resources Act*. Council or the PAO may require an archaeological assessment. This assessment must be reviewed by the PAO. The Council may apply conditions for the protection and preservation of any archaeological resources.

4.6 Buffers – Designated Trails

1. The Skerwink Trail and the former Bonavista Branch Line railway track are protected as designated trails on the Land Use Zoning maps. Except where it is not feasible in built up areas, the minimum buffer between these and other trails (Gun Hill Lookout, other trails that are part of the regional trail network or others that may be developed in the future) and other development shall be fifteen (15) metres from either side of the trail. Council may require a greater buffer depending on the topography and type of proposed development. The buffer can include natural and landscaped areas and if necessary, fencing.
2. Within the buffer the retention of natural vegetation is required.
3. The Town may require the developer to provide the buffer.
4. Development shall not be permitted which could damage or reduce public access to the Town's walking trails.

4.7 Buffer Strips

Where development is proposed that, in the opinion of Council, will have a visual impact on a highway, viewscape or abutting land use, Council may require the owner of the site to provide a separation buffer to screen the development. The buffer shall include provision of such natural or structural barrier as may be required by Council and shall be maintained by the owner or occupier to the satisfaction of the Council.

4.8 Building Line and Setback

1. Council, by resolution, may establish building lines on an existing or proposed street or service street and may require any new buildings to be located on those building lines, whether or not such building lines conform to the standards set out in the Use Zone Tables in Section 8.
2. The building line setback is measured from the front property line.
3. The building line along provincial highways shall be in accordance with the *Building Near Highways Regulations 1997*.
4. Along Route 230 (Bonavista Highway), the minimum building line is 20m from the centreline of the highway.
5. Where development constitutes infill on an existing developed street, Council may set the building line setback to enable the development to fit into the streetscape with respect to adjoining properties and the general area.

4.9 Buildings on a Lot

More than one main building may be permitted on a lot, provided that the development standards of the applicable use zone can be met. For example, if two single dwellings are to be erected on a lot, the minimum lot area and frontage shall be double that required for a single dwelling.

4.10 Conversion of the Use of Buildings

The use of a building may be converted to another use, where, in the opinion of Council, it is:

- a) Is consistent with the intent of the Municipal Plan and the uses set out in the use zone in which it is located;
- b) Will result in the restoration or preservation of a building that is of heritage value to the community;
- c) Is acceptable in the context of the street, and surrounding uses and will not create undo traffic, noise, dust or other nuisance in the general area;
- d) The use does not include an expansion of the building greater than 50% of the building footprint.

4.11 Fences

Fences shall be constructed in a manner that does not create a safety hazard and shall be set back from the street right of ways so as to not impede snowclearing operations.

4.12 Landscaping and Screening

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

4.13 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.

4.14 Lot Area and Size Exceptions

Where, at the time of coming into effect of these Regulations, one or more lots already exist in any residential zone, with insufficient frontage or area to permit the owner or purchaser of such a lot or lots to comply with the provisions of these Regulations, then these Regulations shall not prevent the issuing of a permit by Council 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.

4.15 Street Frontage

Except for accessory buildings and remote cabins, no new buildings shall be erected unless the lot on which it is situated fronts directly onto a street which has been constructed to standards established by Council.

4.16 Non-Conforming Uses

1. Applications involving non-conforming uses shall be processed in accordance with Section 108 of the *Urban and Rural Planning Act* and Sections 3.31-3.34 of these Regulations. If a non-conforming uses ceases to exist for a period of more than thirty-six (36) months, new uses for the property and any buildings must conform to the requirements of the land use zone in which it is located.

2. For the purposes of these regulations, 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 taxes for that use;
 - c) The owner or tenant has stated in writing that the use has ceased.

4.17 Offensive and Dangerous Uses

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

4.18 Stormwater Management

1. Development proposals shall include plans for grading, ditching and landscaping. Significant alterations to the natural environment as part of a development (such as changing the drainage pattern, removing vegetation, or excavation resulting in cut and fill areas) will be considered during the evaluation of development proposals.
2. Before approving the development of any site, the Council shall take into consideration 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 drainage from the site.
3. Where a development is proposed in or adjacent to an area identified as **Sensitive Area** on the Land Use Zoning Map, a technical study may be required to accurately delineate the wetland or drainage area and assess how the development may impact stormwater at the site and in downstream areas. Council may refuse a development that will alter natural drainage channels and stormwater flows.

4.19 Street Construction Standards

New streets shall not be constructed except in accordance with design specifications set by Council.

4.20 Unserviced Development

1. Where permitted, private on-site septic systems, shall be properly designed, installed and maintained.
2. Approval for on-site septic systems is required from the applicable provincial agency prior to the issuance of a building permit from the Town.
3. Where development on the basis of water supply wells is proposed, an assessment of groundwater quantity and quality may be required in accordance with the Provincial Department of Environment and Climate Change *Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells, 2009*.

- Where there is insufficient groundwater yield to support any development proposed on the basis of a well, Council shall refuse the development.

4.21 Watercourse Protection

- The minimum width of a buffer along a waterway shall be 20m from the highwater mark of the stream, river pond or other body of water. If the embankment is steep then the buffer shall be measured from the top of the embankment.
- The only uses that may be permitted in the buffer areas of a waterway are trails and accessory uses and uses requiring direct access to a body of water such as wharves and marinas and may require review and/or approval from the Water Resources Management Division of the Department of Environment and Climate Change, the Government Service Centre, Department of Digital Government and Service NL, and the federal Department of Fisheries and Oceans.
- Council or the Provincial Government may subject development within the buffer areas of a watercourse to an environmental review, and may approve, approve subject to conditions, or refuse the development.
- The matter of adequate and usable legal public access to the waterway shall be a consideration in the review of an application for a structure within a buffer and/or waterway.

