

WABUSH

Town of Wabush Development Regulations

**Prepared for:
Town of Wabush**

**Prepared by:
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URBAN AND RURAL PLANNING ACT, 2000
RESOLUTION TO ADOPT
TOWN OF WABUSH'S DEVELOPMENT REGULATIONS

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

Adopted by the Town Council of _____ on the ____ day of _____, 20____.

SIGNED AND SEALED this ____ day of _____, 20____

Mayor: _____ [name and signature]

Clerk: _____ [name and signature]

(Council Seal)

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

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

MCIP: _____ [name and signature]

(MCIP Stamp or Seal)

URBAN AND RURAL PLANNING ACT, 2000
RESOLUTION TO APPROVE
TOWN OF WABUSH'S DEVELOPMENT REGULATIONS

Under the authority of Sections 16, 17, and 18 of the *Urban and Rural Planning Act, 2000*, the Town Council of _____:

- a) Adopted the _____ Development Regulations on the ____ day of _____, 20__;
- b) Gave notice of the adoption of the _____ Development Regulations by advertisement inserted on the ____ day and the ____ day of _____, 20__ in the _____ newspaper;
- c) Set the ____ day of _____, 20__ at _____ p.m. at the Town Hall, _____, 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 _____ **approves** the _____ Development Regulations as [adopted or amended] as follows.

SIGNED AND SEALED this ____ day of _____, 20__

Mayor: _____ [name and signature]

Clerk: _____ [name and signature]

(Council Seal)

(Provincial Registration Stamp)

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Schedule B	Zoning Map
Schedule C	Provincial Development Regulations



TOWN OF WABUSH DEVELOPMENT REGULATIONS

APPLICATION
September 2018

1.0 APPLICATION

1.1 SHORT TITLE

1. These Regulations may be cited as the Wabush Development Regulations, 2018. Where there is conflict between the Town's Development Regulations and the Minister's Development Regulations (see Schedule C), the latter shall take precedence.

1.2 INTERPRETATION

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

1.3 COMMENCEMENT

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

1.4 MUNICIPAL CODE AND REGULATIONS

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

TOWN OF WABUSH DEVELOPMENT REGULATIONS

DEFINITIONS
September 2018

2.0 DEFINITIONS

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

ACCESSORY BUILDING includes:

- a. a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is accessory and which has a use that is customarily incidental or complimentary to the main use of the building or land to which it is accessory;
- b. 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;
- c. for commercial uses, workshops or garages; and
- d. for industrial uses, garages, offices, raised ramps and docks.

ACCESSORY DWELLING UNIT means a use, separate building, or structure, which is usually incidental, subordinate, exclusively devoted to and located on the same lot as the principal use, building or structure but not including a building or structure that is used as a dwelling unless specifically permitted.

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

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

ABUTTING LAND means land having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.

ADJACENT USE means the use of adjacent land.

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

AGRICULTURE means horticulture, fruit growing, grain growing, seed growing, dairy farming, the breeding or rearing of livestock, including any creature kept for the production of food, wool, skins, or fur, or for the purpose of its use in the farming of land, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds and the use of land for woodlands where



TOWN OF WABUSH DEVELOPMENT REGULATIONS

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that use is ancillary to the farming of land for any other purpose. "Agricultural" shall be construed accordingly.

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

ANIMAL UNIT means one of the following animals or groups:

380 Pullets (less than 1.2 kg);
300 Broiler Chickens (less than 1.5 kg);
90 Broiler Turkeys (less than 5.0 kg);
60 Heavy Hen Turkeys (5.0-7.5 kg);
40 Heavy Tom Turkeys (5.0-12.0 kg);
200 Rabbits (includes litter);
8 Ewe sheep (plus lambs);
200 Layer Hens (less than 2.3 kg);
1 Dairy Cow (plus calves);
2 Beef Cow (plus calves);
1 Bull;
1 Horse (plus foal);
1 Sow (farrow to finish);
3 Sows (Breed Sow, litter 1-15 kg.);
6 Hogs (operation based on 15-90 kg.);
3 Boars;
40 Foxes (including breed females, male and litter); or
150 Mink (including breed females, males and litter).

ANTENNA means a system that involves the transmission or receiving of data through radio waves, air monitoring, weather collection devices or other sources, typically forming part of a mast or tower that may be several hundred metres tall, either guyed or freestanding. Small monitoring structures are typically located near the base.

APARTMENT BUILDING means a building containing three four or more separate dwelling units each having an independent entrance either directly from outside the building or through a common vestibule, but does not include a single dwelling, a row dwelling or a residential dwelling with a subsidiary apartment.

APPLICANT means a person who has applied to the authority for an approval to carry out a development.

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

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



TOWN OF WABUSH DEVELOPMENT REGULATIONS

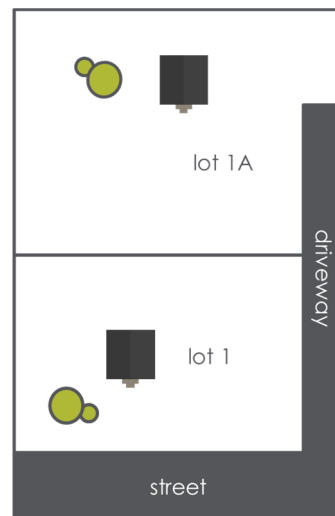
DEFINITIONS

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APPROVAL IN PRINCIPLE means the preliminary approval of an application relating to the development subject to the later submission to Council, for consideration and approval, which does not permit development, of details not stated in the application.

AUTHORITY means a council, authorized administrator or regional authority.

BACKLOT means any lot which gains highway frontage through the use of a narrow strip of land which is an integral part of the lot.



BASEMENT means a habitable portion of a building that is wholly or partly underground, and has not more than half of the distance between the floor level and the underside of the ceiling joists above the adjacent finished grade elevation.

BED AND BREAKFAST means either a single, double or row dwelling in which overnight accommodation and a breakfast meal are offered to registered guests for a fee and which is occupied by the property owner or the bed and breakfast host as a primary residence.

BOARDING HOUSE/ LODGING HOUSE means a dwelling where individual accommodations provided for rent or other valuable consideration to five (5) or more rooms or units commonly referred to as a "boarding house" where meals may be included, and in which the kitchen and/or bathroom facilities are used in common by some or all of the occupants. A dwelling with two or fewer tenants shall not be considered a Boarding House provided the owner also resides in the dwelling. The dwelling in which the boarding house residential use is carried out is similar in exterior finish, design, height and scale to a private residential building.

BUFFER means an area of natural lands or water, or a developed area of land that acts as a separation between two land uses. A buffer can be an area of open land, or a berm, screen, or similar physical improvement that lessens or mitigates the adverse impacts of an adjoining land use or property onto another land use or property.



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BUILDING means:

- a structure, erection, excavation, alteration or improvement placed on, over or under land, or attached, anchored or moored to land;
- mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other similar uses;
- a part of and fixtures on buildings referred to in (a) and (c); and
- 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 (a) to (b).

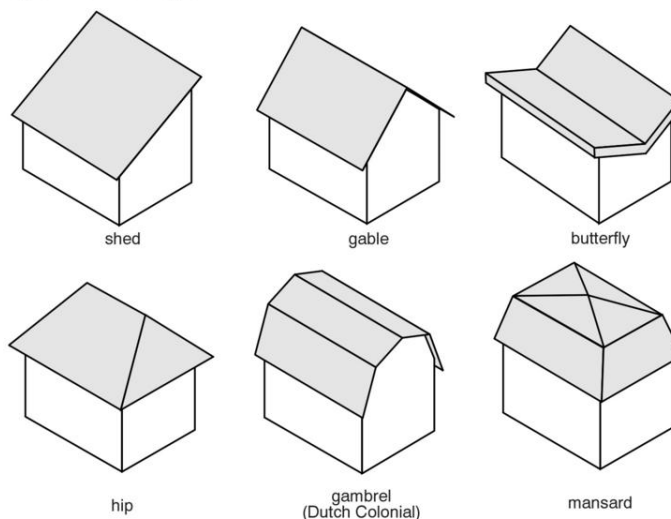
BUILDING HEIGHT means the vertical distance, in metres, from established grade (not finished floor) to the:

- highest point of the roof surface of a flat roof or butterfly roof;
- deck line of a mansard roof; and
- mean height level between the eave and ridge of a gable, hip or gambrel roof.

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



Sloped roof shapes



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BUILDING LINE means a line established by Council that runs parallel to the street line and is set at the closest point to a street that a building may be placed. A corner lot is deemed to have a building line on both the primary and flanking streets.

BUILDING PERMIT means a document authorizing the construction of a new building, demolition and/or alteration of a building on an approved lot.

BUILDING SEPARATION means the minimum distance between two buildings.

CARRYING ON A BUSINESS means activities that occupy the time, attention and labour of owners and employees for the purpose of a livelihood or profit, and involves incurring liabilities to other persons for the purpose of charging money for goods or services. For the purposes of these Regulations, a Home Based Business shall be considered to be engaged in the same.

CEMETERY means a use of land or a building for interment of the deceased.

CHILD CARE (or DAY CARE) means a building or part of a building in which services and activities are regularly provided seven (7) or more children as defined in the *Child Care Services Act*, but do not include a school as defined by the *Schools Act*.

COLLECTOR STREET means a street designed to link local streets with arterial streets that is designated as a collector street in the Municipal Plan.

CONDOMINIUM means an apartment building or townhouse complex containing individually owned units that share common parking areas, grounds or other amenities and are registered with the Registry of Condominiums, Government of Newfoundland and Labrador.

CONSTRUCT means to build, reconstruct, or relocate and, without limiting the generality of the word, includes:

- a. any preliminary operation such as excavation, filling or draining; and
- b. altering an existing building or structure by an addition, enlargement, extension or other structural change such as shelving and changing modular units.

CONSTRUCTION PERMIT means a document authorizing construction of municipal infrastructure such as piped municipal services, roads, curbs, sidewalks, utilities and site grading. These activities are approved under a phased subdivision development approval and/or development agreement.

CONVENIENCE STORE means an establishment where food, tobacco, drugs, periodicals, or similar items of household convenience are kept for retail sale to residents of the immediate neighbourhood.

COUNCIL means the elected council, Town of Wabush.



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DATA CENTRE means a building or structure that is used to house computer systems and associated components such as telecommunications and storage systems.

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

- a. the making of an access onto a highway, road or way;
- b. the erection of an advertisement or sign; and
- c. the parking of a trailer, or vehicle of any description used for the sale of refreshments or merchandise, or as an office, or for living accommodation, for any period of time; and shall exclude:
 - i. the carrying out of works for the maintenance, improvement or other alteration or any building, being works that affect only the interior of the building or which do not materially affect the external appearance or use of the building;
 - ii. the carrying out by a highway authority of any works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation;
 - iii. the carrying out by any local authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose; or
 - iv. the use of any building or land within the courtyard of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as such.

DEVELOPMENT AGREEMENT means a written agreement between the Town and a developer that establishes particular circumstances and conditions under which a development may be carried out.

DEVELOPMENT AUTHORITY means the Development Officer, or Municipal Council of the Town of Wabush.

DEVELOPMENT OFFICER means the person appointed by a resolution of Council to the office established by these Development Regulations.

DEVELOPMENT PERMIT means a document authorizing a development issued pursuant to these Development Regulations.

DISCRETIONARY USE: means a use that is listed within the discretionary use classes established in the use zones of these development regulations.

DIRECTOR means the Director of Planning and Land Use.

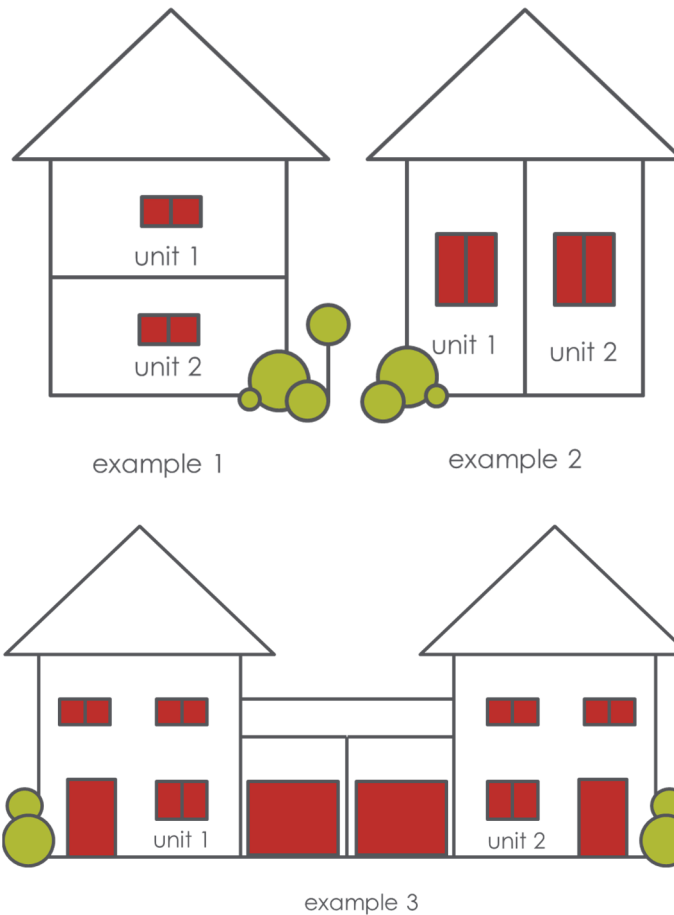


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DOUBLE DWELLING means one building containing two dwelling units, placed one above the other, side by side, or joined by a carport with separate lot areas dedicated to each unit, but does not include a single dwelling containing a subsidiary or basement apartment.



DRIVEWAY means that portion of a lot used to provide access from the street to a parking space or spaces and which has been graded and graveled or surfaced with concrete, asphalt, crushed stone or other hard surface and dustless materials and has a maximum width equal to that of the garage on the lot.

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

ENGINEER means an engineer who is a member of the Association of Professional Engineers and Geoscientists of Newfoundland, employed or retained by Council.

TOWN OF WABUSH DEVELOPMENT REGULATIONS

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ESTABLISHED GRADE means

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

EXISTING means legally existing at the time that these regulations come into legal effect.

FLANKING STREET means the secondary street bordering a corner lot.

FLOOR AREA means the total area of all floors in a building measured to the outside face of exterior walls excluding in the case of a dwelling, any private garage, porch, verandah, sunroom, unfinished attic or basement and cellar or other room(s) not habitable at all seasons of the year.

FORESTRY means the use of land for the purpose of forest and woodland management including the felling, cutting, trimming and thinning of forest or woodland for the extraction of timber, and includes reforestation, afforestation and silviculture.

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

GARAGE means an accessory building or part of the principal building designed and used primarily for the storage of non-commercial motor vehicles.

GARDEN SUITE (GRANNY FLAT) means a small independent building, physically separate from the principal dwelling unit with which it is associated that is used as a dwelling unit or for activities accessory to those permitted in the principal dwelling unit such as Home Occupation.

GENERAL GARAGE means land or buildings other than a private garage used for the repair, maintenance and storage of motor vehicles and may include the sale of petroleum products.

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

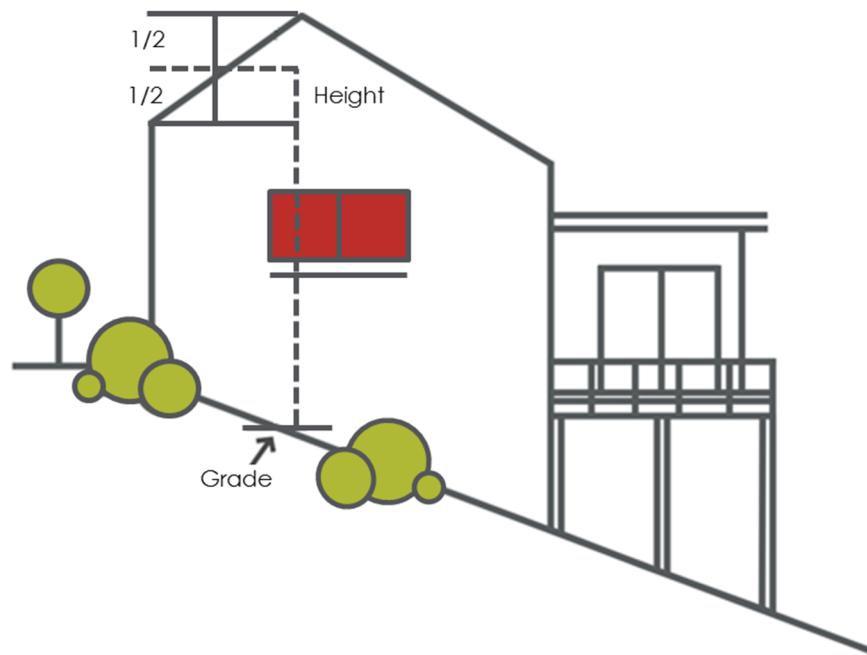
TOWN OF WABUSH DEVELOPMENT REGULATIONS

DEFINITIONS

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GRADE means, as applicable

- the average elevation of the finished surface of the ground at ground level, excluding an artificial embankment or excavation at the perimeter of a building, measured on any side of a building;
- the elevation of the ground surface in its natural state, before man-made alterations; or
- on sloping or irregular sites, the angled plane determined by the Development Officer in relation to (a) or (b) above.



GROSS FLOOR AREA means the total of the floor areas of a building(s), above or below grade, measured between the exterior faces of the exterior walls of the building at each floor level.