4.22 Wellhead Protection Areas

- Notwithstanding uses that may be permitted in a use zone, within the wellhead protection areas identified on the Land Use Zoning Map, no permanent buildings or structures shall be permitted except those necessary for the operation and maintenance of the public water supply.
- The following shall be prohibited within any wellhead protection area:

Petroleum fuels in excess of 25 litres	Forestry (salvage cutting permitted)
Petroleum and chlorinated solvents in excess of 10 litres	Sawmill operations
Pesticides and preservatives in excess of 10 litres	Groundwater extraction
New sewerage systems	Groundwater heat pumps
Manure storage and application	Road salt (no bulk storage)
Mining and aggregate removal	Waste disposal
Inorganic fertilizers (no bulk storage)	

- Applications for development in a Wellhead Protection Area shall be referred to the Department of Environment and Climate Change for review.

4.23 Domestic Cutting Area, Regional Pasture

Where a development is proposed within or adjacent to the areas identified as a Domestic Cutting Area and Regional Pasture on the Land Use Zoning Map, the Town shall refer the application to the appropriate agency of the Provincial Government responsible for managing these areas of provincial interest.

4.24 Route 230 - Protected Road Zoning Regulations

In addition to requiring a permit from the Town, development within 100m of the centreline of Route 230 shall be required to obtain a permit from Government Service Centre, Department of Digital Government and Service NL.

4.25 Salmon Cove River

Any development proposed within 200m of the highwater mark of the Salmon Cove River shall be referred to the Department of Environment and Climate Change and Fisheries and Oceans Canada for review and comment prior to Council considering the application.

5

Off-Street Parking and Loading

5.1 Parking Required

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 parking of vehicles associated with that building, structure or use.

5.2 Parking Spaces

The number of parking spaces to be provided for any building, structure, use or occupancy shall conform to the following standards. Parking requirements for uses not specifically listed below shall be determined by Council.

<i>Use</i>	<i>Parking Requirement</i>
Single detached, double dwelling, row dwelling	1 space per unit
Tourism Accommodation	1 space per guest room
Home Based Occupation	1 space in addition to that required for the residential use

The number of parking spaces required for commercial, industrial, general and public uses shall be determined at the discretion of Council.

5.3 Parking Area Design Standards

Parking areas or parking lots associated with a development requiring more than four parking spaces will meet the following standards:

- a) Individual parking spaces will be a minimum of 15 m² in size, accessible without the need to move other vehicles to access the space.
- b) The parking area shall be constructed with a stable surface;
- c) No part of any off-street parking area shall be closer than 1.5 m to the front lot line;
- d) Parking standards to accommodate persons with disabilities shall meet the requirement of the *Buildings Accessibility Act* and Regulations; and
- e) Parking areas shall, except in the case of single or attached residential dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.

5.4 Off-Street Loading Requirements

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

6.1 Permit Required

Subject to provisions of Regulation 6.7, no sign shall be erected or displayed in the Planning Area unless a permit for the sign is first obtained from Council.

6.2 Provincial Highway Sign Regulations

In addition to a permit from Council, Development within 100m of the centre-line of the Bonavista Highway is subject to permits by the Department of Digital Government and Service NL.

6.3 Signs Prohibited in Street Reservation

Unless otherwise permitted by these or other regulations (*Highway Sign Regulations*, Provincial Highway signs for example) no sign shall be permitted to be erected or displayed within, on or over any highway or street reservation.

6.4 Removal of Signs

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

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

6.5 Signs Exempt from Control

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

- a) on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.28 m² in area;
- b) temporary signs related to a public works;
- c) A notice required by law to be posted;
- d) A flag, emblem or insignia of a nation, country, or province;
- e) On an agricultural holding or farm, a notice board not exceeding 1.5 m² in area and relating to the operations being conducted on the land;
- f) on any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board not exceeding 3 m² in area;
- g) The name of the building or the name of the occupants of the building, located on the principal façade of any commercial, industrial or public building, in letters not exceeding one tenth of the height of that façade or 3m², whichever is the lesser;
- h) On any parking lot, directional signs and one sign not exceeding 1m² in size, identifying the parking lot;
- i) Real estate sales, leasing or open house signs up to a maximum area of 1m²;
- j) Signs placed by candidates at municipal, provincial or federal elections;

- k) Signs for temporary local events such as festivals, from one month before the event and to be removed within one week of its conclusion;
- l) Temporary signs on construction sites warning of danger and or outlining the nature of the development up to a maximum area of 7.5m².

6.6 Non-Conforming Uses

Signs associated with non-conforming uses will be subject to the conditions and standards for signs in the use zone in which the non-conforming use is located.

6.7 Prohibited Signs

The following sign types will not be permitted:

- a) Billboards
- b) Signs with flashing lights or moving parts.

6.8 General Standards for Signs

1. All signs must be located on the property where the person/activity/business being advertised is located unless otherwise permitted in these Regulations.
2. Signs in all zones must be maintained in good condition (e.g. no peeling paint, rotting wood, etc.) and not present a safety hazard in terms of structural stability.
3. No sign shall obstruct a means of ingress/egress from a door, window or fire escape.
4. Signs shall be professionally prepared and comply with standards as may be prescribed by Council.
5. The maximum number of signs a commercial use may have is 2 signs, regardless of the number of buildings on the lot associated with that business;
6. The maximum number of signs a home occupation use may have is 1 sign;
All double-faced signs shall count as a single sign.

6.9 Signs Near Highways

1. Pursuant to Newfoundland Regulations 85/99 as amended, the Provincial Government has designated control lines alongside each provincially named route. These lines extend 400m from the highway centrelines, except that the control area is reduced within the Municipal Boundaries and built-up areas of incorporated communities to 100m from the centreline of a provincial highway.
2. Signs proposed that fall within the designated control lines of any provincial highway will be referred to the applicable provincial authority.

7.1 Permit Required

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

7.2 Services to be Provided

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

7.3 Payment of Service Levies and Other Charges

No permit shall be issued for the development of a subdivision until agreement has been reached for the payment of all fees levied by Council for connection to services, utilities and streets deemed necessary for the proper development of the subdivision and all service levies and other charges imposed under Regulations 3.18 and 3.19.

7.4 Issue of Permit Subject to Considerations

A permit shall not be issued when, in the opinion of Council, 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, Council shall, without limiting the generality of the foregoing, consider:

- a) the location of the land;
- b) the availability of, and the demand created for, 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; and
- n) other matters as may affect the proposed development.

7.5 Proposals for Subdivision of Land

Proposals for the subdivision of lands for residential, commercial and industrial development shall be required to provide information on:

- a) the physical features of the site, including development opportunities and constraints;
- b) the layout of proposed lots and streets;

- c) how the proposed subdivision relates to existing development and roads on adjacent lands, and provide for future access to undeveloped lands in the area;
- d) the compatibility between the subdivision and surrounding land uses, both existing and future;
- e) the volume and type of traffic that will be generated by the development;
- f) proposed servicing, including water and sewer, storm water management, and utilities from the main street;
- g) in residential subdivisions, the locations of neighbourhood mail boxes; and
- h) a landscaping plan which shows the location of dedicated open space and plantings.

7.6 Form of Application

Application for a permit to develop a subdivision shall be made to Council in accordance with Regulation 3.7.

7.7 Subdivision Subject to Zoning

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

7.8 Building Lines

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

7.9 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, Council shall determine the percentage of land to be dedicated;
 - b) if, in the opinion of Council, no public open space is required, the land may be used for such other public use as Council 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 Council, but in any case, Council shall not accept land which, in its opinion, is incapable of development for any purpose;
 - d) Council may accept from the developer, in lieu of such area or areas of land, the payment of a sum of money equal to the value of the land which would otherwise be required to be dedicated;
 - e) money received by Council in accordance with Regulation 7.9(1d) shall be reserved by Council 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 Council for the purposes of any development that conforms with the requirements of these Regulations, and the proceeds of any sale or other

disposition of land shall be applied against the cost of acquisition or development of any other land for the purposes of public open space or other public purposes.

3. Council 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 Council, constitute the requirement of land for public use under Regulation 7.9(1).

7.10 Structure in Street Reservation

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

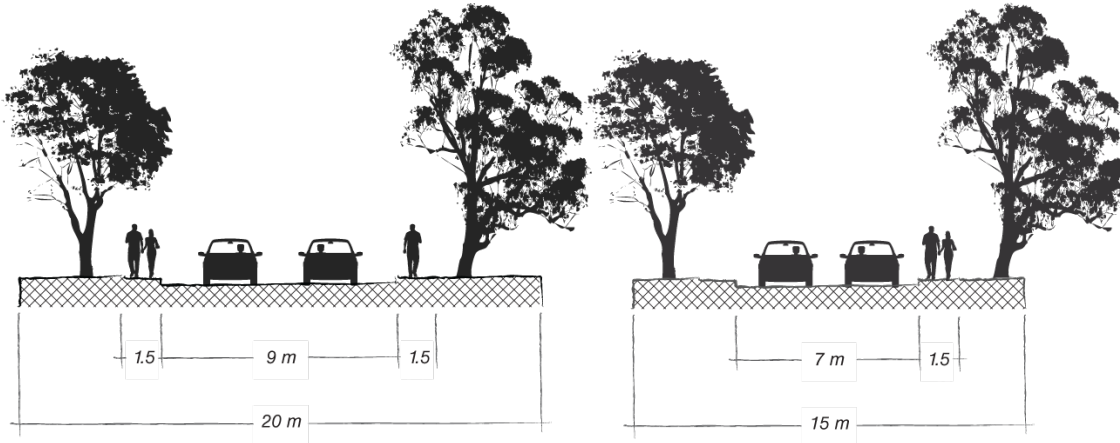
7.11 Development Agreement

As a condition of approval for new developments, Council shall require a developer to enter into an agreement with the Municipality. Such agreements will be negotiated between the developer and the Municipality for financing and development of services provided to the site. The agreement shall include specifications for water and sewer infrastructure, storm drainage, streets, sidewalks, open space, as well as school bus stops and neighbourhood mailboxes, where required.

7.12 Subdivision Design Standards

No permit shall be issued for the development of a subdivision unless the design of the subdivision conforms to the following standards;

- a) the finished grade of streets shall not exceed 10%.
- b) new subdivisions shall have street connections with an existing street or streets.
- c) all street intersections shall be constructed within 10° of a right angle and this alignment shall be maintained for 30 metres from the intersection.
- d) no street intersection shall be closer than 60 metres to any other street intersection.
- e) no more than four streets shall join at any street intersection.
- f) no residential street block shall be longer than 490 metres between street intersections.
- g) streets in residential subdivisions shall be designed in accordance with the approved standards of Council, but in the absence of such standards, shall conform to the following minimum standards:



Collector Street

Street Right-of-Way: 20 metres
 Street Width: 9 metres
 Minimum Sidewalk Width: 1.5 metres
 Number of Sidewalks: 2

Local Street

Street Right-of-Way: 15 metres
 Street Width: 7 metres
 Minimum Sidewalk Width: 1.5 metres
 Number of Sidewalks: 1

- h) residential lots shall not be permitted which abut a local street at both front and rear lot lines.
- i) Council may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed.
- j) land shall not be subdivided in such a manner as to prejudice the development of adjoining land.

7.13 Engineer to Design Works and Certify Construction Layout

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

7.14 Street Works May Be Deferred

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

Council before approval of the application, an amount estimated by the Engineer as reasonably sufficient to cover the cost of construction and installation of the works. Any amount so deposited with Council by the developer shall be placed in a separate savings account in a bank and all interest earned shall be credited to the developer.

7.15 Transfer of Streets and Utilities to the Town

1. Where required by the terms of a Subdivision Development Agreement, the developer shall, following the approval of the subdivision of land by Council, transfer to the Town, at no cost to the Town:
 - a) all lands in the area proposed to be developed or subdivided which are approved and designated by Council for public uses as streets, or 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 Council.
2. Before Council shall accept the transfer of lands, services or public works of any subdivision, the Engineer shall, at the cost to the developer, test the streets, services and public works installed in the subdivision and certify satisfaction with their installation.
3. Council shall not provide maintenance for any street, service or public work in any subdivision until such time as such street, service or public work has been transferred to and accepted by Council.