GROUP HOME means a dwelling unit accommodating not more than six persons, exclusive of staff, in a home-like setting where staff provide care and supervision. This definition includes, but is not limited to, the facilities called "Transition House" and "Foster Home".

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

HOME OCCUPATION means a development consisting of the use of an approved dwelling by a resident of that dwelling for one business.

HOME BASED BUSINESS means a secondary use in a portion of a dwelling or accessory unit in which a business is conducted by the occupant of the dwelling unit.

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HOSTEL means an inexpensive, short-term dormitory-style shared room that accepts individual travelers, typically backpackers or groups for short-term stays, and provides common areas and communal facilities.

HOSPITALITY HOME means a dwelling unit in which at least one room is regularly rented, and includes the uses commonly referred to as "Bed and Breakfast". Residency of the operator and licensing with a Provincial authority is required.

HOTEL means a commercial establishment that consists of a building with three or more attached sleeping units grouped under one roof to accommodate the traveling public, which may or may not have restaurant, retail, and personal services.

INSTITUTIONAL USE means a building or part thereof occupied or used by persons who:

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

INSPECTOR means a person appointed as an inspector by Council.

ISO (International Organization for Standardization) CONTAINER means a reusable shipping or freight container for moving products and raw materials between locations that may be used for additional warehousing and storage space.

KENNEL means an establishment for the keeping, breeding and raising of domesticated animals for personal or business interest including short as well as long-term boarding of dogs.

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

LANDSCAPING means the development of land by altering the topography and ground cover and may include the use of turf, plants, shrubs, trees, retaining walls and fences.

LANDSCAPING PLAN means a scaled drawing illustrating a design for a landscaped area that specifies the number, species, height and caliper of trees and shrubs, the size, colour and texture of hard landscaping, areas of grass, edging details, cross sections and details of any construction, and details of any other features or horticultural elements.

LIGHT INDUSTRY means the use of land or buildings for 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.



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LINK HOME means a double dwelling connected by a carport with separate lot areas dedicated to each unit being architecturally similar and constructed to the equal standard including frontage, height and floor area.

LIVESTOCK FACILITIES means livestock/poultry barns where agricultural animals are housed and includes associated manure storage.

LIVESTOCK UNIT means equivalent values for various types of animals including poultry, based on manure production and production cycles.

LOCAL STREET means a street designed primarily to provide access to adjoining land that is not designated as a collector street or arterial street in the Municipal Plan.

LODGING HOUSE means the same as boarding house.

LOT means a plot, tract or parcel of land that can be considered as a unit of land for a particular use or building thereto in relation to which the following definitions shall apply:

- a. LOT AREA means the total horizontal area within the lines of a lot.
- b. LOT, CORNER: means a lot deemed to have street frontages on both a primary and a flanking (secondary) street;
- c. LOT COVERAGE means the combined area of all buildings on a lot, excluding structures without a roof, measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot;
- d. LOT DEPTH means the length of a straight line joining the middle of the front lot line with the middle of the rear lot line;
- e. LOT LINE, FRONT means the property line dividing the lot from an abutting road. In the case of a corner lot, the property lot line that is parallel to the front of the house shall be the front lot line;
- f. LOT LINE, REAR means the property line that is directly opposite to the front lot line at the rear of the property;
- g. LOT LINE, SIDE means the property line extending between the front lot line and the rear lot line that identifies the division between the lot and an abutting lot sharing said lot line; and
- h. LOT WIDTH means the distance between the side lot lines at a point midway between the front and rear of the lot and approximately parallel to the street line.

MARKET INDOOR/MARKET OUTDOOR means the sale of goods or products. Examples may include farmers markets, fish market, flea markets or other types of goods.

MEDICAL CLINIC means a building or part of a building where two or more practitioners provide human health services without overnight accommodation for patients.



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MINERAL WORKING means land or buildings used for the working, stockpiling or extraction of rock, mineral, peat or aggregate material, and will include a “quarry”.

MINI HOME means a factory produced single dwelling complying with the National Building Code and having the appearance of a mobile home.

MINISTER shall mean the Minister of Municipal Affairs, unless otherwise specified.

MOBILE HOME means a transportable factory-built single-unit dwelling unit as described in Regulation 4.27.

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

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

MOTEL means a building or a group of buildings on a parcel of land designed and operated to provide temporary sleeping accommodation for transient travelers and contains separate sleeping units, each of which is provided with an adjoining or conveniently located parking space.

MOTOR VEHICLE REPAIR GARAGE means a building or structure where the service performed or executed on motor vehicles for compensation shall include the installation, rust proofing, motor vehicle diagnostic centre, major and minor mechanical repairs or similar use.

MUNICIPAL PLAN means a plan adopted by Council as a Municipal Plan pursuant to the *Urban and Rural Planning Act, 2000*.

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 does not meet the development standards for that use zone as per the *Urban and Rural Planning Act, 2000*.

OFFICE means a room or rooms where business may be transacted, service performed or a consultation given but shall not include the manufacturing of any product or the retail selling of goods.



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OUTDOOR LIVING AREA means an outside space immediately adjacent to and accessible from a dwelling such as a porch, deck, balcony or roof deck, which shall be available to occupants of such dwelling for leisure activities.

OUTDOOR STORAGE means the storage of merchandise, goods, inventory, material, or equipment that are not intended for immediate sale, by locating them on a lot exterior to a building.

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

PERMITTED USE means a use that is listed within the permitted use classes set out in the use zones.

PET CEMETERY means an area of land used for the business of the burial of domestic pet animals. It includes the use of accessory buildings and structures used in the pet cemetery business including but not limited to chapels and crematoriums.

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

PLAN means a municipal plan established under the *Urban and Rural Planning Act, 2000*.

PLANNING AREA means a municipal planning area established under sections 6 and 11 of the *Urban and Rural Planning Act, 2000*.

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

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.

RETAIL STORE means a building or part of a building in which goods, wares, merchandise, substance, articles, or things are offered for sale directly to the public at retail value.

RESTAURANT means a building where food and beverages are offered for sale to the public for consumption at tables or counters either inside or outside the building on the lot. As an accessory use, take-out service of food and beverages for off-site consumption may be provided.

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

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

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



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SECONDARY USE means any use, except those uses contained in the prohibited uses section of this regulation, that is subordinate and incidental to the residential use and does not compromise the residential character of the property.

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

SERVICE STREET means a street constructed parallel to or close to public street for the purpose of providing an alternative to direct access to that street.

SETBACK means the distance that a development or a specified portion of it, must be set back from a property line.

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

SHOPPING CENTRE means a group of shops and complementary uses with integrated parking that is planned, developed, and designed as a unit to contain a minimum of five retail establishments.

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

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

SINGLE DWELLING means one building containing a single dwelling unit for the use of one household, placed on its own lot, and can include a subsidiary apartment.

STREET means a street, road, highway or other way designed for the passage of vehicles and pedestrians 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 RESERVATION means the land reserved by Council for a highway, street, lane or sidewalk (see the definition of 'YARD' for image).

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



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

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

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

TAXI STAND means an area for taxis to wait for fares and allows for a dispatch office. It does not allow for a garage or area for the servicing or storage of vehicles.

TEMPORARY USE means a use established for a fixed period of time with the intent to discontinue such use on the expiration of the time period.

TEMPORARY USE PERMIT means a permit for certain uses of a limited scope, duration and frequency that are allowed to operate on a short-term basis.

TEMPORARY WORKERS RESIDENCE means one (1) or more buildings under single ownership and operated on a temporary or seasonal basis used for accommodation of mine employees, preparation and serving of food for those employees, and/or provision of sport and recreation facilities for those employees. The units may be dismantled and removed from the site from time to time.

TOWN means the Town of Wabush.

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 apply.

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 Zones of these Regulations.

VETERINARIAN'S CLINIC means a place where animals or pets are given medical or surgical treatment. Use as a kennel shall be limited to short-time boarding and shall only be incidental to such hospital use.



3.0 GENERAL REGULATIONS

3.1 COMPLIANCE WITH REGULATIONS

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

3.2 PERMIT TO DEVELOP REQUIRED

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

3.3 PERMIT TO DEVELOP BE ISSUED

Subject to Regulations 3.4 and 3.5, a permit shall be issued for development within the Planning Area that conforms to:

1. the general development standards set out in Section 4 of these Regulations, the requirements of Section 8 of these Regulations, and the use classes, standards, requirements, and conditions prescribed within for the use zone in which the proposed development is located;
2. the standards set out in the Building Code and/or other ancillary codes, and any Building Regulations, Waste Disposal Regulations, and/or any other municipal regulation in force in the Planning Area regulating or controlling development, conservation and use of land and buildings;
3. the standards set out in Section 6.15 of these Regulations in the case of advertisement;
4. the standards set out in Section 5 of these Regulations in the case of subdivision; and
5. the standards of design and appearance established by Council and the implementation of Design Standards.

3.4 PERMIT NOT TO BE ISSUED IN CERTAIN CASES

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

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3.5 DISCRETIONARY POWERS OF COUNCIL

1. In considering an application for a permit or for approval in principle to carry out development, Council shall take into account the policies expressed in the Municipal Plan and any further scheme, plan or regulations pursuant thereto, and shall assess the general appearance of the development of the area, the amenity of the surroundings, availability of utilities, public safety and convenience, and any other considerations that are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of these Regulations, Council may, in its discretion, and as a result of its consideration of the matters set out in this Regulation, conditionally approve or refuse the application.
2. Council 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 Council's regulations as discretionary, permitted or prohibited uses for that area.

3.6 VARIANCES

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

3.7 NOTICE OF VARIANCE

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

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3.8 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 by the carrying out of public works either on or off the site of the development.
2. A service levy shall not exceed the cost, or estimated cost, including finance charges to Council of constructing or improving the public works referred to in Regulation 3.8(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 property benefited and may specify the time for payment. The amount of the service levy shall be determined by Council.

3.9 FINANCIAL GUARANTEES BY DEVELOPER

1. Council may require a developer before commencing a development to make such financial provisions and/or enter into such agreements as may be required to guarantee the payment of service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit or license.
2. Council may require a developer to have insurance sufficient to cover public liability relative to the development.
3. Council shall determine the form, amount and conditions of the financial agreement and the insurance, as outlined under section 38 of the *Urban and Rural Planning Act* (the Act).

3.10 DEDICATION OF LAND FOR PUBLIC USE

1. In addition to the requirements for dedication of land under Regulation 5.10, Council may require the dedication of a percentage of the land area of any subdivision or other development for public use, and such land shall be conveyed to Council in accordance with the provisions of the Act.

3.11 REINSTATEMENT OF LAND

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



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3.12 FORM OF APPLICATION

1. An application for a development permit or for approval in principle shall be made only by the owner or by a person authorized by the owner to Council on such form as may be prescribed by Council, and every application shall include such plans, specifications and drawings as Council may require, and be accompanied by the permit fee required by Council.
2. Council shall supply to every applicant a copy of the application forms referred to in Regulation 3.12(1) and a description of the plans, specifications and drawings required to be provided with the application and any information or requirements applicable to the application.

3.13 REGISTER OF APPLICATION

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

3.14 DEFERMENT AND DEEMED REFUSAL OF AN APPLICATION

1. Council may, with the written agreement of the applicant, defer consideration of an application.
2. Applications properly submitted in accordance with these Regulations that have not been discussed 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 3.14(1), shall be deemed to be refused.

3.15 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 conceptual plans; and
 - 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 a period of one year, and may be extended one year (must be requested by applicant), up to a total maximum period of 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.



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3.16 DEVELOPMENT PERMIT

1. A plan or drawing that has been approved by Council and bears a mark and/or signature indicating such approval together with a permit shall be deemed to be permission to develop land in accordance with these Regulations but such permission shall not relieve the applicant from full responsibility for obtaining permits or approvals under any other regulation or statute prior to commencing the development; from having the work carried out in accordance with these Regulations or any other regulations or statutes; and from compliance with all conditions imposed thereunder.
2. 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 purposes 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 not exceeding two years.
4. A permit is valid for such period, not in excess of two years, as may be stated therein, and if the development has not commenced, the permit may be renewed for a further period not in excess of one year, but a permit shall not be renewed more than once, except in the case of a permit for an advertisement, which may be renewed in accordance with Part III 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. Council may revoke a permit for failure by the holder of it to comply with these Regulations or any condition attached to the permit or where the permit was issued in error or was issued based on incorrect information.
7. No person shall erase, alter or modify any drawing or specifications on which a permit to develop has been issued by Council.
8. There shall be kept available on the premises where any work, matter or thing is being done for which a permit has been issued, a copy of the permit and any plans, drawings or specifications on which the issue of the permit was based during the whole progress of the work, or the doing of the matter or thing until completion.

3.17 TEMPORARY USE PERMIT TO DEVELOP

1. A Permit to develop for a temporary use, which must comply with the Municipal Plan and these Regulations as defined in Section 2.

3.18 PERMIT FEES

1. A fee may be charged for a Permit to Develop in accordance with the annual schedule of fees as adopted by Council.



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3.19 REASONS FOR CONDITIONS OR REFUSING PERMIT

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

3.20 NOTIFICATION OF RIGHT TO APPEAL

1. Where Council makes a decision that may be appealed under section 42 of the Act, Council shall, in writing, at the time of making that decision, notify the person to whom the decision applies of the:
 - a. person's right to appeal the decision to the 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.

3.21 APPEAL REQUIREMENTS

1. The Secretary of the Appeal Board at the Department of Municipal Affairs and Environment, Main Floor, Confederation Building (West Block), P.O. Box 8700, St. John's, NL, A1B 4J6 is the secretary to all Appeal 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 Appeal Board.
2. The fee required under section 44 of the Act shall be paid to the Appeal 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.
3. The Appeal Board that hears the decision being appealed shall, subject to subsection 44(3) of the Act, retain the fee paid to the Appeal Board.
4. Where an appeal of a decision and the required fee is not received by an Appeal 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.

3.22 APPEAL REGISTRATION

1. Upon receipt of an appeal and fee as required under the Act and these regulations, the secretary of the Appeal Board as referred to in subsections 24(1) and (2), shall immediately register the appeal.
2. Where an appeal has been registered the Secretary of the Appeal Board shall notify Council of the appeal and shall provide to Council a copy of the appeal and the documentation related to the appeal.
3. Where Council has been notified of an appeal that Council shall within one week of notification 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



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including the names and addresses of the applicant and other interested persons of whom Council has knowledge.

4. Upon receipt of the information under subsection (3), the Secretary of the Appeal Board shall publish in a newspaper circulated in the area of the appropriate Council, a notice that the appeal has been registered.
5. A notice published under subsection (4) shall be published not fewer than two weeks before the date on which the appeal is to be heard by the Appeal Board.

3.23 DEVELOPMENT PROHIBITED

1. Immediately on notice of the registration of an appeal Council 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 Council 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, Council shall not carry out work related to the matter being appealed.

3.24 APPEAL BOARD

1. The Minister may, by order, establish an Appeal Board and shall assign to the Appeal Board a specific area of the province over which it shall have jurisdiction, as outlined in section 40, of the Act.

3.25 APPEALS

1. A person or an association of persons aggrieved of a decision that, under the regulations, may be appealed, may appeal that decision to the appropriate Appeal Board where the decision is with respect to:
 - a. an application to undertake a development;
 - b. a revocation of an approval or a permit to undertake a development;
 - c. the issuance of a stop work order; and
 - d. a decision permitted under the Act or another Act to be appealed to the board.
2. A decision of Council to adopt, approve or proceed with a municipal plan, a scheme, development regulations and amendments and revisions of them is final and not subject to an appeal.
3. An Appeal Board shall not make a decision that does not comply with the municipal plan, a scheme and development regulations that apply to the matter being appealed.
4. An appeal shall be filed with the Appeal Board not more than 14 days after the person who made the original application appealed from has received the decision being appealed.
5. An appeal shall be made in writing and shall include:
 - a. a summary of the decision appealed from;
 - b. the grounds for the appeal; and
 - c. the required fee.

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6. A person or group of persons affected by the subject of an appeal or their representatives may appear before an Appeal Board and make representations concerning the matter under appeal.
7. An Appeal Board may inform itself of the subject matter of the appeal in the manner it considers necessary to reach a decision.
8. An Appeal Board shall consider and determine appeals in accordance with the Act and the municipal plan, scheme and regulations that have been registered under section 24, of the Act, and having regard to the circumstances and merits of the case.
9. A decision of the Appeal Board must comply with the plan, scheme or development regulations that apply to the matter that has been appealed to that board.
10. In determining an appeal, an Appeal Board may confirm, reverse or vary the decision appealed from and may impose those conditions that the board considers appropriate in the circumstances and may direct Council to carry out its decision or make the necessary order to have its decision implemented.
11. Notwithstanding subsection (10), above, where Council may, in its discretion, make a decision, an Appeal Board shall not make another decision that overrules the discretionary decision.
12. The decision of a majority of the members of an Appeal Board present at the hearing of an appeal shall be the decision of the Appeal Board.
13. An Appeal Board shall notify the appellant and the appropriate Council in writing of the decision of the Appeal Board.

3.26 HEARING NOTICE AND MEETINGS

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

3.27 HEARING OF EVIDENCE

1. An Appeal Board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under Regulation 3.26(1) or their representative may appear before the Appeal Board and make representations with respect to the matter being appealed.
2. An Appeal 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 Appeal Board.
4. In the conduct of an appeal hearing, the Appeal Board is not bound by the rules of evidence.



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3.28 RETURN OF APPEAL FEE

1. Where an appeal made by an appellant under section 42 of the Act, is successful, an amount of money equal to the fee paid by that appellant under Regulation 3.21 (2) shall be paid to him or her by Council.

3.29 NOTICE OF APPLICATION

1. Notice of an application must be given when:
 - a. a variance is to be considered under Regulation 3.6;
 - b. a change in a non-conforming use is to be considered under Regulation 4.14(4);
 - c. the proposed development is listed as a discretionary use in Section 8; and
 - d. Council determines that the public should be notified of an application.
2. Subsequent to 3.29(1) above, Council shall give notice of an application for a Permit to Develop and for an Approval in Principle as follows:
 - a. for an application for a variance, a direct notification of persons that are affected by the application as specified under Regulation 3.6 (Variances), with a minimum seven-day response period, and in compliance with the provisions of the Act. Council may use the property tax roll where available, or other means to determine who is affected; and
 - b. for a change in a non-conforming use, any proposed development listed as a discretionary use, or if Council determines the public should be notified of an application, there shall be a public advertisement, with a minimum seven-day response period, to be specified in the notice, or as specified under, Regulation 4.14(4) (Non-conforming Uses), and in compliance with the provisions of the Act.
3. Notice of an application shall be at the expense of the applicant.
4. Notice of an application shall contain enough information to properly inform the public of the location, the proposed type of development and other information deemed necessary to determine whether or not there is a concern about the application.

3.30 RIGHT OF ENTRY

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

3.31 RECORD OF VIOLATIONS

1. A designated official shall keep a record of any violation of these regulations that comes to his knowledge and report that violation to Council.



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3.32 STOP WORK ORDER AND PROSECUTION

1. Where a person begins a development contrary or apparently contrary to these Regulations, Council may order that person to stop the development or work connected therewith pending final adjudication in any prosecution arising out of the development.
2. A person who does not comply with an order made under Regulation 3.32(1) is guilty of an offence under the provisions of the Act.

3.33 DELEGATION OF POWERS

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

4.0 GENERAL DEVELOPMENT STANDARDS

4.1 ACCESSES AND SERVICE STREETS

1. An access shall be located as specified by Council to ensure the greatest possible convenience and safety of the street system and Council may prescribe the construction of service streets to reduce the number of accesses to collector and arterial streets.
2. No vehicular access shall be closer than 10 metres to the street line of any street intersection of a local road, or 20 metres to the street line of a street intersection in the case of a collector or arterial road.
3. Council may require the provision of service streets to reduce the number of individual accesses to an adjacent street.

4.2 ACCESSORY BUILDINGS

1. Accessory buildings shall be clearly incidental and complementary to the use of the main buildings in character, use and size, and shall be contained on the same lot as the main Building.
2. No accessory building or part thereof shall project in front of any building line. An accessory building that is fully attached (greater than 50%) to the main building, may establish a new building line for the developed lot provided the building line is in accordance with the minimum setback as specified in Section 8 of these Regulations.
3. The side yard requirements set out in the use zones in these Regulations shall apply to accessory buildings wherever they are located on the lot but accessory buildings on two adjoining properties may be built to property boundaries provided they shall be of fire resistant construction and have a common firewall.
4. An accessory building that is attached to the main building:
 - a. Shall adhere to the side yard and rear yard standards of the main building as specified in Section 8 of these Regulations;
 - b. Any separation from the main building shall meet with the minimum separation distance as outlined in Section 8 of these Regulations – accessory buildings; and
 - c. Shall be of fire resistant construction and have a common firewall.

4.3 BUFFER (AROUND RESIDENTIAL AREA)

1. Where any industrial development permitted in any Use Zone abuts an existing or proposed residential area, or is separated from it by a road only, the owner of the site of the industrial development shall provide a buffer strip not less than 30 metres wide between any residential activity and the industrial area. The buffer shall include the provision of such natural or structural barrier as may be required by Director of Planning and shall be maintained by the owner or occupier to the satisfaction of Council.

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2. Where any commercial development permitted in any Use Zone abuts an existing or proposed residential area the owner of the site of commercial development shall provide a buffer strip between the two areas. The buffer shall include the provision of such natural or structural barrier as may be required by Council and shall be maintained by the owner or occupier to the satisfaction of Council.
3. Council may require landscaping and screening for a proposed development in order to provide:
 - a. a screen or separation between different or incompatible uses, principally between residential and non-residential uses, which will consist of either a screen of a minimum height of 1.8 metres, or a buffer of 10 metres;
 - b. an acoustic barrier;
 - c. an attractive visual continuity and appearance between developments or on an individual site;
 - d. delineation of an area; and
 - e. protection for the natural environment.

4.4 BUFFER (AROUND WATERWAYS)

1. No development will be permitted within 15 metres of the highwater mark of rivers or streams or within 30 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services. All development occurring within these limits is subject to the approval of Council and the Department of Municipal Affairs and Environment.

4.5 BUILDING HEIGHT

1. Council may, at its discretion, permit the erection of buildings of a height greater than that specified in Section 8 of these Regulations, but in such cases the building line setback and rear yard requirements shall be varied as follows:
 - a. The building line setback shall be increased by 2 metres for every 1 metre increase in height.
 - b. The rear yard shall not be less than the minimum building line setback calculated as described in (a) above plus 6 metres.

4.6 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 Section 8 of these Regulations.
2. A building situated on a corner lot shall be required to observe the building line setback set out in Section 8 of these Regulations on both the primary and flanking (secondary) streets.



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4.7 FAMILY AND GROUP CARE CENTRE

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

4.8 HEIGHT EXCEPTIONS

1. The height requirements prescribed in Section 8 of these Regulations may be waived in the case of communication masts and antennae, flagpoles, water towers, spires, belfries, or chimneys, but any such waiver that results in an increase of more than 10% the permitted height of the structure shall only be authorized under the provisions of Regulation 3.6.

4.9 LIVESTOCK STRUCTURES AND USES

1. No structure designed to contain more than five animal units shall be erected or used unless it complies with the following requirements:
 - a. The structure shall be at least 600 metres from a residence, (except a farm residence or a residence that is a non-conforming use in any zone in which agriculture is a permitted use class in Section 8 of these Regulations), and, from an area designated for residential use in an approved Plan, and, from a Provincial or Federal Park.
 - b. The structure shall be at least 60 metres from the boundary of the property on which it is to be erected.
 - c. The structure shall be at least 90 metres from the property line.
 - d. The erection of the structure shall be approved by the Department of Forest Resources and Agrifoods, the Department of Municipal Affairs and Environment NL.
 - e. Buildings must be approved by Town and review by Town Engineer at the developer's expense.
2. No development for residential use shall be permitted within 600 metres of an existing structure designed to contain more than five animal units unless the development is first approved by the Department of Forest, Resources and Agrifoods.

4.10 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



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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.

4.11 LOT AREA AND SIZE EXCEPTIONS

1. 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.

4.12 LOT FRONTAGE

1. Except where specifically provided for in Section 8 of these Regulations, no residential or commercial building shall be erected unless the lot on which it is situated fronts directly onto a street or forms part of a Comprehensive Development Scheme.

4.13 MINOR FRONT YEAR PROJECTIONS ON RESIDENTIAL LOT

1. No portion of a dwelling shall project into the minimum building line setback with the exception of:
 - a. unenclosed steps with it without a landing;
 - b. an unenclosed or enclosed porch that projects no more than 4 m into the required front yard depth or beyond that establish building line for the lot;
 - c. a patio or veranda; and
 - d. wheelchair ramps or other accessibility devices as approved by Council.
2. The projection does not encroach upon or reduce the minimum amount of parking required for the lot.
3. The projection does not encroach upon or create an obstruction in the sight triangle for corner lots.

4.14 NON-CONFORMING USE

1. Notwithstanding the Municipal Plan, scheme or regulations made under Part XII of the *Urban and Rural Planning Act, 2001*, Council shall, in accordance with regulations made under this Act, allow a development or use of land to continue in a manner that does not conform with a regulation, scheme, or plan that applies to that land provided that the non-conforming use legally existed before the registration under section 24 of the Act, scheme or regulations made with respect to that kind of development or use.
2. Notwithstanding subsection (1) above, a right to resume a discontinued non-conforming use of land shall not exceed 12 months after that discontinuance.



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3. A building, structure or development that does not conform to a scheme, plan or regulations made under the Act that is allowed to continue under subsection (1):
 - a. shall not be internally or externally varied, extended or expanded unless otherwise approved by Council;
 - b. shall not be structurally modified except as required for the safety of the building, structure or development;
 - c. shall not be reconstructed or repaired for use in the same non-conforming manner where 50% or more of the value of that building, structure or development has been destroyed;
 - d. may have the existing use for that building, structure or development varied by Council to a use that is, in Council's opinion, more compatible with the plan and regulations applicable to it;
 - e. may have the existing building extended by approval of Council where, in Council's opinion, the extension is not more than 50% of the existing building;
 - f. where the non-conformance is with respect to the standards included in these development regulations, shall not be expanded if the expansion would increase the non-conformity;
 - g. 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; and
 - h. where the building or structure is primarily zoned and used for residential purposes, may, in accordance with the municipal plan and regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed.
4. Where considering a non-conforming building, structure or development and before making a decision to vary an existing use of that non-conforming building, structure or development, Council, 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.

4.15 OFFENSIVE AND DANGEROUS USES

1. No building or land shall be used for any purpose that may be dangerous by causing or promoting fires or other hazards or that 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 council having jurisdiction.



4.16 OFFSTREET PARKING REQUIREMENTS

1. For every building, structure or use to be erected, enlarged or established, there shall be provided and maintained a quantity of off-street parking spaces sufficient to ensure that the flow of traffic on adjacent streets is not impeded by the on-street parking of vehicles associated with that building, structure or use.
2. The number of parking spaces to be provided for any building, structure, use or occupancy shall conform to the standards set out in Section 7 of these Regulations.
3. Each parking space, except in the case of one or two-family dwellings, shall be made accessible by means of a hard surfaced right-of-way at least 3 metres in width. Parking required in a Residential Zone shall be provided on the same lot as the dwelling or dwellings. Parking space for apartments shall be provided in the rear yard where possible. In a Non-Residential Zone, parking spaces shall be provided within the limits of the zone in which the use is situated and not more than 200 metres distant from the use concerned.
4. The parking facilities required by this Regulation shall, except in the case of single or attached dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.
5. Where, in these Regulations, parking facilities for more than four vehicles are required or permitted:
 - a. parking space shall mean an area of land, not less than 15 square metres in size, capable of being used for the parking of a vehicle without the need to move other vehicles on adjacent areas;
 - b. the parking area shall be constructed and maintained to the specifications of Council;
 - c. the lights used for illumination of the parking area shall be so arranged as to divert the light away from adjacent development;
 - d. a structure, not more than 3 metres in height and more than 5 square metres in area may be erected in the parking area for the use of attendants in the area;
 - e. except in zones in which a service station is a permitted use, no gasoline pump or other service station equipment shall be located or maintained on a parking area;
 - f. no part of any off-street parking area shall be closer than 1.5 metres to the front lot line in any zone;
 - g. access to parking areas in non-residential zones shall not be by way of residential zones;
 - h. where a parking area is in or abuts a residential zone, a natural or structural barrier at least 1 metres in height shall be erected and maintained along all lot lines;
 - i. where, in the opinion of Council, strict application of the above parking requirements is impractical or undesirable, Council may as a condition of a permit require the developer to pay a service levy in accordance with these Regulations in lieu of the provision of a parking area, and the full amount of the levy charged shall be used by Council for the provision and upkeep of alternative parking facilities within the general vicinity of the development.
6. Parking spaces, other than residential, for the physically challenged shall meet the requirements of the Department of Government Services and Lands or the appropriate agency in place at the time of application.

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4.17 OFF-STREET LOADING REQUIREMENTS

1. For every building, structure or use to be erected, enlarged or established requiring the shipping, loading or unloading of animals, goods, wares or merchandise, there shall be provided and maintained 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. The number of loading spaces to be provided shall be determined by Council.
3. The loading facilities required by this Regulation shall be so arranged that vehicles can maneuver clear of any street and so that it is not necessary for any vehicle to reverse onto or from a street.

4.18 PARKS AND PLAYGROUNDS, AND CONSERVATION USES

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

4.19 SCREENING AND LANDSCAPING

1. Council may, in the case of existing unsightly development, order the owner or occupier to provide adequate and suitable landscaping or screening; and for this purpose, may require the submission of an application giving details of the landscaping or screening as outlined in the Town of Wabush Landscape Guidelines.

4.20 SECURITY DEPOSITS

- a. The Development Officer may recommend to Council that, as a condition of issuing a Development Permit, the owner enter into a Development Agreement with Council to provide a guaranteed security deposit to ensure:
 - i. landscaping requirements are met;
 - ii. the removal of permitted temporary structures;
 - iii. municipal services are protected and/or built to Town standards;
 - iv. hardsurfacing requirements are met; and/or
 - v. other requirements as recommended by the Development Officer and determined by Council.
- b. If taken for landscaping purposes, the Security Deposit shall be 125% of the estimated cost of all landscaping associated with the development. The applicant shall calculate the cost. If, in the opinion of the Development Officer the estimated cost is too low the Development Officer may recalculate and the Development Officer's cost shall be determinative.



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- c. If taken for the purposes of ensuring the removal of a temporary structure, the Security Deposit shall be the estimated cost of removal of the temporary structure and any site rehabilitation. The applicant shall calculate the estimated cost. If, in the opinion of the Development Officer the estimated cost is too low the Development Officer may recalculate and the Development Officer's cost shall be determinative.
- d. If taken for the installation and/or protection of municipal services the Development Officer with the assistance of the Manager of Public Works shall determine an appropriate figure in consultation with the applicant. The Development Officer's cost shall be determinative.
- e. If taken for the purposes of hardsurfacing, the Security Deposit shall be 125% of the estimated cost of hardsurfacing. The applicant shall calculate the cost. If, in the opinion of the Development Officer the estimated cost is too low the Development Officer may recalculate and the Development Officer's cost shall be determinative.
- f. If taken for other purpose the Development Officer shall work with the applicant to determine an appropriate and fair cost for the Security Deposit.
- g. If cash is offered as the security, it shall be held by the Town in a non-interest bearing account until the Development Officer is satisfied the conditions of the Development Agreement in which the security deposit was taken to ensure have been met.
- h. If a Letter of Credit is offered as the security, it shall be in a form satisfactory to the Development Officer. The Letter of Credit shall be held by the Town until the Development Officer is satisfied the conditions of the Development Agreement, in which the security deposit was taken to ensure, have been met.
- i. In the event that the owner does not complete the required work as detailed in the Development Agreement the Town shall complete the work and issue an accounting of how the proceeds of the Letter of Credit or cash were applied within 60 days of the Town applying the Security Deposit. In the event that the Letter of Credit or the cash do not cover the total costs of the work, the Town may issue an invoice to the applicant for the additional costs, which shall be payable within 60 days.

4.21 SERVICES AND PUBLIC UTILITIES

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

4.22 PETROLEUM DISPENSING FACILITIES/SERVICE STATIONS

1. The following requirements shall apply to all proposed service stations:
 - a. petroleum dispensing pumps must be located on pump islands that vehicles may access on either side, except for propane, diesel, and kerosene pumps that may have access on one side;



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- b. pump islands shall be set back at least 4 metres from the front lot line;
- c. accesses shall not be less than 7 metres wide and shall be clearly marked;
- d. when a dispensing pump is located on a corner lot, the minimum distance between an access to the lot and the intersection of street lines shall be 10 metres; and
- e. Surface run-off shall be directed to an oil/water separator before discharging into any storm sewer or any other surface or sub-surface drainage system.

4.23 SIDE YARDS

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

4.24 STREET CONSTRUCTION STANDARDS

- 1. A new street may not be constructed except in accordance with and to the design and specifications laid down by Council and required to meet Provincial Standards.

4.25 SUBSIDIARY APARTMENTS

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

4.26 DRAINAGE SYSTEM OF DEVELOPMENTS

- 1. A development may not be constructed or maintained so that it alters the natural flow of water causing damage to other properties.
- 2. Each development shall be provided with a drainage system that is adequate to prevent the retention of surface water on the development site.
- 3. Council may require the provision of an off-site drainage system to dispose of on-site drainage.
- 4. The drainage system of a development shall connect to other drainage systems on surrounding properties and streets.

4.27 MOBILE HOMES

- 1. A mobile home shall:
 - a. complies with space standards substantially equal to those laid down in the National Building Code of Canada and is in accordance with the construction standards laid down and all other applicable Provincial and Municipal Codes;
 - b. which is designed to be:
 - i. transported on its own wheels and chassis to a mobile home lot, and subsequently supported on its own wheels, jacks, posts or piers, or on a permanent foundation and;



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- ii. connected to exterior public utilities approved by the Authority, namely, piped water, piped sewer, electricity and telephone, in order for such mobile home unit to be suitable for year round term occupancy.
- c. be supported and secured to a foundation sufficient to support its weight and prevent movement;
- d. be anchored to the ground with a minimum tension of 2,180 kilograms at each required anchor point, including each corner, and have skirting extending to the ground; and
- e. Abide by the conditions listed in the applicable use zones found in Section 8 of these Regulations.

4.28 UNSUBDIVIDED LAND

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

4.29 ZERO LOT LINE AND OTHER COMPREHENSIVE DEVELOPMENT

1. Council may, at its discretion, approve the erection of dwellings designed to form part of a zero lot line development or other comprehensive layout which does not, with the exception of dwelling unit floor area, meet the requirements of the Use Zones in Section 8, provided that the dwellings are designed to provide both privacy and reasonable access to natural daylight and the overall density within the layout conforms to the regulations and standards set out in the Use Zones apply where the layout adjoins other development.