7.16 Restriction on Sale of Lots

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

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

8

Use Zone Tables

8.1 Use Zones

1. For the purpose of these Regulations, the Planning Area is divided into Use Zones which are shown on the Port Rexton Land Use Zoning Map (**Appendix A**) which forms part of these Regulations as follows:

Village	V
Commercial and Community Service	CCS
Conservation	C
Rural	RU

2. Subject to Regulation 8.1(1), the permitted and discretionary uses, standards, requirements and conditions applicable to each Use Zone are set out in Section 8.6 to 8.10. Section 8.6 sets out conditions for specific uses where they may be permitted in a use zone.
3. Where standards, requirements and conditions applicable in a Use Zone are not set out in Sections 8.6 to 8.10, Council may in its discretion, determine the standards, requirements and conditions which shall apply.
4. **Appendix C** contains a table listing classes of uses and examples of specific uses for each use class. Where a use is proposed that is not listed as an example, Council may interpret the use as being included in a use class for the purposes of determining whether it is a permitted discretionary or prohibited in the applicable use zone.

8.2 Interpretation of Use Zones

Where possible the boundaries of the use zones follow identifiable features such as streets, watercourses, and coastline. Where there is any uncertainty concerning the zoning of a property proposed for development, Council may interpret the exact location of the zoning boundary in a manner that is consistent with the intent and policies of the Municipal Plan without amendment to the Land Use Zoning Map.

8.3 Permitted Uses

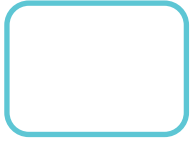
Subject to these Regulations, the uses that fall within the permitted Use Classes set out in the Use Zones in Sections 8.7 to 8.10 shall be permitted by Council in that Use Zone.

8.4 Discretionary Uses

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone in Sections 8.7 to 8.10 may be permitted in that Use Zone if the Council is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if Council has given notice of the application in accordance with Regulation 3.14 and has considered any objections or representations which may have been received on the matter.

8.5 Prohibited Uses

Uses that do not fall within the Permitted or Discretionary Use or Use Class, or are specifically listed as a Prohibited Use in a Use Zone in Sections 8.7 to 8.10, shall not be permitted in that Use Zone.



8.6 Conditions for Specific Uses

8.6.1 **Agriculture**

Agricultural uses shall be subject to the following conditions:

1. For Commercial Agricultural uses:
 - a) The use is managed in accordance with accepted agricultural best management practices to control odours, noise, dust, environmental impacts, and;
 - b) The use satisfies the requirements of the Department of Environment and Climate Change and the Department of Fisheries, Forestry and Agriculture.
2. For Domestic agricultural uses:
 - a) The use shall be limited to the keeping of poultry, goats, beehives on a residential lot.
 - b) Any manure shall be contained and removed from the lot on a regular basis.
 - c) Animal feed shall be stored within a fully sealed container.
 - d) Animals shall be provided with adequate housing, including yards which are fenced to prevent escapes. Buildings used to house animals shall be located a minimum of 30m from any well, and a minimum of 7.5m from a dwelling on an adjacent lot.
 - e) Animals kept on residential lots shall not result in nuisance to adjoining properties by virtue of noise, odours or environmental issues.

8.6.2 **Bed and Breakfast Establishments**

A Bed and Breakfast establishment in a single residential dwelling, where permitted, shall be subject to the following conditions:

- a) A suitable parking area is provided to accommodate parking. Council may require parking areas to be separated from adjoining residential lots by a separation distance or fence.
- b) A single, non-illuminated, free-standing sign, not exceeding 0.4 m² in area, shall be permitted, provided that the design of the sign is consistent with the residential character and amenity of the area.
- c) That the use is approved and licensed under the Tourist Establishment Regulations, 1996, of the Provincial Department of Tourism, Culture, Arts and Recreation.

8.6.3 **Breweries, Wineries and Distilleries**

Breweries, wineries and distilleries may be permitted subject to the following conditions:

- a) That parking areas are identified that are adequate to accommodate initial and anticipated traffic volumes associated with all uses that are part of the operation.
- b) That all waste generated be properly stored and disposed of in a manner that does not create an environmental or health hazard or nuisance to surrounding properties.
- c) That all provincial requirements for the production and sale of alcoholic beverages under the *Liquor Control Act* are met.

8.6.4 Forestry

1. Forestry and related uses shall be permitted in wood-cutting areas established by the Department of Fisheries, Forestry and Agriculture (identified on the Land Use Zoning Map). Such uses shall meet the requirements of the Department.
2. Council may require that an applicant provide information concerning a proposed forestry use, including the extent and nature of the forestry operation, environmental measures to prevent such things as soil erosion and watercourse protection

8.6.5 General Industry

Where permitted, General Industrial uses shall:

1. Be restricted to maintenance and repair of equipment, processing and storage related to agriculture, forestry uses, marine uses, or mineral extraction uses.
2. Not create a nuisance and will not adversely affect the amenity of the surrounding area.
3. Not have an adverse visual impact on the built-up areas of the Town or any public road or Town owned public trail. Council may require screening to mitigate visual impacts so that the site is not visible from public roads, trails and the built-up area of the community.

8.6.6 Home Childcare

Childcare as a home occupation shall conform to the requirements of the *Child Care Services Act* and Regulations. Where required, a license to operate shall be obtained from the Department of Health and Community Services.

8.6.7 Home Occupation

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

- a) The use occurs within a residential building which continues to be used as a residence by the owner/operator of the home occupation;
- b) The use occupies a portion of the residential building. Council may, in its discretion, limit the percentage of the floor area within a dwelling that can be used for a home occupation, where, in its opinion, the scale and nature of the use, and proximity to adjacent residential uses would result in noise, odours, traffic or other nuisance impacts.
- c) There are no more than two assistant employees employed on site in addition to a resident of the dwelling;
- d) No wholesale, outdoor storage of goods or equipment is carried out, any retail sales are incidental and subsidiary to the approved use;
- e) No change shall be made in the type, class, or extent of the occupation without a permit;
- f) No mechanical equipment is used except that reasonably consistent with the use of the dwelling;
- g) No regular parking of commercial vehicles or trailers except for one vehicle with a gross weight of no greater than one tonne will be permitted;
- h) The residential lot has sufficient area to accommodate the parking requirement of the dwelling unit and the home occupation.

- i) A single, non-illuminated, free-standing sign, not exceeding 0.4m² (4ft²) in area, shall be permitted;

8.6.8 Home Based Business in Accessory Buildings

In addition to the requirements set out in Regulation 8.6.7, a home occupation where permitted in a residential accessory building shall:

- a) Be located on the same lot as the residential use;
- b) The business shall be owned and operated by the occupants of the dwelling;
- c) No repairs to automotive vehicles or heavy equipment are carried out;
- d) Activities associated with the use are carried on inside the accessory building, are not hazardous and do not cause a noticeable increase in noise, odour, dust or fumes, nor cause electrical interference, or in any other way result in a nuisance to the occupants of surrounding residences.

8.6.9 Mineral Exploration

Mineral exploration activities shall meet the following conditions:

- a) All permits and approvals from federal and provincial agencies including the Mineral Lands Division, Department of Industry, Energy and Technology, must be in place prior to commencing the exploration activity;
- b) Subject to the provisions of these Regulations, exploration which is not classed as development by virtue of appreciable soil disturbance, construction of access roads, noise, odour, and appearance can be permitted anywhere in the Planning Area, provided that adequate notification is provided to the Town.
- c) Mineral exploration which is classed as development shall be a permitted use in the Rural Zone and a discretionary use in all other zones.

8.6.10 Mineral Workings

All mineral workings, including pits quarries and mines shall be subject to the requirements of the appropriate permit, lease or licence issues by the Mineral Lands Division, Department of Industry, Energy and Technology, for development, operation, decommissioning and rehabilitation. Where not addressed in an applicable provincial permit, lease or licence, mineral workings shall meet the following requirements of the Council:

- 1. Screening** - A buffer shall be required to screen mineral workings visible from a public street. A buffer may consist of a 30 metre wide tree screen, a landscaped berm or as required by Council. Council may waive the requirement for a buffer where natural topography creates a visual screen between mineral workings and adjacent public highways and streets.
- 2. Fencing** - Council may require the mineral working site or excavated area 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.

3. **Water Pollution** - No mineral working or extraction activity shall be permitted within 50 metres of a waterbody or watercourse.
4. **Site Maintenance** - The mineral working shall be kept clean of refuse, abandoned vehicles, and abandoned equipment and any derelict buildings.
5. **Access Roads** -During extended periods of shutdown, access roads to a mineral working shall be ditched or barred to the satisfaction of Council.
6. **Stockpiling Cover Material** - All stumps, organic material and topsoil, including the rusty coloured and iron stained layer, shall be stripped and stockpiled at least 5 metres from uncleared areas and 10 metres from active quarry or stockpile areas. The owner or operator shall ensure that the quantity of the topsoil is not affected by dilution with other materials.
7. **Termination and Site Rehabilitation** - Upon completion of the mineral working, the following work shall be carried out by the operator:
 - a) all buildings, machinery and equipment shall be removed;
 - b) all pit and quarry slopes shall be graded to slopes less than 20 degrees 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 to ensure adequate revegetation; and
 - d) the access road to the working shall be ditched or barred to the satisfaction of Council.
8. **Separation from Adjacent Uses** - Unless Council is satisfied that the working will not create a nuisance and will not adversely affect the amenity of the specified development or natural feature, no mineral working shall be located closer than the minimum distances set out below to the specified development or natural feature:

From:	Minimum Distance of Pit and Quarry Workings
Existing or proposed Residential Development <ul style="list-style-type: none"> • where no blasting is involved • where blasting is involved 	300 metres 1000 metres
Any other developed area or area likely to be development during the life of the pit or quarry	150 metres
Public highway or street	50 metres
Protected Road	90 metres
Waterbody or watercourse	50 metres

Where Council is satisfied that the mineral working will not adversely affect the specified adjacent use or natural feature, mineral working may be permitted closer than the minimum separation distance.

9. For approved developments where the extraction of quarry materials is occurring or may be expected to occur, the Town will send a copy of the development permit to the Quarry Materials Section, Mineral Lands Division, Department of Industry, Energy and Technology at quarries@gov.nl.ca .

8.6.11 *Municipal Public Works, Utilities and Telecommunications*

The Council may within any zone permit land to be used in conjunction with the provision of public service, utilities and telecommunications.

8.6.12 *Parks, Playgrounds and Conservation Uses*

Nothing in these Regulations shall prevent the designation of conservation areas or the establishment of parks and playgrounds in any zone provided that such parks and playgrounds are not located in areas which may be hazardous to their use and are not operated for commercial purposes.

8.6.13 *Marine Infrastructure*

Where permitted, wharves, boathouses, marinas, slipways and breakwaters shall be constructed in accordance with the Guidelines for the Construction of Wharves, Breakwaters, Slipways and Boathouses (Government of Newfoundland and Labrador, [waterres-regulations-appforms-guidelines-for-wharves.pdf \(gov.nl.ca\)](#)).