4.30 SERVICES REQUIRED

1. A development that is required or proposed to contain a plumbing system, must include provisions satisfactory to the Director for the supply of water and disposal of sewage.
2. A development may be required to connect to a system for the supply of electricity.
3. A development may be required to include a fire fighting system in accordance with the requirements of the municipal and/or provincial fire regulations.

4.31 MULTIPLE USES ON A LOT

1. A multiple use occurs when two or more different use classes exist in the same building or on the same lot.
2. Council shall not permit a multiple use where it determines the proposed use is not compatible with existing uses on or adjacent to the lot by reason of amenity, safety, appearance, design, or nuisance.
3. Where the requirements of these Regulations are different for each component use of the multiple use(s), then the requirements will be cumulative or the more stringent will apply as determined by Council.



4.32 DESIGN GUIDELINES

1. Council shall consider the following design guidelines prior to approval of a development application:
 - a. streetscapes:
 - i. Design the sidewalks in the Commercial Core to be part of the open space networks and reinforce the Commercial Core as an important pedestrian focus
 - ii. Include wider curb-side lanes. This allows for bikes in the summer and snow storage in the winter
 - iii. Account for the room necessary for snow clearance and piling on all streets, sidewalks, and public spaces
 - iv. Encourage streetside urban forests, particularly in the Commercial Core. Set the trees back for snow storage
 - v. Include pedestrian scale lighting and wayfinding signage
 - vi. Include pedestrian amenities like benches, trash cans, and picnic tables
 - vii. Connect sidewalks to buildings in a meaningful way
 - viii. Use bump-outs to reduce the road crossing distance and create safer streets for pedestrians
 - b. building site relationship:
 - i. Buildings should be 'street related', that is, they should be pulled up to the sidewalk whenever possible
 - ii. Parking should not be located between the building and the sidewalk
 - iii. Building entrances should face onto the street and park spaces if present
 - iv. Setbacks should be utilized to achieve human scale design
 - v. Infill developments should be prioritized as well as revitalizing existing developments
 - vi. Buildings should be oriented and designed to minimize microclimatic impacts like wind tunnels, shading, and poor exposure
 - vii. South facing setbacks can create comfortable pocket parks where seating can often be provided
 - viii. Require buildings to have stepbacks to reduce wind sheer near entrances
 - ix. Locate parking beside the building or in the rear of the building
 - x. Large existing parking lots should be broken up with retail pads wherever possible
 - c. building facades:
 - i. Include awnings and façade projections to reduce ground level wind
 - ii. Architectural lighting should wash the entire first storey storefront at night
 - iii. Lighted buildings, infrastructure or sculptures become focal points
 - iv. Do not employ materials that mimic real materials (e.g., stoneware, stick on brick, vinyl siding)
 - v. Employ the traditional strong colour schemes common in Wabush at its founding
 - vi. Employ winter city architecture styles like in Norway and Sweden or build on the new vernacular trends in other areas of Newfoundland to create a distinct style
 - vii. Employ new sustainable design standards to reduce energy use
 - viii. Use architectural lighting to light the buildings at night

5.0 SUBDIVISION OF LAND

5.1 APPLICATION OF SECTION 5

1. This Part of the Regulations applies where the subdividing of land is proposed to include, or is required by Council to include, one of the following:
 - a. new street construction, street upgrading, or street extension;
 - b. extension and upgrading of the municipal water and sewer system;
 - c. infilling of two or more lots on an existing public street; and
 - d. Subdivision, or assembly, of all lands within the Town's Municipal Boundary must have Council's approval.

5.2 PERMIT REQUIRED

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

5.3 SERVICES TO BE PROVIDED

1. 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.

5.4 PAYMENT OF SERVICE LEVIES AND OTHER CHARGES

1. 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 3.8 and 3.9.

5.5 ISSUE OF PERMIT SUBJECT TO CONSIDERATIONS

1. 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;

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- g. soil and subsoil characteristics;
- h. the topography of the site and its drainage;
- i. natural features such as lakes, streams, topsoil, trees and shrubs;
- j. prevailing winds;
- k. visual quality;
- l. community facilities;
- m. energy conservation;
- n. winter city design considerations as outline in the Design Standards; and
- o. such other matters as may affect the proposed development.

5.6 PERMIT TO DEVELOP REQUIRED FOR EACH LOT

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

5.7 FORM OF APPLICATION

1. Application for a permit to develop a subdivision shall be made to Council in accordance with Regulation 3.12.

5.8 SUBDIVISION SUBJECT TO ZONING

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

5.9 BUILDING LINES

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

5.10 LAND FOR PUBLIC OPEN SPACE

1. Before a development commences, the developer shall, if required, dedicate to Council, at no cost to Council, an area of land equivalent to not more than 10% of the gross area of the subdivision or 25 square metres for every dwelling unit permitted in the subdivision, whichever is the greater, 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;



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- c. the location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of Council but in any case, Council shall not accept land that, 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 that would otherwise be required to be dedicated;
 - e. money received by Council in accordance with Regulation 5.10(1)(d) above, 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 Council and may be sold or leased by Council for the purposes of any development that conforms with the requirements of these Regulations, and the proceeds of any sale or other disposition of land shall be applied against the cost of acquisition or development of any other land for the purposes of public open space or other public purposes.
3. 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 5.10(1).

5.11 STRUCTURE IN STREET RESERVATION

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

5.12 SUBDIVISION DESIGN STANDARDS

1. No permit shall be issued for the development of a subdivision under these Regulations unless the design of the subdivision conforms to the following standards:
 - a. the finished grade of streets shall not exceed 10%;
 - b. every cul de sac shall be provided with a turning circle of a diameter of not less than 30 metres;
 - c. the maximum length of any cul de sac shall be:
 - i. 200 metres in areas served by or planned to be served by municipal piped water and sewer services, as shown in the map and letter of agreement signed by the Municipality and the Minister of Municipal and Provincial Affairs in connection with municipal five-year capital works program eligibility.
 - ii. 300 metres in areas not served by or planned to be served by municipal piped water and sewer services.
 - d. emergency vehicle access to a cul de sac shall be not less than 3 metres wide and shall connect the head of the cul de sac with an adjacent street;
 - e. no cul de sac shall be located so as to appear to terminate a collector street;
 - f. new subdivisions shall have street connections with an existing street or streets;



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- g. all street intersections shall be constructed within 5 degrees of a right angle and this alignment shall be maintained for 30 metres from the intersection;
- h. the centre line of a street intersection shall not be closer than 60 metres to the centerline of another street intersection;
- i. no more than four streets shall join at any street intersection;
- i. no residential street block shall be longer than 490 metres between street intersections;
- j. 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:

Type of Street	Street Reservation	Pavement Width	Sidewalk Width	Sidewalk Number
Arterial Streets	30 m	15 m	1.5 m	discretion of Council
Collector Streets	20 m	15 m	1.5 m	2
Local Residential Streets: where more than 50% of the units are single or double dwellings	15 m	9 m	1.5 m	1
where 50% or more of the units are row houses or apartments	20 m	9 m	1.5 m	2
Service Streets	15 m	9 m	1.5 m	discretion of Council

- k. no lot intended for residential purposes shall have a depth exceeding four times the frontage;
- l. residential lots shall not be permitted that abut a local street at both front and rear lot lines;
- m. Council may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed; and
- n. land shall not be subdivided in such a manner as to inhibit the development and subdivision of adjoining land.

5.13 ENGINEER TO DESIGN WORKS AND CERTIFY CONSTRUCTION LAYOUT

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



5.14 DEVELOPER TO PAY ENGINEER'S FEES AND CHARGES

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

5.15 STREET WORKS MAY BE DEFERRED

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

5.16 TRANSFER OF STREETS AND UTILITIES TO COUNCIL

1. The developer shall, following the approval of the subdivision of land and on request of Council, transfer to Council, at no cost to Council, and clear of all liens and encumbrances:
 - a. all lands in the area proposed to be developed or subdivided that are approved and designated by Council for public uses as streets, or other rights-of-way, or for other public use; and
 - b. all services or public works including streets, water supply and distribution and sanitary and storm drainage systems installed in the subdivision that are normally owned and operated by Council.
2. Street lights shall be constructed of metal, use LED lights and wires be located underground.
3. Before Council shall accept the transfer of lands, services or public works of any subdivision, the Engineer shall, at the cost to the developer, test the streets, services and public works installed in the subdivision and certify his satisfaction with their installation.
4. 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.

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5.17 RESTRICTION ON SALE OF LOTS

1. 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.

5.18 GROUPING OF BUILDINGS AND LANDSCAPING

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

6.0 SIGNS AND ADVERTISEMENT REGULATIONS

6.1 APPLICATION OF THESE REGULATIONS

1. Pursuant to Section 8 of these Regulations, this section shall apply to signs and advertisements where permitted in the Use Zone.

6.2 DEFINITIONS

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

ABOVE THE SURFACE OF THE GROUND means measured vertically from the horizontal projection of the highest point of the ground immediately below a sign as determined by Council to the highest point of the sign or the pole as determined by Council.

BANNER SIGN means a sign produced on cloth, paper, fabric or other combustible material of any kind, either with or without frames.

BENCH SIGN means a sign painted, located on or attached to any part of the surface of a bench, seat, or chair placed adjacent to a public place or street.

BILLBOARD means a sign and its structure and component parts intended to advertise or call attention to any matter, object, event or person, where the sign face is usually leasable and where the subject matter is not related to a use at or around the parcel of land on which the billboard is located.

BUILDING FACE means the total area of a building between the finished surface of the ground and the eaves of any architectural elevation.

BUS SHELTER ADVERTISEMENT means an advertisement that is painted, located on, attached, or forms part of a bus shelter placed or erected adjacent to or on a public place or street.

CANOPY SIGN means a sign that is a part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window or outdoor service area.

CONSTRUCTION SIGN means a temporary sign erected on the premises or land on which development or construction is taking place, during the period of such construction, indicating the names of the planners, architects, engineers, landscaped architects, contractors or similar artisans and the owners, financial supporters, sponsors and similar individuals or firms having a role or interest with respect to the structure or project.

CORNER LOT means a lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.



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ELECTION SIGN means any sign used to promote a candidate or party during a school board or municipal, provincial or federal election.

ELECTRICAL SIGN means a sign that utilizes an electrical source.

GROUND SIGN OR PYLON SIGN means a sign affixed to, supported by or placed upon the ground whether the ground is paved or unpaved, and supported by one or more uprights, in or upon such ground and not attached to any building.

ILLUMINATED SIGN means a sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.

INFLATABLE SIGNS means a sign or display that is capable of being expanded by air or other gas and used as a temporary basis to advertise a product or event.

MARQUEE means any permanent roof like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.

MARQUEE SIGN means a sign printed upon, or attached to a marquee.

MENU BOARD means a sign erected as part of a drive-through facility and used to display and order products and services available in association with a drive through business.

OFF-SITE DIRECTIONAL SIGN means a sign that directs traffic to a specific property, business or event and the sign is located on a property or building separate from the property, business or event to which it relates. A billboard sign is not an off-site directional sign.

PRE-MENU BOARD means a sign erected as part of a drive-through facility and only used to display products and services available in association with a drive through business.

PORTABLE SIGN means an illuminated or non-illuminated sign that is movable from one location to another and is not attached to a fixed structure or does not have supports imbedded in the ground.

PROJECTING SIGN means a sign other than a wall sign so constructed and so erected as to be rigidly attached at one end to a building, metal pole or other structure and projecting out from the surface of the building pole or other structure to which it is attached.

REAL ESTATE SIGN means a sign pertaining to the sale or lease of the premises or a portion of the premises, on which the sign is located.

ROOF SIGN means a sign that is erected, constructed, and maintained above the roof of a building, within the peripheral dimension of such building and fastened or attached to or supported on such roof.



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SIDEWALK SIGN means a free-standing sign erected on but not permanently anchored in the ground. Without limiting the generality of the foregoing, this definition includes signs referred to as A-frame, T-frame, sandwich boards, and menu boards, but shall not include any other sign defined in these regulations.

SIGN FACE means the area or display surface used for the advertisement or message.

SIGHT TRIANGLE means a triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. The triangular-shaped portion of land is formed by the street lines and a line drawn from a point in one street line to a point in the other street line, each such point being 7.5 metres measured along the street from the point of intersection of the street lines where the posted speed limit is 50 kilometre/hour or less. For speeds with posted speed limits greater than this, the sign triangle to be determined by the Engineering Department.

WALL SIGN means a sign painted on or attached directly against the surface of or against or within a recess in the wall or a column or other perpendicular portion of a building and approximately parallel thereto and extends not more than 30 centimetres from the architectural feature on which it is attached, and shall include a fascia sign.

6.3 PERMIT EXEMPTIONS

The following signs shall not require permits:

1. Temporary signs relating to Federal, Provincial or Municipal public works.
2. Notices required by law to be posted.
3. Regulatory, warning, directional, guide or informational signs erected by a Federal, Provincial or Municipal Authority or a community group approved by Council.
4. Signs placed by a telephone, telegraph or electric power company to indicate danger.
5. A flag, emblem or insignia of any nation, country or province.
6. One construction sign not exceeding 9 square metres in total area related to the development of a property provided such sign is located on the site on which the work is being carried out and is removed at the conclusion of the development or at such time as determined by Council.
7. Any other signage as outlined in Regulation 6.15.5 (Advisements Exempt from Control).

6.4 ELECTION SIGNS

Election signs shall be subject to the following conditions:

1. The erection of election signs shall be permitted on private property provided the property owner has given consent for the erection of such a sign and that the sign does not cause an obstruction to neighbouring properties.



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2. The erection of election signs with the approval Council shall be permitted on vacant land owned by Council provided the signs do not cause an obstruction to the traveling public or the work of Council, and provided the signs are not located within the far limits of the carriageway at any street intersection.
3. Elections signs shall only be affixed or attached to municipal property according to Council policy governing same.
4. Candidates shall remove their election signs within 36 hours after the close of polls on Election Day and shall ensure that the site is cleaned up.
5. If the Candidate fails to remove his or her election signs within 36 hours after the polls close on Election Day, Council may remove them and dispose of them and the candidate shall be responsible for the cost of the removal and disposal of such signs.

6.5 REAL ESTATE SIGNS

Real estate signs shall be subject to following conditions:

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

6.6 BENCH AND BUS SHELTER SIGN AND ADVERTISEMENT

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

6.7 PROHIBITED SIGNS

1. Notwithstanding the provisions of this schedule, Council may refuse any sign or advertisement that, in the opinion of Council, is considered hazardous to road traffic by reason of its siting, colour, animation, illumination or structural condition or is considered detrimental to the amenities of the surrounding area.

6.8 STATIONARY VEHICLE SIGNS

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



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6.9 SIGHT TRIANGLE

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

6.10 ELECTRICAL OR ILLUMINATED SIGNS

1. Every electrical or illuminated sign shall be approved by a certified organization that is accepted by the Province of Newfoundland and Labrador and the Standards Council of Canada. A licensed electrician shall undertake the electrical hook up of the sign.

6.11 EASEMENTS

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

6.12 ADVERTISEMENTS PROHIBITED IN STREET RESERVATION

1. No advertisement or sign shall be permitted to be erected or displayed within, on or over any highway or street reservation.

6.13 ENGINEERING DESIGN REQUIREMENTS

1. Signs shall be designed, constructed and erected to withstand the ice load and wind load requirements as determined by the Engineering Department.
2. The following types of signs will require signed and sealed by a Professional Engineer of the Association of Professional Engineers and Geoscientists of Newfoundland and Labrador (APEGN):
 - a. Billboard Signs
 - b. Ground Signs or Pylon Signs greater than 3 metres in height
 - c. Portable Signs
 - d. Roof Signs

6.14 OTHER REQUIRED INFORMATION

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



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6.15 ADVERTISEMENTS

6.15.1 Permit Required

1. Subject to the provisions of Regulation 6.15.6, no advertisement shall be erected or displayed in the Planning Area unless a permit for the advertisement is first obtained from Council. Permit for erection or display of advertisement on Provincial Highways shall be obtain from the Government Service Centre.

6.15.2 Form of Application

1. Application for a permit to erect or display an advertisement shall be made to Council in accordance with Regulation 3.12.

6.15.3 Permit Valid for Limited Period

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

6.15.4 Removal of Advertisements

1. Notwithstanding the provisions of these Regulations, Council may require the removal of any advertisement that, in its opinion, is:
 - a. hazardous to road traffic by reason of its siting, colour, illumination, or structural condition;
 - b. detrimental to the amenities of the surrounding area; or
 - c. not maintained to the satisfaction of Council.

6.15.5 Advertisements Exempt from Control

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

1. on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.2 square metres in area;
2. on an agricultural holding or farm, a notice board not exceeding 1 square metre in area and relating to the operations being conducted on the land;
3. on land used for forestry purposes, signs or notices not exceeding 1 square metre in area and relating to forestry operations or the location of logging operations conducted on the land;
4. on land used for mining or quarrying operations, a notice board not exceeding 1 square metre in area relating to the operation conducted on the land;
5. on a dwelling or within the curtilage of a dwelling, one nameplate not exceeding 0.2 square metres in area in connection with the practice of a professional person carried on in the premises;



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6. on any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board not exceeding 1 square metre in area;
7. on the principal facade of any commercial, industrial or public building, the name of the building or the name of the occupants of the building, in letters not exceeding one-tenth of the height of that facade or 3 metres, whichever is the lesser;
8. on any parking lot directional signs and one sign not exceeding 1 square metre in size, identifying the parking lot.