8.7 Village (V)

8.7.1 Permitted Uses

Assisted Living Residential Complex	Docks, Wharves and Marinas
Bed and Breakfast	Multi-unit Residential Building (max 4 units)
Child and Elder Care	Public Utility
Conservation	Recreational Open Space
Double dwelling	Row Dwelling (Max 4 units)
Family and Group Care	Single Dwelling
Home Occupations including:	Subsidiary Apartment (in a Single Dwelling)
<ul style="list-style-type: none"> • General Service, • Light Industry, • Office, • Dance/fitness Studios, • Personal and Professional Service, • Artists/crafts persons Studios (including sales) 	Telecommunication Tower
	Vacation Homes

8.7.2 Discretionary Uses

Agriculture (Commercial and Domestic)	General Assembly
Business and Personal Service Use Group	Micro-brewery/Brewpub
Restaurants	Market (Indoor and Outdoor)
Church	Shop
Clubs and Lodges	Theatre
Commercial Residential - Hotels, Motels	Apartment building (greater than 4 units)
Cultural and Civic	
Educational	
Mineral Exploration	
Office	
Row dwelling (greater than 4 units)	

8.7.3 Lot Requirements

Standard	Single Dwelling
Minimum lot area (m ²)	1860 m ² or greater as determined by the Department of Digital Government and Service NL for lots serviced with on-site wells and septic systems.
Minimum lot frontage	30 m (or greater as may be determined by Service NL for lots serviced with on-site wells and septic systems)
Minimum setback	6 m
Minimum side yard	20 m from the centreline of Route 230
Minimum flanking yard	1.5 m
Minimum rear yard	6 m
Maximum lot coverage	6 m
Maximum building height	33%
	10 m (maximum 2 storeys)
	Greater than 2 storeys, at discretion of Council and subject to public notice.

8.8

Commercial and Community Service (CCS)

8.8.1 Permitted Uses

Amusement	General Garage	Public Utility
Bed and Breakfast		Recreational Open Space
Restaurants	Indoor Assembly	Service Station
Child Care	Indoor Market	Shop (inc. Convenience Store)
Church	Medical and Professional	Shopping Centre
Club and Lodge		
Collective Residential	Medical Treatment and Special Care	Single Dwelling
Conservation	Office	Telecommunication Tower
Cultural and Civic	Outdoor Assembly	Theatre
Educational	Outdoor Market	Transportation
Mineral Exploration	Personal Service	Veterinary
Light Industry	Car Wash	
Funeral Home		
General Assembly		

8.8.2 Discretionary Uses

Mineral Exploration

8.8.3 Lot Requirements

Minimum lot area (m²)	As determined by Council and Service NL for accommodating on-site wells and septic systems
Minimum lot frontage	As determined by Council
Minimum setback	6 m 20 m from the centreline of Highway 230
Minimum side yard	5 m
Minimum rear yard	10 m
Maximum building height	10 m (maximum 2 storeys) Greater than 2 storeys, at discretion of Council and subject to public notice.
Lot requirements for residential developments shall conform to the standards of the Village Zone.	

8.9

Conservation (C)

8.9.1 **Permitted Uses**

Conservation	Telecommunication Tower
Maintenance and operation of existing uses	Public Utilities
Recreational Open Space – Limited to trails, nature parks	Home Office (in existing dwellings)

8.9.2 **Discretionary Use**

Agriculture
Forestry
Docks and Wharves
Mineral Exploration

8.9.3 **Agriculture and Forestry Uses**

These uses shall be limited to activities that do not require construction of buildings.

8.9.4 **Shoreline Buffers, Boating, and Water Recreation**

Generally, no development will be permitted within fifteen metres (15m) of rivers or streams, the shoreline of wetlands or other bodies of water. Notwithstanding Regulation 4.21, certain public works and passive recreational open spaces may be permitted, provided they have no adverse effect on the environmental or aesthetic quality of the area. Development of these areas will be subject to review by the Department of Fisheries and Oceans, and/or the Water Resources Management Division of the Department of Environment and Climate Change. Boating, swimming, and water recreation activities may be permitted in this zone.

8.10

Rural (RU)

8.10.1 Permitted Uses

Agriculture	Public Utility
Cemeteries	Recreation open space
Conservation	Telecommunication Tower
Forestry	
Home Office	
Mineral Exploration	
Mineral Working	

8.10.2 Discretionary Uses

Campground
General industry – Limited to the maintenance and repair of equipment; processing and storage related to agriculture, forestry and
Seasonal Dwelling – See condition 8.10.5

8.10.3 Lot Requirements

Lot size shall be determined by the capability of the site to accommodate onsite well and septic systems, to be determined by the Department of Digital Government and ServiceNL.

8.10.4 Outdoor Storage

Open storage of goods and machinery associated with a use, shall be located in the rear yard, and screened from the street and adjoining properties by a fence, no less than 2.0 m in height, constructed to Council’s specifications.

8.10.5 Seasonal Dwellings

Seasonal dwellings in the form of small cabins may be permitted where they are to be located inland (west of the Bonavista Highway) greater than 2 kilometres from the end of a publicly maintained street. No municipal services will be provided to seasonal dwellings located beyond the end of publicly maintained streets.

8.10.6 Kings Hill Pond Watershed

Applications for development within 100m of the Kings Hill Pond Watershed as shown on the Zoning Map shall be referred to the Water Resources Management Division, Department of Environment and Climate Change for review and comment prior to Council making a decision on the application.

Appendix A

Land Use Zoning Map

Appendix B

Provincial Development Regulations

This is an official version.

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[Important Information](#)

(Includes details about the availability of printed and electronic versions of the Statutes.)

[Table of Regulations](#)

[Main Site](#)

[How current is this regulation?](#)

**NEWFOUNDLAND AND LABRADOR
REGULATION 3/01**

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

(Filed January 2, 2001)

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

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

Joan Marie Aylward
Minister of Municipal and Provincial Affairs

REGULATIONS

Analysis

- [1. Short title](#)
- [2. Definitions](#)
- [3. Application](#)
- [4. Interpretation](#)
- [5. Notice of right to appeal](#)
- [6. Appeal requirements](#)
- [7. Appeal registration](#)
- [8. Development prohibited](#)
- [9. Hearing notice and meetings](#)
- [10. Hearing of evidence](#)
- [11. Board decision](#)
- [12. Variances](#)
- [13. Notice of variance](#)
- [14. Residential non conformity](#)

[15. Notice and hearings on change of use](#)

[16. Non-conformance with standards](#)

[17. Discontinuance of non-conforming use](#)

[18. Delegation of powers](#)

[19. Commencement](#)

Short title

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

[Back to Top](#)

Definitions

2. In these regulations,

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

[Back to Top](#)

Application

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

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

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

[Back to Top](#)

Interpretation

4. (1) In development regulations and other regulations made with respect to a planning area the following terms shall have the meanings indicated in this section

- (a) "access" means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street;
- (b) "accessory building" includes
 - (i) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,
 - (ii) for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television antennae,

- (iii) for commercial uses, workshops or garages, and
- (iv) for industrial uses, garages, offices, raised ramps and docks;
- (c) "accessory use" means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use;
- (d) "building height" means the vertical distance, measured in metres from the established grade to the
 - (i) highest point of the roof surface of a flat roof,
 - (ii) deck line of a mansard roof, and
 - (iii) mean height level between the eave and the ridge of a gable, hip or gambrel roof,and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof;
- (e) "building line" means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed;
- (f) "discretionary use" means a use that is listed within the discretionary use classes established in the use zone tables of an authority's development regulations;
- (g) "established grade" means,
 - (i) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or
 - (ii) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment;
- (h) "floor area" means the total area of all floors in a building measured to the outside face of exterior walls;
- (i) "frontage" means the horizontal distance between side lot lines measured at the building line;
- (j) "lot" means a plot, tract or parcel of land which can be considered as a unit of land for a particular use or building;
- (k) "lot area" means the total horizontal area within the lines of the lot;
- (l) "lot coverage" means the combined area of all building on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot;
- (m) "non-conforming use" means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone;
- (n) "owner" means a person or an organization of persons owning or having the legal right to use the land under consideration;
- (o) "permitted use" means a use that is listed within the permitted use classes set out in the use zone tables of an authority's development regulations;

- (p) "prohibited use" means a use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that an authority specifies as not permitted within a use zone;
- (q) "sign" means a word, letter, model, placard, board, device or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement or direction and excludes those things employed wholly as a memorial, advertisements of local government, utilities and boarding or similar structures used for the display of advertisements;
- (r) "rear yard depth" means the distance between the rear lot line and the rear wall of the main building on a lot;
- (s) "side yard depth" means the distance between the side lot line and the nearest side wall of a building on the lot;
- (t) "street" means a street, road, highway or other way designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles;
- (u) "street line" means the edge of a street reservation as defined by the authority having jurisdiction;
- (v) "use" means a building or activity situated on a lot or a development permitted on a lot;
- (w) "use zone" or "zone" means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply;
- (x) "variance" means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the authority's regulations; and
- (y) "zoning map" means the map or maps attached to and forming a part of the authority's regulations.

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

[Back to Top](#)

Notice of right to appeal

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

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

[Back to Top](#)

Appeal requirements

6. (1) The secretary of the board at the Department of Municipal and Provincial Affairs, Main Floor, Confederation Building (West Block), P.O. Box 8700, St. John's, Nfld., A1B 4J6 is the secretary

to all boards in the province and an appeal filed with that secretary within the time period referred to in subsection 42(4) of the Act shall be considered to have been filed with the appropriate board.

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

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

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

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

[Back to Top](#)

Appeal registration

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

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

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

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

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

[Back to Top](#)

Development prohibited

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

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

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

[Back to Top](#)

Hearing notice and meetings

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

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

[Back to Top](#)

Hearing of evidence

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

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

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

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

[Back to Top](#)

Board decision

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

[Back to Top](#)

Variances

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

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

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

[Back to Top](#)

Notice of variance

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

[Back to Top](#)

Residential non conformity

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

[Back to Top](#)

Notice and hearings on change of use

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

[Back to Top](#)

Non-conformance with standards

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

[Back to Top](#)

Discontinuance of non-conforming use

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

[Back to Top](#)

Delegation of powers

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

[Back to Top](#)

Commencement

19. These regulations shall be considered to have come into force on January 1, 2001 .

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Appendix C

Classification Guide to Land Uses and Buildings

Classification of Uses of Land and Buildings

This lists is intended to assist in the interpretation of the types of uses within the use classes listed in the Use Zone Tables in Section 8 of these regulations. Examples included in the following table are not exhaustive and are used to illustrate typical types of developments within a use class.

Residential Uses		
<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
Residential Dwelling Uses	Single Dwelling	<ul style="list-style-type: none"> • Single Detached
	Double Dwelling	<ul style="list-style-type: none"> • Duplex Dwellings • Semi-detached Dwelling
	Row Dwelling	<ul style="list-style-type: none"> • Row/Town Houses
	Apartment Building	<ul style="list-style-type: none"> • Apartment Building • Residential Complexes (4 or more units)
	Mobile Home	<ul style="list-style-type: none"> • Mini Homes • Mobile Homes
Other Residential Uses	Residential/Tourist Accommodation	<ul style="list-style-type: none"> • Bed & Breakfasts • Boarding Houses • Vacation Homes
	Seasonal Residential	<ul style="list-style-type: none"> • Summer Cabins
	Residential Care	<ul style="list-style-type: none"> • Personal Care Homes • Residential Care Centres
Commercial Uses		
<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
Business and Professional Uses	Medical Services	<ul style="list-style-type: none"> • Clinics • Dental Offices & Surgeries • Medical Offices & Consulting Rooms • Veterinary Clinics • Animal Hospitals
	Office and Professional Services	<ul style="list-style-type: none"> • Professional Offices • Law Offices • Banks • Business & Government Office
General Services	Personal Services	<ul style="list-style-type: none"> • Barbers • Beauty Parlours • Domestic & Household Arts • Hairdressers • Tanning Salons • Pet Grooming • Nail Salons

	General Services	<ul style="list-style-type: none"> • Car Washes • Dry Cleaners (not using flammable or explosive substances) • Laundromats • Small Tool & Appliance Service/ Rentals
	Animal Services	<ul style="list-style-type: none"> • Animal Pounds • Kennels • Zoos • Pet Sitting Services
	Commercial Accommodation	<ul style="list-style-type: none"> • Hotels • Motels • Inns
	Communications	<ul style="list-style-type: none"> • Radio Stations • Telephone Exchanges
	Emergency Services	<ul style="list-style-type: none"> • Police Stations (without detention quarters) • Fire Station
Retail Uses	Shopping Centre	<ul style="list-style-type: none"> • Shopping Centres • Strip Malls
	Shop	<ul style="list-style-type: none"> • Automobile Dealerships • Used Car Lots • Department Stores • Retail Shops • Showrooms • Supermarkets
	Indoor Market	<ul style="list-style-type: none"> • Auction Halls • Exhibition Halls • Indoor Farmers Markets
	Outdoor Market	<ul style="list-style-type: none"> • Animal Markets • Fish Stalls • Market Grounds • Produce & Fruit Stands • Outdoor Farmers Markets • Flea Markets
	Convenience Store	<ul style="list-style-type: none"> • Confectionary Stores • Corner Stores • Gift Shops • Specialty Shops • Video Stores
	Entertainment Uses	Food and Catering
Take-Out Food Service		<ul style="list-style-type: none"> • Take-out Restaurants • Food Stands