6.15.6 Approval Subject to Conditions

1. A permit may only be issued for the erection or display of advertisements that comply with the appropriate conditions and specifications set out in the Use Zone in Section 8 of these Regulations.

6.15.7 Non-Conforming Uses

1. Notwithstanding the provisions of Regulation 6.15.1, a permit may be used for the erection or display of advertisements on a building or within the courtyard of a building or on a parcel of land, the use of which is a non-conforming use, provided that the advertisement does not exceed the size and type of advertisement that could be permitted if the development was in a Use Zone appropriate to its use, and subject to any other conditions deemed appropriate by Council.

6.15.8 Banner Sign

1. A banner sign shall not be suspended across any street unless the authority grants its approval. A banner sign attached to a face of a building, fence or other structure shall be considered in a like manner to a wall sign.

6.15.9 Billboard Sign

A billboard sign shall be permitted provided:

1. The maximum sign face of a single billboard shall not exceed 21.5 square metres. Where Council deems appropriate, a double or "super sign" may be permitted, but shall not exceed 43 square metres for a sign face.
2. Unless otherwise determined by Council, the maximum overall height of the sign from the surface above the ground to the top of the sign shall be 8 metres.
3. The sign shall be set back a minimum distance of 15 metres from the intersection of streets.
4. The sign shall not be located closer than 5 metres to the front or flanking street lot line.
5. The sign shall not be located closer than 3 metres to a side lot line.
6. Not more than two signs are permitted on a lot provided that each sign may have two leasable areas mounted back to back and the total maximum sign face of each sign shall not exceed 21.5 square metres per sign face, with the exception of a "super sign", which shall not



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exceed 43 square metres per sign face and, if approved, would comprise the total number of billboard signs permitted on a single lot.

7. A minimum separation distance of 100 metres shall be maintained between signs when on the same side of the street and in the same line of sight or visual plane.
8. A single-faced sign shall be located not more than 2 metres from the wall of a building and shall be parallel to the wall and shall not extend beyond the end of the wall and the height of the roofline of the building to which it is attached.
9. A wall-mounted billboard shall not block natural light from a window of the building to which the billboard is attached.
10. The sign shall not interfere or obstruct access to or from a lot or create a visual obstruction to the traveling public.
11. The sign shall not conflict with adjoining architectural lines or forms or have the effect of materially obscuring the effect of the landscapes.
12. The sign shall not be located within 60 metres to a residential zone and shall not be oriented such that it faces an abutting residential zone or residential lot.
13. Lighting of the sign shall not be directed toward the street and shall not adversely affect neighbouring areas.
14. The sign shall be anchored and secured in accordance with the requirements of the Engineering Department.
15. The sign shall be constructed in accordance with engineered drawings approved by Council.

6.15.10 Canopy Sign

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

1. The canopy or awning sign does not abut a residential lot or zone.
2. The minimum vertical clearance beneath the sign to above the surface of the ground shall be 2.2 metres.
3. The sign may extend the full length of a building and the sign shall not extend beyond the end of the wall to which it is attached with the exception of wrap-around signs.
4. The sign does not project more than 3 metres from the wall of the building or structure to which it is attached.
5. The sign shall not extend over public land or streets except where approved by Council.
6. The sign shall not extend over a driving area or parking surface except where approved by Council.
7. The sign shall be anchored or secured to the building in accordance with the requirements of the Engineering Department.

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6.15.11 Ground Sign or Pylon Sign

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

1. The sign shall have a maximum overall vertical height of 8 metres above the surface of the ground.
2. The sign shall have a maximum overall horizontal length of 6 metres.
3. The maximum area for the sign face shall be 48 square metres exclusive of the sign's supports and mounts.
4. The sign shall be setback a minimum distance of half the height of the sign from the property's front lot line.
5. The sign shall be setback a minimum distance of 1 metre from the property's side lot lines.
6. The sign shall have a minimum separation distance of 2 metres to an adjoining dwelling, apartment, school or church.
7. There shall not be any electrical component of the sign within 1 metre above the surface of the ground.
8. A minimum separation distance of 15 metres shall be maintained between ground or pylon signs located on abutting properties.
9. The ground or pylon sign shall not be permitted to be located along the lot line that abuts a residential lot.
10. Where there is more than one ground or pylon sign permitted per lot, there shall not be more than one ground or pylon sign for every 30 metres of lot frontage.
11. The sign shall be anchored and constructed in accordance with the engineering drawings approved by Council.

6.15.12 Inflatable Sign

Temporary inflatable signs shall be permitted subject to the following conditions:

1. A limit of one rooftop or ground inflatable sign per lot or for every 30 metres of lot frontage.
2. The sign shall be setback from a lot line a minimum distance of 1.5 metres times the inflated height of the sign.
3. The sign shall not interfere or obstruct access to or from a lot.
4. The sign may be illuminated internally or externally but shall not contain flashing or intermittent lighting or lighting that creates glare when viewed by on-coming traffic or by abutting residential uses.
5. The maximum height and size of the sign shall be determined at the discretion of the Town Clerk but shall be in accordance with and relevant to standard model sizes and dimensions available from balloon or inflatable advertisement manufacturers.
6. The sign shall be anchored or secured in accordance with the requirements of the Engineering Department.
7. The time limit for the sign permit shall be specific to the duration of the event to which the advertisement is related but shall not exceed 30 days. Upon expiration of the sign permit, the



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permit may be renewed for another 30 day period provided Council is satisfied that the sign is being maintained to Council's satisfaction and the sign conforms to the Regulations and the conditions attached to the permit.

8. If, in the opinion of the Engineering Department, the sign is a hazard or unsafe to the public, the advertisement shall be removed immediately on notice.

6.15.13 Marquee Sign

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

1. The minimum vertical clearance beneath the sign to above the surface of the ground shall be 3 metres.
2. The sign may extend the full length of a marquee but in no case, shall such sign project beyond the ends of such a marquee.
3. A marquee sign shall not extend over public land or streets except where approved by Council.
4. The sign shall be anchored or secured to the building in accordance with the requirements of the Engineering Department.

6.15.14 Menu Boards

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

1. There shall be one pre-menu board and one menu board per drive-through on a lot.
2. The maximum area for the sign face of a pre-menu board shall be 2 square metres.
3. The pre-menu board sign shall have a maximum height of 3 metres above the surface of the ground.
4. The maximum area for the sign face of a menu board shall be 4.1 square metres for a single face.
5. The menu board sign shall have a maximum height of 3 metres above the surface of the ground.

6.15.15 On- Site Traffic Directional Sign

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

1. There shall be no limit to the number of on-site traffic directional signs on a lot.
2. An on-site traffic directional sign shall be confined to directing motor vehicle or pedestrian traffic and includes such signs as an entrance sign, an exit sign or a motor vehicle parking direction sign.
3. The maximum area for the sign face shall be 0.75 square metres for a single face.



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4. The sign shall have a maximum height of 1.2 metres above the surface of the ground.

6.15.16 Off-Site Directional Sign

1. Off-site directional signs, that direct traffic to a commercial or industrial development or use, shall not be permitted. Off-site directional signs related to a charitable, non-profit or municipally sponsored event, that direct traffic to a community facility may be permitted as determined by Council provided only one sign is erected per street frontage, the sign is erected for the duration of the event, and the location, size, and construction of the sign conforms to the requirements of Council.

6.15.17 Portable Sign

A portable sign shall be permitted provided:

1. The sign shall have a maximum of two sign faces.
2. The maximum sign face area shall be 9 square metres each sign face.
3. The maximum overall height of the sign from ground level to the top of the sign shall be 3 metres.
4. The sign shall be set back a minimum distance of 1.5 metres from a lot line. Where the sign is on a corner lot, the sign shall not be located within the sight triangle.
5. Not more than one sign is permitted at any one time on any property having a frontage of less than 20 metres. On lots with frontages greater than 20 metres, a minimum separation distance of 15 metres in shall be maintained between each portable sign.
6. The sign shall not interfere or obstruct access to or from a lot.
7. The sign shall not be placed on a portion of a lot that abuts a residential zone or existing residential lot.
8. If the sign is illuminated, the sign shall be of a designed approved by the Canadian Standards Association (CSA) and bear the CSA approval decal on the sign.
9. The sign shall be constructed in accordance with engineered drawings approved by Council.
10. The portable sign permit shall be valid for a period of 90 days from the date of issue by Council. Upon expiration of the sign permit, the sign is to be removed or a new sign application submitted to Council and such permits may be renewed for further periods of 90 days on application and approval.

6.15.18 Sidewalk Sign

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

1. The sign shall only be displayed or erected on the public street abutting the business and only in cases where it is not possible because of the size of the lot, to locate a ground or portable sign entirely on the lot on the same lot as the business for which the sign applies.
2. The sign shall have a maximum height of 1 metre.
3. The sign shall have a maximum of two sign faces.



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4. The sign shall have a maximum sign face of 0.55 square metres for each sign face.
5. The sign shall be displayed only between sunrise and sunset of every business day and shall be taken indoors at all other times.
6. The sign shall not be located within 3 metres of a driveway access.
7. The sign shall be located as close to the building face as possible and maintain a minimum unobstructed sidewalk width of 1.5 metres.
8. The sign shall be secured in accordance with the requirements of the Engineering Department.

6.15.19 Projecting Sign

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

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

6.15.20 Roof Sign

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

1. The sign shall not exceed the maximum permitted height of a building as specified in the use zone in which the building is located.
2. The height of a roof sign shall respect the scale of the building and neighborhood where it is located. The maximum height of a roof sign located on a flat roof building shall be 2 metres, whereas the maximum height of a roof sign located on a pitch roof shall be half the height of the roof pitch.
3. The sign shall not project beyond the exterior wall or walls of the building to which it is attached.
4. The electrical wiring of a roof sign shall be in accordance with the requirements of the Engineering Department.
5. The sign shall be anchored or secured to the building in accordance with the requirements of the Engineering Department.
6. The sign shall be constructed in accordance with engineered drawings approved by Council.



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SIGNS AND ADVERTISEMENT REGULATIONS September 2018

6.15.21 Wall Sign

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

1. A wall sign may be placed on a wall or building abutting any street or public highway provided the wall sign does not immediately face a residential lot or zone.
2. Unless otherwise determined by Council, the total area of all wall signs on any one architectural elevation of a building shall not exceed 20% of the building face.
3. The length of the sign shall not be longer than the horizontal measurement of the wall or building facade to which it is attached and the sign shall not extend beyond the end of the wall to which it is attached with the exception of wrap around signs.
4. A wall sign shall not project more than 30 centimetres from the wall of the building.
5. Where permitted by Council, a wall sign projecting over public property shall be erected with a vertical clearance not less than 3 metres in above the surface of the ground.
6. The wall sign shall be of an architectural scale and styling that is, in the opinion of Council, is in keeping with architectural scale and styling of the building to which it is attached.
7. No wall sign shall be permitted to cover any part of a required exit in a building or obstruct free access thereto or egress therefrom.
8. The sign shall be anchored or secured to the building in accordance with the requirements of the Engineering Department.

6.16 MULTI-TENANT BUILDING

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

6.17 SIGNS ALONG THE TRANS LABRADOR HIGHWAY (ROUTE 500)

The Government of Newfoundland and Labrador Highway Sign Regulations apply within 100 metres of all highways constructed and maintained by the Department Transportation and Works. The erection or placement of any sign within 100 inches of the road right-of-way of the Trans Labrador Highway (Route 500) is under the jurisdiction of the provincial Department of Transportation and Works and all signage must meet the conditions of the provincial government and Council:

1. The sign shall be approved in accordance with the provincial Highway Sign Regulations, and a highway sign permit must be obtained from the Government Service Centre.
2. The sign shall meet the conditions of Council for the particular type of sign as outlined in the use zone in which the sign is located.



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SIGNS AND ADVERTISEMENT REGULATIONS

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6.18 CESSATION OF USE

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

6.19 APPLICATION TO EXISTING SIGNS AND ADVERTISEMENTS

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

TOWN OF WABUSH DEVELOPMENT REGULATIONS

OFF-STREET PARKING REQUIREMENTS

September 2018

7.0 OFF-STREET PARKING REQUIREMENTS

7.1 OFF-STREET PARKING REQUIREMENTS

1. The off-street parking requirements for uses in the various use classes set out in Schedule A shall be as set out in the following table.
2. In the case of developments including uses in more than one use class, these standards shall be regarded as cumulative.
3. Adequate off-street provision for drop-off and pick-up of persons shall be provided in developments where required, such as uses within the educations, passenger assembly, child care, medical treatment and special care, commercial residential and take-out food service use classes.

7.2 GENERAL PARKING REQUIREMENTS

GROUP	DIVISION	CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
A	1	(a) Theatre	One space for every 5 seats
	2	(a) Cultural and Civic	One space for every 50 square metres of gross floor areas
		(b) General Assembly	One space for every 10 square metres of gross floor area
		(c) Educational	Schools - 2 spaces for every class room Further education - 1 space for every 5 persons using the facilities (students, faculty and staff)
		(d) Place of Worship	One space for every 5 seats
		(e) Passenger Assembly	As specified by the Authority
		(f) Club and Lodge	One space for every 3 persons that may be accommodated at one time
		(g) Catering	One space for every 3 customers that may be accommodated at one time
		(h) Funeral Home	One space for every 10 square metres of gross floor area
		(i) Child Care	One space for every 20 square metres of gross floor area
		(j) Amusement	One space for every 10 square metres of gross floor area
	3	(a) Indoor Assembly	One space for every 10 spectators that may be accommodated at one time.
	4	(a) Outdoor Assembly	As specified by the Authority

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OFF-STREET PARKING REQUIREMENTS

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GROUP	DIVISION	CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
B	1	(a) Penal and Correctional Detention	As specified by the Authority
C	2	(a) Medical Treatment and Special Care	One space for every 2 patients
	1	(a) Single Dwelling	Two spaces for every dwelling unit
		(b) Double Dwelling	Two spaces for every dwelling unit
		(c) Row Dwelling	Two spaces for every dwelling unit
		(d) Apartment Building	Three spaces for every 2-dwelling units
	2	(a) Collective Residential	As specified by the Authority
		(b) Commercial Residential	One space for every guest room
		(c) Seasonal Residential	One space for every residential unit
		(d) Mobile Home	Two spaces for every dwelling unit
D	1	(a) Office	One space for every 20 square metres of gross floor area
		(b) Medical and Professional	One space for every 20 square metres of gross floor area
		(c) Personal Service	One space for every 20 square metres of gross floor area
		(d) General Service	One space for every 20 square metres of gross floor area
		(e) Communications	As specified by the Authority
		(f) Police Station	As specified by the Authority
		(g) Taxi Stand	As specified by the Authority
		(h) Take-out Food Service	One space for every 20 square metres of gross floor area
		(i) Veterinary	One space for every 20 square metres of gross floor area
E	1	(a) Shopping Centre	One space for every 15 square metres of gross floor area
		(b) Shop	One space for every 20 square metres of gross floor area
		(c) Indoor Market	As specified by the Authority.
		(d) Outdoor Market	As specified by the Authority
		(e) Convenience Stores	One space for every 20 square metres of gross floor area
F	1	(a) Hazardous Industry	One space for every employee
	2	(a) General Industry	One space for every employee
		(b) Service Station	One space for every 20 square metres of gross floor area
	3	(a) Light Industry	One space for every employee

TOWN OF WABUSH DEVELOPMENT REGULATIONS

USE ZONES

September 2018

8.0 USE ZONES

8.1 USE ZONES

1. For the purpose of these Regulations, the Planning Area is divided into Use Zones shown on the Zoning Map attached to and forming part of these Regulations.
2. Where standards, requirements and conditions applicable in a Use Zone are not set out in the Use Zones, Council may in its discretion, determine the standards, requirements and conditions that shall apply.

Zone	Abbreviation
Residential Medium Density	RMD
Residential Small Lot	RSL
Cabin Development	CD
Commercial - Core	CC
Commercial – General	CG
Industrial – General	IG
Industrial – Light	IL
Industrial – Airport	IA
Public Use	PU
Open Space	OS
Conservation	CON
Rural	RUR
Mineral Workings	MW
Watershed - Municipal	WM

8.2 USE CLASSES

1. The specific uses to be included in each Use Class set out in the Use Zones shall be determined by Council in accordance with the classification and examples set out in Schedule A.

8.3 PERMITTED USES

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

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USE ZONES

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8.4 DISCRETIONARY USES

1. Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zones may be permitted in that Use Zone if Council is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if Council has given notice of the application in accordance with Regulation 3.29 and has considered any objections or representations that may have been received on the matter.

8.5 USES NOT PERMITTED

1. Uses that do not fall within the Permitted Use Classes or Discretionary Use Classes set out in the appropriate Use Zones, shall not be permitted in that Use Zone.

8.6 STANDARD CONDITIONS FOR ALL ZONES

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

8.6.1 Referrals- General Approvals by Provincial and Federal Government Agencies and Departments

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

8.6.1.1 Advertisements and other Developments fronting onto Provincial Highways

The province has designated "control lines" alongside each provincially maintained route, extending to 400 metres from the highway centre lines. The control area is reduced to 100 metres within municipal boundaries, unless otherwise noted. Off-site Promotional Signs falling within the designated control lines must be referred to the Government Service Centre. The Department of Transportation and Works should be notified of any other proposed developments within a highway control area, and must approve any new access off a provincial highway.

8.6.1.2 Agriculture and Farming

Approvals must be granted from the Department of Fisheries and Land Resources for any commercial farming operation. The Department of Government Services must approve manure systems.

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8.6.1.3 Crown Lands

Approvals must be obtained from the Lands Branch, Department of Fisheries and Land Resources. Referrals are made to the Government Service Centre, Goose Bay Office.

8.6.1.4 Forestry

Permits for commercial woodcutting or other forestry related activities can be obtained from the Department of Fisheries and Land Resources, Forest Service Branch, Goose Bay or the Wabush Town Office.

8.6.1.5 Mineral Workings, Mining and Mineral Exploration

Approvals and permits must be obtained from the Department of Natural Resources, Mineral Lands Division.

8.6.1.6 Archaeology Discovery

During site excavation works any artefacts or physical structures found of a historical nature shall be reported to the Provincial Archaeology Office, Department of Tourism, Culture, Industry and Innovation.

8.6.1.7 Waterways

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

Provincial

- Department of Fisheries and Land Resources for Crown Lands referrals
- Development of Environment and Conservation, Water Resources Management Division
- Any development within fifteen (15) metres of a body of water or the defined high water mark of a body of water must be approved by Crown Lands on crown owned lands

Federal

- Department of Fisheries and Oceans
- Coast Guard Canada – *Navigable Waters Act*.
- Fish Habitat Division
- Department of Municipal Affairs and Environment Any proposed development within 1.6 km of a landfill site shall be referred to the Department of Municipal Affairs and Environment for review
- Any proposed development within a Protected Watershed shall be referred to the Water Resources Management Division, Department of Municipal Affairs and Environment for review



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8.6.1.8 Department of Tourism, Culture, Industry and Innovation

Any proposed development of a hotel, motel, bed and breakfast, etc. (excluding hostel) shall be referred to the Department of Tourism, Culture, Industry and Innovation.

8.6.2 Development Over Easements

1. No development shall be permitted over any known easement, whether that easement has been assigned to the Town of Wabush, a department of the provincial or federal government, or any utility company (i.e., Newfoundland Power, telephone, cable television, Crown Land) without prior written approval from the easement holder.

8.6.3 Obstruction of Yards

1. No person shall obstruct, by the erection of a building or accessory building, any yard requirements to be provided by these Regulations. This restriction shall not apply to:
 - a. steps or platforms not projecting more than 2 metres into any required front yard, building line set back;
 - b. steps, excluding sunken or below grade entrance wells, not projecting more than 50% into any side yard; and
 - c. chimney breasts, eaves, sills, or cornices not projecting more than 0.5 metres into any required side yard, or more than 1 metres into any required front yard, building line set back or rear yard.

8.6.4 Conservation of Natural Environment and Aesthetic Areas

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

8.6.5 Shoreline Buffers

1. Generally, no development will be permitted within 15 metres of rivers or streams, or shoreline of lakes and ponds. Certain public works and passive recreational open space uses may be permitted as long as they will not be detrimental to the environmental and aesthetic quality of the area. Development of these areas will be subject to the approval of the federal Department of Fisheries and Oceans, and/or the provincial Department of Municipal Affairs and Environment.



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8.6.6 Advertisements Relating to On-site Uses

1. The conditions, which shall apply to the erection or display of a sign on any lot or site, occupied by a use permitted or existing as a legal non-conforming use in a use zone shall be as follows:
 - a. the size, shape, illumination and material construction of the sign shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks and the general amenities of the surrounding area; and
 - b. no sign shall exceed five (5) square metres in area.

8.6.7 Advertisements Relating to Off-site Uses

1. The conditions to be applied to the erection or display of a sign on any site, relating to a use permitted in a zone, or not relating to a specific land use, shall be as follows:
 - a. each sign shall not exceed three (3) square metres in area;
 - b. when the signage relates to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of and the distance or direction to the premises to which they relate; and
 - c. the location, siting and illumination of each sign shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

8.6.8 Habitat Management Unit

1. The Wabush Zoning map shows seven (7) defined areas that are designated Habitat Management Units (or Area). The Habitat Management Unit buffer shall be 15 metres from the highwater mark around the shorelines of ponds, rivers or identified wetlands.
2. Any proposal for development shall be sent for a 15-day referral to Wildlife Division, Department of Municipal Affairs and Environment for review and comments.
3. Passive recreation uses may be permitted provided no motorized recreation vehicles are used. During winter months, snowmobiles use shall be permitted.
4. Any application for development on lands adjacent to Habitat Management Unit that may have negative impact on the sensitive wetlands or waterfowl habitat may also be referred to Wildlife Division for review and comments before the Council issues any permits for development.

8.6.9 Corner Lots

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



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8.6.10 Development on Multiple Lots

1. Development on multiple lots, including rear-yard property extensions, shall be prohibited in all zones. Application may be accepted for the assembly of lots for which consideration may be given, but not limited to, the size of the proposed development.

8.6.11 Site Plan

- a. The development of land uses may be subject to a site development plan that has been approved by Council.
- b. The developer shall submit to Council an acceptable development plan, where applicable, including the following:
 - i. the number and location of parking spaces;
 - ii. ingress and egress of the parking lot;
 - iii. motor vehicle circulation pattern around the lot;
 - iv. location of buildings on the lot; and
 - v. area to be landscaped and screened and the type of landscaping to be used.

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USE ZONES
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8.7 RESIDENTIAL MEDIUM DENSITY

8.7.1 Permitted Uses

- Single Dwelling
- Double Dwelling
- Recreation Open Space
- Conservation

8.7.2 Discretionary Uses

- Row Dwelling
- Subsidiary Apartment
- Apartment Building
- Garden Suite (granny flat)
- Child Care
- Bed and Breakfast
- Boarding House Residential
- Office
- Personal Service
- Medical and Professional
- Convenience Store
- Place of Worship
- Educational
- Medical Treatment and Special Care (personal home only)
- General service (upholstery, small tool and appliance repair only)
- Antenna
- Catering
- Commercial Residential (temporary workers housing only)

8.7.3 Lot Standards

Standard	Where Permitted (with water and sewer)						
	Single Dwelling	Double Dwelling	Row Dwelling	1 Bed Apt.	2 Bed Apt.	3 Bed Apt.	4 Bed Apt.
Lot area (m²) minimum	450**	360**	350* (average)	200	250	280	300
Floor area (m²) minimum	80	60*	65*	40*	50*	60*	70*
Frontage (m) minimum	15	26	10* (average)	36			
Building Line Setback (m) (minimum)	5	5	7.5	8			
Side yard Width (m) (minimum)	1	1	2	5			
Rear yard Depth (m) (minimum)	6	6	6	10			
Lot Coverage (%) (maximum)	36	36**	36**	33			
Height (m) (maximum)	8	8	10	10			
* Per dwelling unit							
** With Town water and sewer							

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8.7.4 Conditions

8.7.4.1 Discretionary Uses - Site Standards

Where permitted, a place of worship and an educational use shall conform to the frontage, building line setback, side yard, rear yard, lot coverage and height requirements specified for a single dwelling. Such uses shall also have proper vehicular and pedestrian access and have off street parking as required in Section 7 of these Regulations.

8.7.4.2 Accessory Buildings

All accessory buildings shall meet the following conditions:

- a. All accessory buildings shall have a combined maximum lot coverage not exceeding 9%, up to a maximum floor area of 82 square metres, whichever is less.
- b. An accessory building shall not be permitted in front of a building line.
- c. All accessory buildings shall be subject to the same minimum side yard requirements as the lots on which they are situated. In the cases of Double or Row Dwelling developments where there are no side yards, only side property lines in the rear yard between adjoining dwellings, all accessory buildings shall be located a minimum of 1 metre from all side property lines.
- d. An accessory building shall be located a minimum of 1 metre from rear lot line.
- e. An accessory building located in rear yard shall be located a minimum of 1.5 metres from main residence on the lot.
- f. The maximum height of an accessory building shall be 3 to 6 metres.
- g. An accessory building (private garages only) maybe permitted in the side yard at Council discretion.
- h. Within the rear yard of a Double or Row Dwelling development no accessory building development shall be permitted that would block access to neighboring properties for the purpose of fire protection, delivery of utilities and snow clearing operations.
- i. All accessory buildings are to be used strictly for ancillary purposes to the permitted uses listed in this use zone. Home-based Business are permitted in accessory buildings. Accessory buildings for residential properties shall not be used for nonresidential uses without permission of Council.
- j. Aside from minor vehicle maintenance, no person shall use an accessory building for the purpose of performing major repairs, painting, dismantling, or scrapping of vehicles or machinery.
- k. On Shea Street, where residents have access to rear of their properties for parking via a public street, Council under its discretionary authority, may permitted the development of accessory buildings on the opposite side of the street. The development of any accessory building will be subject to conditions outlined in a permit issued by Council.
- l. Where there is public road or right of way located between Double Dwellings or Row Dwellings the minimum side yard width requirement shall be set at 3 metres. Where two



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separate Double or Row Dwellings are located side by side with adjoining side yards the minimum side yard width shall be 2 metres.

- m. Only electric heat shall be permitted in an accessory building.

8.7.4.3 Subsidiary Apartments

Subsidiary apartments may be permitted in self-contained dwellings only, and for purposes of calculating lot area and yard requirements, shall be considered part of the self-contained dwelling. However, provision shall be made for at least two off street parking spaces with the inclusion of a subsidiary apartment.

8.7.4.4 Bed and Breakfast

A dwelling to be used for the purpose of providing room and board for tourists or the travelling public, may be permitted as a discretionary use provided:

- a. the use does not detract from the residential character of the neighbourhood;
- b. the use is carried out by a resident of the dwelling;
- c. provision for off-street parking for each guest will be required and shall be in the side yards and rear yards of subject properties;
- d. the dwelling is hooked-up to municipal water and sewer systems;
- e. the Hospitality Home shall be licensed under Provincial Tourist Establishment Regulations; and
- f. require Service NL approval for life and safety inspection by Fire Chief.

8.7.4.5 Boarding House Residential

1. The dwelling in which the boarding house residential use is carried out is similar in exterior finish, design, height and scale to a private residential building.
2. One parking space shall be provided on the lot for each guest room up to the maximum as provided under the Town of Wabush Occupancy and Maintenance Regulations.
3. A parking area shall be screened by a fence, or hedge.
4. The maximum number of guest rooms shall be six which shall be in accordance with any requirements as prescribed by the Government Service Centre.
5. The use is carried out by a resident of a single, double or row dwelling.
6. Occupancy is subject to annual approval in accordance with but not limited to:
 - a. proof of general liability insurance for the type of use;
 - b. endorsement requiring the insurer to notify the Town in the event there is a change in coverage, cancellation or the policy lapses;
 - c. annual life safety inspections; and
 - d. Town of Wabush Occupancy and Maintenance Regulations.
7. A lapse in insurance coverage or failure to meet life safety requirements shall result in the immediate termination of the occupancy permit.
8. A Hospitality Home may be permitted provided:



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- a. The use is carried out by the owner of a single, double or row dwelling. In the event the applicant is not the owner of the dwelling, the applicant must provide the Town with a copy of the rental accommodation agreement with the owner. Residency of the operator and licensing with a provincial authority is required; and
- b. The establishment is licensed under the Provincial Authority.

8.7.4.6 Parks and Playground

Parks and playgrounds may be located on backlands but shall have at least one 5-metre-wide vehicular access directly onto a public street. If parks and playgrounds are located in front of the building line on a street frontage than a fence, hedge or barriers not higher than 1 metre shall be constructed along the frontage lot line.

8.7.4.7 Proportion of Higher Density Dwellings

In each Residential Medium Density Zone, there shall be not more than 50% apartments, row dwellings, or a combination of apartments and row dwellings, the remainder being single or double dwellings.

8.7.4.8 Separation Distance Between Dwellings Without Public Street

Where dwellings other than apartments face each other without a street in between, they shall be no closer than 18 metres. Where apartments face each other without a street in between, they shall be no closer than 21 metres.

8.7.4.9 Backlot Development

Backlot development application will be assessed to ensure that the proposed lot:

- a. be for single dwelling residential purposes;
- b. not be an extension to an existing Town road;
- c. be an efficient use of land; and
- d. where required by the Department of Government Services or Department of Municipal Affairs and Environment be integrated with the Town's water and sewer lines unless it is financially or physically impractical to do so, in which case private onsite servicing must be installed. The cost of connecting with the Town's services or provision of private services shall be borne by the developer.

The driveway must:

- a. be at least 3 metres in width with a driving width 2.5 metres (8.2 feet);
- b. be no greater than 152 metres in length;
- c. have a slope of no more than 6%;
- d. consider stormwater management so that stormwater does not negatively affect adjacent properties;
- e. properly maintained to a standard maintained by the Town; and
- f. be approved by the Town.



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8.7.4.10 Garden Suite (Granny Flat)

Granny flat shall:

- a. established in conjunction with another single unit dwelling (the Main Building);
- b. the owner of the lot shall reside in either the one-unit Main Building or the granny flat;
- c. be located on the same lot of land as the Main Building;
- d. may be within, attached to, or separate from the Main Building;
- e. not exceed maximum lot coverage not exceeding 9%, up to a maximum floor area of 82 square metres, whichever is less;
- f. not exceed a maximum of 6 metres in height;
- g. be located a minimum of 1 metre from rear lot line for detached granny flat and a minimum of 6 metres from rear lot line for attached granny flat;
- h. a granny flat located in rear yard shall be located a minimum of 1.5 metres from main residence on the lot;
- i. be serviced with municipal sewer and water, but such servicing shall be from the same laterals as the main building on the lot;
- j. have driveway access to the street shall be common to both the one-unit dwelling and the granny flat;
- k. not be separated by subdivision, condominium or any other means from the lot containing the one-unit dwelling; and
- l. not be a bed and breakfast, child care, home occupation, or supportive housing is permitted in any building on the lot.

8.7.4.11 Medical Treatment and Special Care

The Medical Treatment and Special Care use class will be limited to a personal care home.

8.7.4.12 Advertisement

Notwithstanding regulations in Section 6.15, the conditions which shall apply to the erection or display of an advertisement on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone, shall be as follows:

On Building

- a. The sign on the building shall be inconspicuous and blend in with the residential property and the general amenities of the surrounding area. The sign shall not rise above the roof line or be situated on the roof of a building.
- b. Sign on building shall be constructed of materials as required by Council.
- c. Illumination of sign on building will be specified by Council.
- d. Advertising for on-site business on building shall be no greater than 1 square metre.



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On Site

- a. The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding residential area.
- b. Free standing portable illuminated signs ("yellow" or "Light Up Portable Signs") will not be allowed in the residential- medium density zone.
- c. Not subject to (b) portable illuminated signs may be allowed for advertising special events on a temporary basis at the discretion of Council.
- d. Signs shall blend into the residential area and landscaping.
- e. No advertisement shall exceed 1.5 square metres in area.

8.7.4.13 Office, Medical and Professional Service, Personal Service, as Home Occupation

Office, Medical and Professional Service, Personal Service, and uses may be permitted as a discretionary use within the Residential Medium Density Zone, provided they are carried out as home occupations in the residential dwelling. Such businesses may be operated in the dwelling by its occupants, in the form self-employed business office, doctor's consulting rooms, small business services, personal services like hair salon, animal grooming, light industrial uses that are only workshops, such as craft, or small appliance repair and similar uses, provided they meet the following requirements:

- a. The dwelling unit is occupied as a residence by the professional or business user;
- b. Permit for a Home Occupation shall not be approved if that service or commodity is available in the Business Section of the Town;
- c. Home occupation or business may have outside clients; however, the development shall meet all other conditions as listed in this development condition to be permitted to service outside clients;
- d. The use is clearly subsidiary to the residential use, and does not detract from the residential character of the surrounding area;
- e. No more than 25% of the total floor area, up to a maximum of 45 square metres, is devoted to such a use;
- f. The home business use shall not alter the principle character or exterior appearance of the dwelling unless changes are consistent with permitted home renovations;
- g. No wholesale sales or storage of goods is carried out, and any retail sales shall be incidental and subsidiary to the approved use;
- h. Repairs to vehicles or heavy machinery shall not be permitted as a business use;
- i. The home occupation and business shall be limited to an occupant of the residential dwelling. Non-resident employees shall not be permitted;
- j. Any home business involving instructional activity shall be limited to a maximum of two students at a time;



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- k. Activities associated with the use are not hazardous, and do not cause noticeable noise, odour, dust, fumes, night lights, or other inconvenience or nuisance to the neighbouring residents;
- l. There shall be no open storage of materials, equipment, products, unsightly materials or waste outdoors;
- m. No change will be made in the type, class, intensity or extent of the business or service without a permit;
- n. The development must meet the minimum parking requirements as outlined in Schedule D and any other restrictions on parking that Council may deem necessary to protect the amenity of the residential area;
- o. The use shall not result in increased traffic flow or vehicular congestion in the area; and
- p. The development and operation of the home based business will be subject to conditions outlined in a permit issued by Council.

8.7.4.14 Convenience Stores

Convenience stores may be permitted in the Residential Medium Density zone provided that the convenience store is located within an apartment building having more than 50 units. The placement of main door, parking, lights, garbage disposal and similar considerations shall minimize impact of the convenience store on the residential character of the area.

8.7.4.15 Corner Lots

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

8.7.4.16 Apartment Building Height

- a. Apartment Buildings shall be at the discretion of Council and shall have a maximum height of 10 metres.
- b. Council shall have discretion to allow Apartment Buildings fronting on Grenfell Drive to exceed the maximum height of 10 metres, to a maximum height of 14 metres.