Entertainment	<ul style="list-style-type: none"> • Electronic Games Arcades • Pinball Parlours • Poolrooms • Bowling Alleys • Adult Entertainment
Theatre	<ul style="list-style-type: none"> • Movie Theatres • Theatres

Institutional and Public Uses

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
Penal & Correctional Institutional Uses	Penal & Correctional Detention	<ul style="list-style-type: none"> • Police Stations (with detention quarters) • Youth Correctional Facilities
Institutional Care Uses	Medical Treatment & Special Care	<ul style="list-style-type: none"> • Personal Care Homes • Nursing Homes • Treatment Centres • Medical Clinics
	Funeral Home	<ul style="list-style-type: none"> • Crematoria • Funeral Homes & Chapels
	Child Care	<ul style="list-style-type: none"> • Day Care Centres • Home Child Care Services • Nursery Schools • Early Childhood Education Services
Cultural and Institutional Uses	Cultural & Civic	<ul style="list-style-type: none"> • Art Galleries • Town Administrative Offices • Court Rooms • Libraries • Museums • Arts and Culture Centres • Interpretive Centres • Studios
	Educational	<ul style="list-style-type: none"> • Private Schools • Public Schools
	Church	<ul style="list-style-type: none"> • Church Halls • Churches & similar places of worship
	Cemetery	<ul style="list-style-type: none"> • Cemeteries
	Assembly Uses	General Assembly
Indoor Assembly		<ul style="list-style-type: none"> • Arenas • Armouries • Ice Rinks • Indoor Swimming Pools

		<ul style="list-style-type: none"> • Fitness Clubs
	Outdoor Assembly	<ul style="list-style-type: none"> • Amusement Parks & Fairgrounds • Bleachers • Drive-in Theatres • Exhibition Grounds • Grandstands • Outdoor Ice Rinks & Swimming Pools • Outdoor Stadiums & Venues
Utility and Transportation Uses	Public Works and Utilities	<ul style="list-style-type: none"> • Telecommunication Tower • Satellite Dish Antenna • Television, Radio & Communications • Transmitting and Receiving Masts & Antennae
	Marine Transportation	<ul style="list-style-type: none"> • Recreational Piers, Docks & Wharves • Boathouses • Marinas • Boat Ramps & Launches • Slips & Slipways
	Transportation Services	<ul style="list-style-type: none"> • Passenger Stations & Depots • Taxi Stands

Industrial Uses

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
Industrial uses involving highly combustible & hazardous substances & processes.	Hazardous Industry	<ul style="list-style-type: none"> • Bulk Plants for Flammable Liquids • Bulk Storage Warehouses for Hazardous Substances • Chemical Manufacturing or Processing Plants • Distilleries • Dry-cleaning Plants • Feed Mills • Lacquer, Mattress, Paint, Varnish & Rubber • Factories • Spray Painting Operations • Wastepaper Processing Plants
General Industrial Uses involving Limited Hazardous Substances & Processes.	General Industry	<ul style="list-style-type: none"> • Aggregate-Related Industries • Aircraft Hangars • Bulk Storage Facility • Cold Storage Plants • Contractors' Yards • Concrete Plants • Factories • Freight Depots • General Garages

		<ul style="list-style-type: none"> • Laboratories • Laundries • Printing Plants • Sawmill • Warehouses • Workshops
	Solid Waste	<ul style="list-style-type: none"> • Incinerators • Recycling Plants • Sanitary Land Fill • Solid Waste Disposal
	Service Station	<ul style="list-style-type: none"> • Gas Bars • Gasoline Service Stations
Light, Non-Hazardous Industrial Uses	Light Industry	<ul style="list-style-type: none"> • Custom Workshops • Indoor Storage • Light Industry • Lumber Yard • Microbrewery • Parking Garages • Recycling Depot • Warehouses & Storage Centres • Wholesale Rooms • Workshops
	Scrap Yard	<ul style="list-style-type: none"> • Car Wrecking Yards • Junk Yards • Salvage Yard • Scrap Dealers
Resource-Based Industry	Commercial Agriculture	<ul style="list-style-type: none"> • Commercial Farms • Horticulture
	Forestry	<ul style="list-style-type: none"> • Silviculture • Sawmills • Tree Nurseries
	Mineral Working	<ul style="list-style-type: none"> • Quarry • Crushing, screening, washing of quarry material • Asphalt, concrete plants
	Mineral Exploration (Development)	<ul style="list-style-type: none"> • Mineral Exploration involving trenching, diamond drilling and line cutting
	Mining	<ul style="list-style-type: none"> • Mines
	Petroleum Exploration	
	Petroleum Extraction	
Marine	Marine	<ul style="list-style-type: none"> • Harbours • Fish Processing Plants • Drydocks • Wharves • Marine Transportation

Environmental Uses

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
Conservation Uses	Conservation	<ul style="list-style-type: none">• Architectural Historical Sites• Buffer Strips• Trails and Boardwalks• Scenic Lookout Sites• Watersheds• Wildlife Sanctuaries
Recreational Uses	Recreational Open Space	<ul style="list-style-type: none">• Campgrounds• Hiking Trails• Parks• Playing Fields and Courts• Playgrounds• Sports Grounds
	Small Scale Domestic Agriculture	<ul style="list-style-type: none">• Hobby Farms• Market Gardens & Nurseries• Community Gardens