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8.8 RESIDENTIAL SMALL LOT

8.8.1 Permitted Uses

- Mobile Home
- Single Dwellings
- Recreation Open Space
- Conservation

8.8.2 Discretionary Use

- Double Dwelling
- Child Care
- Bed and Breakfast
- Office
- General Service (Upholstery, Small Tool and Appliance Repair Only)
- Personal Service
- Medical and Professional
- Antenna
- Catering
- Commercial Residential (Temporary Workers Housing Only)

8.8.3 Lot Standards

Standards	Dwelling
Lot Area (sq. m) (Minimum)	360 m ²
Floor Area (sq. m) (Minimum)	60 m ²
Floor Area (sq. m) (Maximum)	Single unit 96 m ² Double Wide unit 200 m ²
Lot Frontage(m) (Minimum)	12.2 m
Rear yard Depth (Minimum)	2.6 m
Side yard Width (Minimum)	1.5 m
Building Line Setback (Minimum)	4 m
Building Line Setback (Maximum)	8 m
Lot Coverage % (Maximum)	50
Height (Maximum)	6 m (Single unit) 8 m (Double wide unit)

Refer to Regulation 8.7.3 for Lot Standards for Double Dwelling.

8.8.4 Conditions

8.8.4.1 Clearance Beneath Mobile Home

All mobile homes shall be blocked up, with approved materials, so that there is a minimum clearance of 0.6 metres from the underside of the steel beam frame to the ground. The maximum clearance shall be 1.2 metres from the underside of the frame to the ground.



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8.8.4.2 Skirting of the Mobile Home

When the mobile home is in the correct position and secured in place the open space beneath it shall be skirted with a minimum 1.25 centimetre plywood or equivalent, secured to a minimum 5 centimetre x 5 centimetre framing on 60 centimetre centres.

8.8.4.3 Outdoor Living Area

A mobile home lot shall have a minimum of 40 square metres for outdoor living area. This area shall be located at the rear and side (or combination of both) of the mobile home. The purpose of the outdoor living area is to provide an area for privacy, recreation, and amenity.

8.8.4.4 Accessory Building

- a. All accessory buildings shall have a combined maximum lot coverage not exceeding 18%, up to a maximum floor area of 30 square metres, whichever is less.
- b. An accessory building shall be 6 metres from the lot line abutting a street allowance; in the case of a corner lot, one street line will apply, namely the street that is perpendicular to the long side of the mobile home; the setback from the lot line abutting the street allowance of the other street will be 3.6 metres.
- c. All accessory buildings shall be subject to the same minimum side yard requirements as the lots on which they are situated.
- d. An accessory building shall be located a minimum of 1 metre from rear lot line.
- e. An accessory building shall be located a minimum of 1.5 metres from Mobile Home. This minimum separation will not apply to patios or decks.
- f. The maximum height of an accessory building shall be 4.5 to 6 metres.
- g. An accessory building (private garages only) maybe permitted in the side yard at Council discretion.
- h. Only electric heat shall be permitted in an accessory building.
- i. All accessory buildings are to be used strictly for ancillary purposes to the permitted uses listed in this use zone. Accessory buildings for residential properties shall not be used for nonresidential uses without permission of Council.
- j. Aside from minor vehicle maintenance, no person shall use an accessory building for the purpose of performing major repairs, painting, dismantling, or scrapping of vehicles or machinery.

8.8.4.5 Office, Medical and Professional Service, Personal Service, as Home Occupation

As described in Condition 8.7.4.13 in the Residential Medium Density Zone.

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8.9 CABIN DEVELOPMENT

8.9.1 Permitted Uses

- Single Dwelling
- Recreation Open Space
- Conservation

8.9.2 Discretionary Uses

- Shop*

*a shop accessory to one of the foregoing permitted uses

8.9.3 Lot Standards

Standards	Lot Size	Frontage (m)
Minimum Lot Area (sq. m)	3,000	30
Maximum Lot Area (sq. m)	4,000	45
Note: Crown lands surrounding a lake or pond or along a river or the seashore is to be reserved (15 m).		

8.9.4 Conditions

8.9.4.1 Accessory Buildings

a. General

- All construction of attached or detached buildings that are accessory to the main use of the primary dwelling are considered accessory buildings.
- Accessory buildings are to be used strictly for ancillary purposes to the permitted uses listed in this use zone. Accessory buildings for residential properties shall not be used for non-residential uses without permission of Council.
- Accessory buildings except for canvas sheds, shall be constructed in a similar nature, in terms of architectural design and aesthetics to the main building.
- Aside from minor vehicle maintenance, no person shall use an accessory building for performing major repairs, painting, dismantling, or scrapping of vehicles or machinery.
- ISO shipping or freight containers shall be prohibited for use as an accessory building in the Cabin Development Zone.

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b. Development Standards

Description	Lot Size <557 m ²	Lot Size > 557 m ²
Maximum Lot Coverage* (primary + accessory buildings)	40%	40%
Maximum Cumulative Area * (all accessory buildings)	floor area primary dwelling	floor area primary dwelling
Maximum Area**	65 m ²	83.6 m ²
Domestic Green House Maximum one per lot	55.7 m ² (max)	55.7 m ² (max)
Height	6 m (max)	6 m (max)
Building Line Set back	see Use Zone	see Use Zone
Min Separation Distance between buildings***	1.2 m	1.2 m
Min distance from Side Lot Line (rear yard only)****	1 m	1 m
Min distance from Rear Lot Line****	1 m	1 m
* excluding structures without a roof ** excluding greenhouses *** not applicable to patios and decks **** an accessory building that is attached to the main building, the minimum side yard width and minimum rear yard for the main building shall apply		

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8.10 COMMERCIAL - CORE

8.10.1 Permitted Uses

- Shop
- Convenience Store
- Shopping Centre
- Theatre
- Culture and Civic
- Passenger Assembly
- Office
- Catering (Not Lounges)
- Medical and Professional
- Personal Service
- General Service
- Taxi Stand
- Communications
- Veterinary

8.10.2 Discretionary Uses

- Funeral Home
- Child Care
- Apartment Building
- Commercial Residential
- Indoor Market
- Outdoor Market
- Amusement
- Recreation Open Space
- Light Industry
- Clubs and Lodges
- Antenna
- Collective Residential (Temporary Workers Accommodation)

8.10.3 Development Standards

Building Line Setback (min)**	4 m
Side Yard (min)	4 m
Rear Yard (min)	6 m
Height (max)*	15 m
* Refer to Regulation 4.5 Building Height.	
** Refer to Regulation 4.6 Building Line Setback.	

8.10.4 Conditions

8.10.4.1 Parking and Access

As described in Regulations 4.16 and 4.17.

8.10.4.2 Landscaping

Council shall specify landscaping of the lot.

8.10.4.3 Apartment Buildings

- a. Apartment buildings or apartments shall only be permitted above the main floor of a commercial use or other permitted use within the zone.



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- b. Apartment building development standards shall conform to those as specified in the Residential Medium Density Zone.
- c. Each apartment shall meet the parking requirements as outline in Regulations 4.16 and 4.17.
- d. Where apartment buildings face each other without a street in between, they shall be no closer than 21 metres.

8.10.4.4 Outdoor Market

Vehicle sales/car lots shall not be permitted within this use zone.

8.10.4.5 Development Criteria

Any development in this zone will be subject to the following:

- a. Development shall be designed and maintained to a high standard regarding safety and appearance.
- b. Winter City Design Elements:
 - i. Incorporate design strategies to block wind, particularly prevailing winds and downdrafts.
 - ii. Maximize exposure to sunshine through orientation and design.
 - iii. Use colour to enliven the winterscape.
 - iv. Create visual interest with light, while being mindful of density, spread and colour.
- c. Design and provide infrastructure that supports desired winter life and improves comfort in cold weather
- d. Access points to the street must be limited in number and designed for maximum safety of pedestrians and vehicles.
- e. Where necessary, screening shall be required through the provision of trees, shrubs, berms, landscaping or fencing between uses that are deemed non-compatible by the Council.

8.10.4.6 Light Industry

Light Industry uses shall be limited to fully enclosed operations which do not create excessive pollution of any kind and which do not detract from the commercial nature of the Commercial Core District. Outdoor storage may be permitted at the discretion of Council.

8.10.4.7 Buffer

Council shall require a buffer between uses in this zone and residential zones. A buffer may take the form of landscaped area, planted area and make use of fencing. Council may specify the use of one or a combination of the foregoing. The purpose of a buffer shall be to provide separation, privacy and protection to a residence or residential zone.



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8.10.4.8 Temporary Workers Residence

Temporary Worker's Residence shall be:

- a. Limited to the duration of a specific project for a short duration and located in an area buffered from other uses within the zone.
- b. Temporary site infrastructure including water supply and sewage disposal shall be supplied and at the cost of the developer
- c. The site shall be reclaimed to its original condition and to the satisfaction of Council.
- d. Uses shall be limited to mobile homes, and modular homes, portable units for workers' quarters or other units as approved by Council.
- e. The maximum height for any Temporary Worker's Residence shall be 10 metres.

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8.11 COMMERCIAL – GENERAL

8.11.1 Permitted Uses

- Shopping Centre
- Police Station
- Theatre
- Convenience Store
- Office
- Communications
- Veterinary Shop
- General Service
- Taxi Stand
- Passenger Assembly
- Personal Services
- Cultural and Civic
- Medical and Professional
- Child Care
- Indoor Market

8.11.2 Discretionary Uses

- Outdoor Market
- Service Station
- Automotive Sales
- Commercial Residential
- Collective Residential
- General Assembly
- Indoor Assembly
- Amusement
- Catering
- Education
- Club and Lodge
- Place of Worship
- Take-Out Food Service
- Funeral Home
- Light Industry
- Antenna

8.11.3 Development Standards Development Standards

Building Line Setback (min)**	4 m
Side Yard (min)	5 and 1 m
Rear Yard (min)	10 m
Height (max)*	10 m
* Refer to Regulation 4.5 Building Height.	
** Refer to Regulation 4.6 Building Line Setback.	

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8.11.4 Conditions

8.11.4.1 Advertisements

Notwithstanding regulations in Section 6.15, the conditions that shall apply to the erection or display of an advertisement on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone, shall be as follows:

Onsite Uses

- a. The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- b. No advertisement shall exceed 5 square metres in area.

Offsite Uses

- a. Each advertisement shall not exceed 3 square metres in area.
- b. When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to the premises to which they relate.
- c. The location, siting and illumination of each advertisement shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

8.11.4.2 Accessory Building

Accessory buildings shall have a lot coverage up to a maximum of 7% of the total lot area, a height of no more than 8 metres, and requires Service NL approval.

8.11.4.3 Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council provided that their development will not inhibit or prejudice the existence or the development of permitted use classes, and that activities associated with a discretionary use are not hazardous and will not cause an unacceptable increase in vehicular traffic, level of noise, odours, dust or fumes or inconvenience for adjoining residences of residential areas.

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8.11.4.4 Light Industry

Light Industry is permitted as a discretionary use provided all the following conditions are met:

- a. Uses will be compatible with surrounding uses and shall not detract from the amenity of the surrounding area.
- b. Uses must be enclosed within a building with no manufacturing or storage taking place outside the building.
- c. Uses must locate in a building existing at the time these Regulations come into effect. Construction of new buildings will not be permitted.

8.11.4.5 Club and Lodge

Properties containing Community Service Clubs are zoned Commercial - General with the intention that existing service clubs be retained but that no other use classes within the Commercial - General zone be permitted.

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8.12 INDUSTRIAL – GENERAL

8.12.1 Permitted Uses

- General Industry
- Light Industry
- Service Station
- Office
- Transportation

8.12.2 Discretionary Uses

- Office
- Medical and Professional
- Shop
- Personal Service
- General Services
- Communications
- Police Station
- Animal
- Taxi Stand
- Take-Out Food Service
- Veterinary
- Recreation Open Space
- Antenna
- Temporary Workers Residence (Housing)

8.12.3 Development Standards

Building Line Setback (min)**	8 m
Side Yard (min)	5 and 1 m
Rear Yard (min)	15 m
Height (max)*	14 m
* Refer to Regulation 4.5 Building Height.	
** Refer to Regulation 4.6 Building Line Setback.	

8.12.4 Conditions

8.12.4.1 Advertisement

As described in Condition 8.11.4.1 in the Commercial - General Zone.

8.12.4.2 Accessory Building

Accessory buildings shall have a lot coverage up to a maximum of 7% of the total lot area, a height of no more than 8 metres, a minimum rear yard setback of 10 metres, and requires Service NL approval.



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8.12.4.3 Services

Industrial development shall not be permitted in this zone unless adequate services and firefighting capability designed to meet the needs of the particular industrial uses permitted, are available. Industrial businesses must provide adequate off-street parking for all employees. Customer parking may be provided in the street right of way by the construction of suitable bays in which parked vehicles will not interfere with moving traffic.

8.12.4.4 Discretionary Use Classes

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

8.12.4.5 Service Stations and Garages

The following requirements shall apply to all proposed service stations and garages:

- a. All gasoline pumps shall be located on pump islands designed for such purposes, and to which automobiles may gain access from either side.
- b. Pump islands shall be set back at least 4 metres from the front lot line.
- c. Accesses shall not be less than 7 metres wide and shall be clearly marked, and where a service station is located on a corner lot, the centre line of any access shall be at least 30 metres from the centre line of the junction.
- d. Surface run-off shall be directed to an oil/water separator before discharging into any storm sewer or any other surface or sub-surface drainage system.

8.12.4.6 Storage of Materials

No business or commercial operation shall store materials, vehicles, heavy equipment or stock pile waste materials within the front yard of any property. Storage shall be permitted behind the building or along the side yard, provided a screen is provided to reduce visibility of the area.

8.12.4.7 Temporary Worker's Residence

Temporary Worker's Residence shall be:

- f. Limited to the duration of a specific project for a short duration and located in an area buffered from other uses within the zone.
- g. Temporary site infrastructure including water supply and sewage disposal shall be supplied and at the cost of the developer
- h. The site shall be reclaimed to its original condition and to the satisfaction of Council.
- i. Uses shall be limited to mobile homes, and modular homes, portable units for workers' quarters or other units as approved by Council.
- j. The maximum height for any Temporary Worker's Residence shall be 10 metres.



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8.12.4.8 Animal Kennel

Kennels may be permitted as a discretionary use provided the use does not conflict with other permitted or existing uses.

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8.13 INDUSTRIAL – LIGHT

8.13.1 Permitted Uses

- Light Industry
- Service Station
- Passenger Assembly
- Agriculture (Nursery Only)
- Transportation

8.13.2 Discretionary Uses

- Data Centres
- Catering
- Taxi Stand
- Shopping Centre
- Shop
- Office
- Indoor Market
- Outdoor Market
- Convenience Store
- Education
- Commercial Residential
- Medical and Professional
- Personal Service
- General Services
- Communications
- Police Station
- Take-Out Food Service
- Veterinary
- Animal
- Recreation Open Space
- General Industry
- Antenna

8.13.3 Development Standards

Building Line Setback (min)**	8 m
Side Yard (min)	5 and 1 m
Rear Yard (min)	15 m
Height (max)*	14 m
* Refer to Regulation 4.5 Building Height.	
** Refer to Regulation 4.6 Building Line Setback.	

8.13.4 Conditions

8.13.4.1 Advertisement

As described in Condition 8.11.4.1 in the Commercial - General Zone.

8.13.4.2 Accessory Building

As described in Condition 8.11.4.2 in the Commercial - General Zone.



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8.13.4.3 Services

As described in Condition 8.12.4.3 in the Industrial - General Zone.

8.13.4.4 Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses. Industrial uses judged to be incompatible with surrounding developments due to excessive noise, smell, chemical usage, or other impacts shall not be permitted.

Discretionary uses shall be considered only in the Industrial Park, as the two other areas are zoned Light Industrial (see Zoning Map) to permit the continuation of existing Light Industrial uses only.

8.13.4.5 Animal Uses

No animal uses will be located closer than 300 metres to a Residential Medium Density or Residential Small Lot use zone.

8.13.4.6 Education

Only education uses providing industrial training shall be permitted in the Industrial - Light zone.

8.13.4.7 Service Stations and Garages

As described in Condition 8.12.4.5 in the Industrial - General Zone.

8.13.4.8 Storage of Materials

As described in Condition 8.12.4.6 in the Industrial - General Zone.

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8.14 INDUSTRIAL – AIRPORT

8.14.1 Permitted Uses

- Transportation
- Passenger Assembly
- General Industry *
- Light Industry*
- Shop*

* Only permitted if directly related to airport operations.

8.14.2 Discretionary Uses

- Personal Service
- Taxi Stand
- General Service

8.14.3 Conditions

8.14.3.1 Transport Canada Airport Regulations

Transport Canada regulations have full jurisdiction with respect to airport operations.

8.14.3.2 Discretionary Uses Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council provided that they are complimentary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses.

8.14.3.3 General Industry, Light Industry and Shop

General Industry, Light Industry and Shop will only be permitted if directly related to airport operations. Indoor vehicle storage is only permitted in existing buildings.

8.14.3.4 Advertisements

As described in Condition 8.11.4.1 in the Commercial - General Zone.

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8.15 PUBLIC USE

8.15.1 Permitted Uses

- Educational
- General Assembly
- Place of Worship
- Child Care
- Recreation Open Space
- Cultural and Civic
- Shop*

*a shop accessory to one of the foregoing uses

8.15.2 Discretionary Uses

- Indoor Assembly
- Outdoor Assembly
- Collective Residential
- Antenna
- Cemetery
- Office
- Medical and Professional

8.15.3 Development Standards

Minimum Building Line Setback	10 metres
Minimum Side yard Width	5 and 1 metres
Minimum Rear yard Depth	15 metres
Maximum Height	14 metres

8.15.4 Conditions

8.15.4.1 Shop

A shop will only be permitted as accessory to a permitted use.

8.15.4.2 Discretionary Uses Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council provided that they do not conflict with the satisfactory operation of existing facilities or the future development of public uses.



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8.15.4.3 Compatibility with Residential Uses

All proposals for public uses will be reviewed to ensure that impact on adjacent residential areas in terms of traffic, noise and hours of operations will be minimized.

8.15.4.4 Access and Parking

- a. Accesses to a public street will be shared, where possible, and limited to ensure vehicular and pedestrian safety.
- b. All accesses shall be designed to ensure vehicular and pedestrian safety.
- c. Parking and loading facilities shall be designed to meet occupancy capacity for the use and designed to ensure vehicular and pedestrian safety.

8.15.4.5 Advertisement

As described in Condition 8.11.4.1 in the Commercial - General Zone.

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8.16 OPEN SPACE

8.16.1 Permitted Uses

- Recreation Open Space
- Conservation

8.16.2 Discretionary Uses

- Indoor Assembly
- Outdoor Assembly
- Take-out Food Service
- Antenna

8.16.3 Conditions

8.16.3.1 Advertisement

Notwithstanding Regulation Section 6.15, the conditions that shall apply to the erection or display of an advertisement on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone, shall be as follows:

Onsite Uses

- i. The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- ii. No advertisement shall exceed 5 square metres in area.

8.16.3.2 Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council provided that they are subsidiary in size and function to uses within the permitted use classes and where their development will not inhibit or prejudice the existence or the development of such uses. Further provisions to the discretionary use classes are as follows:

- i. Buildings clearly accessory to the Recreational open space use may be permitted.
- ii. Catering and take-out food service may be permitted only as an accessory to a permitted or an approved discretionary use by temporary permit.

8.17 CONSERVATION

8.17.1 Permitted Uses

- Conservation

8.17.2 Discretionary Uses

- Forestry
- Antenna

8.17.3 Conditions

8.17.3.1 Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council provided that they are complementary to and compatible with uses within the permitted use classes.

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8.18 RURAL

8.18.1 Permitted Uses

- Agriculture
- Forestry
- Recreation Open Space

8.18.2 Discretionary Use

- Single Dwelling
- Outdoor Assembly
- Mineral Working
- Cemetery
- Horticulture
- Antenna
- General Industry

8.18.3 Conditions

8.18.3.1 Advertisement

Notwithstanding regulations in Section 6.15, the conditions that shall apply to the erection or display of an advertisement on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone, shall be as follows:

Onsite Uses

- i. The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- ii. No advertisement shall exceed 5 square metres in area.

Offsite Uses

- i. Each advertisement shall not exceed 3 square metres in area.
- ii. When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to the premises to which they relate.
- iii. The location, siting and illumination of each advertisement shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.



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8.18.3.2 Discretionary Use Classes

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

8.18.3.3 Single Dwelling as an Accessory to Permitted Uses

A single dwelling may be permitted provided it is an accessory to and needed for the on-site supervision of a permitted use.

8.18.3.4 Mineral Workings

The conditions set out in the Mineral Workings Zone that apply to Mineral Working uses shall apply to Mineral Workings uses in this zone.

8.18.3.5 General Industry

Council may approve industrial uses within the old incinerator site provided that the use complies with provincial requirements for site remediation and re-use.

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8.19 WATERSHED - MUNICIPAL

Permitted Uses

- Public Utilities (Water Treatment and Pump House)
- Conservation

8.19.1 Discretionary Uses

- Recreation Open Space
- Antenna
- Clubs and Lodges (Recreational)

8.19.2 Development Standards

As determined by Council.

8.19.3 Conditions

8.19.3.1 Development within Watershed - Municipal Area

Development within Protected Watershed Area shall be referred to the Water Resources Division of the Department of Municipal Affairs and Environment.

8.19.3.2 Recreation

Only passive recreational activities such as hiking and cross country skiing shall be permitted in the protected watershed area.

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8.20 MINERAL WORKINGS

8.20.1 Permitted Uses

- Mineral Workings

8.20.2 Discretionary Uses

- General Industry
- Light Industry
- Hazardous Industry
- Solid Waste
- Antenna

8.20.3 Conditions

8.20.3.1 Advertisement

Notwithstanding regulations in Section 6.15, the conditions that shall apply to the erection or display of an advertisement on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone, shall be as follows:

Onsite Uses

- i. The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- ii. No advertisement shall exceed 5 square metres in area.

Offsite Uses

- i. Each advertisement shall not exceed 3 square metres in area.
- ii. When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to the premises to which they relate.
- iii. The location, siting and illumination of each advertisement shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

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8.20.3.2 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:

Type of Development	Minimum Distance from Mineral Working
Existing or proposed residential development	300 metres
Any other developed area or area likely to be developed during the life of pit or quarry working for any purpose other than residential	150 metres
Public highway or street	50 metres
Protected Road	90 metres
Any of the above, with regard to a mineral working operation in which blasting may take place (or any bedrock quarry or reserve)	1,000 metres
Waterbody or watercourse	50 metres

8.20.3.3 Screening

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

- Where tree screens exist between the mineral working and adjacent public highways and streets or other land uses (excepting forestry and agriculture), the tree screens shall be retained in a 30-metre wide strip of vegetation so that visibility of any part of the use from the surrounding uses or streets will be prevented. The tree screens must be maintained by the owner or occupier of the use to retain 30 metres in a forested appearance. Where vegetation dies or is removed from the 30-metre strip, Council may require new trees of a minimum height of 1 metre be planted to fill in the areas affected to the satisfaction of Council or, at the discretion of Council, Condition 8.18.3.3(b) must be undertaken.
- Where no tree screens exist of sufficient width and density to constitute a visual screen, earthen berms shall be constructed to a height sufficient to prevent visibility of any part of the mineral working from adjacent uses (excepting forestry and agriculture), or adjacent public highways and streets. The berms shall be landscaped to Council's satisfaction.
- Where natural topography creates a visual screen between mineral workings and adjacent public highways and streets or other land uses (excepting forestry and agriculture), additional screening may not be required.
- Where effective screening for any mineral working or associated processing or manufacturing use cannot be installed or located as required in (a) - (c) above, Council may refuse to permit the use or associated activity.



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8.20.3.4 Fencing

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

8.20.3.5 Water Pollution

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

8.20.3.6 Water Ponding

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

8.20.3.7 Erosion Control

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

8.20.3.8 Site Maintenance

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

8.20.3.9 Access Roads

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

8.20.3.10 Stockpiling Cover Material

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

8.20.3.11 Operating Plant and Associated Processing and Manufacturing

Council may permit processing and manufacturing use associated with mineral workings provided that, in the opinion of Council, the use does not create a nuisance nor is liable to become a



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nuisance or offensive by the creation of noise or vibration, or by reason of the emission of fumes, dust, dirt, objectionable odour, or by reason of unsightly storage of materials.

8.20.3.12 Building Location

All permanent or temporary buildings, plants and structures associated with processing and manufacturing will be located so as not to interfere with the present or future extraction of aggregate resources.

8.20.3.13 Buffer Area

Council may specify a minimum separation distance between operating plant or associated processing and manufacturing structure or equipment and adjacent developed areas likely to be developed during the life of the mineral working.

8.20.3.14 Termination and Site Rehabilitation

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

- a. All buildings, machinery and equipment shall be removed.
- b. All pit and quarry slopes shall be graded to slopes less than 20° or to the slope conforming to that existing prior to the mineral working.
- c. Topsoil and any organic materials shall be re-spread over the entire quarried area.
- d. The access road to the working shall be ditched or barred to the satisfaction of Council.

8.20.3.15 Additional Extraction

If the mineral working contains reserves of material sufficient to support further extraction operations, Council may require the work described above to be carried out only in areas of the site where extraction has depleted aggregate reserves.

8.20.3.16 Short-term Mineral Workings

The following conditions shall apply to a Mineral Working that is subject to a Department of Natural Resources Quarry Permit or which is proposed for a duration of less than five years. Council may require an applicant for a development permit under this condition to meet the stipulations set out in Condition 8.18.3.17 below, if Council determines that the size of the parcel or of the proposed mineral working, or the size of the aggregate resource in the surrounding area is sufficiently large or the duration is sufficiently long to warrant the application of Condition 8.18.3.18.

- a. An application for a development permit for the proposed Mineral Working use shall be accompanied by a detailed sketch or sketches satisfactory to Council that shall show the location of physical site features and extraction and processing features required by Council, including but not limited to:



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- i. the general area of the location of the mineral working;
 - ii. boundaries of the parcel to be mined (i.e., land covered by the development application);
 - iii. extent of the site area to be mined;
 - iv. roads, parking and loading areas and entrance and exit to the site;
 - v. waterbodies within the boundaries;
 - vi. waterbodies within 250 metre radius of the boundary;
 - vii. channels or ponds to be removed, shifted and created; and
 - viii. the location of any building or structure and equipment that will be located on the site.
- b. Upon completion of the mineral working operations on the site, the developer shall meet the conditions set out above and any other condition(s) stated in the development permit that Council deems necessary for restoration of the site.
- c. A temporary development permit may be issued for a maximum of one year and may not be renewed after five consecutive years. Upon expiry of the development permit Council shall inspect the site to confirm compliance with the development permit and development regulations.

8.20.3.17 Long-term Mineral Workings

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

- a. An application for a development permit shall include a Mineral Working Development Plan satisfactory to Council for the proposed Mineral Working use, which shall include a site plan showing the location of physical site features and extraction and processing features required by Council including but not limited to:
- i. boundaries of the parcel to be mined;
 - ii. extent of site area(s) to be mined;
 - iii. buildings and structures on the site;
 - iv. roads, parking and loading areas and entrance and exit to the site;
 - v. fences, berms and landscaping provided for screening;
 - vi. waterbodies and channels to be removed, shifted and created;
 - vii. location and expected maximum height of stockpiles of mined ores, sand and gravel;
 - viii. location of major machinery and conveyors for receiving and processing raw ores including machinery for sifting, washing and grading ores, and the manufacturing of concrete and stone products;
 - ix. the probable location of storage piles of topsoil and overburden removed from earlier phases of mined areas and temporarily being stored for replacement under the Reclamation plan; and
 - x. intended phases of mining operations to be carried out over all portions of the site.
- b. An application for a development permit shall include a Mineral Working Reclamation Plan satisfactory to Council for the proposed mineral working use that shall explain,



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illustrate and show to the satisfaction of Council a plan for restoration of the site that includes final ground contours, slopes, depth of topsoil, and vegetation and a phasing plan if necessary in the form of a grading and landscape plan or plans.

8.20.3.18 Financial Guarantee

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

8.20.3.19 Permit Fee

The development permit fee for a Mineral Working use shall be determined by Council in an amount sufficient to cover the review of the Development and Reclamation Plans or the detailed sketch as required above, and determination of the amount of the financial guarantee described in Condition 8.20.3.18, above, by a professional engineer, ongoing inspection of the site for conformity with the named Plans or sketches and with the conditions of the development permit, and inspection of the site to determine acceptable reclamation for purposes of return or cancellation of the financial guarantee.



SCHEDULE A

Classification of Uses of Land and Buildings

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NOTE: The classification of uses set out in the following table is based on the Classification of Typical Occupancies included as Table 3.1.2.A of the National Building Code of Canada, 2015.

GROUP	DIVISION	CLASS	EXAMPLES
A. ASSEMBLY USES	1. Assembly Uses for the production and viewing of the performing arts.	(a) Theatre	Motion Picture Theatres T.V. Studios admitting an audience.
	2. General Assembly Uses	(a) Cultural and Civic	Libraries Museums Art Galleries Court Rooms Meeting Rooms Council Chambers
		(b) General Assembly	Community Halls Lodge Halls Dance Halls Gymnasias Auditoria Bowling Alleys
		(c) Educational	Schools Colleges (non- residential)
		(d) Place of Worship	Churches and similar places of worship. Church Halls
		(e) Passenger Assembly	Passenger Terminals
		(f) Club and Lodge	Private Clubs and Lodges (non-residential)
		(g) Catering	Restaurants Bars Lounges
		h) Funeral Homes	Funeral Homes and Chapels
		(i) Child Care	Day Care Centres
		(j) Amusement	Electronic Games Arcades Pinball Parlours Poolrooms
	3. Arena-type Uses	(a) Indoor Assembly	Arenas Armouries Ice Rinks Indoor Swimming Pools
	4. Open-air Assembly Uses	(a) Outdoor Assembly	Bleachers Grandstands Outdoor Ice Rinks and Swimming Pools Amusement Parks and Fair – grounds Exhibition Grounds Drive-in Theatres

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GROUP	DIVISION	CLASS	EXAMPLES
B. INSTITUTIONAL USES	1. Penal and Correctional Institutional Uses	(a) Penal and Correctional Detention	Jails Penitentiaries Police Stations (with detention quarters) Prisons Psychiatric Hospitals (with detention quarters) Reformatories
	2. Special Care Institutional Uses	(a) Medical Treatment and Special Care	Children's Homes Convalescent Homes Personal Care Homes Hospitals Infirmarys Orphanages Psychiatric Hospitals Sanatoria
C. RESIDENTIAL USES	1. Residential Dwelling Uses	(a) Single Dwelling	Single Detached Dwellings Family and Group Homes
		(b) Double Dwelling	Semi-detached Dwelling Duplex Dwellings Family and Group Homes
		(c) Row Dwelling	Row Houses Town Houses Family and Group Homes
		(d) Apartment Building	Apartments Family and Group Homes
	2. General Residential Uses (continued)	(a) Collective Residential	Residential Colleges and Schools University and College Halls of Residence Convents and Monasteries Nurses and Hospital Residences
		(b) Boarding House Residential	Boarding Houses Lodging Houses
		(c) Commercial Residential	Hotels and Motels Hostels Residential Clubs
		(d) Seasonal Residential	Summer Homes and Cabins Hunting and Fishing Cabins
		(e) Mobile Homes	Mobile Homes
D. BUSINESS and PERSONAL SERVICE USES	1. Business, Professional, and Personal Service Uses	(a) Office	Offices (including Government Offices) Banks
		(b) Medical and Professional	Medical Offices and Consulting Rooms Dental Offices and Surgeries



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GROUP	DIVISION	CLASS	EXAMPLES
			Legal Offices Similar Professional Offices
		(c) Personal Service	Barbers Hairdressers Beauty Parlours Small Appliance Repairs
		(d) General Service	Self-service Laundries Dry Cleaners (not using flammable or explosive substances) Small Tool and Appliance Rentals Travel Agents
		(e) Communications	Radio Stations Telephone Exchanges
		(f) Police Station	Police Stations without detention quarters
		(g) Taxi Stand	Taxi Stands
		(h) Take-out Food Service	Take-out Food Service
		(i) Veterinary	Veterinary Surgeries
E. MERCANTILE USES	1. Retail Sale and Display Uses	(a) Shopping Centre	Shopping Centres
		(b) Shop	Retail Shops, Stores and Showrooms Department Stores
		(c) Indoor Market	Market Halls Auction Halls
		(d) Outdoor Market	Market Grounds Animal Markets Produce and Fruit Stands Fish Stalls
		(e) Convenience Store	Confectionary Stores Corner Stores Gift Shops Specialty Shops
F. INDUSTRIAL USES	1. Industrial uses involving highly combustible and hazardous substances and processes.	(a) Hazardous Industry	Bulk Storage of hazardous liquids and substances Chemical Plants Distilleries Feed Mills Lacquer, Mattress, Paint, Varnish, and Rubber Factories Spray Painting
	2. General Industrial Uses involving Limited	(a) General Industry	Factories Cold Storage Plants



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GROUP	DIVISION	CLASS	EXAMPLES
	Hazardous Substances and Processes.		Freight Depots General Garages Warehouses Workshops Laboratories Laundries Planing Mills Printing Plants Contractors' Yards Temporary Workers Residence (Housing)
		(b) Service Station	Gasoline Service Stations Gas Bars
	3. Light, Non-hazardous or Non-intrusive Industrial Uses.	(a) Light Industry	Light Industry Parking Garages Indoor Storage Warehouses Workshops
G. NON-BUILDING USES	1. Uses not directly related to building.	(a) Agriculture	Commercial Farms Hobby Farms Market Gardens and Nurseries
		(b) Forestry	Tree Nurseries Silviculture
		(c) Mineral Working and Exploration	Quarries Pits Mines Oil Wells Exploration/Drilling/ Sampling
		(d) Recreational Open Space	Playing Fields Sports Grounds Parks Playgrounds
		(e) Conservation	Watersheds Buffer Strips Flood Plains Architectural, Historical and Scenic Sites Steep Slopes Wildlife Sanctuaries
		(f) Cemetery	Cemeteries Graveyards
		(g) Scrap Yard	Car Wrecking Yards Junk Yards Scrap Dealers
		(h) Solid Waste	Solid Waste Disposal Sanitary Land Fill Incinerators
		(i) Animal	Animal Pounds Kennels, Zoos
		(j) Antenna	TV, Radio and Communications Transmitting, Receiving Masts and Antennae
		(k) Transportation	Airfields Railway Yards Docks and Harbours

SCHEDULE B

Zoning Map

SCHEDULE C

Provincial Development Regulations